

**RESOLUTION No. R-2022-28**

**A RESOLUTION CERTIFYING THE AMOUNT OF CLEAN UP LIEN TO BE FILED WITH THE LONOKE COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 24 WEATHERWOOD LANE IN THE CITY OF WARD, ARKANSAS, AND FOR OTHER PURPOSES.**

**WHEREAS**, certain property located at 25 Weatherwood Lane in the of Ward, Arkansas was declared a public nuisance according to Arkansas Code Annotated (A.C.A.) § 14-54-903 and Ward Municipal Code 11.32.07.

**WHEREAS**, A.C.A § 14.54.903 provides that if the owner(s) or lien holder(s) of any lot or structure, after having been given seven (7) days' notice in writing (See Attachment A) to do so, refuses to remove, abate or eliminate any nuisance property, the City of Ward is authorized to do whatever is necessary to correct the conditions and charge thereof to the owner(s) of the real property; and,

**WHEREAS**, according to the Lonoke County Assessor's Office, Parcel No. 800-80008-000, described as 24 Weatherwood Lane, Ward, Arkansas is owned by Justin Correira (Attachment B) who, after receiving notice from the City regarding the conditions of the property, has failed to abate the condition; and,

**WHEREAS**, pursuant to A.C.A. §§ 14-54-901, et seq. and Act 854 or 2007, the City of Ward is authorized to abate the nuisance conditions, establish a lien for the costs associated therewith, and collect same in order to protect the health, safety, and welfare of the community.

**NOW, THEREFORE, IT IS RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WARD THAT;**

**SECTION 1:** That upon hearing the facts, the City Council hereby declares that proper notice was given to the owner(s) and/or lien holder(s) of the subject property to remove, abate or eliminate the public nuisance conditions on the subject property located at 24 Weatherwood Lane; more specifically described as:

***LOT 8, WEATHERWOOD SUBDIVISION TO THE CITY OF WARD, LONOKE COUNTY ARKANSAS. (PARCEL NO. 800-80008-000, LOCATED AT 24 WEATHERWOOD LANE, WARD, AR AND OWNED BY JUSTIN CORREIRA)***

**SECTION 2:** That the City Council further declares that the owner(s) and lien holder(s) failed to remove, abate or eliminate the public nuisance condition at the property after it declared a public nuisance pursuant to Ward Municipal Code 11.32.07 in the time allowed by law, and that the City then abated the public nuisance conditions at a cost of no less than **\$5,344.97** (See Attachment C)

**SECTION 3:** That the City Council further declares that proper notice was given to the owner(s) and/or lien holder(s) of the subject property that a public hearing would be held on August 15, 2022 (See Attachment D) to determine the proper amount, if any, that should be filed as a clean up lien pursuant to Act 854 of 2007.

**SECTION 4:** That the City Council further declares that upon presentation of facts at a public hearing, the City is entitled to a priority clean up lien in the amount of **\$5,344.97** against the subject property. This lien, as provided by A.C.A. 14-54-903, may be enforced and collected at any time within ten (10) years after the lien has been filed in either one of the following manners as provided for in A.C.A. 14-54-90.

(1) By an action for foreclosure in the circuit court; or

(2) The amount so determined at public hearing, plus ten percent (10%) penalty for collection, to be certified to the Lonoke County Tax Collector to be placed on the tax books as delinquent taxed and collected accordingly.

**SECTION 5:** That if the owner(s) or lien holder(s) fail to pay the amount of the herein certified clean up lien in the time allowed by law, the City Attorney is hereby directed to pursue any and all proper legal actions for collection of the amount of said lien plus all applicable costs.

**SECTION 6:** That the provisions of the 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 7:** That the Resolution shall be in full force and effect from and after its passage

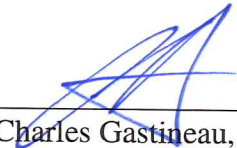
Said resolution has been properly introduced and the vote was:

PASSED


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DATE: September 19, 2022

APPROVED:

  
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Charles Gastineau, Mayor

ATTEST:

  
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Krystal Rummel, City Clerk