R-16-62

RESOLUTION NO. _____

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 723 WEST 35TH 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 (a garage) 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 35th 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:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

Mayor Joe A. Smith

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

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

The City of North Little Rock

TOM WADLEY
DIRECTOR

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NORTH LITTLE ROCK, ARKANSAS 72114
501-791-8581 • Fax 501-791-8584
NLRCodeEnforcement@northlittlerock.ar.gov

CODE ENFORCEMENT DEPARTMENT

March 14, 2016

Mayor Smith
City Council Members

Re: 723 W 35th otherwise known as 3508 Chandler
Lot 6 Block 17 Booher's Addition
Parcel 33N1770013300
City of North Little Rock, AR

Owner: Keith Caldwell Properties LLC

Dear Mayor Smith;

May 2015 officer C. Williams conducted an exterior inspection of the structure which is unsecured, broken windows this structure has been vacant since January 2010 according North Little Rock Utility Department, this structure has been vandalized and has been determined it is unfit for human habitation, the structure was red-tagged. the owner of record (Keith Caldwell) was mailed a notice to contact this office within ten (10) days. Mr. Caldwell called our office to inform us that he no longer owns the property and that he had proof that this property was turned over to the bankruptcy court.

October 20, 2015 after receiving notifications from our office the bankruptcy trustee (Brad Chasin) called and informed officer Williams that Mr. Caldwell is still the owner of the property. Code Enforcement has not been able make any further contact with Mr. Caldwell

January 2016 due to the unchanged condition of the structure, the file was forwarded to officer F. McHenry to start the condemnation proceedings a notice of City Council was mailed by certified and regular mail to all interested parties and posted on the property notifications were also advertised in the newspaper for a City Council hearing date of a March 28th, 2016.

The structure is considered to be unsafe. And considered to be a public nuisance. Due to the condition of this structure it is the recommendation of the North Little Rock Code Enforcement Department that this structure be considered for condemnation.

Felecia McHenry
Code Enforcement Officer