



701 Washington • P.O. Box 603
Concordia, KS 66901
785-243-2670 • Fax: 785-243-3328


July 6, 2011

Beth Gray
Kansas Insurance Department
420 W. 9th St.
Topeka, KS 66612

Dear Beth,

Please add Concordia to the list of cities that have adopted an insurance proceeds lien. A copy of our ordinance is enclosed.

Sincerely,


Stacey Crum
City Clerk

(Published in the Concordia Blade-Empire on December 20 2004)

ORDINANCE NO. 2004-2881

AN ORDINANCE providing for claims upon property insurance proceeds; repealing sections 2-351, 2-352, 2-353, 2-354, 2-355, and 2-356 of the Concordia Code; and amending the Concordia Code, by adding new sections 2-351 and 2-352.

BE IT ORDAINED by the governing body of the City of Concordia, Kansas:

SECTION 1. Sections 2-351, 2-352, 2-353, 2-354, 2-355, and 2-356 of the Code of Ordinances of the City of Concordia are hereby repealed as of the effective date set forth below.

SECTION 2. The Code of Ordinances of the City of Concordia is hereby amended, by adding new sections 2-351 and 2-352, which shall read as follows:

Sec. 2-351. Scope and application.

The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, arising out of any fire, explosion, or windstorm, where the amount recoverable for the loss or damage to the building or other structure under the policy is in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.


Sec. 2-352. Lien created.

The governing body hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, caused by or arising out of any fire, explosion, or windstorm, where the amount recoverable for all the loss or damage to the building or other structure under the policy is in excess of 75 percent of the face value of the policy covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and publication in the official city newspaper. The provisions hereof are severable, and in the event of invalidity, for any reason, of any portion of this ordinance, the remaining provisions of the ordinance shall remain in full force and effect, with the invalid provisions deemed excised.

PASSED by the governing body and signed by the mayor this 15th day of December, 2004.

(Seal)



Darrel Hosie
Mayor