City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

A. 7 Razing and Removal Costs for 1609 S. Duncan Avenue Page 1 of 20

9/18/2012
City Council Meeting Date
Agenda Items Only

Resolution certifying to the Tax Collector lilapidated and unsafe structure located at Cost of this request Account Number Project Number sudgeted Item Tepartment Director		quired: ounty the costs of t Ave. (WC Parcel #	
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ayor	Date		
nmments: Staff recommends approval of the	Resolution		

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director

From: Yolanda Fields, Community Services Director

Date: August 27, 2012

Subject: A Resolution certifying to the Tax Collector of Washington County the costs of

the Razing and Removal of a dilapidated and unsafe structure located at 1609 S.

Duncan Ave. (WC Parcel # 765-09640-000)

RECOMMENDATION

Staff recommends imposing a lien against real property for the amount of \$3,676.20, plus a 10% penalty for collection.

BACKGROUND

On May 15, 2012, the City Council of the City of Fayetteville passed Resolution No. 107-12. The resolution ordered the razing and removal of a dilapidated and unsafe structure owned by Adam P. Dyess, Perry J. Dyess and Carolyn A. Dyess at 1609 S. Duncan Ave., Fayetteville, AR. On May 24, 2012, the property was posted with a letter stating Resolution 107-12 was passed. The letter also stated that our office would begin the Raze and Removal process on June 19, 2012. On July 3, 2012, the raze and removal process was completed. On August 1, 2012, the property owners were notified of the Public Hearing to consider this resolution.

DISCUSSION

The total costs incurred include the bid awarded to raze and remove in the amount of \$3,495.00, administrative costs in the amount of \$151.20 and \$30.00 in fees to file the lien.

BUDGET IMPACT

If passed, a lien will be placed on the parcel for the incurred costs, plus a 10% penalty for collection. Once paid, the moneys will return to the General Fund.

RESOLUTION NO.

A RESOLUTION CERTIFYING TO THE TAX COLLECTOR OF WASHINGTON COUNTY, ARKANSAS THE COSTS OF RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE UPON THE PROPERTY OWNED BY ADAM P. DYESS, PERRY J. DYESS AND CAROLYN A. DYESS LOCATED AT 1609 S. DUNCAN AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS

WHEREAS, pursuant to the provisions of §§ 95.03 and 173.08 of the Code of Fayetteville, as authorized by Arkansas Code § 14-56-203, the City Council of the City of Fayetteville directed the owners of the property located at 1609 S. Duncan Avenue (Washington County Parcel No. 765-09640-000) to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property; and

WHEREAS, Adam P. Dyess, Perry J. Dyess and Carolyn A. Dyess, record owners of the property, failed to raze and remove the dilapidated, unsightly, and unsafe structure on their property; and

WHEREAS, the City of Fayetteville, in accordance with the above-cited ordinances and statute, entered upon the property and razed and removed the dilapidated, unsightly, and unsafe structure; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas is required to determine the appropriate amount of the lien, and certify this amount to the Tax Collector of Washington County, Arkansas to be placed upon the tax books as delinquent taxes,

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

Section 1. That, by the authority granted pursuant to Arkansas Code §§ 14-56-203 & 14-54-901 et seq., and in accordance with the provision of § 173.08 of the Code of Fayetteville, the City Council of the City of Fayetteville, Arkansas hereby determines the appropriate amount of the lien against the property located at 1609 S. Duncan Avenue (Washington County Parcel No. 765-09640-000) to be \$3,495.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby certifies this amount to the Tax Collector of Washington County, Arkansas so that this amount, plus ten percent (10%) penalty for collection, be placed on the tax books as delinquent taxes against the property located at 1609 S. Duncan Avenue (Washington County Parcel No. 765-09640-000).

PASSED and APPROVED this 18th day of September, 2012.

A. 7 Razing and Removal Costs for 1609 S. Duncan Avenue Page 4 of 20

APPROVED:	ATTEST:
By:	By:SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 7270 1
Phone 479-575-8260

July 27, 2012

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

RE: Resolution No. 107-12 Enforcement of Fayetteville Code 173.09, and 95.03 Arkansas Code Ann. 14-56-203, 14-54-901

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. § 14-56-203, § 14-54-901, et seq. and § 173.09 and § 95.03 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to consider a Resolution certifying to the Tax Collector of Washington County the costs of the Razing and Removal of a dilapidated and unsafe structure located at 1609 S. Duncan Ave. (Parcel #765-09640-000). The amount of the asserted lien is \$3,676.20, plus a 10% penalty for collection.

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 September 18, 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

A. 7

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SENDER: COMPLETE THIS SECTION	N	COMPLETE THI	S SECTION ON DELIV	ERY
 Complete items 1, 2, and 3. Also conitem 4 if Restricted Delivery is desired. Print your name and address on the so that we can return the card to you. Attach this card to the back of the more or on the front if space permits. ADAMP, PERRY J, & CAPO BOX 501 SAMSON, AL 36477 	d. reverse u. nailpiece,		Printed Name) Printed Name) Press different/from Item delivery address below:	Date of Delivery
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U.S. Postal Service CERTIFIED MAILT RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) 9668 8473 \$ 7/30/12 Postage Certified Fee Postmark 7000 Return Receipt Fee (Endorsement Required) Here Restricted Delivery Fee (Endorsement Required) 1.870 Total Postage & Fees \$ Sent To 7070 Street, Apt. No.; or PO Box No. City, State, ZIP+4 See Reverse for Instructions PS Form 3800, August 2006

07/05/2012 14:17 FAX 4796433750

MARCUS BARKER

Ø 0 0 2

A. 7 Razing and Removal Costs for 1609 S. Duncan Avenue Page 7 of 20

M&M EXCAVATING,LLC

Marcus Barker 377 Sulpher City Rd, Fayettaville, AR 72701 479-643-3750

City Of Fayetteville

7/5/12

Raze and Removal 1609 S Duncan Ave, Fayetteville, AR 72701

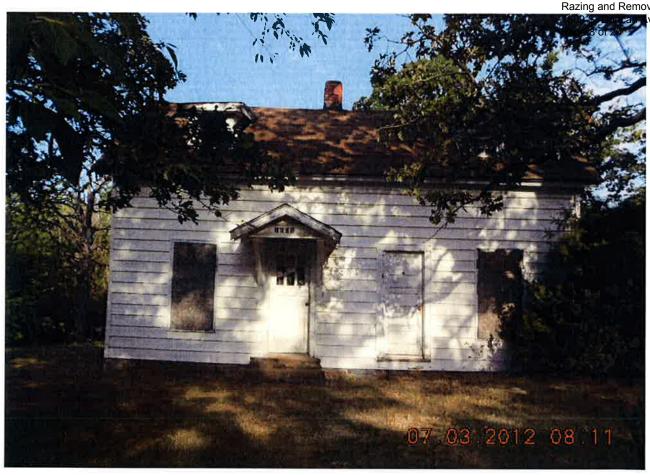
\$3,495.00

TOTAL DUE:

\$3,495.00

***** Thanks For Your Business*****

A. 7 Razing and Removal Costs for venue















May 24, 2012

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

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

NOTICE TO PROPERTY OWNERS

On May 15, 2012, the Fayetteville City Council passed and approved Resolution No. 107-12. The resolution states 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 the dilapidated, unsightly, and unsafe structure located on 1609 S. Duncan Avenue (Parcel #765-09640-000). The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

The resolution also says 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 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.

Our office will begin the Raze and Removal process of the aforementioned real property on June 19, 2012.

If you plan to remove anything from the structure, make arrangements before our process begins. Please contact the Code Compliance Office at (479) 575-8260 if you have any questions or updates concerning the property.

Sincerely,

Chad Ball
Community Services Coordinator

Cc:file

RESOLUTION NO. 107-12

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:

LIONELD JORDAN Mayor

SONDRA E, SMITH, City Clerk/Treasurer



A. 7 Razing and Removal Costs for 1609 S. Duncan Avenue Page 13 of 20

City of Fayetteville Page 13
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-575-8260

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

A. 7 Razing and Removal Costs for 1609 S. Duncan Avenue

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l	or PO Box No. City, State, ZIP+4		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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. ADAM P, PERRY J AND CAROL P.O. BOX 501 SAMSON, AL 36477	A. Signature X. Carolem Toylos Agent B. Received by (Phiniac Name) C. Date of Deliver COSO N DYESS 3 2 2 YN DYESS ress different from Item 17 Yes Iellvery address below: No
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City of Fayetteville 113 West Mountain Street Fayetteville, Arkansas 72701



A. 7
Razing and Removal Costs for 1609 S. Duncan Avenue
Page 15 of 20
Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

September 19, 2011

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

SAMSON, AL 36477

Property @ 1609 S DUNCAN AVE, Fayetteville, AR

WC Parcel # 765-09640-000

Case # 14384

Dear Property Owner:

RE:

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 <u>Unsafe Buildings</u>. 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

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8408	Postage	\$	9.19.11
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7070	Sent To Street, Apt. No.; or PO Box No. City, State, ZiP+4 PS Form 3800, August 2	006	See Roverse for In

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 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 maliplece, or on the front if space permits. 	A. Signature X. A. Signature X. A. Signature Addresses B. Received by (Printed Name) C. Date of Delivery 10-13-11
Article Addressed to:	D. Is delivery address different from item 1? Yes If YES, enter delivery address below: No
ADAM, CAROLYN & PERRY DYI	238
P.O. BOX 501 SAMSON, AL 36477	3. Service Type CC Certified Mall
P.O. BOX 501	3. Service Type Continued Mail Express Mail
P.O. BOX 501	3. Service Type Contified Mail



Code Compliance Program <u>Unsafe Building Violation Determination</u>

Address / Location:	1609 S. Duncan Ave.
WC Parcel #	765-09640-000
	re above has become dilapidated, unsafe, nental to the public welfare. of the structure.
I recommend securing the structure.	
16 Sep 11	Building Official
Observations: Examundian af the	
has had major Di hand rot be cos	inogen toll instraction is
	Sonoge are any reposits nouse the be brought up to aunit Blog Co
	re above is not in violation of Subsection atteville Code Of Ordinances.
	Building Official
PLEASE RETURN THIS	FORM TO CODE COMPLIANCE
Date Sent: September 15, 2011	SR# 112782
Date Received:	Case#
(.)	Community Services Division Director
CC	FORM 602 (REV 03/2009)

Razing and Removal Costs for 1609 S. Duncan Avenue Page 18 of 20

Record 1 of 1 Last Updated 08/26/12

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

S-T-R: 21-16-30 Lot: 001 Block: 005

Addition: PARKSDALE ADD

Tax District: 011 School District: FAYETTEVILLE SCH, FAY

City: FAYETTEVILLE

Legal: LOTS 1-2-3-4 BLOCK 5 Current Year A79 Credit Status:

Last Appraised: 2010	Appraised Value	Taxable Value
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 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)

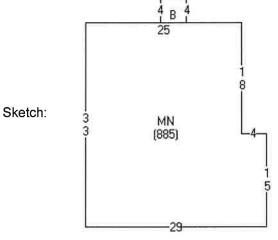
				•				
Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2010	60947	10/07/2011	\$733.46	\$0.00	\$0.00	\$0.00	\$0.00	\$733.46
2009	56047	10/06/2010	\$744.23	\$0.00	\$0.00	\$0.00	\$0.00	\$744.23
2008	61143	10/09/2009	\$686.96	\$0.00	\$0.00	\$0.00	\$0.00	\$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 1135	19 10/11/2003	\$444.26	\$0.00	\$0.00	\$0.00	\$0.00	\$444.26 Page 19 of 20
2001 1579	5 12/9/2002	\$444.26	\$0.00	\$0.00	\$0.00	\$55.73	\$499.99
2000 1627	1 10/17/2001	\$414.75	\$0.00	\$0.00	\$0.00	\$0.00	\$414.75
1999 1547	78 10/11/2000	\$404.48	\$0.00	\$0.00	\$0.00	\$0.00	\$404.48
1998 1720	0 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	<u>99-</u> 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	
	94/4740	9 WD NO REV					
1/1/1985	_	HAMILTON, FRED			0	0.00	

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

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



Out Buildings and Yard Improvements

Qty Description Size Quality

1 Storm Shelter 12x12

Next Item | Previous Item | Ledger Card | Prev. Ledger Card | Plat | GIS Parcel Map | Return to Search Results | Modify Search | New Search

A. 7 Razing and Removal Costs for 1609 S. Duncan Avenue Page 20 of 20