

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

**A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 8040 RAINS ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, 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 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 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:

THE NORTH 262.5 FEET OF THE WEST 1/2 OF LOT 20 OF THE J. S. BRADDOCK'S SUBDIVISION IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS (PARCEL NO. 23N0140603700 LOCATED AT 8040 RAINS ROAD AND OWNED BY STEWART LYNN GILBERT, SR.).

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 AT*

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

APPROVED AS TO FORM:

Amy Beckman Fields  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED	<u>11:00</u>	A.M.	_____	P.M.
By	<u>Amy Fields</u>			
DATE	<u>10/16/24</u>			
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>				
RECEIVED BY	<u>[Signature]</u>			

The City of North Little Rock

FELECIA MCHENRY  
DIRECTOR



500 WEST 13TH STREET  
NORTH LITTLE ROCK, ARKANSAS 72114  
501-791-8581 • Fax 501-791-8584  
NLRCODEenforcement@nlr.ar.gov

CODE ENFORCEMENT DEPARTMENT

June 5, 2024

Mayor Hartwick  
City Council Members

**Re:** 8040 Rains Road  
Lot: 20 Block: 0 Sub: Braddocks J S Sub Div  
City of North Little Rock, AR

**Owners:** Stewart Lynn Gilbert Sr.  
North Little Rock, AR

Dear Mayor Hartwick;

On February 20<sup>th</sup>, 2024, North Little Rock Code Enforcement Officer Timothy McEuen began an investigation into 8040 Rains Road due to observed conditions of the structure and the property in general. Officer McEuen located an open/unsecured door, and verified the structure was vacant.

March 2024 Officer Jessica Jacoby issued a citation to a female living in a camper on the premises which is a zoning violation court day 4/18/24 violator did not show-up for court

Officer McEuen performed an interior and exterior inspection to where he observed major damage to the walls, flooring, roofing, siding, soffit, and fascia. With the observed damage, this structure is unfit for human habitation. The property was littered with an abundance of trash, junk, and clutter. Officer McEuen spoke with a family member who stated they would try to get the property cleanup and have the structure removed.

On February 27<sup>th</sup>, 2024, Officer McEuen posted a *Notice of City Council* hearing on the property, and mailed them out to all known owners and heirs. To date, the property is still in the same condition it was when the investigation began.

The condemnation proceedings were started due to the condition of the structure. Owners and/or heirs and all interested parties were given notice for the City Council hearing for July 22<sup>nd</sup>, 2024. Notices were mailed by certified and regular mail, legal notice ran in the newspaper, and were also posted on the property.

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