

## Resolution 2019 - 35

### **A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 812 WEST PARK 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 812 West Park Ave, Searcy, White County, Arkansas, more particularly described, to wit:

The West 60 feet of the East 120 feet of the South Half (S ½) of Lot 19 Bakers Subdivision, Block 33, 34, 39 and 40, Jones Addition to the City of Searcy, Arkansas. therein

(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 Daniel Washington Jr. (Deceased) & Mary Washington (Deceased) and that the following persons hold some interest in and to the said real property: a) Joseph Washington & Mitzi Washington

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) Property is unsecure Sec. 9-3-1-3 (Property Maintenance Code) & Section 311.2 (2012 Arkansas Fire Code)
- 2) Windows are broken in several places Sec. 9-3-1-3 (Property Maintenance Code)
- 3) Police have been called out to property over 25 times in the last three years for criminal / suspicious activity Sec. 9-3-13 (Property Maintenance Code)
- 4) Property is a possible place for pest and vermin to live and breed. Sec. 9-3-2-6 (Property Maintenance Code)
- 5) Accessory structures is unsecure and dilapidated Sec. 9-3-2-8 & Section 311.2 (2012 Arkansas Fire Code)
- 6) Property has no running water or hot water (2006 Arkansas Plumbing Code)
- 7) Property has no way to be able to heat the house to 69 degrees (2003 Arkansas HVAC Code)
- 8) Property does not have electricity to the structure.
- 9) Owner has failed to maintain the property and the City of Searcy has had to have the property cut 2 times this year. Section 9-3-2-5 (Property Maintenance Code)

WHEREAS, the Code Enforcement Department of the City of Searcy have contacted the owners of the said real property on a number of occasions seeking to have these conditions remedied, with no success as of the date of the adoption of this resolution.

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 10<sup>th</sup> day of December, 2019.

/s/ Kyle Osborne

City of Searcy Mayor

ATTEST:

/s/ Jerry Morris

Searcy City Clerk