

RESOLUTION NO. _____

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 323 N. PLUM STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, certain property located at 323 N. Plum Street in the City of North Little Rock, Arkansas was declared to be a public nuisance, and the property was condemned on September 22, 2008 (see *Resolution No. 7319* 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; and

WHEREAS, according to the Pulaski County Assessor's Office, Parcel # 33N3170006600 described as 323 N. Plum Street, North Little Rock, Arkansas, is owned by Marilyn Postell and Michael Parks who, after receiving notice from the City regarding the conditions of the property, have failed to abate the conditions; 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 abate the nuisance conditions, establish a lien for the costs associated therewith, and collect the same in order to protect the health, safety and welfare of the community.

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 owners and lien holder(s) of the subject property to remove, abate or eliminate the public nuisance conditions on the subject property located at 323 N. Plum Street; more specifically described as:

Lot 13, Block 6, Washington Avenue Addition to the City of North Little Rock, Pulaski County, Arkansas. (Parcel #33N3170006600)

SECTION 2: That the City Council further declares that the owners and lien holder(s) of the subject property failed to remove, abate or eliminate the public nuisance conditions at the property after it was condemned pursuant to Resolution No. 7319 in

the time allowed by law, and that the City then abated the public nuisance conditions at a cost of no less than **\$3,024.41**. (See *Affidavit* attached hereto as Exhibit “B”.)

SECTION 3: That the City Council further declares that proper notice was given to the owners and lien holder(s) of the subject property that a public hearing would be held on March 23, 2009 (see *Proof of Publication* attached hereto as Exhibit “C”) 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 **\$3,024.41** against the subject property, and that this amount shall hereby be filed with the Pulaski County Tax Collector.

SECTION 5: That if the owners or lien holder(s) fail 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