

City of Fayetteville Staff Review Form

**City Council Agenda Items
and
Contracts, Leases or Agreements**

5/7/2013

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 1717 S. Stirman Ave. (WC Parcel # 765-09658-000) and approval of a Budget Adjustment in the amount of \$4,900.00.

\$ 4,900.00	\$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
1010.6420.5315.04	\$ -	Raze and Removal
Account Number	Funds Used to Date	Program / Project Category Name
<u>5033-1301</u>	\$ -	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item Budget Adjustment Attached

<u><i>[Signature]</i></u> Department Director	<u>04-17-2013</u> Date	Previous Ordinance or Resolution # _____
<u><i>[Signature]</i></u> City Attorney	<u>4-19-13</u> Date	Original Contract Date: _____
		Original Contract Number: _____

Paul A. Becker 4-24-2013
Finance and Internal Services Director Date

Received in City Clerk's Office 04-13-13A10:58 RCVD
Kim J.

[Signature] 4-24-13
Chief of Staff Date


Received in Mayor's Office ENTERED
4/19/13
[Signature]


[Signature] 4/24/13
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: April 17, 2013

Subject: Raze and Removal of structure at 1717 S. Stirman Ave.

RECOMMENDATION

Staff recommends approval of the Resolution ordering the Razing and Removal of a dilapidated and unsafe structure located at 1717 S. Stirman Ave. Staff also recommends approval of the budget adjustment in the amount of \$4,900.00.

BACKGROUND

Service Request # 127279, Case # 17203: Code Compliance responded to a request from the Fire Marshals Office concerning the structure located at 1717 S. Stirman Ave. The fire damaged 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: *Structure is burned out and has water damage which makes it not repairable.*

On March 14, 2013, an Unsafe Building Notice of Violation was sent to the property owner of record and posted on site. By ordinance, the property owner was given until April 14, 2013 to acquire a building permit or to raze and remove the structure.

On April 16, 2013, a Notice of Public Hearing was sent to the property owner and posted on site informing the owner of record of the May 7, 2013 Public Hearing.

DISCUSSION

The owner of record is the Estate of Mary Lou Guthery, since Mrs. Guthery passed away a few years ago. The property is delinquent on state taxes since 2009. All official Notices have also been sent to the Legal Department of the Commissioner of State Lands since the property has been certified to the Commissioner of State Lands.

This parcel contains a 1,680 square foot single family dwelling. The structure is fire damaged, 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 \$4,900.00

RESOLUTION NO. _____

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY MARY LOU GUTHERY LOCATED AT 1717 S. STIRMAN AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND APPROVING A BUDGET ADJUSTMENT

WHEREAS, Mary Lou Guthery is the record owner of the real property situated at 1717 S. Stirman Avenue, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

WC Parcel Number 765-09658-000; 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, Mary Lou Guthery 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 Mary Lou Guthery 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 7th day of May, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

Q:12.0724
Raze and Removal 1717 S. Stirman Avenue
Page 4 of 16

Budget Year	Division: Community Services Department: Development Services	Request Date	Adjustment Number
2013		4/16/2013	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Move \$4900 to the Code Raze and Removal account in case of non-compliance to the Raze and Remove request.

<u>[Signature]</u> Division Head	<u>4/17/13</u> Date	Prepared By: <u>Rachel</u> rafelds
<u>[Signature]</u> Budget Director	<u>8/26</u> Date	Reference: _____
<u>[Signature]</u> Department Director	<u>04-17-2013</u> Date	Budget & Research Use Only
<u>Paula A. Belton</u> Finance Director	<u>4-27-2013</u> Date	Type: A B C D E P
<u>[Signature]</u> Chief of Staff	<u>4-24-13</u> Date	General Ledger Date: _____
<u>[Signature]</u> Mayor	<u>4/25/13</u> Date	Posted to General Ledger: _____ Initial: _____ Date: _____
		Checked / Verified: _____ Initial: _____ Date: _____

TOTAL BUDGET ADJUSTMENT 4,900 4,900

Account Name	Account Number		Increase / (Decrease)		Project.Sub Number
			Expense	Revenue	
Raze and Removals	1010.6420.5315.04	33	4,900	-	10033 . 1301
Use of fund balance	1010.0001.4999.99	3E	-	4,900	.
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Code Compliance Program Unsafe Building Violation Determination

Address / Location: 1717 S. Stirman Ave.

WC Parcel # 765-09658-000

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

7 mar 13

Observations: Structure is burned out and water damage makes it unrepairable.

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: March 6, 2013

SR# 127279

Date Received: 3/8/13

Case# 17203

Community Services Division Director

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



C. 2
Raze and Removal 1717 S. Stirman Avenue
Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

March 14, 2013

Owner MARY LOU GUTHERY
1717 S. STIRMAN AVE.

FAYETTEVILLE, AR 72701

RE: Property @ 1717 S STIRMAN AVE, Fayetteville, AR

WC Parcel # 765-09658-000

Case # 17203

POSTED 3.14.13

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

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



C. 2
Raze and Removal 1717 S. Stirman Avenue
Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

March 08, 2013

Owner COMMISSIONER OF STATE LANDS C/O LEGAL DEPARTMENT
109 STATE CAPITOL BLDG

LITTLE ROCK, AR 72201

RE: Property @ 1717 S STIRMAN AVE, Fayetteville, AR

WC Parcel # 765-09658-000

Case # 17203

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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 <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p>
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
COMMISSIONER OF STATE LANDS C/O LEAGL DEPARTMENT 109 STATE CAPITOL BLDG LITTLE ROCK, AR 72201	RECEIVED MAR 13 2013 CS DIVISION
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
	7010 2780 0001 9242 9633
PS Form 3811, February 2004	Domestic Return Receipt 17203 MC 102595-02-M-1540



April 16, 2013

Mary Lou Guthery
1717 S. Stirman Ave.
Fayetteville, AR 72701

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 **1717 S. Stirman Ave. (Parcel #765-09658-000)**, 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 7, 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



April 16, 2013

Commissioner of State Lands
c/o Legal Department
109 State Capitol Bldg
Little Rock, AR 72201

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

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Sincerely,

Chad Ball
Code Compliance Administrator

Cc: file

Record 1 of 1 Last Updated 04/15/13

[Print Page](#)

Parcel Number: **765-09658-000** Prev. Parcel Number: **143029-000-00** Type: **RI**
 Location: **1717 S STIRMAN AVE**
 Owner Name: **GUTHERY, MARY LOU**
 Mailing Address: **1717 STIRMAN FAYETTEVILLE AR 72701**
 Lot: **007** Block: **010** S-T-R: **21-16-30**
 Addition: **PARKSDALE ADD**
 School District: **FAYETTEVILLE SCH, FAY** Tax District: **011**
 City: **FAYETTEVILLE**
 Legal: **LOTS 7-8 BLOCK 10**
 Current Year A79 Credit Status: **N**
 Last Appraised: **2010**

	Appraised Value	Taxable Value
Land	15,000	3,000
Improvement	45,200	4,737
Total	60,200	7,737

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
2012	7,269	\$390.71	\$0.00	\$0.00	\$0.00	\$0.00	N	\$390.71	\$0.00	
2011										DELINQUENT
2010										DELINQUENT
2009										DELINQUENT
2008	4,250	\$218.88	\$0.00	\$0.00	\$0.00	\$218.88	F	\$0.00	\$0.00	PAID
2007	4,250	\$219.30	\$0.00	\$0.00	\$0.00	\$219.30	F	\$0.00	\$0.00	PAID
2006	4,250	\$223.98	\$0.00	\$0.00	\$0.00	\$223.98	F	\$0.00	\$0.00	PAID
2005	4,250	\$223.98	\$0.00	\$0.00	\$0.00	\$223.98	F	\$0.00	\$0.00	PAID
2004	4,250	\$220.41	\$0.00	\$0.00	\$0.00	\$220.41	F	\$0.00	\$0.00	PAID
2003	4,250	\$225.08	\$0.00	\$0.00	\$0.00	\$225.08	F	\$0.00	\$0.00	PAID
2002	4,250	\$220.83	\$0.00	\$0.00	\$0.00	\$220.83	F	\$0.00	\$0.00	PAID
2001	4,250	\$220.83	\$0.00	\$0.00	\$0.00	\$220.83	F	\$0.00	\$0.00	PAID
2000	4,250	\$223.13	\$0.00	\$0.00	\$0.00	\$223.13	F	\$0.00	\$0.00	PAID
1999	4,250	\$217.60	\$0.00	\$0.00	\$0.00	\$0.00		\$217.60	\$217.60	PAID
1998	4,250	\$218.03	\$0.00	\$0.00	\$0.00	\$0.00		\$218.03	\$218.03	PAID
1997	4,250	\$218.03	\$0.00	\$0.00	\$0.00	\$0.00		\$218.03	\$218.03	PAID

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
1999	9046	10/11/2000	\$217.60	\$0.00	\$0.00	\$0.00	\$0.00	\$217.60
1998	6884	10/5/1999	\$218.03	\$0.00	\$0.00	\$0.00	\$0.00	\$218.03

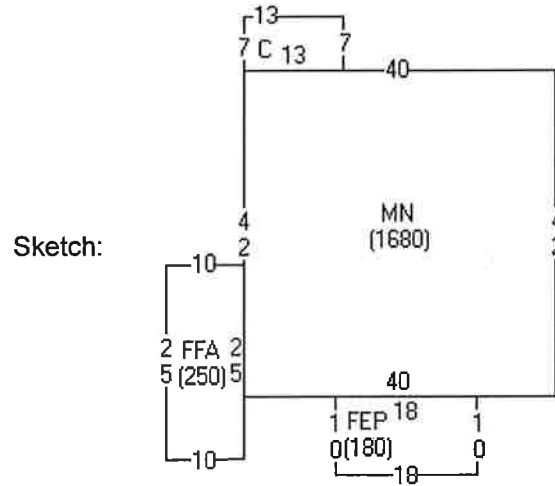
Deed History

Date	Deed Ref.	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
	<u>1271-</u>	GUTHERY, JOE &				

5/23/1988	<u>757</u>	MARY LOU		0	0.00
5/23/1988	<u>1271-757</u>	GUTHERY, MARY LOU (SURVIVOR)	WD	0	
10/13/1972	<u>841-140</u>	GUTHERY, JOE & MARY LOU	WD	3,000	3.30

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Year Constructed	Basement Area
1	SF	FS	1680	1680	1966	

Grade	Condition	Exterior Wall	Fireplace	Year Remodeled	Effective Age
5	A	SNGL.SIDNG			44



Out Buildings and Yard Improvements

Qty	Description	Size	Quality
1	Outbuilding, frame	9x12	
1	Outbuilding, frame	12x18	
1	Driveway, concrete	10x57	
1	Driveway, concrete	10x45	

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04.17.2013 08:59



04.17.2013 08:59





