

Resolution 2018 - 22

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 3900 EAST RACE STREET, SEARCY, WHITE COUNTY, ARKANSAS, A NUISANCE; APPROVING THE RIGHT OF ENTRY TO ABATE CONDITIONS; DIRECTING THE REMOVAL OF CERTAIN CONDITIONS PURSUANT TO ARTICLE 9-3 OF THE SEARCY CODE OF ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, the Searcy City Council has been made aware of the conditions on certain real property located at 3900 East Race Street, Searcy, White County, Arkansas, more particularly described, to-wit:

Track 1

The East 460 feet, a strip of even width, of all that part of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW ¼ NE ¼ NE ¼) of Section 7, Township 7 North, Range 6 West, that lies North of the right of way of Arkansas State Highway #367 (formerly U.S. Highway #67C) LESS AND EXCEPT: The North 150 feet, therein.

Track 2

The Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW ¼ NE ¼ NE ¼) of Section 7, Township 7 North, Range 6 West, LESS AND EXCEPT the South 150.0 feet of the West 200.00 feet thereof.

(The "Property");

WHEREAS, the Code Enforcement Department of the City of Searcy has advised the Searcy City Council that the record title owners of, and persons who hold an interest in, the Property are: (a) Carolyn Wall, executrix of the estate of Melba Campbell, deceased; (b) Melba Campbell a/k/a Melba Choate, deceased; (c) Carolyn Sue Wall; (d) Gary Lynn Southern; (e) Charles Ray Campbell; (f) Rodney Keith Campbell; (g) Brent Wall (h) Lloyd T. Choate, Deceased; (i) Luanne Quattlebaum; (j) Phyllisha Swindle; (k) Southwind Partners, LLC; (l) Chesapeake Exploration Limited Partnership;

WHEREAS, the Property constitutes a public nuisance inasmuch as:

- A. The Property has a Non Operational Vehicle being stored on the Property (Old School Bus)
- B. The Property has become overgrown with weeds and grass
- C. The Property is surrounded by trash and other debris and serves as a reservoir for pest and vermin and other vectors of disease;

- D. The Property presents an immediate hazard to any persons seeking to enter the said property, whether for a proper and lawful purpose or otherwise.

WHEREAS, representatives of the Code Enforcement Department of the City of Searcy contacted the record title owners of the Property seeking to correct the conditions identified herein, without success as of the date of this resolution; and

WHEREAS, Arkansas Code Ann. § 14-54-903 (b) and Sections 9-2-6-6 and 9-2-5-5 and 9-2-4-1, of the Searcy Code of Ordinances provide 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 that constitutes a basis for an abatement, and as authorized by Ark. Code Ann. § 14-54-901, the City may, enter into and upon the said property and take any actions determined to be necessary to protect the public peace, health, safety and welfare.

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

SECTION 1: The conditions of the Property require immediate entry and correction pursuant to Section 9-3, 9-2-6-6 and 9-2-5-5 of the Searcy Code of Ordinances and the Mayor and the Code Enforcement Department are authorized and directed to take all steps determined by the Mayor, in the sole and exclusive determination of the mayor, to correct any matter that occurs upon the Property that is not in compliance with the Searcy Code of Ordinances.

SECTION 2: The Mayor and City Clerk are, further, authorized and directed to take all action required to recover any costs incurred to correct any condition upon the Property, including any steps necessary to collect these sums through the collector of White County, Arkansas, pursuant to Section 9-2-7-11 of the Searcy Code of Ordinances.

PASSED AND ADOPTED on this 8th day of May, 2018.

/s/ David Morris
Mayor of Searcy

ATTEST:

/s/ Jerry Morris
City Clerk