STATE OF ARKANSAS

City of Brookland

RESOLUTION 2015-14

A RESOLUTION PROVIDING FOR THE CONDEMNATION AND REMOVAL OF HOUSES, BUILDINGS AND/OR STRUCTURES CONSTITUTING A NUISANCE WITHIN THE CORPORATE LIMITS; PROVIDING FOR A LIEN ON THE PROPERTY; PROVIDING A PENALTY THEREFORE, AND FOR OTHER PURPOSES

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brookland, Arkansas:

WHEREAS, at the regular meeting of the Brookland City Council on March 9, 2015 the following structure was approved to begin condemnation proceedings on a vacant home on the property located at 101 N. Bernis Street, Brookland, Arkansas;

WHEREAS, on April 17, 2015 a certified letter was sent to Tony Scott Leach, who is listed as the property owner following a title search of the property conducted March 26, 2015;

WHEREAS, the return receipt for the certified letter addressed to Tony Scott Leach was signed by Sandra Leach and dated April 21, 2015;

WHEREAS, the Mayor was contacted on June 3, 2015 by Wayne Koekemoer, who stated that he had purchased the above mentioned property;

WHEREAS, the single family residence and outbuilding, beige in color, were found to be in a rundown, dilapidated state with no utilities connected since May 8, 2007, broken windows, door to porch hanging off hinges, pieces of siding missing and screens torn as noted by the Brookland City Inspector on the Verification Work Sheet To Condemn Unsafe Structures dated February 6, 2015;

WHEREAS, Section 7 of Ordinance 2011-21 states that the owner of any property declared a nuisance by the City Council shall obtain necessary permits and commence to repair, rehabilitate, secure, raze and remove, or otherwise abate the nuisance within 30 days and shall continue such work to satisfactory completion within such time as the mayor or his designee determines. A renovation permit shall be required for the correction or elimination of nuisances on property or structures that have been approved for condemnation by the City Council. The conditions of the granting of a renovation permit are:

(1) A renovation permit must be obtained within 30 days from the date of condemnation by the City Council.

(2) A renovation permit shall expire 45 days from the date of issue.

(3) The City Council may grant upon written recommendation from the mayor or his duly-designated representative one extension not to exceed six months. Said extension shall be conditioned upon posting a bond, cash or cash equivalent, in the amount of 25 percent of value of the original building permit. Said sum shall be placed in an interest bearing account. Further

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said bond shall be posted prior to the request for the extension being placed on the City Council agenda.

(4) A structure or property shall be removed from condemnation procedures provided the provisions of this article have been complied with and the structure or property satisfactorily passes an inspection by the city inspector or code enforcement officer. At such time the money deposited per subsection (3) of this section shall be refunded. If the property does not pass inspection at the expiration of the permit said bond shall be used to cover the net costs of razing said structure. Any surplus money shall be refunded to the individual posting said bond together with any accrued interest. Any sum exceeding the amount of the bond shall be pursued pursuant to the collection provisions set forth herein.

(5) Fees for renovation permit issued involving building, electrical or plumbing repair or modification shall be the same as currently charged by the city for building, electrical and plumbing permits. A flat fee of $25.00 will be assessed for all renovation permits issued which does not involve building, electrical or plumbing repair or modification.

WHEREAS, Section 8 of Ordinance 2011-21 states that if the owner of the house, building and/or structure constituting a nuisance have not obtained the required permits and commenced work to rehabilitate, secure, raze and/or remove, or otherwise abate said nuisance within 30 days after the posting of the true copy of the resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the mayor or his duly-designated representative.

WHEREAS, Section 12 of Ordinance 2011-21 states that a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance, and for each day thereafter said nuisance be not abated constitutes a continuing offense punishable by a fine up to Five Hundred Dollars ($500.00) per day; provided the noticed as herein provided in Section 5 hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Brookland, Arkansas hereby condemns the vacant home located at 101 N. Bernis Street, Brookland, Arkansas.

Passed this 8th day of June, 2015.

ATTEST:

Kevin Orr, City Attorney

Kenneth D. Jones, Mayor

CITY OF BROOKLAND, ARKANSAS CORPORATE SEAL