

City of Fayetteville Staff Review Form

C. 1
Raze and Removal – 320 W.
Skelton Street
Page 1 of 16

City Council Agenda Items
and
Contracts, Leases or Agreements

4/16/2013

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 320 W. Skelton Street. (WC Parcel # 765-10841-000) and approval of a Budget Adjustment in the amount of \$6,500.00.

\$ 6,500.00	\$ 4875.00	
Cost of this request	Category / Project Budget	Program Category / Project Name
1010.6420.5315.04	\$ 4875.00	Raze and Removal
Account Number	Funds Used to Date	Program / Project Category Name
50033-1303	\$ -	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature] 03-27-2013
Department Director Date

Previous Ordinance or Resolution # _____

[Signature] 3-28-12
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bisher 3-29-2013
Finance and Internal Services Director Date

Received in City Clerk's Office 03-23-13 A09:43 RCVD
Kim J.

[Signature] 4-1-13
Chief of Staff Date


Received in Mayor's Office ENTERED
3/28/13
[Signature]


[Signature] _____
Mayor Date

Comments: Staff recommends approval of the Resolution and budget adjustment.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director 

From: Yolanda Fields, Community Services Director 

Date: March 25, 2013

Subject: Raze and Removal of structure on 320 W. Skelton Street

RECOMMENDATION

Staff recommends approval of the Resolution ordering the Razing and Removal of a dilapidated and unsafe structure located at 320 W. Skelton Street. Staff also recommends approval of the budget adjustment in the amount of \$6,500.00.

BACKGROUND

Service Request # 122996, Case # 16708: Code Compliance responded to a request concerning the structure located at 320 W. Skelton Street. 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: *House is beyond repairable; foundation is collapsing, walls and roof rotten out and soggy. Heating and Electrical needs to be brought up to current codes.*

On October 10, 2012, an Unsafe Building Notice of Violation was sent to the property owner, Celia Cazort Barton. On October 18, 2012, our office received the Certified Mail Receipt signed by the property owner. By ordinance, the property owner was given until November 18, 2012 to acquire a building permit or to raze and remove the structure.

On February 11, 2013, a Notice of Public Hearing was sent to the property owner informing her of the April 16, 2013 Public Hearing. On February 22, 2013, our office received the Certified Mail Receipt signed by the property owner.

DISCUSSION

This parcel contains a 1,338 square foot single family dwelling. The structure is not secured and has deteriorated to a point where it is no longer safe. There is not a current building permit on this structure. If the property owner does not comply with the Raze and Removal order, the budget adjustment funds will be used to contract the Raze and Removal. A Lien will be placed on the parcel for the incurred costs.

BUDGET IMPACT

A budget adjustment in the amount of \$6,500.00

RESOLUTION NO. _____

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY CELIA CAZORT BARTON LOCATED AT 320 W. SKELTON STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND APPROVING A BUDGET ADJUSTMENT

WHEREAS, Celia Cazort Barton is the record owner of the real property situated at 320 W. Skelton Street, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

WC Parcel Number 765-10841-000; 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, Celia Cazort Barton, 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, Celia Cazort Barton is 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 Celia Cazort Barton does 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, a copy of which is attached to this Resolution as Exhibit "A".

PASSED and APPROVED this 16th day of April, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

C. 1
Raze and Removal - 320 W.
Skelton Street
Page 1 of 16
V12.0724
Adjustment Number

Budget Year 2013	Division: Community Services Department: Development Services	Request Date 3/5/2013	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Move \$6500 from use of fund balance to Raze and Removals for 320 Skelton, project 10033-1303.

Division Head <i>[Signature]</i> Date: 3/26/13	Prepared By: Rachel <i>rafields</i>
Budget Director <i>[Signature]</i> Date: 3-27-13	Reference: _____
Department Director <i>[Signature]</i> Date: 03-27-2013	Budget & Research Use Only
Finance Director Paul a. Beher Date: 3-29-2013	Type: A B C D E P
Chief of Staff <i>[Signature]</i> Date: 4-1-13	General Ledger Date _____
Mayor <i>[Signature]</i> Date: _____	Posted to General Ledger Initial _____ Date _____
	Checked / Verified Initial _____ Date _____

TOTAL BUDGET ADJUSTMENT 6,500 6,500

Account Name	Account Number		Increase / (Decrease)		Project.Sub Number
			Expense	Revenue	
Raze and Removals	1010.6420.5315.04	EX	6,500	-	50033.1303
Use of fund balance	1010.0001.4999.99	RI		6,500	.
					.
					.





Code Compliance Program Unsafe Building Violation Determination


Address / Location: 320 W. Skelton Street

WC Parcel # 765-10841-000

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.


10 Oct 12

Building Official

Observations: House is beyond repairable, Foundation is
collapsing, walls and roof are rotting out and
soaking - heating and electrical needs to be
brought up to current ~~to~~ codes

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 17, 2012

SR# 122996

Date Received: 10/10/12

Case# _____



Community Services Division Director



VIOLATION NOTICE

October 10, 2012

Owner CELIA CAZORT BARTON
7907 PRESTWOOD DR.

HOUSTON, TX 77036-2821

RE: Property @ 320 W SKELTON ST, Fayetteville, AR

WC Parcel # 765-10841-000

Case # 16708

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)575-8260.**

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,

MATTHEW CHILDERS
Code Compliance Officer

Cc: file

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 <i>Celia Barton</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Celia Barton</i></p> <p>C. Date of Delivery <i>10/15/12</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">CELIA BARTON 7907 PRESTWOOD DR HOUSTON, TX 77036-2821</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p style="text-align: center;">RECEIVED OCT 18 2012</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered 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>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7010 2780 0002 0395 5373</p>

PS Form 3811, February 2004 Domestic Return Receipt 16708 MC 102595-02-M-1540

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	\$	16708
Certified Fee		10/10/12
Return Receipt Fee (Endorsement Required)		Postmark Here
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

7010 2780 0002 0395 5373



February 11, 2013

Celia Cazort Barton
7907 Prestwood Drive
Houston, TX 77036-2821

COPY

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 **320 W. Skelton Street (Parcel #765-10841-000)**, 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 April 16, 2013 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
Code Compliance Administrator

Cc: file

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 X <i>Celia Barton</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; text-align: center;">CELIA CAZORT BARTON 7907 PRESTWOOD DRIVE HOUSTON, TX 77036-2821</div>	<p>B. Received by (Printed Name) CELIA BARTON C. Date of Delivery 2/15/13</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> <p style="text-align: center;">RECEIVED FEB 22 2013</p>
	<p>3. Service Type CS DIVISION <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>
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

Article Number (Transfer from service label) **7011 3500 0000 8322 6077**

Form 3811, February 2004 Domestic Return Receipt **16708** **MC** 102595-02-M-1540

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 \$	16708
Certified Fee	2/13/13
Return Receipt Fee (Endorsement Required)	Postmark Here
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

7011 3500 0000 8322 6077

C. 1
 Raze and Removal - 320 W.
 Skelton Street
 Page 10 of 16

Record 1 of 1 Last Updated 03/24/13

Print Page

Parcel Number: **765-10841-000** Prev. Parcel Number: **144063-000-00** Type: **RI**
 Location: **320 W SKELTON ST**
 Owner Name: **BARTON, CELIA CAZORT**
 Mailing Address: **7907 Prestwood Dr Houston TX 77036-2821**
 Lot: Block: **004** S-T-R: **28-16-30**
 Addition: **SKELTONS S/D**
 School District: **FAYETTEVILLE SCH, FAY** Tax District: **011**
 City: **FAYETTEVILLE**
 Legal: **SOUTH HALF LOT 5 BLOCK 4**
 Current Year A79 Credit Status: **V**
 Last Appraised: **2010**

	Appraised Value	Taxable Value
Land	55,300	11,060
Improvement	20,350	4,070
Total	75,650	15,130

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
DELINQUENT										
2011	15,130	\$820.80	\$0.00	\$0.00	\$0.00	\$0.00	V	\$820.80	\$820.80	PAID
2009	14,040	\$723.06	\$0.00	\$0.00	\$0.00	\$0.00	V	\$723.06	\$723.06	PAID
2008	5,449	\$280.62	\$0.00	\$0.00	\$0.00	\$0.00	V	\$280.62	\$280.62	PAID
2007	11,880	\$613.01	\$0.00	\$0.00	\$0.00	\$0.00	V	\$613.01	\$613.01	PAID
2006	10,800	\$569.16	\$0.00	\$0.00	\$0.00	\$0.00	V	\$569.16	\$569.16	PAID
2005	10,272	\$541.33	\$0.00	\$0.00	\$0.00	\$0.00	V	\$598.43	\$598.43	PAID
2004	9,416	\$488.31	\$0.00	\$0.00	\$0.00	\$0.00	V	\$488.31	\$488.31	PAID
2003	8,560	\$453.34	\$0.00	\$0.00	\$0.00	\$0.00	V	\$528.69	\$528.69	PAID
2002	7,932	\$412.15	\$0.00	\$0.00	\$0.00	\$0.00		\$462.34	\$462.34	PAID
2001	7,271	\$377.80	\$0.00	\$0.00	\$0.00	\$0.00		\$415.58	\$415.58	PAID
2000	6,610	\$347.03	\$0.00	\$0.00	\$0.00	\$0.00		\$403.51	\$403.51	PAID
1999	6,610	\$338.43	\$0.00	\$0.00	\$0.00	\$0.00		\$390.54	\$390.54	PAID
1998	6,610	\$339.09	\$0.00	\$0.00	\$0.00	\$0.00		\$429.80	\$429.80	PAID
1997	6,610	\$339.09	\$0.00	\$0.00	\$0.00	\$0.00		\$379.58	\$379.58	PAID

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2010	1110132	03/09/2012	\$820.80	\$0.00	\$0.00	\$0.00	\$120.25	\$941.05
2009	21613	06/03/2010	\$323.06	\$0.00	\$0.00	\$0.00	\$0.00	\$323.06
2009	3725	04/23/2010	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100.00
2009	6719	05/03/2010	\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300.00
2008	1051385	12/03/2009	\$280.62	\$0.00	\$0.00	\$0.00	\$36.21	\$316.83
2008	23964	06/03/2009	\$386.82	\$0.00	\$0.00	\$0.00	\$0.00	\$386.82
2007	1027070	12/01/2008	\$613.01	\$0.00	\$0.00	\$0.00	\$74.03	\$687.04
2006	27924	4/23/2007	\$330.24	\$0.00	\$0.00	\$0.00	\$0.00	\$330.24

C. 1
 Raze and Removal - 320 W.
 Skelton Street
 Page 410616

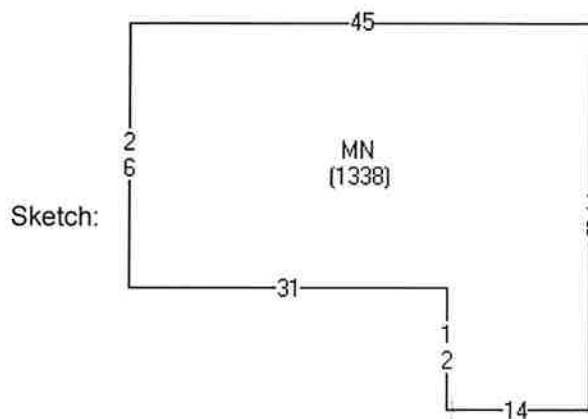
2006	77238	8/22/2007	\$238.92	\$0.00	\$0.00	\$0.00	\$0.00	\$238.92
2005	141121	10/30/2006	\$541.33	\$0.00	\$0.00	\$0.00	\$57.10	\$598.43
2004	42025	5/17/2005	\$488.31	\$0.00	\$0.00	\$0.00	\$0.00	\$488.31
2003	4077	5/17/2005	\$453.34	\$0.00	\$0.00	\$0.00	\$75.35	\$528.69
2002	14907	11/24/2003	\$412.15	\$0.00	\$0.00	\$0.00	\$50.19	\$462.34
2001	120514	11/14/2002	\$377.80	\$0.00	\$0.00	\$0.00	\$37.78	\$415.58
2000	5022	4/18/2002	\$347.03	\$0.00	\$0.00	\$0.00	\$56.48	\$403.51
1999	4564	4/26/2001	\$338.43	\$0.00	\$0.00	\$0.00	\$0.00	\$390.54
1998	4563	4/26/2001	\$339.09	\$0.00	\$0.00	\$0.00	\$0.00	\$429.80

Deed History

Date	Deed Ref.	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
9/16/2003	<u>2003-51161</u>	BARTON, CELIA		QC	0	
		CSS 2003-51161 QC NO REV				
6/9/1997	<u>97-38745</u>	BARTON, JIMMY		QC	0	0.00
		JLF 97-38745 QCD NO REV.				
1/1/1985	0-0	BARTON, INA			0	0.00

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Year Constructed	Basement Area
1	SF	MV	1338	1338	1949	

Grade	Condition	Exterior Wall	Fireplace	Year Remodeled	Effective Age
4	P	STONE VEN			61



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