

**City of Fayetteville Staff Review Form**

**2017-0680**

**Legistar File ID**

**12/19/2017**

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Yolanda Fields

11/21/2017

COMMUNITY RESOURCES (642)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

Staff recommends the approval of an abatement lien to be filed with the Ex-Officio Recorder of Washington County Arkansas for the costs associated with the abatement of unsafe conditions at the property located at 265 W Nonnmaker Drive.

**Budget Impact:**

NA	NA
Account Number	Fund
Project Number	Project Title
<b>Budgeted Item?</b> NA	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance <b>\$ -</b>
<b>Does item have a cost?</b> NA	Item Cost \$ -
<b>Budget Adjustment Attached?</b> NA	Budget Adjustment
	Remaining Budget <b>\$ -</b>

V20140710

Previous Ordinance or Resolution # 128-17

Original Contract Number: \_\_\_\_\_


Approval Date: \_\_\_\_\_

Comments:



**MEETING OF DECEMBER 19<sup>TH</sup>, 2017**

**TO:** Mayor and City Council

**THRU:** Yolanda Fields, Community Resources Director 

**FROM:** David Carver, Code Compliance Administrator

**DATE:** December 1<sup>st</sup>, 2017

**SUBJECT: 265 Nonnamaker - Raze & Removal – Abatement Lien**

**RECOMMENDATION:**

Staff recommends the approval of an abatement lien to be filed with the Ex-Officio Recorder of Washington County Arkansas for the costs associated with the abatement of unsafe conditions at the property located at 265 W Nonnamaker Drive.

**BACKGROUND:**

On June 20<sup>th</sup>, 2017, the Fayetteville City Council passed and approved Resolution No.128-17. The resolution states that, by the authority granted pursuant to A.C.A 14-56-203, and in accordance with the provision of Section 173.09 of the Fayetteville Unified Development Code, Harold & Rosetta Harmon are hereby ordered to Raze & Remove the dilapidated, unsightly, and unsafe structure located at 265 W Nonnamaker (Parcel #765-15010-000). Resolution No. 128-17 also states that if Harold & Rosetta Harmon do not comply with this order, the Mayor is hereby directed to cause the structure to be Razed & Removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. 14-54-904, for the costs associated therewith.

**DISCUSSION:**

After the granted time for compliance had lapsed, the property owners failed to comply with the order. On September 12<sup>th</sup>, 2017, Code Compliance razed & removed the unsafe structure. The costs associated with the raze & removal totaled seven thousand four hundred dollars and zero cents. (\$7,400.00)

**BUDGET/STAFF IMPACT:**

n/a

**Attachments:**

Attachments include the abatement lien, the notice to property owners, the signed resolution, copies of the purchase order, invoice, payment, and photos of the project.



CITY OF  
**FAYETTEVILLE**  
ARKANSAS

ABATEMENT LIEN

This lien executed this **19<sup>TH</sup> day of December, 2017**, by the **City of Fayetteville** (referred to as the City) for the unsafe conditions of the property located at **265 W Nonnamaker Drive**, more particularly described as;

A part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section 21, in Township 16 North, Range 30 West of the 5th P.M., and being more particularly described as beginning 1. 80 chains North of the Southeast corner of the said SW1/4 of the SE1/4, Section 21, Township 16 North, Range 30, and running thence North five and ninety-four hundredths chains, thence West eleven and thirty hundredths chains to the East side of U.S. Highway No. 71 twenty feet East of the center of Highway Slab, thence southerly with the East side of Highway No. 71 six chains to a point twelve and thirty hundredths chains West of the beginning point, thence East twelve and thirty hundredths (12.30) chains to the place of beginning, containing seven. ( 7) acres, more or less, **LESS AND EXCEPT** a permanent easement to the City of Fayetteville, Arkansas, of 15 feet of equal and uniform width off of the entire West side of the above described real estate.

(referred to as the Property), owned by **Harold and Rosetta Harmon**, or his/her/their heirs or assigns, (referred to as the Owner).

**NOW THEREFORE**, in consideration for the raze and removal expense:

1. The City directed the Owner(s) of the Property to correct the unsafe conditions on the Property. The Owner(s) failed to correct the conditions resulting in an abatement of **Seven Thousand Four Hundred Dollars, (\$7,400.00)**
2. This lien will be filed with the Ex-Officio Recorder of Washington County, Arkansas.

**IN WITNESS THEREOF**, the City has executed this Agreement on or as of the date first above written.

\_\_\_\_\_ Date \_\_\_\_\_  
Lioneld Jordan, Mayor

**SUBSCRIBED AND SWORN** before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

(SEAL)



CITY OF  
**FAYETTEVILLE**  
**ARKANSAS**

November 1<sup>st</sup>, 2017

Harold & Rosetta Harmon  
2050 S School Ave  
Fayetteville, AR 72701

RE: Enforcement of Fayetteville Code 173.09  
Arkansas Code Ann. 14-56-203

## NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A 14-56-203 as 173.09 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine the amount of the lien to be placed on the property located at **265 W Nonnamaker (WC Parcel 765-15010-000)** for the costs associated with the abatement of conditions related to violations of City Code 173.09.

You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 575-8260.

The hearing will be part of a regular City Council meeting on **December 19th, 2017** beginning at 5:30pm at the City Administration Building, 113 W. Mountain St., Fayetteville, AR 72701. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "David Carver", is written over a horizontal line.

David Carver  
Code Compliance Administrator

This Notice is for HAROLD & ROSETTA HARMON

PROOF OF SERVICE

I personally delivered the Notice at 2050 S. SCHOOL AVE.,  
FAYETTEVILLE, AR [place] on NOVEMBER 1, 2017 [date]; or

I left the Notice in the proximity of the individual by \_\_\_\_\_  
\_\_\_\_\_, after he/she refused to receive it when I offered it to him/her; or

I left the Notice at the individual's dwelling house or usual place of abode  
at \_\_\_\_\_ [address] with  
\_\_\_\_\_ [name], a person at least 14 years of age who resides there, on  
\_\_\_\_\_ [date]; or

I delivered the Notice to \_\_\_\_\_ [name of individual], an agent  
authorized by appointment or by law to receive service of summons on behalf of  
\_\_\_\_\_ [name of person being served] on  
\_\_\_\_\_ [date]; or

I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I served the Notice on  
the defendant by certified mail, return receipt requested, restricted delivery, as shown by the attached  
signed return receipt.

I am the plaintiff in this lawsuit, and I mailed a copy of the Notice by first class mail to the defendant  
together with two copies of a notice and acknowledgment and received the attached notice and  
acknowledgment form within twenty days after the date of mailing.

Other [specify]: \_\_\_\_\_

I was unable to execute service because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My fee is \$ 50<sup>00</sup>

Date: Nov 2, 2017

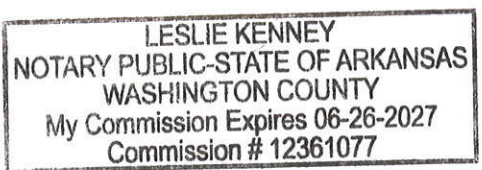
By: Karen May  
[Signature of server]

KAREN MAY WPS2006-6  
[Printed name]

Address: P.O. BOX 4841

FAYETTEVILLE, AR

Phone: 479-879-3642



Subscribed and sworn to before me this date: NOV 2, 2017

Leslie Kenney  
Notary Public

My Commission Expires: 6/26/2027

Additional notices served:

---

---

---


# Wright Investigations

Karen Wright May  
P.O. Box 4841  
Fayetteville, AR 72702  
Phone 479.879.3642 Fax 479.856.6021

DATE: 11/02/17  
INVOICE # WPS-17-202  
FOR: Process Service

**Bill To:**

City of Fayetteville  
Attn: David Carver  
113 W. Mountain Street  
Fayetteville, AR 72701  
479-575-8260

DESCRIPTION	AMOUNT
Notice to Property Owners  11/01/17: Process Service on Harold & Rosetta Harmon Flat Fee  	\$50.00
<b>TOTAL</b>	<b>\$50.00</b>

Make all checks payable to Wright Investigations. Payments should be received within 30 days.

THANK YOU FOR YOUR BUSINESS!



113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

**Resolution: 128-17**

---

**File Number: 2017-0237**

**RAZE AND REMOVAL 265 WEST NONNAMAKER DRIVE:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY HAROLD AND ROSETTA HARMON LOCATED AT 265 WEST NONNAMAKER DRIVE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

**WHEREAS**, Harold and Rosetta Harmon are the record owners of real property located at 265 West Nonnamaker Drive, City of Fayetteville, Washington County, Arkansas, legally described as follows:

**A part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section 21, in Township 16 North, Range 30 West of the 5th P.M., and being more particularly described as beginning 1.80 chains North of the Southeast corner of the said SW1/4 of the SE1/4, Section 21, Township 16 North, Range 30, and running thence North five and ninety-four hundredths chains, thence West eleven and thirty hundredths chains to the East side of U.S. Highway No. 71 twenty feet East of the center of Highway Slab, thence southerly with the East side of Highway No. 71 six chains to a point twelve and thirty hundredths chains West of the beginning point, thence East twelve and thirty hundredths (12.30) chains to the place of beginning, containing seven (7) acres, more or less; and**

**WHEREAS**, the City Council has determined that a structure located on said property with the address 265 West Nonnamaker Drive is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and

**WHEREAS**, Harold and Rosetta Harmon, having been properly served with Violation Notices via Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violations, have refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.



**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Section 173.09 of the Fayetteville Code of Ordinances, Harold and Rosetta Harmon are hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2: That, if Harold and Rosetta Harmon do not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

PASSED and APPROVED on 6/20/2017

**Approved:**

  
Lioneld Jordan, Mayor

**Attest:**

  
Lisa Branson, Deputy City Clerk



**SHIP TO** City of Fayetteville  
125 W Mountain  
Fayetteville, AR 72701

**BILL TO** City of Fayetteville  
113 W Mountain St  
FAYETTEVILLE, AR 72701

**REPRINT PURCHASE ORDER**  
NO. 2017-00000608

**DATE** 09/25/2017

**VENDOR** 22303 M&M Excavating LLC

**CONTACT** M&M Excavating LLC  
377 Sulphur City Rd  
Fayetteville, AR 72701



**DELIVER BY**  
**SHIP VIA**  
**FREIGHT TERMS** 1  
**ORIGINATOR** Lisa Darden  
**RESOLUTION #** 128-17  
**PAYMENT TERMS** 30

QUANTITY	U/M	DESCRIPTION	UNIT COST	TOTAL COST
1.0000	Each	Demolition Services - Raze & Removal - 265 Nonnamaker 1010.642.6420-5315.04 (Contract Services Raze and Removals) \$7,400.00 50033.1701 (Raze and Removals, 265 W Nonnamaker Drive Raze and Removal)	\$7,400.0000	\$7,400.00
<b>TOTAL DUE</b>				\$7,400.00

*Final Payment*

*Judice Rennie*

APPROVED BY \_\_\_\_\_

SPECIAL INSTRUCTIONS

Return To:

*Lisa Darden*

Received By *LD*

Date 9.26.17

Amount \$ 7,400.00

Approved By *LD*

DATE	INVOICE NO.	DESCRIPTION	NET AMOUNT
09/26/2017	2017-00003473	Raze & Removal-265 Nonnamaker	7,400.00
<i>Made on 10-5-17 - LD</i>			7,400.00

25

CHECK AMOUNT \$7,400.00

DETACH HERE FOR YOUR RECORDS

WARNING - THIS CHECK IS PROTECTED BY SPECIAL SECURITY GUARD PROGRAM™ FEATURES



**CITY of FAYETTEVILLE**  
 FAYETTEVILLE, ARKANSAS  
 Operating Account

CHECK NO. 8368

ARVEST  
 Fayetteville, Arkansas  
 81-87/829

DATE  
 10/02/2017

VOID IF NOT  
 CASHED IN  
 60 DAYS

Seven Thousand Four Hundred and 00/100 Dollars

AMOUNT  
 \$7,400.00

PAY TO THE ORDER OF

M&M Excavating LLC  
 377 Sulphur City Rd  
 Fayetteville, AR 72701



*Amel Jank*  
 Mayor  
*Paul A. Becker*  
 Finance Director

THIS CHECK CONTAINS MULTIPLE SECURITY FEATURES - SEE BACK FOR DETAILS

⑈8368⑈ ⑆082900872⑆ 19617280⑈

M&M EXCAVATING, L.L.C

377 Sulphur City Rd.

Fayetteville, AR 72701

479-643-3750

City of Fayetteville

265 Nonamaker Dr. Fayetteville

9/26/17

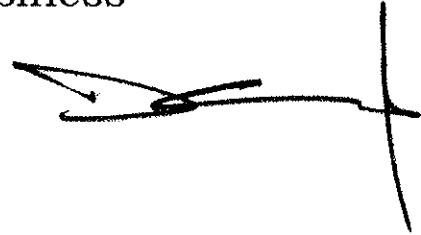
Demo of House

\$7,400.00

TOTAL DUE:

\$7,400.00

\*\*\* Thank You for your Business \*\*\*

A handwritten signature in black ink, consisting of a stylized, cursive name followed by a vertical line extending downwards.





