

Resolution 2022 - 48

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 600 N SPRUCE 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 600 N Spruce St, Searcy, White County, Arkansas, more particularly described, to wit:

Beginning at the Northeast Corner of Southwest Quarter (SW ¼) of Section Three (3) Township Seven (7) North, Range Seven (7) West, and run thence South 150 feet; thence West 143 feet; thence North 150 feet; thence East to 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 Aaron A. Huffaker and Melanie Tims.

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) Hot Water Required: Ordinance 2008-29 Chapter 22 Section 22-2 Arkansas Plumbing Code Chapter 6 Section 607.1 Page 43
- 2) Sewer Required: Ordinance 2008-29 Chapter 22 Section 22-2 Arkansas Plumbing Code Chapter 7 Section 701.2 Page 49
- 3) Temperature Control: Ordinance 98-03 Chapter 7 Section 14 2010 Arkansas Mechanical Code Chapter 3 Section 309.1 on Page 27
- 4) Water Required: Ordinance 2008-29 Chapter 22 Section 22-2 2006 Arkansas Plumbing Code Chapter 6 Section 602.2 Pater 35
- 5) Accumulation of Rubbish & Garbage: Ordinance 2016.14 Chapter 9 Section 9-3-3-1
- 6) Responsibility of Owner & Occupants: Ordinance 2016-14 Chapter 9 Section 9-6-1-2
- 7) Building Code: Ordinance 2014-24 Chapter 7 Section 7-1
- 8) Vacant Structures & Land: Ordinance 2016-14 Chapter 9 Section 9-3-1-3

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