



Sedgwick County...  
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# Sedgwick County

525 North Main Street 3rd  
Floor  
Wichita, KS 67203

## Legislation Details (With Text)

**File #:** 16-372      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 6/1/2016      **In control:** Board of Sedgwick County Commissioners

**On agenda:** 6/13/2016      **Final action:** 6/13/2016

**Title:** SET HEARING FOR STRUCTURE CLAIMED TO BE DANGEROUS OR UNSAFE.  
Presented by: Thomas Stolz, Director of Metropolitan Area Building and Construction Department (MABCD).

**RECOMMENDED ACTION:** Approve the resolution that sets a hearing for the Board of County Commissioners meeting on August 17, 2016.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2016 - Resolution To Schedule a Hearing - Dangerous or Unsafe Structure ...6.13.16, 2. Letter from Tom Stolz to BOCC Re 16511 W 87th Street South Clearwater 6.13.pdf, 3. Clearwater Dangerous Structure 1, 4. Clearwater Dangerous Structure 2

Date	Ver.	Action By	Action	Result
6/13/2016	1	Board of Sedgwick County Commissioners	Approved	Pass

**SET HEARING FOR STRUCTURE CLAIMED TO BE DANGEROUS OR UNSAFE.**

Presented by: Thomas Stolz, Director of Metropolitan Area Building and Construction Department (MABCD).

**RECOMMENDED ACTION:** Approve the resolution that sets a hearing for the Board of County Commissioners meeting on August 17, 2016.

On or about April 5, 2016, fire damage occurred to a residence located at 16511 W. 87<sup>th</sup> Street S., Clearwater, Kansas. The structure was a total loss.

Pursuant to K.S.A. 40-3903 and Wichita-Sedgwick County Unified Building and Trade Code Sec. 2.6.010 et seq., Sedgwick County received 15 percent of the insurance proceeds (\$9,000.00) on May 17, 2016. The purpose for the County's receipt of the insurance proceeds is so that the County could make a dangerous, unsafe, or abandoned structure safe and secure through repairs or demolition of the structure, if the owner, for whatever reason, would not take the steps to repair or demolish the structure.

Tom Stolz, Director of the Metropolitan Area Building and Construction Department has filed a statement in writing that the structure at 16511 W. 87<sup>th</sup> Street S. is dangerous and unsafe. An assessment has also been completed by the Sedgwick County Health Department to assess some of the health and safety concerns located on the property.

In order for the County to find that the property is dangerous and unsafe and for the County to potentially utilize the insurance proceeds for any repairs to or demolition of the structure, the Board of

County Commissioners is required to set and hold a hearing on the matter. The Board of County Commissioners would then make findings within a resolution.

If, at any time ahead of the hearing, the owner would cause the property to no longer be dangerous or unsafe, the insurance proceeds would be released and provided to the owner.

Alternatives: Do not approve the setting of the public hearing and release the insurance proceeds to the insured.

Financial Considerations: Holding of these insurance proceeds will insure that general fund dollars will not have to be expended in the event Sedgwick County becomes responsible for abating this property clean up.

Legal Considerations: Pursuant to K.S.A. 40-3903, K.S.A. 12-1752, and Sec. 2.6.010 of the Wichita-Sedgwick County Unified Building and Trade Code, the County would be required to institute legal proceedings within 30 days of the receipt of the insurance proceeds by setting the public hearing, or else the County would release the insurance proceeds to the insured. Notice of the hearing is required to be published twice in the newspaper on the same day of the week for 2 consecutive weeks. After the first publication, notice would also be mailed to the owner, agent, lienholder, and occupant.

Approval to set the hearing is by simple majority vote.

Policy Considerations: N/A

Outside Attendees: unknown

Multimedia Presentation: Photos attached.