R-22- 171

RESOLUTION NO. _____

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 229 MOSLEY 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 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 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 of Poe's Subdivision of the City of North Little Rock, Pulaski County, Arkansas (Parcel No. 23N0710006700 located at 229 Mosley Street and owned by Herbeteen Johnson-Mitchell).

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:

ATTEST:

Terry C. Hartwick

Mayor Terry C. Hartwick by AF

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 11:04 A.M. _____ P.M.

By Amy Fields CA

DATE 8/16/22

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 27th, 2022

Mayor Hartwick
City Council Members

Re: 229 Mosely Street
Lot: 6 Block: 17 Sub: Poe's Sub
City of North Little Rock, AR

Owners: Herbeteen Johnson-Mitchell
North Little Rock, AR

Dear Mayor Hartwick;

On March 25th, 2022, North Little Rock Code Enforcement Officer Timothy McEuen began an investigation into 229 Mosely Street due to complaints of unsheltered persons living in the residence. Officer McEuen verified the property was vacant, and had no current utilities. Officer McEuen located the front door open/unsecured. He performed an exterior inspection of the property. Officer McEuen observed major damage to the roofing, siding, soffit, broken out windows, and fascia. He secured the door and left at that time. With the observed damage, this property is unfit for human habitation. It was determined that unknown persons were staying in the residence.

On March 31th, 2022, Officer McEuen posted a *Notice of City Council* hearing on the property, and mailed them out to all known owners and heirs. On this date, a male subject was found in the residence. We was told to leave, and the doors were secured with fastening straps. To date, the property is still in the same condition it was in when the investigation began. Multiple persons have been located living inside the residence since this investigation began. They have been sent to District Court for hearings.

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 August 22nd, 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