

Resolution 2023 - 19

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 1007 W. PLEASURE 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 1007 W. Pleasure Ave., Searcy, White County, Arkansas, more particularly described, to wit:

A part of Bakers Subdivision of Block 40, Jones Addition to the City of Searcy Arkansas, more particularly described as follows: Commencing at the intersection of the Section line between Sections 9 and 10, Township 7 North Range 7 West, with the South right of way line of the West Pleasure Street; thence S 88° 46' 00" E along said right of way line, 179.45 feet to an existing fence line; thence S 00° 41' 33" W along said fence line, 182.69 feet; thence N 87° 42' 28" W along said fence line 155.04, feet; thence 00° 58' 55" E along said fence line, 28.81 feet; thence N 87° 03' 56" W along said fence line, 24.18 feet; thence N 00° 32' 05" E along said fence line, 153.96 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 David R. Sedgwick which is deceased.

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) Non-operational vehicles on the property
- 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) A place where pest and vermin may live and breed
- 6) Criminal activity has occurred on this property. (theft, breaking and entering)

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