

## Resolution 2022 - 47

### **A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 401 W WOODRUFF AVE., 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 401 W Woodruff Ave., Searcy, White County, Arkansas, more particularly described, to wit:

Part of Lot Eleven (11) in Woodruff's Addition to the City of Searcy, more particularly described as follows, to-wit: Commencing at the Northwest Corner of said Lot Eleven (11) and run thence South 30 feet to the point on the South line of South Line Street (now known as West Woodruff St.) for the point of beginning; thence East 102 feet to the West line of South Elm Street (formerly U.S. Highway #67); thence South along the West Line of South Elm Street, 165 feet; thence West 102 feet; thence North 165 feet to the point of beginning; LESS AND EXCEPT the West 10 feet of the South 81 feet of the North 111 feet thereof.

(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 First York Financial, LLC with a possible sale to the Castle Rock Group.

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 due to the roof having several holes in it for years. The front porch appears to be ready to fall in. There are signs on the brick walls that the foundation has started to fail and the brick are breaking away from the walls. Windows have been broken out in several places. The structure has been broken into before with criminal activity being found on the property. The Code Enforcement has written several violations on the property about violations with the structure and the property. The Code Enforcement Office has taken the previous owner to court for violations. The property has become a safety hazard for the City of Searcy and the Citizens that live in the area.

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 action taken to repair or demo the property by them.

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 one hundred and twenty (120) 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 13<sup>th</sup> day of December, 2022.

/s/ Kyle Osborne

Mayor of Searcy

ATTEST:

/s/ Jerry Morris

City Clerk