

Resolution 2023 - 17

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 102 S. LUCY 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 102 S. Lucy St., Searcy, White County, Arkansas, more particularly described, to wit:

The South 90 feet of Lots Five (5) and Six (6), Sowell's Addition to the City of Searcy, Arkansas, as filed April 27, 1891, in Plat Cabinet B-1 at Sleeve 10 (originally filed in Plat Book 1 at Page 10). With the corrected plat filed April 27, 1896, in Plat Cabinet B-1 and Sleeve Nine (9) (originally filed in Plat Book 1 page 9), all in the plat records of White County, Arkansas.

Subject to the reservations, restrictions, and limitations set forth in the Plat and Bill of Assurance, and any amendments thereto, as recorded in the records of White County, Arkansas.

(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 Brenda K Haney.

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) House burnt back in October 2022 with no work being done to repair structure
- 2) No permits have been purchased as of yet to repair or rebuild structure
- 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
- 5) Structure is a blighting problem for the neighbors and the City of Searcy

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 14th day of March, 2023.

/s/ Mat Faulkner

Mayor of Searcy

ATTEST:

/s/ Jerry Morris

City Clerk