

RESOLUTION NO. 2012 - 32

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 400 W. WOODRUFF, 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 of certain real property located at 400 W. Woodruff, Searcy, White County, Arkansas, more particularly described, to-wit:

The East Sixty-Five (65) feet off Lot One (1), Block One (1), Jones Addition to the City of Searcy, White County, Arkansas.

Subject to all existing easements, rights of way, restrictions and reservations to include any Oil, Gas Mineral Rights retained by prior owners.

(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 C.M. Smithey and Odean Smithey, husband and wife; and

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. The Nuisance Property has not been maintained by the property owners and weeds, grass and other noxious plants are growing about the premises;
2. The Nuisance Property appears to be used as a commercial enterprise and the occupants are selling what appears to be rubbish and refuse from the Nuisance Property.
3. The Nuisance Property is in a dilapidated state of repair and presents an immediate hazard to any persons seeking to enter the said property, whether for a proper and lawful purpose or otherwise.
4. The Nuisance Property contains numerous places which appear to be reservoirs of pests and other vectors of disease.

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 by 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 Section 9-10 of the Code of Ordinances of the City of Searcy, Arkansas, for the reasons set forth herein.

Section 2. The Mayor and City Clerk, or their designees, 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 this 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 Section 9-15 of the Searcy Code of Ordinances, with any such proceeds to be applied pursuant to Section 9-16 of the Searcy Code of Ordinances.

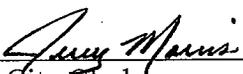
Section 4. Upon the removal of any improvements, or other conditions constituting a nuisance upon the Nuisance Property, the costs, fees and expenses of such remediation or abatement may constitute a lien upon the Nuisance Property as provided in Section 9-17 of the Searcy Code of Ordinances.

PASSED AND ADOPTED this 20th day of December, 2012.



Mayor

ATTEST:



City Clerk