

Resolution 2018 - 06

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 3900 EAST RACE AVENUE, 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 certain real property located at 3900 East Race Avenue, Searcy, White County, Arkansas, more particularly described, to wit:

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 $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) 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.

(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 Melba Campbell a/k/a Melba Choate, deceased and that the following persons hold some interest in and to the said real property: a) Carolyn Sue Wall – Executor of the estate, Gary Lynn Southern, Charles Ray Campbell, Rodney Keith Campbell, Brent Wall (c/o Carolyn Wall) and Lloyd T. Choate – deceased.

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) Property is unsecure Sec. 9-3-1-3 (Property Maintenance Code) & Section 311.2 (2012 Arkansas Fire Code)
- 2) Property has had several fires in the last year with damage not being repaired Sec. 9-3-1-2 (Property Maintenance Code)
- 3) Windows are broken in several places Sec. 9-3-1-3 (Property Maintenance Code)
- 4) Police have been called out to property over 20 (twenty) times sense August 1, 2017 for criminal / suspesous activity Sec. 9-3-13 (Property Maintenance Code)
- 5) Vagrants have been living in building Sec. 9-3-1-3
- 6) Structure has severe damage from the past 3 fires in the structure Sec. 9-3-1-2 (Property Maintenance Code) & Section 110.1.1 (2012 Arkansas Fire Code)
- 7) Articles from the fires that were pulled out of the building have not been cleaned up Sec. 9-3-2-1 (Property Maintenance Code) & Section 304.1.1 (2012 Arkansas Fire Code)
- 8) Property is a possible place for pest and vermin to live and breed. Sec. 9-3-2-6 (Property Maintenance Code)
- 9) Non Operational Vehicles are on the property. Sec. 9-3-2-9 (Property Maintenance Code)
- 10) Accessory structures are unsecure and dilapidated Sec. 9-3-2-8 & Section 311.2 (2012 Arkansas Fire Code)

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 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 Chapter 9 Section 9-2-7-1 of the Code of Ordinances of the City of Searcy, Arkansas, for the reasons set forth herein.

Section 2. The Mayor and /or City Clerk, or their designee, 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 the 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 Chapter 9 Section 9-2-7-9 of the Searcy Code of Ordinances, with any such proceeds to be applied pursuant to Chapter 9 Section 9-2-7-10 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 Chapter 9 Section 9-2-7-11 of the Searcy Code of Ordinances.

PASSED AND ADOPTED on this 13th day of February, 2018.

/s/ David Morris

Mayor of Searcy

ATTEST:

/s/ Jerry Morris

City Clerk