

City of Fayetteville Staff Review Form

C. 2
1609 S. Duncan Avenue
Raze and Removal
Page 1 of 16

City Council Agenda Items
and
Contracts, Leases or Agreements

5/15/2012

City Council Meeting Date
Agenda Items Only

Yolanda Fields Community Services Development Services
Submitted By **Division** **Department**

Action Required:

Public Hearing and Resolution to order the Raze and Removal of the unsafe structure located at 1609 S. Duncan Ave. (WC Parcel # 765-09640-000) and approval of a Budget Adjustment in the amount of \$3,495.00

\$ <u>3,495.00</u>	\$ <u>4,149 -</u>	
Cost of this request	Category / Project Budget	Program Category / Project Name
<u>1010.6420.5315.04</u>	\$ <u>-</u>	Raze and Removal
Account Number	Funds Used to Date	Program / Project Category Name
<u>10033, 1203</u>	\$ <u>4,149 -</u>	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item Budget Adjustment Attached

<u>Jenny C. Pike</u>	<u>04-26-2012</u>	Previous Ordinance or Resolution # _____
Department Director	Date	
<u>Jim Kelly</u>	<u>4-26-12</u>	Original Contract Date: _____
City Attorney	Date	Original Contract Number: _____
<u>Paul a. Beck</u>	<u>4-27-2012</u>	
Finance and Internal Services Director	Date	
<u>Don Man</u>	<u>4-27-12</u>	
Chief of Staff	Date	
<u>Leonard Jordan</u>	<u>4/27/12</u>	
Mayor	Date	

Received in City Clerk's Office 04-25-12 P12:58 RCVD
USB

Received in Mayor's Office
ENTERED
4/26/12
F.H.

Comments: Staff recommends the Raze and Removal of the structure and approval of the budget adjustment.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director JP

From: Yolanda Fields, Community Services Director

Date: April 23, 2012

Subject: Raze and Removal of structure on 1609 S. Duncan Ave.

RECOMMENDATION

Staff recommends approval of the Resolution ordering the Razing and Removal of a dilapidated and unsafe structure located at 1609 S. Duncan Avenue. Staff also recommends approval of the budget adjustment in the amount of \$3,495.00.

BACKGROUND

Service Request # 112782, Case # 14384: Code Compliance responded to a request concerning the structure located at 1609 S. Duncan Avenue. The structure appeared to be in violation of Subsection 173.09(A), Unsafe Buildings, of the City Code of Ordinances. The Chief Building Official inspected the property and determined that the structure was in violation of Subsection 173.09(A), Unsafe Buildings, of the City Code of Ordinances. Specifically, the Chief Building Official observed: major dilapidation that repair would not be cost effective. The roof, floors and ceiling have major damage and any repairs would require structure be brought up to current building codes.

On September 19, 2011, an Unsafe Building Notice of Violation was sent to the property owners, Adam P., Perry J., and Carolyn A. Dyess. On October 13, 2011, our office received the Certified Mail Receipt signed by the property owner. By ordinance, the property owner was given until November 13, 2011 to acquire a building permit or to raze and remove the structure.

DISCUSSION

This parcel contains a 1,175 square foot, two story wood frame single family dwelling. The structure is secured, but has deteriorated to a point where it is no longer safe. There is not a current building permit on this structure.

BUDGET IMPACT

If the property owner does not comply with the Raze and Removal order, previously approved funds will be reallocated to raze and remove the structure. A Lien will be placed on the parcel for the incurred costs.

RESOLUTION NO. _____

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY ADAM P. DYESS, PERRY J. DYESS AND CAROLYN A. DYESS LOCATED AT 1609 S. DUNCAN AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$3,495.00

WHEREAS, Adam P. Dyess, Perry J. Dyess and Carolyn A. Dyess are the record owners of the real property situated at 1609 S. Duncan Avenue, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

WC Parcel Number 765-09640-000; and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, the property owners, having been properly served with a Violation Notice via Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violation, has 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 Ordinance No. 3948 of 1996, Adam P. Dyess, Perry J. Dyess and Carolyn A. Dyess 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 Adam P. Dyess, Perry J. Dyess and Carolyn A. Dyess 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 in the amount of \$3,495.00, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 15th day of May, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer


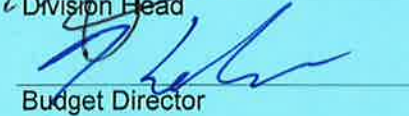

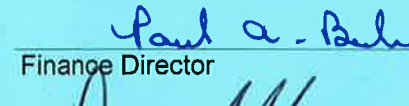


**City of Fayetteville, Arkansas
Budget Adjustment Form**

C. 2 V11.0425
1609 S. Duncan Avenue
Raze and Removal
Page 4 of 16

Budget Year 2012	Division: Community Services Department: Development Services	Request Date 4/11/2012	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Move \$3495 Raze and Removal funds from cancelled project #10033-1001 to current Raze and Remove project #10033-1203 for 1609 S Duncan.

 Division Head	<u>4/25/12</u> Date	Prepared By: <u>Rachel</u>	<u>rafielids</u>
 Budget Director	<u>4.25.12</u> Date	Reference: _____	
 Department Director	<u>4/26/2012</u> Date	Budget & Research Use Only	
 Finance Director	<u>4-27-2012</u> Date	Type: A B C D E P	
 Chief of Staff	<u>4-27-12</u> Date	General Ledger Date _____	
 Mayor	<u>5/1/12</u> Date	Posted to General Ledger _____	Initial Date
		Checked / Verified _____	Initial Date

TOTAL BUDGET ADJUSTMENT

Account Name	Account Number	Increase / (Decrease)		Project.Sub Number
		Expense	Revenue	
Raze and Removals	1010.6420.5315.04	3,495		10033 . 1203
Raze and Removals	1010.6420.5315.04	(3,495)		10033 . 1001
				:
				:





Code Compliance Program Unsafe Building Violation Determination

Address / Location: 1609 S. Duncan Ave.

WC Parcel # 765-09640-000

I have determined that the structure above has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

I recommend the raze and removal of the structure.

I recommend securing the structure.

Building Official

16 Sep 11

Observations: Examination of the structure since my last inspection has had major dilapidation that repair would not be cost effective. The roof, floors, ceiling have major damage and any repairs would require the structure be brought up to current Bldg Code

I have determined that the structure above is not in violation of Subsection 173.09 (A) of the Fayetteville Code Of Ordinances.

Building Official

PLEASE RETURN THIS FORM TO CODE COMPLIANCE

Date Sent: September 15, 2011

SR# 112782

Date Received: 9/17/11

Case# 14384

Community Services Division Director

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



C. 2
Office of Code Compliance
1609 S. Duncan Avenue
Phone 479-575-8200
Fax 479-444-3449
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VIOLATION NOTICE

September 19, 2011

Owner ADAM P., PERRY J., CAROLYN A. DYESS
P.O. BOX 501

SAMSON, AL 36477

RE: Property @ 1609 S DUNCAN AVE, Fayetteville, AR

WC Parcel # 765-09640-000

Case # 14384

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. **If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8237.**

Suspected Violation That Needs Correction:

§173.09 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:

By making repairs as needed or razing the structure and remove all debris from the lot. A building permit may be required, based on review of the Building Safety Director.

Potential Penalties:

If this violation is not corrected within thirty (30) days from the service of this notice, you can be issued a Criminal Citation for the above violation and be summoned to appear in court. Our office can also suggest the structure be razed and removed. The costs shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to appeal to the appropriate City Board, Commission or City Council. Please see Chapter 155 of the Unified Development Code.

If the residence is owner occupied and meets certain income requirements, you may qualify for federal assistance under our Community Development Block Grant. For more information on this program, please call (479) 575-8270 or 575-8240.

Sincerely,

JOSHUA KNIGHT
Code Compliance Officer

Cc: file

7010 1870 0001 8408 0458

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	9.19.11
Certified Fee	
Return Receipt Fee <small>(Endorsement Required)</small>	Postmark Here <i>K</i>
Restricted Delivery Fee <small>(Endorsement Required)</small>	
Total Postage & Fees \$	14383184
Sent To:	
<small>Street, Apt. No., or PO Box No.</small>	
<small>City, State, ZIP+4</small>	
PS Form 3800, August 2006 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ 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. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>x Carolyn A. Dyess</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>K</i> 10-13-11</p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
1. Article Addressed to:	3. Service Type
ADAM, CAROLYN & PERRY DYESS P.O. BOX 501 SAMSON, AL 36477	<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
2. Article (Trans	<input type="checkbox"/> Yes
PS Form 3811, February 2004 Domestic Return Receipt <i>K</i> 14383184 102595-02-M-1540	

Record 1 of 1 Last Updated 04/22/12

Print Page

Parcel Number: **765-09640-000** Prev. Parcel Number: **143012-000-00** Type: **RI**
 Location: **1609 S DUNCAN AVE**
 Owner Name: **DYESS, ADAM P; DYESS, PERRY J;DYESS, CAROLYN A**
 Mailing Address: **PO Box 501 Samson AL 36477**
 Lot: Block: S-T-R: **21-16-30**
 Addition: **PARKSDALE ADD**
 School District: **FAYETTEVILLE SCH, FAY** Tax District: **011**
 City: **FAYETTEVILLE**
 Legal: **LOTS 1-2-3-4 BLOCK 5**
 Current Year A79 Credit Status:

	Appraised Value	Taxable Value
Last Appraised: 2010		
Land	32,500	6,500
Improvement	35,100	7,020
Total	67,600	13,520

Tax History

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit	A79 Status	Net Total Tax	Total Tax Paid	Payment Status
2011	13,520	\$726.70	\$0.00	\$0.00	\$0.00	\$0.00		\$726.70	\$0.00	
2010	13,520	\$733.46	\$0.00	\$0.00	\$0.00	\$0.00		\$733.46	\$733.46	PAID
2009	14,451	\$744.23	\$0.00	\$0.00	\$0.00	\$0.00		\$744.23	\$744.23	PAID
2008	13,339	\$686.96	\$0.00	\$0.00	\$0.00	\$0.00		\$686.96	\$686.96	PAID
2007	12,227	\$630.91	\$0.00	\$0.00	\$0.00	\$0.00		\$630.91	\$630.91	PAID
2006	11,115	\$585.76	\$0.00	\$0.00	\$0.00	\$0.00		\$585.76	\$585.76	PAID
2005	10,260	\$540.70	\$0.00	\$0.00	\$0.00	\$0.00		\$596.70	\$596.70	PAID
2004	9,405	\$487.74	\$0.00	\$0.00	\$0.00	\$0.00		\$487.74	\$487.74	PAID
2003	8,550	\$452.81	\$0.00	\$0.00	\$0.00	\$0.00		\$452.81	\$452.81	PAID
2002	8,550	\$444.26	\$0.00	\$0.00	\$0.00	\$0.00		\$444.26	\$444.26	PAID
2001	8,550	\$444.26	\$0.00	\$0.00	\$0.00	\$0.00		\$499.99	\$499.99	PAID
2000	7,900	\$414.75	\$0.00	\$0.00	\$0.00	\$0.00		\$414.75	\$414.75	PAID
1999	7,900	\$404.48	\$0.00	\$0.00	\$0.00	\$0.00		\$404.48	\$404.48	PAID
1998	7,900	\$405.27	\$0.00	\$0.00	\$0.00	\$0.00		\$405.27	\$405.27	PAID
1997	7,900	\$405.27	\$0.00	\$0.00	\$0.00	\$0.00		\$405.27	\$405.27	PAID

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2010	60947	10/07/2011	\$733.46	\$0.00	\$0.00	\$0.00	\$0.00	\$733.46
2009	56047	10/06/2010	\$744.23	\$0.00	\$0.00	\$0.00	\$0.00	\$744.23
2008	61143	10/09/2009	\$686.96	\$0.00	\$0.00	\$0.00	\$0.00	\$686.96
2007	56439	10/07/2008	\$630.91	\$0.00	\$0.00	\$0.00	\$0.00	\$630.91
2006	110769	10/5/2007	\$585.76	\$0.00	\$0.00	\$0.00	\$0.00	\$585.76
2005	139675	10/23/2006	\$540.70	\$0.00	\$0.00	\$0.00	\$56.00	\$596.70
2004	95591	10/6/2005	\$487.74	\$0.00	\$0.00	\$0.00	\$0.00	\$487.74
2003	85462	10/5/2004	\$452.81	\$0.00	\$0.00	\$0.00	\$0.00	\$452.81

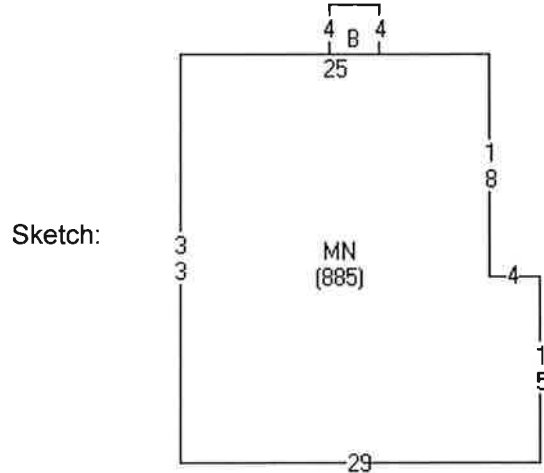
2002	113519	10/11/2003	\$444.26	\$0.00	\$0.00	\$0.00	\$0.00	\$444.26
2001	15795	12/9/2002	\$444.26	\$0.00	\$0.00	\$0.00	\$55.73	\$499.99
2000	16271	10/17/2001	\$414.75	\$0.00	\$0.00	\$0.00	\$0.00	\$414.75
1999	15478	10/11/2000	\$404.48	\$0.00	\$0.00	\$0.00	\$0.00	\$404.48
1998	17260	10/8/1999	\$405.27	\$0.00	\$0.00	\$0.00	\$0.00	\$405.27

Deed History

Date	Deed Ref.	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
7/9/1999	99-62517	DYESS, ADAM P.; DYESS, PERRY J.;	DYESS, CAROLYN A.	WD	0	0.00
LRR 99-62517 WD NO REV						
8/3/1994	94-47408	DYESS, ADAM P.		WD	42,000	138.60
94/47409 WD NO REV						
1/1/1985	-	HAMILTON, FRED			0	0.00

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Year Constructed	Basement Area
1	SF	FS	885	1175	1915	

Grade	Condition	Exterior Wall	Fireplace	Year Remodeled	Effective Age
5	A	ALUM.SIDNG			95



Out Buildings and Yard Improvements

Qty	Description	Size	Quality
1	Storm Shelter	12x12	

[Next Item](#) |
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 [New Search](#)



City of Fayetteville
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-575-8260

C. 2
1609 S. Duncan Avenue
Raze and Removal
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March 12, 2012

Adam P., Perry J., and Carolyn A. Dyess
P.O. Box 501
Samson, AL 36477

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 at 173.09 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at **1609 S. Duncan Ave. (Parcel #765-09640-000)**, should be Razed and Removed.

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 May 15, 2012 beginning at 6:00 p.m. 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,

Chad Ball
Community Services Coordinator

Cc: file

7010 2780 0001 9244 3158

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OFFICIAL USE

Postage	\$	3-12-12 Postmark Here 14384
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To _____
 Street, Apt. No., or PO Box No. _____
 City, State, ZIP+4 _____

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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. <p>ADAM P, PERRY J AND CAROLYN DYESS P.O. BOX 501 SAMSON, AL 36477</p> <p style="font-size: 2em; color: blue; text-align: center;">RECEIVED</p> <p style="font-size: 1.5em; color: red; text-align: center;">MAR 27 2012</p> <p style="font-size: 2em; color: blue; text-align: center;">CRCC</p>	<p>A. Signature <input checked="" type="checkbox"/> <i>Carolyn Dyess</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Carolyn Dyess</i> C. Date of Delivery <i>3/22/12</i></p> <p>Address different from item 1? <input type="checkbox"/> Yes Delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
2. Article Number (Transfer from service label)	7010 2780 0001 9244 3158
PS Form 3811, February 2004	Domestic Return Receipt 14384 LW 102595-02-M-1540









