

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 400 VALLEY VIEW 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, 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 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:

Lots 5 and 6, Block 0, Suggs Addition #3 to the City of North Little Rock, Pulaski County, Arkansas. (Parcel No. 33N1830000600, located at 400 Valley View Drive and owned by Ervin D. Shabriann.)

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 *by AF*

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

R-17-170

The City of North Little Rock

TOM WADLEY  
DIRECTOR



701 WEST 29TH STREET  
NORTH LITTLE ROCK, ARKANSAS 72114  
501-791-8581 • Fax 501-791-8584  
NLRCodeEnforcement@northlittlerock.ar.gov

CODE ENFORCEMENT DEPARTMENT

September 11, 2017

Mayor Smith  
City Council Members

Re: 400 Valley View Dr.  
Lot 0 Block 5&6 Suggs Sub #3  
Parcel 33N1830000600  
North Little Rock, AR

Owner: Shabriann D. Ervin  
Little Rock, AR

Dear Mayor Smith;

March 2017 officer C. Williams conducted an exterior inspection of the structure after receiving a fire report from the North Little Rock fire department. The structure was red-tagged and notice was mailed by certified mail to Ms. Ervin. The structure is unsafe. The owner of record was mailed a notice to contact the office to inform us of their intent for the structure.

On March 21, 2017 I spoke with the owner Ms. Shabriann Ervin and she said that she was waiting on the insurance company to complete their investigation. On July 19, 2017 I spoke Ms. Ervin again and she stated that she doesn't own the property any more. She stated that it went to the insurance company.

July 2017 I mailed a Notice of Public nuisance along with a Notice of City Council scheduled for September 25<sup>th</sup>, 2017 hearing date. The notice was mailed by certified and regular mail and posted to the premises. Notice of hearing was also ran in local newspaper.

Ms. Ervin later called and stated that she doesn't own the property any longer. I explained to her that the county records still show her as owner of record. I then had to explain to her that her insurance company paid her mortgage off for her, and she still owns the property. She stated that she didn't want to fix it and would try to sell it.

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