

RESOLUTION NO. 2014 - 18

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 105 BROOKHAVEN, SEARCY, 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 105 Brookhaven, Searcy, White County, Arkansas, more particularly described, to-wit:

A part of the NW¼ SE¼ of Section 7, Township 7 North, Range 7 West more particularly described as follows, to-wit: Beginning at a point 1,211.75 feet East and 286.00 feet South of the Center Corner of said Section 7 and thence N 86° 44' W 230.17 feet; thence South 100.93 feet; thence S 87° 28' E 230.10 feet and thence North 98.00 feet back to the Point of Beginning, a/k/a Lot44 of La Plaza Acres.

Subject to all existing easements, right of ways and Protective Covenants of record.

LESS AND EXCEPT all oil, gas and minerals and rights and/or interests therein reserved by prior GRANTORS, or conveyed separately from the surface by prior GRANTORS or owners, if any, and subject to any and all existing oil and gas leases, if any.

(the "Nuisance Property"); and

WHEREAS, the Code Enforcement Department of the City of Searcy has advised the Searcy City Council that the record title owners of the Nuisance Property are Frederick A. Roberson and Polly Roberson, husband and wife and that the following entity may hold some interest in and to the said real property: The United States of America by virtue of an unsatisfied mortgage from Polly Roberson, filed of record on October 29, 1982, in Mortgage Book 290 at Page 705, and that assignment filed of record on December 7, 1983, in Misc. Book 99 at Page 220, Chesapeake Exploration, LLC, pursuant to that oil and gas lease recording in Misc. Book 2009 at Page 24308 and; 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 burned and stands open to the elements;
2. The Nuisance Property is not served by any utilities and is not capable of human habitation;

3. The Nuisance Property is not secure and is missing doors and windows
4. The Nuisance Property has not had the grass cut and the interior has served as the living place for animals, pests and other vermin, which are vectors of disease; and
5. The Nuisance Property presents an immediate hazard to any persons seeking to enter the said property, whether for a proper and lawful purpose or otherwise.

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 owner of the said real property described herein, and to all persons or entities 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 14th day of October, 2014.

/s/ David Morris
Mayor

ATTEST:

/s/ Jerry Morris
City Clerk