

RESOLUTION NO. 2016 - 05

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 308 LAKEWOOD, 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 308 Lakewood, Searcy, White County, Arkansas, more particularly described, to-wit:

A part of Lot Six (6), Lakewood Addition to the City of Searcy, Arkansas, more particularly described as follows, to-wit: From the Northwest corner of said Lot Six (6) run North 54° 05' East along the Northwesterly line thereof 223.56 feet for the POINT OF BEGINNING; thence run North 54° 05' East along said Northwesterly line 128.58 feet to a 1" iron pin at the Northeast corner of said Lot Six (6), thence run South 40° 55' East along the Northeasterly line thereof 224.00 feet to a point which falls in a utility pole at the Northeast corner of said Lot Six (6) and on the Northwesterly right-of-way line of U.S. Highway 67, thence run along a curve to the right, said curve having a chord bearing of South 55° 01' West 173.10 feet, thence run North 29° 27' West, 221.76 feet to the point of beginning.

(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 Carolyn Sue Wall and Gary Lynn Southern; 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 attempted to contact 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 8th day of March, 2016.

/s/ David Morris
Mayor

ATTEST:

/s/ Jerry Morris
City Clerk