

Resolution 2023 - 38

**A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT
446 HWY 367 NORTH 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 446 Hwy 367 North, Searcy, and White County, Arkansas, more particularly described, to wit:

All that portion of the Southwest Fractional Quarter (SW Fr. ¼) of Section 5, Township 7 North, Range 6 West, White County, Arkansas lying East of State Route #367 and being more particularly described as follows, to-wit:

Commencing at the intersection of the North line of the said Southwest Fractional Quarter and the West right-of-way line of State Route #367 and thence run North 89°46'28" East for 420.61 feet: Thence South 01°55'28" West, 511.06 feet to an iron pin in an existing fence line called the point of beginning: Thence continue South 01°55'28" West along an existing meandering fence line for 1433.77 feet: Thence North 67°35'11" West along an existing meandering fence line for 1287.44 feet to a point on the East right-of-way line of said State Route #367: Thence North 33°15'24" East along said East right-of-way line for 953.19 feet: Thence continue on a curve along said East right-of-way line North 35°28'23" East, 372.07 feet (cord distance & bearing): Thence departing from said right-of-way line South 65°31'27" East 260.94 feet: Thence South 79°13'24" East for 266.93 feet back to the point of beginning. Containing 27.47 Acres, 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 Mr. Don Johnson of 806 Donnie Stevens Rd. in Judsonia, AR 72081 .

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) Responsibility of Owner & Occupant: Ordinance 2016-14 Chapter 9 Section 9-3-1-2
- 3) Working without a City Business License: Chapter 17 Section 7-2
- 4) Possible Zoning violations: Zoning Code Chapter 2 Article 2-1

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 time frame of getting the property completely cleaned up and in a safe condition..

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 11th day of July, 2023.

/s/ Mat Faulkner

Mayor of Searcy

ATTEST:

/s/ Jerry Morris

Searcy City Clerk