R-22-100

RESOLUTION NO. _____

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2512 HIGHWAY 161 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, noxious, 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, noxious, 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 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:

A part of the SE 1/4 NE 1/4, Section 29, Township 2 North, Range 11 West, Pulaski County, Arkansas, more particularly described as follows: Commencing at the Northeast Corner of the SW 1/4 NW 1/4, Section 28, Township 2 North, Range 11 West, thence run South 270.7 feet to a point; thence run South 89 degrees 54 minutes 40 seconds West 1,647.78 feet to a point; thence run North 28.94 feet to a point of beginning; thence North 88 degrees 13 minutes West 161.4 feet to a point; thence run South 45 degrees 00 minutes West 134.6 feet to a point on the North right of way of State Highway 161; thence run North 47 degrees 24 minutes 30

seconds West, along said Highway right of way, 95.1 feet to a point; thence run North 45 degrees 00 minutes East 172.0 feet to a point; thence run North 88 degrees 50 minutes 30 seconds East 205.5 feet to a point; thence run South 100 feet to the point of beginning (Parcel No. 23N0270000104 located at 2512 Highway 161 and owned by Anjum Athar, Samina Kousar, Ussama Athar, and all other known owners, heirs, or interested parties).

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 her 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 Terry C. Hartwick

SPONSOR:

Terry Hartwick ae

Mayor Terry C. Hartwick

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Fields ae

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 11:55 A.M. _____ P.M.
By E. Lee Attorneys Office
DATE 5-17-22

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED BY S. Lissery

The City of North Little Rock

FELECIA MCHENRY
DIRECTOR

701 WEST 29TH STREET
NORTH LITTLE ROCK, ARKANSAS 72114
501-791-8581 • Fax 501-791-8584
NLRCodeEnforcement@nlr.ar.gov

CODE ENFORCEMENT DEPARTMENT

April 13th, 2022

Mayor Hartwick
City Council Members

Re: 2512 Highway 161
PT SE NE SECTION 29-2N-11 MPDA COM NE COR SW NW SECTION 28 TH S270.
7' S89*54'40"W1647.78' N28.94' TO POB TH N88*13'W161.4' S45*00'W134.6' TO N R/W
HWY 161 N47*24'30"W AL HWY R/W 95.1' N45*00'E172' N88*50'30"E205.5' S100' TO POB
City of North Little Rock, AR

Owners: Ussama Athar/Anjum Athar
Samina Kousar
Little Rock, AR

Dear Mayor Hartwick;

On November 11th, 2020, NLR Code Officer Cedric Williams began an investigation into the property due to nuisance complaints regarding the physical appearance, and continual littering of the parking lot. Owner was issued a citation for public nuisance. On or around June 15th, 2021, NLR Code Officer Ward Reese began the condemnation proceedings on the property due the continuing issues with the property. The condemnation process was placed on hold due to the owner(s) acquiring permits to rehab the structure. However the owner failed to follow the protocols for renovation of a commercial structure (building code, fire codes etc.). They were also required to go before the Board of Adjustment for approval for any type of business going in there, according to the planning department, Planning made a request for consultation with the owner the consultation was canceled and never rescheduled.

On January 28th, 2022, NLR Code Officer Timothy McEuen re-activated the condemnation proceedings due to the owners failing to complete any work on the property. Noticed were posted and mailed out accordingly. To date, the structure, as well as the nuisance issues, are in the same condition they were when the investigation began.

The condemnation procedures were started due to the condition of the house. Owners and/or heirs and all interested parties were given notice of City Council for the May 23rd, 2022 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.

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.

Timothy McEuen
Code Enforcement Officer