

Resolution 2020 - 38

**A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT
606 EASTWOOD DRIVE, 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 606 Eastwood Dr., Searcy, White County, Arkansas, more particularly described, to wit:

A part of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of the Section Three (3), Township Seven (7) North, Range Seven (7) West in Searcy, Arkansas, more particularly described as follows: Commencing at the Northeast Corner of said Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4); thence West 343.0 feet for the point of beginning; thence continue West 100.0 feet; thence South 150.0 feet; thence East 100.0 feet; thence North 150.0 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 owner of the Nuisance Property is Lloyd Choate.

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) Defacement of Property: Ordinance 2016-14 Chapter 9 Section 9-3-2-10. Graffiti has been painted on the residence.
- 2) Hot Water Required: Ordinance 2008-29 Chapter 22 Section 22-2 (2006 Arkansas Plumbing Code Chapter 6 Section 607.1 page 43). No hot water in residence to maintain personal hygiene. Bathing, Hand Washing, Cooking, Washing Dishes and Clothing.
- 3) Sanitation: Ordinance 2016-14 Chapter 9 Section 9-3-2-1. Property has had several violations of trash on property, property not being cut and others.
- 4) Sewer Required: Ordinance 2008-29 Chapter 22 Section 22-2. (2006 Arkansas Plumbing Code Chapter 7 Section 701.2 page 49). Not having water does not allow the sewer to work and remove the waste from the residence which may cause disease and other harmful things to the residents and neighbors.
- 5) Vacant Structure & Land: Ordinance 2016-14 Chapter 9 Section 9-3-1-3. Several windows have been broken out at the residence.
- 6) Water Required: Ordinance 2008-29 Chapter 22 Section 22-2. (2006 Arkansas Plumbing Code Chapter 6 Section 602.2 Page 35). The water has been disconnected to the property for unknown reasons. You must have potable water to a residence to maintain health and safety with being able to clean yourself, food, and other items.
- 7) Temperature Control: Ordinance 98-03 Chapter 7 Section 14 (2010 Arkansas Mechanical Code Chapter 3 Section 309.1 Page 27). There is no heat in this residence do to no Electricity or Gas Service to the residence. If someone is living there, they may create a safety hazard for them and for the neighbors if a fire is started inside the property.

- 8) There have been several times the Police Department has been called to this property and I have received some emails about the property and the living conditions inside the residence not being very good.
- 9) Report about electricity being stolen. Electrical inspectors went to property and found meter had been pulled and an illegal jumper wire was inside the meter loop. This was a fire hazard and could also have electrocuted somebody.

WHEREAS, the Code Enforcement Department of the City of Searcy has tried to make contact with 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.

Section 5. By the adoption of this resolution, the Searcy City Council revokes Resolution 2020-37, which incorrectly identified the owner of the Nuisance Property.

PASSED AND ADOPTED on this 14th day of December, 2020.

/s/ Kyle Osborne

Mayor of Searcy

ATTEST:

/s/ Jerry Morris

Searcy City Clerk