R-22-127

RESOLUTION NO. _____

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 4316 BURKES AVENUE 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, 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 removed 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:

> Lot 23 of the C. W. Harrod Addition to the City of North Little Rock, Pulaski County, Arkansas. (Parcel No. 33N1640002000 located at 4316 Burkes Avenue and owned by Robert D. Smeby).

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:

Mayor Terry C. Hartwick

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 11:35 A.M. _____ P.M.

By M.Miller

DATE 6/21/22

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

RECEIVED BY

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

June 7, 2022

Mayor Hartwick
City Council Members

Re: 4316 Burks Avenue
Lot: 23 Block: 0 Sub: Harrod CW
City of North Little Rock, AR

Owners: Robert Smeby
North Little Rock, AR

Dear Mayor Hartwick;

On January 2022, NLR Code Enforcement Officer Timothy McEuen began an investigation into 4316 Burks Avenue due to the physical condition of the structure. Officer McEuen observed that most of the roof was covered by a blue tarp. A further exterior inspection revealed the residence was vacant, and had major damage to the roofing system, soffit, trim, fascia, and windows.

Further researched shows the property has been subject nuisance code violations, in which the city has had to abate these violations. To date, the grass is high and in violation, as well as an extensive amount of garbage being on the property. There is a dilapidated storage building on the property as well.

An administrative search warrant to obtained for the purpose of an interior inspection. The inspection showed the structure to have sustained water damage throughout the structure, mold and mildew and a huge rodent infestation.

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 June 27th, 2022 hearing date. Notices were mailed by certified and regular mail, legal notice ran in the newspaper, and were also posted on the property. All notices returned unclaimed. 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