

RESOLUTION NO. _____

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 808 NORTH E STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, certain property located at 808 North E Street in the City of North Little Rock, Arkansas was declared to be a public nuisance, and the property was condemned on November 26, 2018 (see Resolution No. 9554 attached hereto as Exhibit A); and

WHEREAS, Ark. Code Ann. § 14-54-903 provides that if the owner(s) or lien holder(s) of any lot or structure, after having been given seven (7) days' notice in writing to do so, refuses to remove, abate or eliminate any nuisance property, the City of North Little Rock is authorized to do whatever is necessary to correct the conditions and charge the cost thereof to the owner(s) of the real property; and

WHEREAS, according to the Pulaski County Assessor's Office, Parcel No. 23N0460046700, described as 808 North E Street, North Little Rock, Arkansas, is owned by Nathaniel Williams and Ollie Williams who, after receiving notice from the City regarding the conditions of the property, has failed to abate the conditions; and

WHEREAS, pursuant to Ark. Code Ann. §§ 14-54-901, *et seq.* and Act 854 of 2007, the City of North Little Rock is authorized to abate the nuisance conditions, establish a lien for the costs associated therewith, and collect the same in order to protect the health, safety and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That upon a hearing of the facts, the City Council hereby declares that proper notice was given to the owner(s) and lien holder(s) of the subject property to remove, abate or eliminate the public nuisance conditions on the subject property located at 808 North E Street; more specifically described as:

LOT 17, BLOCK 25, DIXIE SUBDIVISION TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS.

SECTION 2: That the City Council further declares that the owner(s) and lien holder(s) of the subject property failed to remove, abate or eliminate the public nuisance conditions at the property after it was condemned pursuant to Resolution No. 9554 in the time allowed by law, and that the City then abated the public nuisance conditions at a cost of no less than \$5,860.23 (See Affidavit attached hereto as Exhibit B.)

SECTION 3: That the City Council further declares that proper notice was given to the owner(s) and lien holder(s) of the subject property that a public hearing would be held on May 13, 2019 (see Proof of Publication attached hereto as Exhibit C) to determine the proper amount, if any, that should be filed as a clean up lien pursuant to Act 854 of 2007.

SECTION 4: That the City Council further declares that upon presentation of facts at a public hearing, the City is entitled to a priority clean up lien in the amount of \$5,905.23 (costs of abatement plus an additional \$45.00 filing fee for the subject lien certification) against the subject property. This lien, as provided for in Arkansas Code Ann. § 14-54-903, may be enforced and collected at any time within ten (10) years after the lien has been filed in either one of the following manners as provided for in Ark. Code Ann. § 14-54-904:

- (1) By an action for foreclosure in the circuit court; or
- (2) The amount so determined at this public hearing, plus ten percent (10%) penalty for collection, to be certified to the Pulaski County Tax Collector to be placed on the tax books as delinquent taxes and collected accordingly.

SECTION 5: That if the owner(s) or lien holder(s) fail to pay the amount of the herein certified clean-up lien in the time allowed by law, the City Attorney is hereby directed to pursue any and all proper legal actions for collection of the amount of said lien plus all applicable costs.

SECTION 6: 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 7: 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 AF*

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OF THE CITY ATTORNEY/cf

FILED	11:00	A.M.	_____	P.M.
By	<u>A Fields</u>			
DATE	<u>5-7-19</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>S. Usery</u>			



2018073898

PRESENTED: 11-29-2018 01:57:11 PM

RECORDED: 11-29-2018 02:02:56 PM

In Official Records of Larry Crane Circuit/County Clerk

PULASKI CO, AR FEE \$25.00

R-18-222

RESOLUTION NO. 9554

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 808 NORTH E STREET 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, 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 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 17, Block 25 Dixie Subdivision to the City of North Little Rock, Pulaski County, Arkansas (Parcel No. 23N0460046700 located at 808 North E Street and owned by Nathaniel Williams and Ollie Williams).

SECTION 3: That 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 \$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:

11/26/18

APPROVED:

Joe A. Smith
Mayor Joe A. Smith

SPONSOR:

Joe A. Smith
Mayor Joe A. Smith

ATTEST:

Diane Whitbey
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/cf

FILED	10:53	A.M.		P.M.
By	City Atty Amy Fields			
DATE	11-20-18			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	K. Thomas			

STATE OF ARKANSAS §
 § SS
COUNTY OF PULASKI §

I, Diane Whitbey, City Clerk and Treasurer for the City of North Little Rock, Arkansas, do hereby certify that the foregoing instrument is a true and correct copy of the original of Resolution 9554

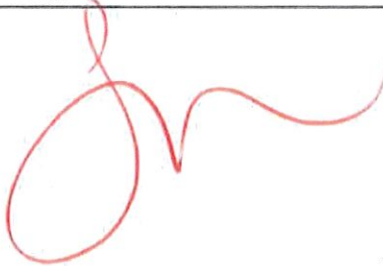
Book No. 63 filed in this office on the 26th
day of November, 2018.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of this office this 28th
day of November, 2018.

Diane Whitbey, City Clerk and Treasurer

By: Talor Shinn

(SEAL)





2019019747

STATE OF ARKANSAS)
COUNTY OF PULASKI)

Parcel 23N0460046700

PRESENTED: 04-03-2019 10:42:47 AM RECORDED: 04-03-2019 10:42:47 AM
In Official Records of Terri Hollingsworth Circuit/County Clerk

PULASKI CO, AR FEE \$15.00

AFFIDAVIT OF STATUTORY LIEN

Comes the City of North Little Rock, Arkansas by and through Tom Wadley, who states on oath that: My name is Tom Wadley, I am the Director of Code Enforcement for the City of North Little Rock, Arkansas ("the City"), and as such I am authorized to make this affidavit.

Acting pursuant to Ark. Code Ann. § 14-56-203, the North Little Rock City Council, on **November 26th 2018** Resolution # **9554** condemning a structure or structures located on the following described real property located in the City of North Little Rock, Pulaski County, Arkansas:

LEGAL DESCRIPTION AND ADDRESS OF PROPERTY

808 N. E. St.
Lot 17 Block 25 Dixie Addition
North Little Rock, AR 72114

After notice of the above mentioned condemnation was given to the owner's and /or heirs **Nathaniel & Ollie Williams** and due to the Owner's and/or heirs failure to raze or remove the structure(s), the City removed said structure(s) incurring a cost of **\$5,860.23**

<u>DATE</u>	<u>TYPE OF WORK</u>	<u>COST</u>		
Date Issued	Fee	Amount	Amount Paid	Due Date
4/1/2019	Admin/Collection Fees	\$60.00	\$0.00	5/1/2019
4/1/2019	Filing Fee	\$50.00	\$0.00	5/1/2019
4/1/2019	Postage Fee	\$43.32	\$0.00	5/1/2019
4/1/2019	Legal Notice	\$6.91	\$0.00	5/1/2019
4/1/2019	Demolition	\$5,700.00		5/1/2019
		Total Due: \$5,860.23		



The City has made demand for payment and gave the debtor notice of the City's intent to file this lien and the debtor has failed to make payment. No part of the debt has been paid and the City of North Little Rock claims a lien on this real property, pursuant to Ark. Code Ann. § 14-54-903(b), in the amount of **\$5,860.23** to secure this indebtedness.

WITNESS my hand this 2nd day of April, 2019.

CITY OF NORTH LITTLE ROCK

Tom Wadley
Tom Wadley
Director of Code Enforcement

SUBSCRIBED AND SWORN to before me this 2nd day of April, 2019.

Debra Mott
NOTARY PUBLIC

My Commission Expires: 10/3/2027



THE DAILY RECORD

STATE OF ARKANSAS

Pulaski County

LEGAL NOTICE OF PROPOSED CONDEMNATION
 Date: October 15, 2018 To: The hereinafter named owners and mortgage holders of record and all others who claim an interest in the hereinafter described properties: 900 N C St, Magnolia Davis Lot 13 Block 19 Dixie Sub Parcel 23N0460036900 North Little Rock, AR 72114; 1804/1806 W 47TH Street, Carl/Sonya Courtney Lot 3 Block 2 Arrow Head Manor Parcel 33N0520001500 North Little Rock, AR 72118; 1101 Curtis Syles Drive / Latreese/ Tommy L Hill Lot 13 Block 2 Industrial Parcel 33N226000200 North Little Rock, AR 72114; 808 N E Street, Nathaniel / Ollie Williams Lot 17 Block 25 Dixie Sub Parcel 23N0460046700 North Little Rock, AR 72114; 5502 Chiquito Road Nathaniel Williams Jr PT N1/2 S1/2 N1/2 SE SE COM NE COR TH S330 TH W409 TO POB TH S58 TH W160 N58 TH E160 TO POB AKA BLK 2 LT 1 OVERTON SUB UNREC PLAT 25-24-11W Parcel 23N0270004500 North Little Rock, AR 72117; Memorial Drive 1 Pershing Circle LLC Parcel 33N2270001100 W1/2 SW NW SUBJ TO EASE OVER 75 STRIP & EXC BG SE CR OF W1/2 N265 N142 S W145 S S13 E5 S134 E81 S172 E19 S16 W269 N73 W90 N16 E10.8 N21 W58.6 N72 W20 S17 W117 S112 S89 E300 TO POB North Little Rock, AR 72114; Parcel 33N2510001000 PT OF SE NE SECTION 28 2N-12W N89 114 W646 9 TH N0 118 E1315.5 TH S88 3640 E558.9 TH S0 55556 W1297.9 TO POB North Little Rock, AR, Parcel 33N2270001110 W1/2 SW NW BG SE CR OF W1/2 N265 N142 S W145 S S13 E5 8' N21 W58.6 N72 W20 S17 W117 S112 S89 E300 TO POB C/O 37945 27 2N 12W North Little Rock, AR 72117 Middle Pulaski Lands LLC / Gateway Realty / Megan Torres Lot 0 Block 20 ATKINS HOME TRS PT R 20 S 21 BEG 25 W OF ELI ATKINS TRONS L UCLAYTOR RE & SW AT ANGLE 55-SW PARALLEL WITH E L160/A 90 TO R 100 AT 90 TO R 60 AT 90 TO R 100 TO BEG Parcel 23N0740003500 North Little Rock AR Notice is hereby given that a building or other structure located upon the previously described lands will be considered for condemnation by the North Little Rock City Council at their meeting on November 26th at 6:30pm, 2018, and the right to contest the condemnation of this structure belongs to the City Council at the public hearing Tom Wadley Director DRI-10/23/18

I, William Burton, so solemnly swear that I am the COO of the Daily Record, a newspaper of general circulation in Pulaski County, State of Arkansas; that I was COO of The Daily Record at and during the publication of the annexed legal notice in the matter of:

Legal Notice of Condemnation

NLRCOND

pending in the Court in said County, and at dates of the several publications of said legal notice hereinafter stated, and that during said periods and at said dates, said newspaper was published and had a bona fide circulation in said County and State; that said newspaper had been regularly published in said County and State, and had a bona fide circulation therein for the period of one month before the date of the first publication of said legal notice; and that said legal notice was published in the regular daily issues of said newspaper on the following days:

10/23/18

This ad was published online at www.dailyrecord.us and www.publicnoticeads.com for the duration of the run dates listed above.

William R. Burton

COO

Subscribed and sworn before me this 23th of October, 2018

Melissa Miller

Notary Public

