

Resolution 2018 - 21

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 313 LAKEWOOD DRIVE, 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 313 Lakewood Drive, Searcy, White County, Arkansas, more particularly described, to-wit:

Part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section 7, Township 7 North, Range 6 West, and also a part of Lot 2 of Lakewood Addition to Searcy, Arkansas, described as follows: From the center of the said NE ¼ NE ¼, run thence North 05°30' West 50.4 feet for the POINT OF BEGINNING; thence North 05°30' West 597.6 feet; thence North 84°31' East 500 feet; thence South 24°47' West 437.96 feet; thence South 46°16' West 355 feet to the point of beginning, containing 4.088 acres, more or less.

(The “Property”);

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 with no other person having any interest in the property;

WHEREAS, the Property constitutes a public nuisance inasmuch as:

- A. The Property has Non Operational Vehicles being stored on the Property
- B. The Property has become overgrown with weeds and grass
- C. The Property has several unsecured storage containers and trailers
- D. The Property is surrounded by trash and other debris and serves as a reservoir for pest and vermin and other vectors of disease;
- E. The Property has had numerous fires which have threatened life and property of persons adjacent to the Property; and
- F. 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