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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

File #: 14-1276, Version: 1

A RESOLUTION FINDING THAT THE RESIDENCE ON PROPERTY LOCATED AT 5006 S. ELMHURST ST., WICHITA, SEDGWICK COUNTY, KANSAS, IS UNSAFE, DANGEROUS, AND ABANDONED AND ORDERING THAT SAID STRUCTURE BE REPAIRED SUCH THAT IT IS MADE SAFE OR DEMOLISHED.

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

RECOMMENDED ACTION: Approve and sign the resolution.

The residence at 5006 S. Elmhurst, located in the Oaklawn Improvement District, suffered substantial fire damage on November 1, 2013. The County has received \$7,475.92 in insurance proceeds that could be utilized to repair or demolish the residence. The property is in a foreclosure action that is set for a sheriff's sale on May 7, 2014. The owners of the house have not voiced any opposition to the property being repaired or demolished. The lienholder, MidFirst Bank, intends to rehabilitate the property using insurance proceeds that it received.

A resolution could condemn the property and order that the residence be repaired such that it is made safe or demolished. The contractor that was originally scheduled to complete the rehabilitation work for MidFirst Bank has been replaced by a local contractor named Damien Wells. As of April 17, 2014, no permit has been pulled and Mr. Wells has assured MABCD staff of his company's intent to complete the work. The resolution that is proposed to be approved permits the owners and/or the bank to complete the rehabilitation or demolition, but it also permits the County to raze the structure if said rehabilitation is not undertaken in a timely fashion to make the structure so that it is no longer dangerous and unsafe.

Alternatives: Not adopt a resolution and decide that the County will not utilize the \$7,475.92 in insurance proceeds to repair or demolish the structure, without regard to any repairs MidFirst Bank intends to complete.

Financial Considerations: If the County were to demolish the structure, the \$7,475.92 would cover all or almost all of the expenses, based upon the bids that have been received. If the County were to decide that the County will not utilize those insurance proceeds, then the County would be required to provide those funds to the insured and the County could be required to utilize its own funds in the future if it wished to abate any conditions making the property unsafe or dangerous. If MidFirst Bank's contractor were to successfully repair the property such that it is not dangerous or unsafe, the County would be required to provide the \$7,475.92 in insurance proceeds to the insured.

Legal Considerations: Pursuant to K.S.A. 40-3903, the County can establish a procedure under which it can receive and utilize up to 15% of insurance proceeds to repair or demolish a structure damaged by fire, explosion, or windstorm. Within the Unified Building and Trade Code, Sec. 2.6.010 et seq., the County has established such a procedure. As a part of this procedure, the County is required to have a public hearing (which is occurring as a part of this agenda item) as indicated within

K.S.A. 12-1752. The County has provided all required notices and publications in accordance with K.S.A. 12-1752.

The property in this matter is also a public nuisance and is therefore governed by the County's nuisance code, as indicated within Sec. 19-21 et seq. of the County Code. Tom Stolz, Director of the MABCD, has provided a notice and order to all required parties as required by Sec. 19-47. No appeal to the notice and order has been received and the 30-day deadline for any such appeals has already passed.

The home is vacant and the owners have waived any redemption rights in the property. As a result, MidFirst Bank is prepared to move forward with rehabilitation of the property. Approval for any action is by simple majority vote.

Policy Considerations: N/A

Outside Attendees: Mark Mellor and/or Blair Gisi, attorneys at South & Associates, representing MidFirst Bank, may be present to speak on behalf of their client during the public hearing.

Multimedia Presentation: No.