

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2225 FENDLEY DRIVE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES.**

WHEREAS, the buildings and structures whose location is set forth herein are vacant and have become run down, dilapidated, unsightly, dangerous, obnoxious, unsafe, not fit for human habitation and detrimental to the public welfare of North Little Rock citizens and residents; and

WHEREAS, the condition of such property constitutes a serious fire and health hazard to the City of North Little Rock, and unless immediate actions are taken to remedy this situation by removing, razing and abating said nuisance, there is a great likelihood that the surrounding property may be destroyed by fire originating from such unsafe and hazardous structures, and also that since structures are without proper sanitary facilities and as such are unsafe and hazardous and a breeding place for rats, rodents and other dangerous germ carriers of diseases, such buildings constitute a serious hazard to the health and safety of the citizens of North Little Rock, and they should be moved or razed for the purpose of eliminating such hazards.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the City Council hereby declares the buildings, houses and other structures located at the property identified in Section 2 below to be vacant and run down, dilapidated, unsafe, unsightly, dangerous, obnoxious, unsanitary, a fire hazard, a menace to abutting properties, with the current condition of said structures not being fit for human habitation; and because of such conditions, the City Council declares the same to be condemned as a public nuisance and is ordered abated, removed or razed by the owner thereof.

SECTION 2: That the owner of record of the following described property is hereby directed to raze the same or otherwise abate the said nuisance within thirty (30) days after the posting of a true copy of this Resolution at a conspicuous place upon the structure constituting the nuisance described herein, to-wit:

Lot 10, Block 3, Pike Plaza Heights Subdivision in the City of North Little Rock, Pulaski County, Arkansas. (Parcel No. 33N2390003000 located at 2225 Fendley Drive and owned by Rafael Guarionex DeCastro.)

SECTION 3: If the aforementioned structures have not been razed and/or removed within thirty (30) days after posting a true copy of this Resolution at a conspicuous place upon the structures constituting the nuisance, or the nuisance otherwise abated, the structures shall be torn down and/or removed by the Director of Code Enforcement or his duly designated representative. Each day after the aforesaid thirty (30) days in which said nuisance is not abated shall constitute a separate and distinct offense punishable by a fine of \$50.00 for each such separate and distinct offense.

SECTION 4: That the provisions of this Resolution are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

\_\_\_\_\_

\_\_\_\_\_  
Mayor Joe A. Smith

SPONSOR:

ATTEST:

\_\_\_\_\_  
Mayor Joe A. Smith

\_\_\_\_\_  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	10:56	A.M.	P.M.
By	C. Jason Carter		
DATE	7-21-15		
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas			
RECEIVED BY	A. Marshall		

R-15-111

TOM WADLEY  
DIRECTOR

The City of North Little Rock



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CODE ENFORCEMENT DEPARTMENT

June 16, 2015

Mayor Smith  
City Council Members

Re: 2225 Fendley  
Lot 10 Block 3 Pike Plaza Heights  
City of North Little Rock, AR

Owner: Rafael Guarionex DeCastro  
Little Rock, AR

Mortgage Holder: OneBanc  
Little Rock, AR

Dear Mayor Smith;

January 2<sup>nd</sup>, 2014 Officer C. Williams conducted an exterior inspection of this property the property is an apartment complex which consist of six apartments, four of which sustained fire damage and was determined to be unfit for human habitation, the roofing system was severely damaged. The structure was red-tagged and notices were mailed to owners of record according to the Pulaski County Assessors.

January 2014 Mr. DeCastro acknowledged the notice from our office and forwarded information showing that he had filed a claim with his insurance company. Mr. DeCastro was also advised to keep the property secured and the grass cut. During the next few months follow-up inspections showed the apartments to still be unsecured and grass uncut. Mr. DeCastro was again contacted and advised that he still had to maintain the property. Mr. DeCastro stated that he was having trouble obtaining his funds from the bank that were released from the insurance company.

July 2014 Mr. DeCastro, Officer C. Williams and I conducted a follow-up inspection of the properties, the structure has continued to deteriorate from water damage due the damage to the roofing area caused by the fire. Mr. DeCastro was advised that due to the hazardous condition of the structure we would need to start the condemnation proceedings. The owners of record and/or heirs were mailed a Notice of the City Council hearing scheduled for September 22<sup>nd</sup>, 2014 notices were mailed by certified and regular mail to all interested parties and posted on the property notifications were also advertised in the newspaper.

September 22<sup>nd</sup>, 2014 Structure went before City Council it was called and held pending possible sale of the property. Mr. Decastro also had pending court dates, each court appearance Mr. Descastro talked about other pending sales for the properties falling through. He was ultimately fined \$10,000.

City Council called the legislation up 6 times and it was finally dismissed from the docket. A new City Council date was issued for July 27<sup>th</sup>, 2015. Notices were mailed by certified and regular mail to all interested parties and posted on the property notifications were also advertised in the newspaper.

This structure has been vacant since January 2014. This structure is considered to be extremely hazardous and a public nuisance. Due to the condition of this structure it is the recommendation of the North Little Rock Code Enforcement Department that the structure be considered for condemnation.

Felecia McHenry  
Code Enforcement Officer