RESOLUTION NO. 2013 - 14

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 1106 ARCH STREET, SEARCY, 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 1106 Arch Street, Searcy, White County, Arkansas, more particularly described, to-wit:

The South Half (S ½) of Lot Two (2), Block Four (4), Sanders Subdivision of Lots Thirty-Five (35), Thirty-Seven (37), Thirty-Eight (38) of Jones Addition to the City of Searcy, Arkansas, being a part of the Northwest Quarter (NW ¼) of Section Ten (10), Township Seven (7) North, Range Seven (7) West

(the "Nuisance Property"); and

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 Samuel D. Slaughter and Penne S. Slaughter and that the following persons hold some interest in and to the said real property: (a) Doshia Rodgers; (b) Universal Mortgage Corporation of Wisconsin; and (c)The State of Arkansas Department of Finance and Administration, Commissioner of Revenues; and

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. The Nuisance Property stands open to the elements;

2. The Nuisance Property is not served by any utilities and is not capable of human habitation;

3. The Nuisance Property has not been maintained by the property owners and the City of Searcy has been forced to maintain the weeds, grass and other noxious plants growing about the premises;

4. The Nuisance Property is surrounded by trash and other debris and serves as a reservoir for pests, vermin and other vectors of disease; and

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

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 by 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 Section 9-10 of the Code of Ordinances of the City of Searcy, Arkansas, for the reasons set forth herein.

Section 2.   The Mayor and City Clerk, or their designees, 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 this 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 Section 9-15 of the Searcy Code of Ordinances, with any such proceeds to be applied pursuant to Section 9-16 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 Section 9-17 of the Searcy Code of Ordinances.

PASSED AND ADOPTED this 11th day of June, 2013.

/s/ David Morris
Mayor

ATTEST:

/s/ Jerry Morris
       City Clerk