

RESOLUTION NO. _____

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 105 EAST EMILY STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES.

WHEREAS, the buildings and structures whose location is set forth herein are vacant and have become run down, dilapidated, unsightly, dangerous, obnoxious, unsafe, not fit for human habitation and 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 and a breeding place for rats, rodents and other dangerous germ carriers of diseases, 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 to be vacant and 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 owners thereof.

SECTION 2: That the owners of record of the following described property are 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 South 100 feet of the North 1200 feet of Odem Tract No. 3 lying between Marion Street and US Highway 67 of the 1940 Subdivision of the SW ¼ of Section 28, Township 2 North, Range 11 West, more particularly described as follows, to-wit: Beginning at a point 170 feet East of intersection of the North line of Emily Street and

East line of Highway 67; East 59.5 feet to a point 182 feet West of the West line of Marion Street; thence run North 100 feet; thence run West 59.5 feet to a point 170 feet East of the East line of US Highway 67; thence run South 100 feet to the Point of Beginning, in the City of North Little Rock, Pulaski County, Arkansas. (Parcel No. 23N0220004500 located at 105 E. Emily Street and owned by William [Billy] B. Whitley and Ruth Ann Whitley.)

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:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:

Joe A. Smith
Mayor Joe A. Smith *bog AF*

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

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

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED <u>11:30</u> A.M. _____ P.M.
By <u>Amy Fields</u>
DATE <u>9-19-17</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>[Signature]</u>

R-17-168

The City of North Little Rock



TOM WADLEY
DIRECTOR

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501-791-8581 • Fax 501-791-8584
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CODE ENFORCEMENT DEPARTMENT

September 11, 2017

Mayor Smith
City Council Members

Re: 105 E Emily

SITUATED IN THE COUNTY OF PULASKI AND STATE OF ARKANSAS:
PART OF SOUTH 100 FEET OF NORTH 1200 FEET OF ODEM TRACT NO. 3 LYING BETWEEN MARION STREET AND US HIGHWAY 67 OF THE 1940 SUBDIVISION OF SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 2 NORTH, RANGE 11 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 170 FEET EAST OF INTERSECTION OF THE NORTH LINE OF EMILY STREET AND EAST LINE OF HIGHWAY 67; EAST- 59.5 FEET TO A POINT 182 FEET WEST OF WEST LINE OF MARION STREET; THENCE RUN NORTH 100 FEET; THENCE RUN WEST 59.5 FEET TO A POINT 170 FEET EAST OF THE EAST LINE OF US HIGHWAY 67; THENCE RUN SOUTH 100 FEET TO THE POINT OF BEGINNING, IN PULASKI COUNTY, ARKANSAS.
Parcel 23N0220004500
City of North Little Rock, AR

Owner: Billy B. Whitley and Ruth Ann Whitley

Dear Mayor Smith;

January 2017 Officer C. Williams conducted an exterior inspection of the structure after receiving a report from the North Little Rock Fire Department. Exterior inspection showed the structure to have sustained severe fire damage, with unsecured and missing windows and doors.

April 2017 Notices were mailed to owners of record Officer Williams spoke with Billy Whitley who stated that he would have the structure demolished. Mr. Williams also mailed Mr. Whitley a list of possible contractors and advised him to obtain several bids for demolition. Mr. Whitley contacted our office and stated the cost of demolition is too expensive.

June 2017 Mr. Whitley was issue a citation for public nuisance due to the hazardous condition of the structure, court date was July 20th 2017 @ 1:30. Mr. Whitley pled guilty. He made a request for the City to Clean-up the site and he would then pay the bill. July 2017 Notice of City Council scheduled for September 25th, 2017 hearing date was mailed by certified and regular mail and posted to the premises. Notice of hearing was also ran in local newspaper. All notices returned refused or unclaimed

The structure is considered to be unsafe for human habitation and is also considered to be a public nuisance, it is the recommendation of the North Little Rock Code Enforcement Department that this structure be considered for condemnation.

Felecia McHenry
Code Enforcement Officer