

RESOLUTION NO. 167-2018

Date Adopted: 12-5-2018

Date Published:

A RESOLUTION FINDING THAT A STRUCTURE ON PROPERTY LOCATED AT 4224 SOUTH GREENHAVEN, WICHITA, KANSAS, IS UNSAFE AND DANGEROUS, AND ORDERING THAT SAID STRUCTURE BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, a residence (“Structure”) located at 4224 S. Greenhaven, Wichita, Kansas (“Premises”), a property in the unincorporated area of Sedgwick County, Kansas suffered fire damage on or about the 20th day of July, 2018; and

WHEREAS, the Director of the Metropolitan Area Building and Construction Department (“MABCD”) filed a statement in writing with the Board of County Commissioners indicating that the Structure was unsafe and dangerous; and

WHEREAS, the County has received insurance proceeds and, pursuant to K.S.A. 40-3901 et seq. and Sec. 2.6.010 et seq. of the Wichita-Sedgwick County Unified Building and Trade Code, the County may utilize insurance proceeds to repair or remove a dangerous structure and make the premises safe and secure, by instituting legal proceedings pursuant to K.S.A. 12-1752 et seq.; and

WHEREAS, pursuant to K.S.A. 12-1752, within Resolution No. 142-2018, the Board of County Commissioners fixed a time and a place at which the owner, the owner’s agent, any lienholders of record and any occupants of the Property were permitted to appear and show cause as to why the Structure shall not be condemned and ordered demolished or repaired; and

WHEREAS, the hearing indicated within Resolution No. 142-2018 occurred before the Board of County Commissioners on the 5th day of December, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, AS FOLLOWS:

1. The Board of County Commissioners, after hearing testimony submitted by the Director of the MABCD and by other interested parties and persons, reviewing the file, and after being otherwise duly and fully informed, finds as follows:
 - (a) Proper notice was served upon all interested parties entitled thereto in all respects as provided for at K.S.A. 12-1752.
 - (b) The Structure is a single-story dwelling located at 4224 S. Greenhaven, Wichita, Kansas, that was severely damaged by a fire on or about July 20, 2018. The damage includes, but is not limited to the following: burnt

ceiling and walls, burnt structural supports, and open and uncovered windows. The insurance company considered the damage to the Structure to result in a total loss. No persons have resided in the Structure since the fire occurred.

- (c) The owners of record of the property are:

Gary Baucom and Christy May Baucom (“Owners”).
 - (d) At the time that notices were prepared regarding this hearing, there were no lienholders of record pertaining to the Structure.
 - (e) Other interested persons include: n/a.
2. The Structure on the Premises is determined to be dangerous and unsafe based on the findings set out above and the statements and evidence presented during the hearing.
3. The Board of County Commissioners, based on the findings set forth herein, orders that the Structure on the Premises is condemned, and:
- (a) The Board of County Commissioners hereby directs that the Structure be repaired or removed and the Premises made safe and secure by the Owners or the Owners’ agent.
 - (b) The Owners and the Owners’ agent are hereby given until the 21st day of December, 2018, to commence the demolition or repair of the Structure and until the 4th day of January, 2019, to complete the demolition or repair and any other necessary work such that the Premises is made safe and secure. The Director of the MABCD, or his designee, is tasked with making a determination as to whether the work has been commenced and completed.
 - (c) Extensions of time may be granted by the Director of the MABCD, or his designee, for repairs or demolition, provided that the Structure is kept secured and the Premises remain free of debris and are maintained in a safe and secure manner. If any of those conditions are not met, the Director of the MABCD, or his designee, is directed to proceed with demolition of the Structure.
 - (d) The Board of County Commissioners further directs that if the Owners and their agent fail to commence the demolition or repair of the Structure within the time stated or fail to diligently prosecute the same until the work is completed in the opinion of the Director of the MABCD (or his designee), the Director (or his designee) will cause the Structure to be razed and removed and the Premises made safe.

- (e) The Board of County Commissioners directs that if the Structure is required to be razed and removed by County, as indicated within the previous subparagraph, the insurance proceeds the County has received shall be utilized to pay for said razing and removal. The Board of County Commissioners also hereby authorizes the Director of the MABCD (or his designee) to enter into an agreement on behalf of Sedgwick County with a wrecking contractor in an amount not to exceed the amount of insurance proceeds that the County received on this matter (\$6,750.00).
 - (f) Once the property is no longer dangerous or unsafe, the County shall release any remaining insurance proceeds it has received to the insured pursuant to the applicable Kansas Statutes and Unified Building and Trade Code provisions.
4. The Sedgwick County Clerk shall cause this Resolution to be published once in the official County newspaper and a copy shall be mailed by certified mail to the owners, agents, lienholders, occupants, and other interested parties within three (3) days after the first publication of the Resolution.

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Commissioners present and voting were:

DAVID M. UNRUH	<u>aye</u>
MICHAEL B. O'DONNELL, II	<u>aye</u>
DAVID T. DENNIS	<u>aye</u>
RICHARD RANZAU	<u>aye</u>
JAMES M. HOWELL	<u>aye</u>

Dated this 5th day of December, 2018.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

[Signature]
KELLY B. ARNOLD, County Clerk



[Signature]
DAVID T. DENNIS, Chairman
Commissioner, Third District

[Signature]
DAVID M. UNRUH, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:

[Signature]
JUSTIN M. WAGGONER
Assistant County Counselor

[Signature]
MICHAEL B. O'DONNELL, II
Commissioner, Second District

[Signature]
RICHARD RANZAU
Commissioner, Fourth District

[Signature]
JAMES M. HOWELL
Commissioner, Fifth District