



Sedgwick County...  
working for you

# Sedgwick County

525 North Main Street 3rd  
Floor  
Wichita, KS 67203

## Legislation Text

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**File #:** 16-454, **Version:** 1

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

Presented by: Thomas Stolz, Assistant County Manager, Public Safety and Code Enforcement.

**RECOMMENDED ACTION:** Open the hearing, receive public comment, and close the hearing.  
Adopt the resolution and authorize the Chairman to sign.

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 MABCD, 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 (BOCC) is required to set and hold a hearing on the matter. The BOCC 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 open the hearing and allow the property to remain as is, unless the owner takes steps to cause the property to no longer be dangerous or unsafe.

**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.

Policy Considerations: N/A

Outside Attendees: unknown

Multimedia Presentation: Photos attached.