

Resolution 2023 - 35

**A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT
2103 W. BEEBE CAPPS EXPWY. IN THE CITY OF 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 2103 W. Beebe Capps Expwy. Building 4 Apartments 25-32, Searcy, and White County, Arkansas, more particularly described, to wit:

A tract of land in Searcy, Arkansas, being a part of the Northwest Quarter of the Southwest Quarter (Pt. NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Nine (9), Township Seven (7) North, Range Seven (7) West, more particularly described as follows, to wit: Beginning at a point on the South right of way line of State Highway no. 36 West, Said point being 757.00 Feet East of the intersection of said Highway No. 36 West and the section line between Sections Eight (8) and (9), Township Seven (7) North, Range Seven (7) West, thence North 90 degrees, 00 minutes East along said right of way line, 320.00 feet; thence South 0 degrees 00 minutes East, 175.00 feet; thence North 90 degrees 00 minutes East 132.00 feet; thence South 0 degrees 00 minutes East 200.50 feet; thence North 81 degrees 12 minutes West, 457.65 feet; thence North 0 degrees 00 Minutes West, 305.50 feet to the point of beginning, containing 130,806.00 square feet or Three (3) acres, more or less.

Part of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section nine (9), Township Seven (7) North, Range Seven (7) West, White County, Arkansas, more particularly described as follows:

Starting at the Southeast Corner of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Nine (9); thence North 00 Degrees, 28 minutes, 28 seconds East along the East line thereof a distance of 227.17 feet to the point on the existing Southerly right of way line of Arkansas State Highway 36; thence North 87 degrees, 37 minutes, 03 seconds West along said existing right of way line a distance of 202.59 Feet to a point for the point of beginning; thence South 01 degree 40 minutes, 16 seconds West a distance of 20.00 feet to a point on the proposed Southerly right of way line of said Arkansas State Highway 36; thence North 87 degrees, 37 minutes , 03 seconds West along said proposed right of way line a distance of 33.18 feet to a point: thence North 34 degrees, 29 minutes, 15 seconds West along said proposed right of way line of distance of 25.00 feet to a point on the existing Southerly right of way line of said Arkansas State Highway 36; thence South 87 degrees, 37 minutes, 03 seconds East along said existing right of way line a distance of 47.93 feet to the point of beginning and containing 0/02 acre more or less or 811 square feet more or less.

Subject to all existing easements and right of ways for roads and other purposes.

(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 in some of the apartments: Ordinance 2016-14 Chapter 9 Section 9-3-3-1
- 2) People living in buildings with no hot water and no way to control the temperature in the buildings.
- 3) Responsibility of Owner & Occupant: Ordinance 2016-14 Chapter 9 Section 9-3-1-2
- 4) Open wiring in just about all the apartments
- 5) Breaker boxes not having covers over them.
- 6) Work was being done without a license or permit
- 7) Pest and vermin can live and breed in the buildings with the garbage in the apartments.

WHEREAS, the Code Enforcement Department of the City of Searcy has made contact with the owner(s) 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 June, 2023.

Mayor of Searcy

ATTEST:

Searcy City Clerk