

R-17-06

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

**A RESOLUTION CERTIFYING THE AMOUNT OF AN ADDITIONAL CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 723 WEST 35<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.**

WHEREAS, certain property located at 723 West 35<sup>th</sup> Street in the City of North Little Rock, Arkansas was declared to be a public nuisance, and the property was condemned on March 28, 2016 (see *Resolution No. 8974* 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 No. 33N1770013300 described as 723 West 35<sup>th</sup> Street, North Little Rock, Arkansas, is owned by Keith Caldwell Properties, LLC, who, after receiving notice from the City regarding conditions of a *second* structure on 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; and

WHEREAS, previously another structure located on the subject property was demolished, and a lien for removal of that structure was certified by this City Council in the amount of \$2,812.66 (costs of abatement for \$2,797.66 plus \$45.00 filing fee) pursuant to Resolution No. 9021 adopted June 27, 2016.

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 *additional* public nuisance conditions on the subject property located at 723 West 35<sup>th</sup> Street, North Little Rock, Arkansas; more specifically described as:

Lot 6, Block 17, Booher's Addition to the City of North Little Rock, Pulaski County, Arkansas. (Parcel No. 33N1770013300, owned by Keith Caldwell Properties, LLC.)

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 *additional* public nuisance conditions at the property after it was condemned pursuant to Resolution No. 8974 in the time allowed by law, and that the City then abated the *additional* public nuisance conditions at a cost of no less than \$2,719.10. (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 January 9, 2017 (see *Proof of Publication* attached hereto as Exhibit "C") to determine the proper amount, if any, that should be filed as a cleanup 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 an **additional priority clean up lien** in the amount of **\$2,764.10** (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:

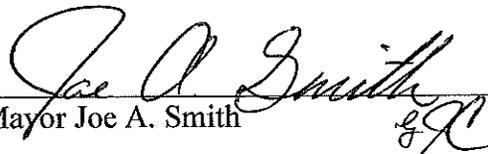
APPROVED:

\_\_\_\_\_

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

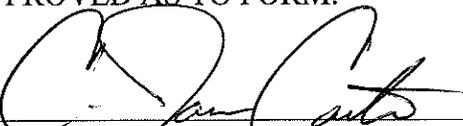
SPONSOR:

ATTEST:

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

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

APPROVED AS TO FORM:

  
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	11:55	A.M.	_____	P.M.
By	<u>City Attorney Carter</u>			
DATE	<u>1/3/17</u>			
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>				
RECEIVED BY	<u>B Taylor</u>			



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PRESENTED: 04-13-2016 10:43:09 AM

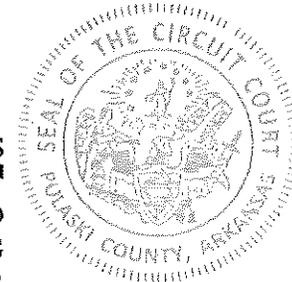
RECORDED: 04-13-2016 10:43:09 AM

In Official Records of Larry Crane Circuit/County Clerk

PULASKI CO, AR FEE \$20.00

R-16-62

**RESOLUTION NO. 8974**



**A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 723 WEST 35<sup>TH</sup> STREET 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:

Lot 6, Block 17, Booher's Addition to the City of North Little Rock, Pulaski County, Arkansas. (Parcel No. 33N1770013300 located at 723 West 35<sup>th</sup> Street and owned by Keith Caldwell Properties, LLC.)



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 \$50.00 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:

3/28/16

APPROVED:

Joe A. Smith  
Mayor Joe A. Smith

SPONSOR:

Joe A. Smith  
Mayor Joe A. Smith

ATTEST:

Diane Whitbey  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter  
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

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 Res 8974 Book No. 50 filed in this office on the 22 day of March 2016

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of this office this 7, day of April, 2016.

Diane Whitbey, City Clerk & Collector  
By: He Thomas

FILED 11:23 A.M. \_\_\_\_\_ P.M.  
By City Atty Carter  
DATE 3/22/16  
Diane Whitbey, City Clerk and Collector  
North Little Rock, Arkansas  
RECEIVED BY [Signature]



2016078759

STATE OF ARKANSAS)  
COUNTY OF PULASKI)

Parcel # 33N1770013300

PRESENTED: 12-13-2016 10:11:09 AM

RECORDED: 12-13-2016 10:11:09 AM

In Official Records of Larry Crane Circuit/County Clerk

PULASKI CO, AR FEE \$15.00

**AFFIDAVIT OF STATUTORY LIEN**

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.

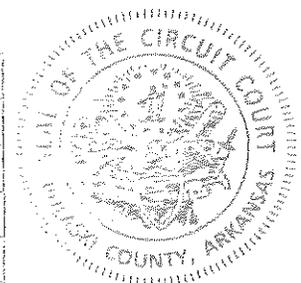
Acting pursuant to Ark. Code Ann. § 14-56-203, the North Little Rock City Council, on March 22<sup>nd</sup> 2016, Resolution # 8974 condemning a structure or structures located on the following described real property located in the City of North Little Rock, Pulaski County, Arkansas:

**LEGAL DESCRIPTION AND ADDRESS OF PROPERTY**

**723 W 35<sup>th</sup>  
Lot 6 Block 17 Booher's Addition,  
City of North Little Rock**

After notice of the above mentioned condemnation was given to the owner's and /or heirs Keith Caldwell Properties LLC 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 \$2,719.10 An itemized account of this indebtedness is as follows:

Date Issued	Fee	Amount	Amount Paid	Due Date
11/03/2016	Demolition	\$2600.00	\$0.00	01/09/2017
11/03/2016	Administration/Collection Fees	\$60.00	\$0.00	01/09/2017
11/04/2016	Legal Notice	\$19.66	\$0.00	01/09/2017
11/30/2016	Postage Fee	\$14.44	\$0.00	01/09/2017
11/04/2016	Filing Fee	\$25.00	\$0.00	01/09/2017
Total Due: \$2,719.10				



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 \$2,719.10 to secure this indebtedness.

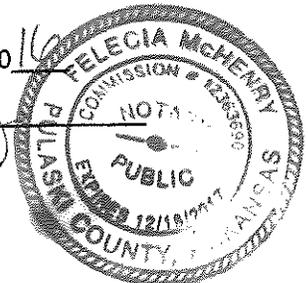
WITNESS my hand this 8th day of Dec, 2016.

CITY OF NORTH LITTLE ROCK

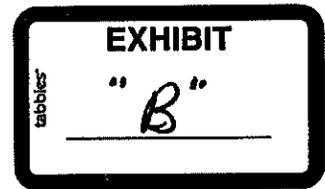
Tom Wadley  
Tom Wadley  
Director of Code Enforcement

SUBSCRIBED AND SWORN to before me this 8th day of Dec, 2016

Felecia Moberg  
NOTARY PUBLIC



My Commission Expires: 12/18/2017



# THE DAILY RECORD

STATE OF ARKANSAS

Pulaski County

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

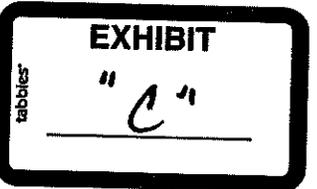
Legal Notice of Clean-Up Lien

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:

12/20/16

This ad was published online at [www.dailyrecord.us](http://www.dailyrecord.us) and [www.publicnoticeads.com](http://www.publicnoticeads.com) for the duration of the run dates listed above.



Subscribed and sworn before me this 20th of December, 2016

Publisher

Notary Public

Cost of publication: \$33.00

1031677

LEGAL NOTICE OF CLEAN-UP LIEN Desc: To: The hereinafter named owners and mortgage holders of record and all others who claim an interest in the hereinafter described properties:

- 719 W 35th St.  
Keith Caldwell Properties LLC  
Lot 7 Block 17 Booher's Addition  
Parcel 33N1770013400  
City of North Little Rock, AR
- 723 W 35th  
Keith Caldwell Properties LLC  
Lot 8 Block 17 Booher's Addition  
Parcel 33N1770013300  
City of North Little Rock, AR
- 800 N Locust St.  
Travis Webb  
Lot 6 & 30'S & ADJ TO LT 6 BEING N1/2 E 8TH ST CLOSED PER ORD  
#4515 4-25-85 Block 1 Greens Addition  
Parcel 33N0960026200  
City of North Little Rock, AR 72114

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. 14-54-003 against the owners of land, the above described land, due to the owners failure to cause a Public Publication of said land. This Public Hearing will be held before the North Little Rock City Council at the January 19th, 2017 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. Witness  
J. Brown Asst. City Attorney DR17-1222016

*Jay Edwards*  
Publisher

