

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

**A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 105 DAVIS STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS 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 owners thereof.

SECTION 2: That the owners of record of the following described property are 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 C, Block C, Davis Tract #2, more particularly described as: Part of Davis Tract #2, Lot C; beginning 83' North of intersection of SE Corner of Lot C and northerly R/W line of Emily Street and Northerly R/W line of Davis Street; thence W 180' N 50' W 60' N 97' E 240' S 147' to the Point of Beginning, all in Section 28, Township 2 North, Range 11 West, City of North Little Rock, Pulaski County, Arkansas. (Parcel No.

23N0200000500, located at 105 Davis Street and owned by Jan J. and Richard L. Smith.)

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:

ATTEST:

\_\_\_\_\_  
*Joe A. Smith*  
Mayor Joe A. Smith *by Dan*

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

APPROVED AS TO FORM:

\_\_\_\_\_  
*C. Jason Carter*  
C. Jason Carter, City Attorney *by Dan*

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	<u>11:05</u>	A.M.	_____	P.M.
By	<u><i>Asst City Atty McFadden</i></u>			
DATE	<u><i>6-16-15</i></u>			
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>				
RECEIVED BY	<u><i>D. Magy</i></u>			

TOM WADLEY  
DIRECTOR



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NLRCodeEnforcement@northlittlerock.org

CODE ENFORCEMENT DEPARTMENT

June 4, 2015

Mayor Smith  
City Council Members

**Re:** 105 Davis  
Jan & Richard Smith  
Lot C Block C Davis Tract #2  
PT DAVIS TRACT #2 LT C BEG 83'N OF INTERS SE COR LT C &  
N'LY R/W LN EMILY ST & N'LY R/W  
LN OF DAVIS ST TH W180' N50' W60' N97' E240' S147' TO THE POB  
Parcel 23N0200000500  
City of North Little Rock, AR

**Owners:** Jan & Richard Smith  
North Little Rock, AR

Dear Mayor Smith;

An inspection of this property was conducted due to the complaints from neighbors. The previous owner made some repairs to this property back in 2011 but has since walked away from the purchase of the property, and since that time this structure has continued to deteriorate with signs of vagrants now living in the structure. Plumbing appears to have been removed from the structure. The structure has holes in the walls and floors.

Owners of the property Richard and Jan Smith have been notified about the condition of the property, and has once again filed bankruptcy.

The condemnation procedures were started due to the condition of the structure. Owners and/or heirs and all interested parties were given notice of City Council for the June 22<sup>nd</sup> 2015 Hearing date. Notices were mailed by certified and regular mail, legal notice ran in the newspaper, and were also posted on the property. This structure is considered to be unfit for human habitation. Utilities were last on March of 2010

This property constitutes 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