

RESOLUTION NO. _____

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 7213 WESTWIND 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, a certificate of occupancy for the buildings and structures whose location is set forth herein was never issued by the City of North Little Rock (the "City"), the owner of the subject property never completed all necessary building inspections required for new construction, with records of the North Little Rock Planning Department reflecting that the initial building permit for said property was issued on August 1, 2007, and the last permit was issued on May 10, 2012; and

WHEREAS, only footing and framing work on the structure have been inspected and approved, with final inspections for electrical, plumbing and mechanical work never having been conducted on the property structure; and

WHEREAS, the owner of the property has received numerous citations (specifically on October 26, 2009, June 29, 2011, May 7, 2014, January 29, 2015 and March 22, 2017) for code violations citing the property as a public nuisance and failure to obtain a building permit with the owner ordered to pay fines and court costs for said violations which continue to remain uncorrected in violation of the City's code; and

WHEREAS, despite failure to complete all necessary inspections required by the Planning Department, the owner of the property has allowed individuals to reside at the property without a certificate of occupancy and which has become dilapidated, unsightly, dangerous, obnoxious, unsafe, contains mold, unsafe electrical wiring allowing for a fire hazard, is not fit for human habitation and is 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 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 is in such condition that it has become 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:

PART OF THE NE 1/4 SW 1/4, SECTION 12, TOWNSHIP 2 NORTH, RANGE 13 WEST, NORTH LITTLE, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 12; THENCE WEST A DISTANCE OF 500.0 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES WEST A DISTANCE OF 526.33 FEET; THENCE SOUTH 02 DEGREES 10 MINUTES EAST A DISTANCE OF 55.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 05 MINUTES EAST A DISTANCE OF 190.0 FEET; THENCE SOUTH 02 DEGREES 01 MINUTES EAST A DISTANCE OF 136.0 FEET; THENCE NORTH 87 DEGREES 35 MINUTES WEST A DISTANCE OF 190.0 FEET; THENCE NORTH 02 DEGREES 10 MINUTES WEST A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING. (Parcel No. 43N0070000810 located at 7213 Westwind Drive and owned by Don M. Price.)

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:

Joe A. Smith

Mayor Joe A. Smith

by AF

ATTEST:

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>11:17</u>	A.M.	_____	P.M.
By	<u>Amy Fields</u>			
DATE	<u>5/16/17</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>T. McGraw</u>			