

RESOLUTION NO. \_\_\_\_

**A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 3805 MACARTHUR 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:

A part of the SW 1/4 of the NW 1/4 of Section 22, Township 2 North, Range 12 West, in the City of North Little Rock, AR in Pulaski County, Arkansas, more particularly described as commencing at the Southwest corner of said SW 1/4 NW 1/4, Section 22; run thence North 624 feet to the Southerly right of way line of State Highway No. 365; thence 42 degrees 30 minutes 40 seconds East 600 feet; thence South 43 degrees 46 minutes 40 seconds East 13.3 feet to the point of beginning; run thence South 10 degrees 58 minutes 20 seconds West 91.3 feet to

the North right of way line of 38th Street; thence South 89 degrees 32 minutes East 54.4 feet; thence North 45 degrees 17 minutes 20 seconds East 135.85 feet to the right of way of State Highway No. 365; thence North 43 degrees 46 minutes 40 seconds West 90 feet to the point of beginning (Parcel No. 33N1410008600 located at 3805 MacArthur Drive and owned by Billy B. 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:

  
\_\_\_\_\_  
Mayor Joe A. Smith

\_\_\_\_\_  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED	10:40 A.M.	_____ P.M.
By	A. Fields	
DATE	11-3-20	
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas		
RECEIVED BY	S. Vossery	

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  
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CODE ENFORCEMENT DEPARTMENT

October 28, 2020

Mayor Smith  
City Council Members

**Re: 3805 Macarthur**  
PT SW NW BEG SW COR N624' TO S'LY RW HWY365 S42'E613 3' TO POB S45'  
W 100 S' 10' W91 3'TO N RW38ST S89' E54 4' N45' E135 85' N43' W90' TO POB 22  
2N 12W Parcel 33N1410008600  
North Little Rock, AR 72117

**Owner: Billy B Whitley**  
Lonoke, AR

Dear Mayor Smith;

May 2020 Officer Epperson inspected the property due to several complaints from neighboring business owners, because of the continued deteriorating condition of the exterior of the building. The property was unsecured, which showed the interior of the property to have numerous property maintenance violations.

This structure has been vacant with the electric meter removed since May 2013 according to North Little Rock utility department.

May 2020 Notice of City Council scheduled for July 27 2020 hearing date was mailed to owner of record. Potential buyers contacted our office requesting additional time to process paperwork to purchase the property. However, Mr. Whitley never submitted all paperwork to the title company causing the deal to fail.

Sept 2020 Billy Whitley was issued a citation for property maintenance violations; court date was Oct 17, 2020. Next Court date Nov 19, 2020.

October 2020 Notice of City Council scheduled for the November 9, 2020 City Council Agenda was issued by certified and regular mail to all interested parties and posted to the premises. Notice of hearing was also ran in local newspaper.

To date there has been no permits pulled to repair or demolish the structure.

The structure is considered unfit for human habitation and 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 Supervisor