

RESOLUTION NO. 2016-22

**RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A NUISANCE  
ON THE PROPERTY LOT 4, BLOCK 36, SANTA FE 6<sup>th</sup> ADDITION TO  
CHEROKEE VILLAGE SUBDIVISION, FULTON COUNTY, ARKANSAS**

**BY THE CITY OF CHEROKEE VILLAGE,  
SHARP AND FULTON COUNTIES, ARKANSAS**

WHEREAS, the City Council of the City of Cherokee Village, Arkansas, having met in session on the 15<sup>th</sup> day of December 2016, to hear the testimony and evidence presented on the issue of the VACANT AND ABANDONED HOUSE on the property Lot 4, Block 36, Santa Fe 6<sup>th</sup> Addition to Cherokee Village Subdivision, (physical address of 25 Tonsue Drive, Cherokee Village, AR 72529), Fulton County, Arkansas, owned by Mr. Leonard Smith, and

WHEREAS, the owner of the property has been duly notified of the hearing and had an opportunity to be heard and offer evidence on his behalf, and

WHEREAS, the owner of the property has caused and allowed the premises to deteriorate to the extent that the premises now endangers the life, health, safety and/or welfare of the public and any occupant on the premises; and

WHEREAS, the owner of the property has caused and allowed the structure on the premises to become dilapidated so as to cause a diminution of the enjoyment, use and property values of neighboring properties; and

WHEREAS, the owner of the property has caused and allowed the condition of the property to deteriorate to the extent that the property is a detriment to the public health, safety and general welfare because the property is vacant and unsecured; and

WHEREAS, the owner has failed to maintain the property so that there now exists on the property conditions that endanger the health, safety and welfare of the public and any occupant on the premises; and

WHEREAS, the owner has failed to maintain the property by not repairing damage to the structure and by allowing trash, rubbish and other unsanitary and unsightly article to remain on the premises; and

WHEREAS, the owner of the property has not secured the structures on the property; and

WHEREAS, the existence of the aforementioned conditions on property within the corporate limits of the City of Cherokee Village, Arkansas, constitutes a nuisance as defined in Ordinance No. 2008-05;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Cherokee Village, Arkansas, with the approval of the Mayor, that the City of Cherokee Village, Arkansas, shall order the razing and removal of the structures located on the property Lot 4, Block 36, Santa Fe 6th Addition to Cherokee Village Subdivision, Fulton County, Arkansas, also known as 25 Tonsue Drive, Cherokee Village, AR 72529, and the removal of all debris and trash on the property.

Such order shall be transmitted to the owner of the property giving the owner thirty (30) days to comply with the raze and remove order, and

In the event the owner of the property fails to raze and remove the property or otherwise correct all violations on the property within thirty (30) days of the date of this resolution, the City shall enforce the order by razing and removing the structure and removing all trash, rubbish and other unsanitary articles and things and asserting a lien

against the property for the costs of such razing and removal, plus the costs of collection and fees, and the allowable statutory penalty amount, such lien to be enforced as the law permits.

PASSED AND APPROVED BY THE CITY COUNCIL OF CHEROKEE VILLAGE,  
ARKANSAS

DATED: 12/15/16

APPROVED: Russell Stokes, Jr.  
Russell Stokes, Jr., Mayor

ATTEST: [Signature]  
Clerk/Recorder ~~Treasurer~~

