

## Resolution 2020 - 32

### **A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 601 North Hussey Street, 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 601 N. Hussey St., Searcy, White County, Arkansas, more particularly described, to wit:

The South Half of Lot Three (3) and all of Lot Four (4), Moy's Subdivision of Block One (1) of Watkins and Quarles Addition to the City of Searcy, Arkansas

(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 Ronald Straka (Deceased) and Nancy Straka.

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) Windows are broken in several places Sec. 9-3-1-3 (Property Maintenance Code)
- 3) Property is a possible place for pest and vermin to live and breed. Sec. 9-3-2-6 (Property Maintenance Code)
- 4) Property has no running water or hot water (2006 Arkansas Plumbing Code)
- 5) Property has no way to be able to heat the house to 69 degrees (2003 Arkansas HVAC Code)
- 6) Property does not have electricity to the structure.
- 7) Owner has failed to maintain the property and the City of Searcy has had to have the property cut several times this year and the past. Section 9-3-2-5 (Property Maintenance 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 13<sup>th</sup> day of October, 2020.

/s/ Kyle Osborne

Mayor of Searcy

ATTEST:

/s/ Jerry Morris

Searcy City Clerk