

Resolution 2022 - 46

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 103 S GREER ST., 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 103 S. Greer St., Searcy, White County, Arkansas, more particularly described, to wit:

Commencing at the center corner of Section Nine (9), Township Seven (7), Range Seven (7) West, and thence North 446 links to the center of the Searcy Valley Road (Now State Hwy #36); thence West along the center of said road 2367 ½ links; thence North 00°22'00" West 225.61 feet for the POINT OF BEGINNING; thence continuing North 00°22'00" West along the West line of Pecan Forrest Addition to the City of Searcy 180.99 feet; thence South 89°33'52" West 150 feet to the East line of Greer Drive; thence South 00°10'00" East along said East line 181.00 feet; thence North 89°33'52" East 150.62 feet to the point of beginning .

(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 Avatar Investments, LLC and Mortgage Holder is Centennial Bank.

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) Accumulation of Rubbish and Garbage: Ordinance 2016-14 Chapter 9 Section 9-3-3-1
- 2) High Grass and Weeds: Ordinance 2016-14 Chapter 9 Section 9-3-2-9
- 3) Vacant Structures and Land: Ordinance 2016-14 Chapter 9 Section 9-3-1-3
- 4) Responsibility of Owner & Occupant: Ordinance 2016-14 Chapter 9 Section 9-3-1-2

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 some success as of the date of the adoption of this resolution, but no talk of having the structure repaired or torn down.

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 13th day of December, 2022.

/s/ Kyle Osborne

Mayor of Searcy

ATTEST:

/s/ Jerry Morris

City Clerk