

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 7213 WESTWIND DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, certain property located at 7213 Westwind Drive in the City of North Little Rock, Arkansas was declared to be a public nuisance, and the property was condemned on May 22, 2017 (see Resolution No. 9220 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 # 43N0070000810, described as 7213 Westwind Drive, North Little Rock, Arkansas, is owned by Don M. Price who, after receiving notice from the City regarding the conditions of the property, has 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 owner and lien holder(s) of the subject property to remove, abate or eliminate the public nuisance conditions on the subject property located at 7213 Westwind Drive; more specifically described as:

PART OF THE NE 1/4, SECTION 12, TOWNSHIP 2 NORTH, RANGE 13 WEST, NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: PART OF THE NE 1/4 SW 1/4, SECTION 12, TOWNSHIP 2 NORTH, RANGE 13 WEST, NORTH LITTLE, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 12; THENCE WEST A DISTANCE OF 500.0 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES WEST A DISTANCE OF 526.33 FEET; THENCE SOUTH 02 DEGREES 10 MINUTES EAST A DISTANCE OF 55.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 05 MINUTES EAST A

DISTANCE OF 190.0 FEET; THENCE SOUTH 02 DEGREES 01 NINUTES EAST A DISTANCE OF 136.0 FEET; THENCE NORTH 87 DEGREES 35 MINUTES WEST A DISTANCE OF 190.0 FEET; THENCE NORTH 02 DEGREES 10 MINUTES WEST A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

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 property after it was condemned pursuant to Resolution No. 9291 in the time allowed by law, and that the City then abated the public nuisance conditions at a cost of no less than \$14,165.24. (See Affidavit attached hereto as Exhibit B.)

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 June 11, 2018 (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 **\$14,210.24** (costs of abatement plus an additional \$45.00 filing fee for the subject lien certification) against the subject property. This lien, as provided for in Arkansas Code Ann. § 14-54-903, may be enforced and collected at any time within ten (10) years after the lien has been filed in either one of the following manners as provided for in Ark. Code Ann. § 14-54-904:

- (1) By an action for foreclosure in the circuit court; or
- (2) The amount so determined at this public hearing, plus ten percent (10%) penalty for collection, to be certified to the Pulaski County Tax Collector to be placed on the tax books as delinquent taxes and collected accordingly.

SECTION 5: That if the owner 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 Joe A. Smith

SPONSOR:

Joe A. Smith
Mayor Joe A. Smith

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OF THE CITY ATTORNEY/kh

FILED	11:50	A.M.	_____	P.M.
By	A. Fields			
DATE	6-5-18			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	S. Usery			



2017034606

PRESENTED 06-01-2017 11:05 34 AM RECORDED 06-01-2017 11:05 34 AM

In Official Records of Larry Crane Circuit/County Clerk

PULASKI CO, AR FEE \$25.00

R-17-96

RESOLUTION NO. 9220

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 7213 WESTWIND DRIVE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES.

WHEREAS, a certificate of occupancy for the buildings and structures whose location is set forth herein was never issued by the City of North Little Rock (the "City"), the owner of the subject property never completed all necessary building inspections required for new construction, with records of the North Little Rock Planning Department reflecting that the initial building permit for said property was issued on August 1, 2007, and the last permit was issued on May 10, 2012; and

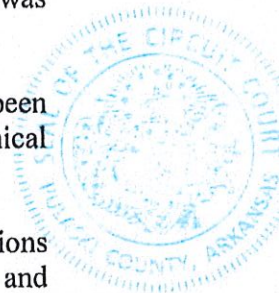
WHEREAS, only footing and framing work on the structure have been inspected and approved, with final inspections for electrical, plumbing and mechanical work never having been conducted on the property structure; and

WHEREAS, the owner of the property has received numerous citations (specifically on October 26, 2009, June 29, 2011, May 7, 2014, January 29, 2015 and March 22, 2017) for code violations citing the property as a public nuisance and failure to obtain a building permit with the owner ordered to pay fines and court costs for said violations which continue to remain uncorrected in violation of the City's code; and

WHEREAS, despite failure to complete all necessary inspections required by the Planning Department, the owner of the property has allowed individuals to reside at the property without a certificate of occupancy and which has become dilapidated, unsightly, dangerous, obnoxious, unsafe, contains mold, unsafe electrical wiring allowing for a fire hazard, is not fit for human habitation and is detrimental to the public welfare of North Little Rock citizens and residents; and

WHEREAS, the condition of such property constitutes a serious fire and health hazard to the City of North Little Rock, and unless immediate actions are taken to remedy this situation by removing, razing and abating said nuisance, there is a great likelihood that the surrounding property may be destroyed by fire originating from such unsafe and hazardous structures, and also that since structures are without proper sanitary facilities and as such are unsafe and hazardous such buildings constitute a serious hazard to the health and safety of the citizens of North Little Rock, and they should be moved or razed for the purpose of eliminating such hazards.

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



SECTION 1: That the City Council hereby declares the buildings, houses and other structures located at the property identified in Section 2 below is in such condition that it has become run down, dilapidated, unsafe, unsightly, dangerous, obnoxious, unsanitary, a fire hazard, a menace to abutting properties, with the current condition of said structures not being fit for human habitation; and because of such conditions, the City Council declares the same to be condemned as a public nuisance and is ordered abated, removed or razed by the owner thereof.

SECTION 2: That the owner of record of the following described property is hereby directed to raze the same or otherwise abate the said nuisance within thirty (30) days after the posting of a true copy of this Resolution at a conspicuous place upon the structure constituting the nuisance described herein, to-wit:

PART OF THE NE 1/4 SW 1/4, SECTION 12, TOWNSHIP 2 NORTH, RANGE 13 WEST, NORTH LITTLE, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 12; THENCE WEST A DISTANCE OF 500.0 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES WEST A DISTANCE OF 526.33 FEET; THENCE SOUTH 02 DEGREES 10 MINUTES EAST A DISTANCE OF 55.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 05 MINUTES EAST A DISTANCE OF 190.0 FEET; THENCE SOUTH 02 DEGREES 01 MINUTES EAST A DISTANCE OF 136.0 FEET; THENCE NORTH 87 DEGREES 35 MINUTES WEST A DISTANCE OF 190.0 FEET; THENCE NORTH 02 DEGREES 10 MINUTES WEST A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING. (Parcel No. 43N0070000810 located at 7213 Westwind Drive and owned by Don M. Price.)

SECTION 3: If the aforementioned structures have not been razed and/or removed within thirty (30) days after posting a true copy of this Resolution at a conspicuous place upon the structures constituting the nuisance, or the nuisance otherwise abated, the structures shall be torn down and/or removed by the Director of Code Enforcement or his duly designated representative. Each day after the aforesaid thirty (30) days in which said nuisance is not abated shall constitute a separate and distinct offense punishable by a fine of \$250.00 for each such separate and distinct offense.

SECTION 4: 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 5: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

5/22/17

APPROVED:

Joe A. Smith
Mayor Joe A. Smith

SPONSOR:

Joe A. Smith
Mayor Joe A. Smith *by AF*

ATTEST:

Diane Whitbey
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter
C. Jason Carter, City Attorney *by AF*

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED <u>11:17</u> A.M. _____ P.M.
By <u>Amy Fields</u>
DATE <u>5/16/17</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>J. McGraw</u>

STATE OF ARKANSAS }
COUNTY OF PULASKI } SS

I, Diane Whitbey, City Clerk and Collector for the City of North Little Rock, Arkansas, do hereby certify that the foregoing instrument is a true and correct copy of the original Resolution 922 Book No. 54 filed in this office on the 16th day of May 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of this office this 25, day of May, 20002017

Diane Whitbey, City Clerk
By: J. McGraw





AFFIDAVIT OF STATUTORY LIEN PULASKI CO, AR FEE \$15.00

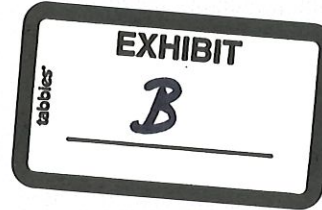
Comes the City of North Little Rock, Arkansas by and through Tom Wadley, who states on oath that:

My name is Tom Wadley, I am the Director of Code Enforcement for the City of North Little Rock, Arkansas ("the City"), and as such I am authorized to make this affidavit.

Acting pursuant to Ark. Code Ann. § 14-56-203, the North Little Rock City Council, on May 22nd, 2018, Resolution # 9220 condemning a structure or structures located on the following described real property located in the City of North Little Rock, Pulaski County, Arkansas:

LEGAL DESCRIPTION AND ADDRESS OF PROPERTY

PART OF THE NE 1/4 SW 1/4, SECTION 12, TOWNSHIP 2 NORTH, RANGE 13 WEST, NORTH LITTLE, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 12; THENCE WEST A DISTANCE OF 500.0 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES WEST A DISTANCE OF 526.33 FEET; THENCE SOUTH 02 DEGREES 10 MINUTES EAST A DISTANCE OF 55.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 05 MINUTES EAST A DISTANCE OF 190.0 FEET; THENCE SOUTH 02 DEGREES 01 MINUTES EAST A DISTANCE OF 136.0 FEET; THENCE NORTH 87 DEGREES 35 MINUTES WEST A DISTANCE OF 190.0 FEET; THENCE NORTH 02 DEGREES 10 MINUTES WEST A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING. (Parcel No. 43N0070000810 located at 7213 Westwind Drive and owned by Don M. Price.)



City of North Little Rock

After notice of the above mentioned condemnation was given to the owner's and /or heirs Don M. Price and due to the Owner's and/or heirs failure to raze or remove the structure(s), the City removed said structure(s) incurring a cost of \$14,165.24 An itemized account of this indebtedness is as follows:

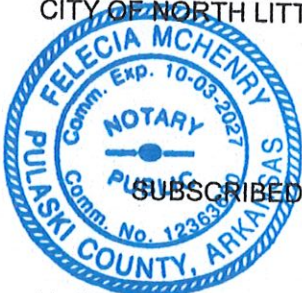
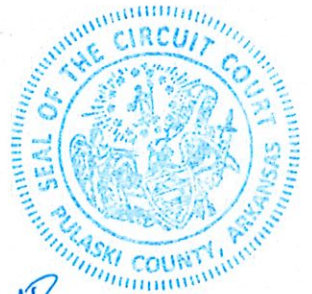
Table with 5 columns: DATE, TYPE OF WORK, COST, Amount Paid, Due Date. Rows include Admin/Collection Fees, Filing Fee, Postage Fee, Legal Notice, Demolition, and a Total Due of \$14,165.24.

The City has made demand for payment and gave the debtor notice of the City's intent to file this lien and the debtor has failed to make payment. No part of the debt has been paid and the City of North Little Rock claims a lien on this real property, pursuant to Ark. Code Ann. § 14-54-903(b), in the amount of \$14,165.24 to secure this indebtedness.

WITNESS my hand this 18th day of April, 2018.

CITY OF NORTH LITTLE ROCK

Tom Wadley
Director of Code Enforcement



SUBSCRIBED AND SWORN to before me this 18th day of April, 2018.

Felecia Mchenry
NOTARY PUBLIC

My Commission Expires: 10/3/2027

THE DAILY RECORD

STATE OF ARKANSAS

Pulaski County

I, Bobby Burton, so solemnly swear that I am the COO of the Daily Record, a newspaper of general circulation in Pulaski County, State of Arkansas; that I was COO of The Daily Record at and during the publication of the annexed legal notice in the matter of:

Legal Notice of Clean-Up Lien

NLR LIEN

pending in the Court in said County, and at dates of the several publications of said legal notice hereinafter stated, and that during said periods and at said dates, said newspaper was published and had a bona fide circulation in said County and State; that said newspaper had been regularly published in said County and State, and had a bona fide circulation therein for the period of one month before the date of the first publication of said legal notice; and that said legal notice was published in the regular daily issues of said newspaper on the following days:

04/24/18

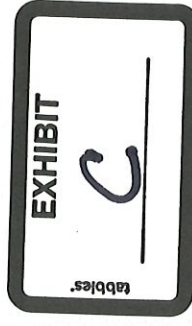
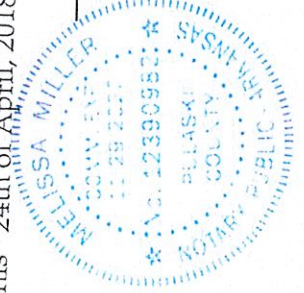
This ad was published online at www.dailyrecord.us and www.publicnoticeads.com for the duration of the run dates listed above.

Subscribed and sworn before me this 24th of April, 2018

COO

William R. Burton

Notary Public



LEGAL NOTICE OF CLEAN-UP LIEN Date: April 10, 2018 To: The hereinafter named owners and mortgage holders of record and all others who claim an interest in the hereinafter described properties: 7213 Westwind Dr. PART OF THE NE 1/4 SH. 1/4 SECTION 12, TOWNSHIP 2 NORTH, RANGE 13 WEST, NORTH LITTLE, PULASKI COUNTY, ARKANSAS; MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 12; THENCE WEST A DISTANCE OF 500.0 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES WEST A DISTANCE OF 826.93 FEET; THENCE SOUTH 02 DEGREES 10 MINUTES EAST A DISTANCE OF 55.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 05 MINUTES EAST A DISTANCE OF 190.0 FEET; THENCE SOUTH 02 DEGREES 01 MINUTES EAST A DISTANCE OF 136.0 FEET; THENCE NORTH 87 DEGREES 35 MINUTES WEST A DISTANCE OF 190.0 FEET; THENCE NORTH 02 DEGREES 10 MINUTES WEST A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING. (Parcel No. 43N00700008 located at 7213 Westwind Drive and owned by Don M. Price.) North Little Rock, AR 72113 Notice is hereby given that a Public Hearing will be held to certify the amount of a Clean Up Lien pursuant to Ark. Code Ann. 14-54-303 against the owners of / and the above described land due to the owners failure to abate a Public Nuisance at said land. The Public Hearing will be held before the North Little Rock City Council at the June 11th, 2018 meeting at 6:00 p.m. held at (City Hall 300 Main Street North Little Rock.) The owners have the right to contest at the amount of the Clean-up Lien. William M. Brown, Ass't. City Attorney DR11-4/24/18