R-16-03

RESOLUTION NO. _____

A RESOLUTION APPROVING AND CERTIFYING AMOUNTS OF LIENS TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS AS A RESULT OF GRASS CUTTING EXPENSES AND ABATEMENT OF OTHER NUISANCES; AND FOR OTHER PURPOSES.

WHEREAS, Section 8.3.1 of North Little Rock Municipal Code ("NLRMC") Chapter 8 (Nuisance Abatement and Property Maintenance), requires all property owners and occupants within the municipal boundaries of the City of North Little Rock ("the City") to cut weeds, grass and abate other nuisances and unsanitary conditions on their property; and

WHEREAS, pursuant to Ark. Code Ann. § 14-54-901, the City has the authority to do whatever is necessary to correct the unsightly and unsanitary conditions and to charge the costs thereof to the owners of lots or property who neglect or refuse to remove, abate or eliminate any weed or grass conditions after having been given seven (7) days written notice to do so; and

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of North Little Rock has corrected conditions existing on certain lots or other real property within the City of North Little Rock and is entitled to compensation pursuant to Ark. Code Ann. § 14-54-904; and

WHEREAS, the City has demanded payment in the amount allowed by law from the property owners where work was performed and notified said owners of the City's intent to file a lien against their properties; and

WHEREAS, said property owners have failed to make payment, no part of the debt has been paid, and the City claims a lien on the herein referenced properties (listed on Exhibit "A" attached hereto) pursuant to Ark. Code Ann. §§ 14-54-901 and 14-54-903; and

WHEREAS, state law also provides for a lien against the subject properties, with the amount of lien to be determined by the City Council at a hearing held after notice to the owner(s) thereof by certified mail or publication (see Exhibit "A" attached hereto), with said amount (plus a ten percent collection penalty) to be thereafter certified to the Pulaski County Tax Collector; and

WHEREAS, a hearing for the purpose of determining such liens has been set for 6:05 p.m. on January 11, 2016, in order to allow for service of the attached notice of same upon the listed property owners, by certified mail or publication as is necessary.

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

SECTION 1: That after notice to property owners, a public hearing was held at 6:05 p.m. on January 11, 2016, for the purpose of determining the amount of liens, if any, to be filed against certain real property as the result of grass cutting and abatement of other nuisances by the City of North Little Rock.

SECTION 2: That after said public hearing, and upon the verification of the Director of the North Little Rock Code Enforcement Department, the amounts listed on Exhibit "A" are hereby certified as obligations that are owed to the City and proper to be filed with the Pulaski County Treasurer and Assessor as liens against the real property associated therewith.

SECTION 3: That the Director of the Code Enforcement is hereby ordered to file liens as provided in this resolution; *except that*, prior to submission, he will update the list to remove any lien amounts that have been paid in full prior to forwarding the list to the County.

SECTION 4: That the Director of the Code Enforcement is authorized to execute and file such documents as are necessary to release any lien that is paid in full.

SECTION 5: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

Joe A. Smith

Mayor Joe A. Smith

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 10:28 A.M. _____ P.M.
By B Henderson - Legal
DATE 1-5-16

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

RECEIVED BY B Taylor

EXHIBIT "A"

LEGAL NOTICE OF PUBLIC HEARING

Notice is hereby given that lien amounts upon the following described lands will be considered by the North Little Rock City Council at their meeting on **January 11, 2016**, in the North Little Rock Council Chambers. The owner(s) has the right to contest the lien amount before the City Council at the public hearing.

33N2550000300
306 W. 20th, NLR
John Robert Smith Trust
Lot 2 Block 1
College Park N1
$400.00

33N2540008800
323 W. 20th, NLR
Devareaux Family Trust
Lot 21 Block 6
Rose Hill Lots
$150.00