



Sedgwick County...
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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

File #: 18-871, **Version:** 1

Resolution to set a Hearing for Dangerous or Unsafe Structure.

Recommended Action: Approve the resolution that sets the public hearing. Direct the County Clerk to publish the resolution twice in the official county newspaper on the same day of the week for two consecutive weeks.

On or about July 20, 2018, fire damage occurred to a residence at 4224 S. Greenhaven St., Wichita, Kansas, which is in the unincorporated area of Sedgwick County.

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 15.0 percent of the insurance proceeds (\$6,750.00) on September 7, 2018. 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.

Chris Labrum, Director of the Metropolitan Area Building and Construction Department, has filed a statement in writing that it is his belief that the structure at 4224 S. Greenhaven St. is dangerous and unsafe.

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 insured.

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

Financial Considerations: Holding of these insurance proceeds of \$6,750.00 will ensure that general fund dollars will not have to be expended in the event Sedgwick County becomes responsible for abating this property.

Legal Considerations: Pursuant to K.S.A. 40-3903, K.S.A. 12-1752, and Sec. 2.6.010, *et seq.* 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