

OCA: 230200

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RESOLUTION NO. 08-378

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LOTS 245 AND 247, ON MARKET STREET, HYDE & FERRELL'S ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, COMMONLY KNOWN AS 1149 N. MARKET, IS UNSAFE OR DANGEROUS, AND DIRECTING THE STRUCTURE TO BE MADE SAFE AND SECURE OR REMOVED.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 24th day of April, 2007 file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and

WHEREAS, the governing body did by Resolution dated the 24th day of April, 2007 fix the time and place of a hearing at which the owner, his agent, any lien holders of record and any occupant of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolution was published in the official City paper on the 26th day of April and 5th day of May, 2007.

WHEREAS, on the 15th day of July 2008, this matter came back before the governing body for a hearing to determine whether the structure that is on the premises described herein is a dangerous building within the terms of Chapter 18.16 of the Code of the City of Wichita, Kansas, and/or K.S.A. 12-1750, et seq.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AS FOLLOWS:

1. The governing body, after hearing testimony submitted by the Superintendent of Central Inspection and by other interested parties, 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. 12-1750 et. Seq. and by Chapter 18.16 of the Code of the City of Wichita.

(b) The primary structure at issue is a two-story frame dwelling about 34 x 50 feet in size. Vacant for at least 2 years, this structure has a shifting block foundation; badly deteriorated, rotted front porch with holes; deteriorating wood lap siding; and deteriorating wood trim. Photographs of the structure and testimony of the Superintendent of Central Inspection are incorporated by reference herein as though fully set forth herein or attached hereto.

(c) The owner (owners) of record of the property is (are):

Estate of Juanita Graham
Interested Party
7800 Laver Ct.
Ft. Worth, TX 76112-4519

John L. Guillroy
Interested Party
1802 N. Park
Wichita, KS 67211

Henry Guillory aka Henry Guillroy
Interested Party
Address Unknown

Carlos Guillory
Inmate #34215
P.O. Box 1568
Hutchinson, KS 67054

(d) There is nobody occupying the property and the lien holder(s) of record is (are):

Don Brace, County Clerk
Sedgwick County Courthouse
525 N. Main
Wichita, KS 67203

Chris McElgunn, Attorney
301 N. Main, Suite 1600
Wichita, KS 67202

Mortgage Holders:

Nationwide Advantage Mortgage
fka Allied Group Mortgage Company
7760 Office Plaza Drive South
Des Moines, IA 50268

Agent: None

Interested Parties: None

II. The structure on the property is found to be dangerous and unsafe and is found to constitute a public nuisance because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

Based upon the findings set out above, the structure is declared to constitute a public nuisance.

III. The governing body, based on the findings set forth herein, orders that the structure is hereby condemned:

(a) The governing body hereby directs that the structure is to be repaired or removed and the premises made safe and secure. Any extensions of time granted for repairs are provided that any back taxes are paid, the structure is kept secured and the premises remain free of debris and maintained. If any of these conditions are not met, staff is directed to let the structure for bids for demolition. The owner (owners) of such structure is hereby given thirty days from the date of publication of resolution to continue with repairs and pay remaining taxes/specials. If taxes/specials are paid, then return the property to regular Minimum Housing Code enforcement.

b) The governing body further directs that if such owner (owners) fails to continue with repairs and pay remaining taxes/specials within the time stated, or fails to diligently prosecute the same until the work is completed, then the City Manager will cause the structure to be razed and removed and the cost of such razing and removing, less salvage value, if any, shall be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official City paper and a copy shall be mailed by certified mail to the owners, agents, lien holders and occupants within three (3) days after the first publication of the Resolution.

ADOPTED this 15th day of July 2008.

Carl Brewer, Mayor

ATTEST: (SEAL)

Karen Sublett, City Clerk