

RESOLUTION NO. _____

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN AGAINST CERTAIN REAL PROPERTY LOCATED AT 1508 HWY. 70 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, certain property located at 1508 Highway 70 in the City of North Little Rock, Arkansas had become run down, vacant, dilapidated, unsafe, unsightly, dangerous, obnoxious and detrimental to the public welfare and was condemned on June 23, 2008 (see *Resolution No. 7270* attached hereto as Exhibit "A"); and

WHEREAS, Ark. Code Ann. § 14-54-903 provides that if the owner(s) or lien holder(s) of any lot or structure, after having been given seven (7) days' notice in writing to do so, refuses to remove, abate or eliminate any nuisance property, the City of North Little Rock is authorized to do whatever is necessary to correct the conditions and charge the cost thereof to the owner(s) of the real property (see *Notice* attached hereto as Exhibit "B"); and

WHEREAS, according to the Pulaski County Assessor's Office, Parcel #23N0150100300 described as 1508 Hwy. 70, North Little Rock, Arkansas is owned by Alley Dev Co-Protho who, after receiving notice from the City regarding the conditions of the property, has failed to remove, abate or eliminate the nuisance conditions in the time allowed by law; and

WHEREAS, the lien holder of the subject property has received notice as required by Ark. Code Ann. § 14-54-903(C)(7)(D) (see *E-mail* attached hereto as Exhibit "C"); and

WHEREAS, as a result of the owner's failure to abate the public nuisance at 1508 Hwy. 70, the City had to abate the nuisance structure and has incurred expenses in removing, abating and/or eliminating the nuisance conditions (see *Affidavit* attached hereto as Exhibit "D"); and

WHEREAS, pursuant to Ark. Code Ann. §§ 14-54-901, *et seq.* and Act 854 of 2007, the City of North Little Rock is authorized to determine the amount of the lien provided for in Ark. Code Ann. § 14-54-903, representing the City's costs associated with abating a nuisance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That upon a hearing of the facts, the City Council hereby declares that proper notice was given to the owner(s) and lien holder(s) of the subject property to remove, abate or eliminate the public nuisance conditions on the subject property

owned by Alley Dev Co-Prothro and located at 1508 Hwy. 70; more specifically described as:

Lot B, Block 0, Gratiot Tract of SW, being a replat of TR 1-R now replatted as LT B to the City of North Little Rock, Pulaski County Arkansas; *except* the East 30 feet of the South 1/3 of Lots 13, 14 and 15, Block 15, reserved for public highway. (Parcel #33N2160001700)

SECTION 2: That the City Council further declares that the owner and lien holder(s) of the subject property failed to remove, abate or eliminate the public nuisance conditions at the vacant structure after it was condemned pursuant to Resolution No. 7270 in the time allowed by law, and that the City then abated the unsafe and nuisance conditions at a cost of no less than **\$2,270.18**. (See *Affidavit* attached hereto as Exhibit "D".)

SECTION 3: That the City Council further declares that proper notice was given to the owner and lien holder(s) of the subject property that a public hearing would be held on February 23, 2009 (see *Notice of Public Hearing* attached hereto as Exhibit "E") to determine the proper amount, if any, that should be filed as a clean up lien pursuant to Act 854 of 2007.

SECTION 4: That the City Council further declares that upon presentation of facts at a public hearing, the City is entitled to a priority clean up lien in the amount of **\$2,270.18** against the subject property.

SECTION 5: That if the owner or lien holder(s) fails to pay the amount of the herein certified clean-up lien in the time allowed by law, the City Attorney is hereby directed to pursue any and all proper legal actions for collection of the amount of said lien plus all applicable costs.

SECTION 6: That the provisions of this Resolution are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 7: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Patrick H. Hays

SPONSOR:

ATTEST:

Mayor Patrick H. Hays

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b