

RESOLUTION NO. 2019- 08

**RESOLUTION TO ORDER THE REMOVAL OF A NUISANCE ON THE
PROPERTY LOT 7, BLOCK 14, EIGHTH 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 28TH day of MARCH, 2019, to hear the testimony and evidence presented on the issue of the trash and debris on the property Lot 7, Block 14, Eighth Addition to Cherokee Village Subdivision, (physical address of 127 Hiawatha Drive, Cherokee Village, AR 72529), Sharp County, Arkansas, owned by Irey and Kathryn Burgett, husband and wife; 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 or her behalf, and

WHEREAS, the owner of the property has caused and allowed the accumulation of trash on the premises and has failed to maintain the property 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; and

WHEREAS, the owner has failed to maintain the outside premises of the property by not cutting the weeds and grass growing thereon and by allowing trash, rubbish and other unsanitary and unsightly article to remain on the premises; 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 owner of the property Lot 7, Block (14), Eighth Addition to Cherokee Village Subdivision, Sharp County, Arkansas, also known as 127 Hiawatha Drive, Cherokee Village, AR 72529, to clean the property of accumulated trash and to cut the grass and other growing vegetation on the premises, and

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

In the event the owner of the property fails to correct all violations on the property within thirty (30) days of the date of this resolution, the City shall enforce the order by cleaning the property and asserting a lien against the property for the costs of such cleaning, 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: 4/6/2019

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

ATTEST: Deborah Weichinger
Deborah Weichinger, City Clerk

ORDER TO CLEAN PROPERTY

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

To: Irely and Kathryn Burgett
P.O. Box 512
Flippin, AR 72634

Date: 4/1/2019

Re: Lot 7, Block 14, Eighth Addition, Cherokee Village, Sharp County, Arkansas (a/k/a 127 Hiawatha Drive, Cherokee Village, AR 72529)

Dear Mr. and Mrs. Burgett,

Pursuant to resolution of the City Council of the City of Cherokee Village, Arkansas, dated March 28, 2019, and their statutory authority, you are hereby ordered to remove the accumulated trash and cut the grass on your property, Lot 7, Block 14, Eighth Addition, Cherokee Village, Sharp County, Arkansas (a/k/a 127 Hiawatha Drive, Cherokee Village, AR 72529), within thirty (30) days of the date above.

If you fail to remove the trash and clean the property by cutting the grass and weeds, and otherwise comply with this Order, within the time allowed, the city shall cause the trash, rubbish and garbage to be removed and cut the grass and weeds, 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