

Resolution 2021 - 32

**A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT
1302 EAST RACE AVENUE, SEARCY WHITE COUNTY, ARKANSAS, A
NUISANCE; DIRECTING THE REMOVAL OF THE IMPROVEMENTS
CONSTITUTING THE NUISANCE; AND FOR OTHER PURPOSES**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEARCY, TO-WIT

WHEREAS, The Searcy City Council has been made aware of the conditions certain real property located at 1302 East Race Avenue, Searcy, White County, Arkansas, more particularly described, to wit:

Tract 1:

Warranty Deed filed for record February 4, 1970, in Deed Book 325 at Page 479, of the records of White County, Arkansas, from J.B. Hill and Martha D. Hill, his wife, to Elton E. Riley and Wanda R. Riley, husband and wife.

Quitclaim Deed filed for record October 1, 1979, in Deed Book 412 at page 449, of the records of White County, Arkansas, from Elton E. Riley to Wanda Riley.

Tract 2:

Special Warranty Deed filed for record November 19, 1982, in Deed Book 434 at Page 19, of the records of White County, Arkansas, from Joel Pritchett and Mona G. Witt Pritchett, husband and wife, to Elton E. Riley and Wanda R. Riley, husband and wife

(the "Nuisance Property"); and

WHEREAS, the Code Enforcement Department of the City of Searcy has advised the Searcy City Council that the record title owner of the Nuisance Property is Elton R. and Wanda R. Riley.

WHEREAS, the Code Enforcement Department of the City of Searcy has advised the Searcy City Council that the Nuisance Property comprises a nuisance on the following bases:

- 1) Vacant Structure & Land: Ordinance 2016-14 Chapter 9 Section 9-3-1-3. The structure has become severely dilapidated and has started falling in on itself. The roof in the back entrance way has completely fallen down to where the electrical panels are not able to be safely connected. The steeple on the roof has started leaning into the structure due to the roof falling in on the structure. The building is unsafe for anyone to enter and is going to fall to the ground. This has become a safety hazard for the neighboring businesses and to the public.

WHEREAS, the Code Enforcement Department of the City of Searcy has made contact with the owners of the said real property on a number of occasions seeking to have these conditions remedied, with no success as of the date of the adoption of this resolution.

Now, therefore, be it resolved the City Council of the City of Searcy, Arkansas, to-wit:

Section 1. That the Nuisance Property is declared by the Searcy City Council to be a nuisance pursuant to Chapter 9 Section 9-2-7-1 of the Code of Ordinances of the City of Searcy, Arkansas, for the reasons set forth herein.

Section 2. The Mayor and/or City Clerk, or their designee, are directed to forward a certified copy of this Resolution to the owners of the said real property described herein, and to all persons having an interest in the said real property as reflected in a review of the real property records of the Recorder or, if unable to be located, to cause to be posted a copy of the Resolution upon the Nuisance Property.

Section 3. If, after thirty (30) days from the date of such notice, the bases for finding that the Nuisance Property is a nuisance pursuant to Chapter 9 of the Searcy Code of Ordinances have not been corrected or otherwise abated to the satisfaction of the Mayor of the City of Searcy, the Mayor may direct that the improvements or other conditions constituting the nuisance may be torn down, razed or removed by the City and any saleable material be liquidated as provided in Chapter 9 Section 9-2-7-9 of the Searcy Code of Ordinances, with any such proceeds to be applied pursuant to Chapter 9 Section 9-2-7-10 of the Searcy Code of Ordinances.

Section 4. Upon the removal of any improvements, or other conditions constituting a nuisance upon the Nuisance Property, the costs, fees and expenses of such remediation or abatement may constitute a lien upon the Nuisance Property as provided in Chapter 9 Section 9-2-7-11 of the Searcy Code of Ordinances.

PASSED AND ADOPTED on this 9th day of November, 2021.

/s/ Kyle Osborne

Mayor of Searcy

ATTEST:

/s/ Jerry Morris

Searcy City Clerk