

RESOLUTION NO. 2019-12

**RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A NUISANCE
ON THE PROPERTY LOT 2, BLOCK 24, CHICKASAW FOURTH ADDITION
TO CHEROKEE VILLAGE SUBDIVISION, SHARP 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 16th day of May, 2019, to hear the testimony and evidence presented on the issue of the STRUCTURE DESTROYED BY FIRE on the property Lot 2, Block 24, Chickasaw Fourth Addition to Cherokee Village Subdivision, (physical address of 75 Algonquin Circle, Cherokee Village, AR 72529), Sharp County, Arkansas, owned by Mr. Charles Clements & Mrs. Carolyn Clements, 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 remains of the structure on the premises to remain after the structure has been destroyed by fire 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 unsecured; and

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

WHEREAS, the owner has failed to clean the premises by failing to properly dispose of the debris of the structure and by allowing trash, rubbish and other unsanitary and unsightly articles to remain on the premises; and

WHEREAS, the existence of the aforementioned conditions on the 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 remains of the structure located on the property Lot 2, Block 24, Chickasaw Fourth Addition to Cherokee Village Subdivision, Sharp County, Arkansas, also known as 75 Algonquin Circle, Cherokee Village, AR 72529, and the removal of all debris 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: 5/29/19

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

ATTEST: Deborah Weichinger
Deborah Weichinger, Clerk

ORDER TO RAZE AND REMOVE

From the City of Cherokee Village, Sharp and Fulton Counties, Arkansas

To: Clements, Charles & Carolyn, 13275 Highway 63 S, Hardy, AR 72542

Date: 5/29/19

Re: Lot 2, Block 24, Chickasaw Fourth Addition, Cherokee Village, Sharp County, Arkansas (a/k/a 75 Algonquin Circle, Cherokee Village, AR 72529)

Dear Mr. and Mrs. Clements,

Pursuant to resolution of the City Council of the City of Cherokee Village, Arkansas, dated May 16, 2019, and their statutory authority, you are hereby ordered to raze and remove the structure on your property, Lot 2, Block 24, Chickasaw Fourth Addition, Cherokee Village Subdivision, Sharp County, Arkansas (a/k/a 75 Algonquin Circle, Cherokee Village, AR 72529), and remove all trash, rubbish and garbage on the property within thirty (30) days of the date above.

If you fail to remove the structure and debris, and otherwise comply with this Order, and fail to return the property to its natural contour and vegetation within the time allowed, the city shall cause the structure, debris, trash, rubbish and garbage to be removed, the property returned to its natural state, and assert a lien against the property to recover the costs incurred, plus administrative expenses, statutory penalties and fees. The lien will then be collected as provided for by law.

City of Cherokee Village, Arkansas

By: Russell Stokes, Jr.
Russell Stokes, Jr., Mayor