

Resolution 2018 - 11

A RESOLUTION APPROVING THE RIGHT OF ENTRY TO ABATE SPECIFIC PROPERTIES THAT HAVE BEEN DETERMINED TO BE A NUISANCE LOCATED AT A SPECIFIC LOCATION WITHIN THE CITY LIMITS OF THE CITY OF SEARCY PER CITY ORDINANCE 2016-14

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Searcy has attempted to notify the owner and occupants of 1009 W. Academy (the "Property") to correct conditions existing and permitted to occur by the owners or occupants of the Property; and

WHEREAS, the City has attempted to contact the owners or the occupants of the Property to advise the same as to the non-compliance with the provisions of the Searcy Code of Ordinances that require that the owners or the occupants of the Property properly maintain the Property; and

WHEREAS, Arkansas Code Ann. § 14-54-903 (b) provides that if the owner or lienholder of any lot or other real property within the City neglects or refuses to remove, abate or eliminate any condition the constitutes a basis for an abatement as provided in Section 9-2-4-5 of the Searcy Code of Ordinances, and as authorized by Ark. Code Ann. § 14-54-901, the City may, upon affording seven (7) days' notice in writing to do so, then the city or town may do whatever is necessary to correct the condition and to charge the cost therefore to the owner of the Property; and

WHEREAS, the present conditions of the Property are located behind a fence and the City is prepared to request the issuance of a Search Warrant of the Property to determine what, if any, violations might exist upon the Property and to take that action authorized by Section 9-2-4-5 of the Searcy Code of Ordinances, and Ark. Code Ann. § 14-54-901.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEARCY, ARKANSAS:

SECTION 1: That the City shall notify the owner or occupants of the Property, if the same can be determined, and in the event that the owner or occupant may not be determined, shall comply with Arkansas law with respect to posting and other notices that may be required by law, of the failure to comply with the Code of Ordinances that might be determined to be present upon the Property.

SECTION 2: In the event that the period provided by law has passed without the abatement of the violations identified by the Code Enforcement Department of the City, the City may enter into and upon the Property, and may as authorized by law, enter into a fenced area that is otherwise secured by a gate to take all actions authorized by Section 9-2-4-5 of the Searcy Code of Ordinances, and as authorized by Ark. Code Ann. § 14-54-901 to abate the conditions that are not in compliance and any cost will be billed to the owner of the property; failure to pay will result in a lien on the property as provided by law.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval, until the lien has been satisfied.

PASSED AND ADOPTED on this 10th day of April, 2018.

/s/ David Morris
Mayor of Searcy

ATTEST:

/s/ Jerry Morris
City Clerk