

City of Fayetteville Staff Review Form

2018-0374

Legistar File ID

8/7/2018

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

Yolanda Fields

7/18/2018

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 1946 N College Avenue.

Budget Impact:

| | |
|---------------------------------------|--|
| NA | NA |
| _____ Account Number | _____ Fund |
| NA | NA |
| _____ Project Number | _____ Project Title |
| Budgeted Item? <u>NA</u> | Current Budget \$ - |
| | Funds Obligated \$ - |
| | Current Balance \$ <input type="text"/> |
| Does item have a cost? <u>NA</u> | Item Cost |
| Budget Adjustment Attached? <u>No</u> | Budget Adjustment |
| | Remaining Budget \$ <input type="text"/> |

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # 117-18

Change Order Number: _____

Approval Date: _____


Original Contract Number: _____

Comments:



MEETING OF AUGUST 7TH, 2018

TO: Mayor and City Council

THRU: Yolanda Fields, Community Resources Director 

FROM: David Carver, Code Compliance Administrator

DATE: July 20th, 2018

SUBJECT: 1946 N College Ave. - 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 1946 N College Ave.

BACKGROUND:

On May 15th, 2018, the Fayetteville City Council passed and approved Resolution No.117-18. 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, ATR Properties LLC are hereby ordered to Raze & Remove the dilapidated, unsightly, and unsafe structure located at 1946 N College Ave. (Parcel #765-13516-000). Resolution No. 117-18 also states that if ATR Properties LLC does 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 June 18th, 2018, Code Compliance razed & removed the unsafe structure. The costs associated with the raze & removal totaled eleven thousand six hundred seventy eight dollars & zero cents (\$11,678.00)

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 **7TH day of August, 2018**, by the **City of Fayetteville** (referred to as the City) for the unsafe conditions of the property located at **1946 N College Ave**, more particularly described as;

A part of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of Section Three (3) in Township Sixteen (16) North, Range Thirty (30) West, in Washington County, Arkansas, and being more particularly described as follows, to-wit: Beginning at the Southeast corner of the NW 1/4 of the SW 1/4 of said Section 3, and running thence South 130.00 feet, thence West 310.98 feet; thence North 6 degrees 45' 0" East 99.27 feet; thence North 68 degrees 07' 30" West 69.01 feet, thence South 89 degrees 35' 36" West 75.63 feet, thence North 75 degrees 04' 51" West 112.10 feet, thence North 10 degrees 03' 40" East 180.15 feet, thence East 515.84 feet, thence South 200.00 feet to the point of beginning, and containing 3.37 acres, more or less. ALSO, a part of the West One-Half (W 1/2) of the Southwest Quarter (SW 1/4) of Section Three (3), Township Sixteen (16) North, Range Thirty (30) West, and being more particularly described as follows, to-wit: Beginning at the Southeast corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section Three (3), and running thence South 130 feet, thence West 310.98 feet to the true point of beginning, and running thence North 06 degrees 45' 00" East 99.27 feet, thence North 68 degrees 07' 30" West 69.01 feet, thence South 89 degrees 35' 36" West 75.63 feet, thence North 75 degrees 04' 51" West 112.10 feet, thence South 10 degrees 03' 40" West 155.00 feet, thence East 263.41 feet to the true point of beginning, and containing 0.76 acres, more or less.

(referred to as the Property), owned by **ATR Properties LLC**, 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 **Eleven Thousand Six Hundred Seventy Eight Dollars & Zero Cents (\$11,678.00)**
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

July 2nd, 2018

ATR Properties, LLC
C/O Susan McClendon
1883 Winwood Dr.
Fayetteville, AR 72703

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 **1946 N College (WC Parcel 765-13516-000)** 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 **August 7th, 2018** 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,

David Carver
Code Compliance Administrator

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
Christina Cushman Address

B. Received by (Printed Name) C. Date of Delivery
C. Cushman 7-5-15

ATR PROPERTIES LLC
 C/O SUSAN MC CLENDON
 1883 WINWOOD DR
 FAYETTEVILLE AR 72703

Address different from Item 1? Yes
 delivery address below: No

RECEIVED
 JUL 12 2015



9590 9402 2335 6225 0410 21

3. Service Type **CR DIVISION**
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Mail Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Postnet Number (Transfer from service label)

7016 3010 0000 9612 3117



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

Resolution: 117-18

File Number: 2018-0187

RAZE AND REMOVAL ATR PROPERTIES, LLC:

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY ATR PROPERTIES, LLC LOCATED AT 1946 NORTH COLLEGE AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT OF \$11,678.00

WHEREAS, ATR Properties, LLC is the record owner of real property located at 1946 North College Avenue, City of Fayetteville, Washington County, Arkansas, legally described in Exhibit A attached hereto; and

WHEREAS, the City Council has determined that a structure located on said property with the address 1946 North College Avenue is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and

WHEREAS, ATR Properties, LLC, having been properly served with Violation Notices by sending such notice by Certified Mail, Return Receipt Requested and by properly posting the Notice on the property for over 30 days, and given thirty (30) days to correct said violations, has failed 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:

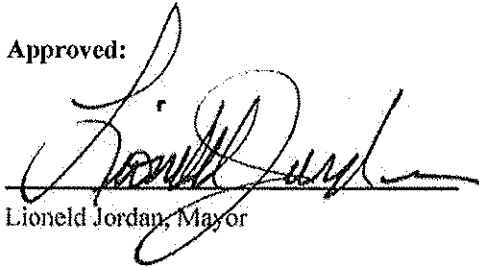
Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Section 173.09 of the Fayetteville Code of Ordinances, ATR Properties, LLC is hereby ordered to raze and remove forthwith the dilapidated, unsightly, and unsafe structure located at 1946 North College Avenue, Fayetteville, Arkansas. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2: That, if ATR Properties, LLC does not comply with this order, the Mayor is hereby authorized 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.

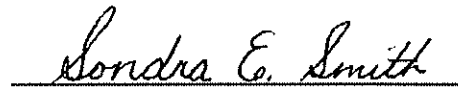
Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

PASSED and APPROVED on 5/15/2018

Approved:


Lioneld Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk Treasurer



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. 2018-00000456

DATE 06/14/2018

VENDOR 19045 Redline Contractors LLC

CONTACT
Redline Contractors LLC
PO Box 600
FARMINGTON, AR 72730



DELIVER BY
SHIP VIA
FREIGHT TERMS 1
ORIGINATOR Lisa Darden
RESOLUTION # 117-18
PAYMENT TERMS 30

| QUANTITY | U/M | DESCRIPTION | UNIT COST | TOTAL COST |
|----------|------|--|---------------|-------------|
| 1.0000 | Each | Professional Services - Other - 1946 N College Ave Raze & Removal 1010.642.6420-5315.04 (Contract Services Raze and Removals) \$11,678.00 50033.1802 (Raze and Removals, 1946 N. College Ave.) | \$11,678.0000 | \$11,678.00 |

TOTAL DUE **\$11,678.00**

Judice Rennie

APPROVED BY _____

SPECIAL INSTRUCTIONS



PO Box 600
 Farmington, AR 72730
 Phone: 479-419-4100
 Fax: 479-419-4102

Invoice

| | |
|-----------|-----------|
| Date | Invoice # |
| 6/27/2018 | 18-RL024 |

| |
|--|
| Bill To |
| City of Fayetteville 125 W Mountain Fayetteville, AR 72701 |

| | |
|--------|--------------------------------|
| Terms | Project |
| Net 30 | 18-RL024 1946 N College Demo |

| Item | Description | Qty | Rate | Amount |
|------------------|--|-----|-----------|-----------|
| 02.02 Demolition | Raze & Removal at 1946 N College Ave, Fayetteville | | 11,678.00 | 11,678.00 |

| | | | |
|-----------------------|--|-------------------------|-------------|
| | | Total | \$11,678.00 |
| E-mail | | Payments/Credits | \$0.00 |
| accounting@redline.me | | Balance Due | \$11,678.00 |

| DATE | INVOICE NO. | DESCRIPTION | NET AMOUNT |
|--------------|-------------|-----------------------------------|-------------|
| 06/27/2018 | 18-RL024 | 1946 N College Ave Raze & Removal | 11,678.00 |
| CHECK AMOUNT | | | \$11,678.00 |

48

DETACH HERE FOR YOUR RECORDS



CITY of FAYETTEVILLE
 FAYETTEVILLE, ARKANSAS
 Operating Account

ARVEST
 Fayetteville, Arkansas
 81-877829

CHECK NO. 12810

| |
|------------|
| DATE |
| 07/02/2018 |

VOID IF NOT
 CASHED IN
 60 DAYS

| |
|-------------|
| AMOUNT |
| \$11,678.00 |

Eleven Thousand Six Hundred Seventy-Eight and 00/100 Dollars

PAY TO THE ORDER OF

Redline Contractors LLC
 PO Box 600
 FARMINGTON, AR 72730

Lonell Jordan
 Mayor
Paul A. Becker
 Finance Director



