

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

8/6/2013

City Council Meeting Date  
Agenda Items Only

Yolanda Fields

Submitted By

Community Services

Division

Development Services

Department

**Action Required:**

Public Hearing and Resolution to order the Raze and Removal of the unsafe structure located at 515 E. Township Street. (WC Parcel # 765-13391-000)

\$ 4,200.00

Cost of this request

\$ 16,275.00

Category / Project Budget

Program Category / Project Name

1010.6420.5315.04

Account Number

\$ 4,875.00

Funds Used to Date

Raze and Removal

Program / Project Category Name

\$ 11,400.00

Remaining Balance

General Fund

Fund Name

Budgeted Item

Budget Adjustment Attached

Jerry C. Pike  
Department Director

07-18-2013  
Date

Previous Ordinance or Resolution # \_\_\_\_\_

Dr. Kelly  
City Attorney

7-18-13  
Date

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Paul a. Becher  
Finance and Internal Services Director

7-18-2013  
Date

Received in City Clerk's Office 7-13-13 11:25 RCVD

Lu Ma  
Chief of Staff

7-18-13  
Date

Received in Mayor's Office

ENTERED  
7/18/13

Donald Justice  
Mayor

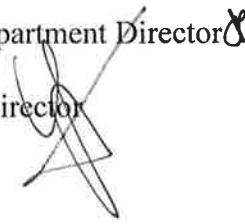
7/19/13  
Date

Comments: Staff recommends approval of the Resolution.

## CITY COUNCIL AGENDA MEMO

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**To:** Mayor and City Council

**Thru:** Jeremy Pate, Development Services Department Director 

**From:** Yolanda Fields, Community Services Director

**Date:** July 17, 2013

**Subject:** Raze and Removal of structure at 515 E. Township Street

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### RECOMMENDATION

Staff recommends approval of the Resolution ordering the Razing and Removal of a dilapidated and unsafe structure located at 515 E. Township Street.

### BACKGROUND

Service Request # 126792, Case # 17190: Code Compliance responded to a request concerning the structure located at 515 E. Township 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 effective repair; roof has holes, sheetrock wet and falling. Cost to repair and bring to current codes exceeds value of structure.*

On April 12, 2013, an Unsafe Building Notice of Violation was hand delivered to the property owner, Aaron Mahan. By ordinance, the property owner was given until May 13, 2013 to acquire a building permit or to raze and remove the structure.

On July 2, 2013, a Notice of Public Hearing was hand delivered to the property owner informing him of the August 6, 2013 Public Hearing.

### DISCUSSION

This parcel contains a 1,295 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.

### BUDGET IMPACT

If the property owner does not comply with the Raze and Removal order, Raze and Removal costs will be expensed to current budget. A Lien will be placed on the property for the incurred costs.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY MARSHALL AARON MAHAN LOCATED AT 515 E. TOWNSHIP STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS

**WHEREAS**, Marshall Aaron Mahan is the record owner of the real property situated at 515 E. Township Street, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

**WC Parcel Number 765-13391-000; 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 owner, having been properly served with a Violation Notice by personal hand-delivery, 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, Marshall Aaron Mahan 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 Marshall Aaron Mahan 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.

**PASSED and APPROVED** this 6<sup>th</sup> day of August, 2013.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer



## Code Compliance Program Unsafe Building Violation Determination


Address / Location: 515 E. Township St.

WC Parcel # 765-13391-000

*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.*

  
5 mar 13

**Building Official**

Observations: Home is beyond effective repair & roof leaks,  
sheetrock wet and falling, electrical  
panels are deteriorating, Cost to repair and  
bring to current code exceeds value of structure

*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 4, 2013

SR# 126792

Date Received: 3/5/13

Case# 17190

  
\_\_\_\_\_

**Community Services Division Director**

City of Fayetteville  
113 West Mountain Street  
Fayetteville, Arkansas 72701



Office of Code Compliance  
Phone 479-575-8260  
Fax 479-444-3445

## VIOLATION NOTICE

**April 12, 2013**

Owner **AARON MAHAN**  
P.O. BOX 361

FARMINGTON, AR 72730

RE: Property @ 515 E TOWNSHIP ST, Fayetteville, AR

WC Parcel # 765-13391-000

Case # 17190

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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)444-3428.**

**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,

LAURA WILSON  
Code Compliance Officer

Cc: file



Code Compliance Program  
OFFICER DELIVERY FORM

Document: 173.09 Unsafe Buildings

Name and Address to Deliver: Aaron Mahan  
P.O. Box 361  
Farmington, AR 72730

Owner/Occupant's Signature: Mahall Me

Return of Service

*I certify that I provided a true copy of the document described above to:*

Name of Recipient: Aaron Mahan

Officer Name: Laura Wilson

Officer Signature: Laura Wilson

Delivery Date: 4/12/13



June 24, 2013

Aaron Mahan  
PO Box 361  
Farmington, AR 72730

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 **515 E. Township St. (Parcel #765-13391-000)**, 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 **August 6, 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



mmahan@uark.edu

## Code Compliance Program OFFICER DELIVERY FORM

**Document:** 173.09 Unsafe Buildings

**Name and Address to Deliver:**

Aaron Mahon      MAHAN, MARSHALL AARON  
P.O. Box 361      517 E. TOWNSHIP  
Farmington, AR 72730      FAYETTEVILLE, AR 72701

**Owner/Occupant's Signature:**

Marshall A. Mahan

**Return of Service**

***I certify that I provided a true copy of the document described above to:***

**Name of Recipient:** Aaron Mahan

**Officer Name:** Laura Wilson

**Officer Signature:** Laura Wilson

**Delivery Date:** 7/2/13



Record 1 of 1 Last Updated 07/16/13

Print Page

Parcel Number: **765-13391-000** Prev. Parcel Number: **146555-000-00** Type: **RI**  
 Location: **515 E TOWNSHIP ST**  
 Owner Name: **MAHAN, AARON**  
 Mailing Address: **PO BOX 361 FARMINGTON AR 72730**  
 Lot: Block: S-T-R: **03-16-30**  
 Addition: **3-16-30 FAYETTEVILLE OUTLOTS**  
 School District: **FAYETTEVILLE SCH, FAY** Tax District: **011**  
 City: **FAYETTEVILLE**  
 Legal: **PT E/2 FRL NW .53 A.**  
 Current Year A79 Credit Status: **N**

	Appraised Value	Taxable Value
Land	35,000	7,000
Improvement	6,700	1,340
Total	41,700	8,340

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	13,710	\$736.91	\$0.00	\$0.00	\$0.00	\$350.00	O	\$386.91	\$0.00	
2011	<b>DELINQUENT</b>									
2010	13,710	\$743.77	\$0.00	\$0.00	\$0.00	\$350.00	O	\$393.77	\$393.77	PAID
2009	16,320	\$840.48	\$0.00	\$0.00	\$0.00	\$350.00	O	\$490.48	\$490.48	PAID
2008	16,320	\$840.48	\$0.00	\$0.00	\$0.00	\$350.00	OF	\$490.48	\$490.48	PAID
2007	12,789	\$659.91	\$0.00	\$0.00	\$0.00	\$350.00		\$309.91	\$309.91	PAID
2006	11,626	\$612.69	\$0.00	\$0.00	\$0.00	\$0.00		\$612.69	\$612.69	PAID
2005	10,732	\$565.58	\$0.00	\$0.00	\$0.00	\$0.00		\$565.58	\$565.58	PAID
2004	9,838	\$510.20	\$0.00	\$0.00	\$0.00	\$0.00		\$510.20	\$510.20	PAID
2003	8,944	\$473.67	\$0.00	\$0.00	\$0.00	\$0.00		\$473.67	\$473.67	PAID
2002	8,256	\$428.98	\$0.00	\$0.00	\$0.00	\$0.00		\$428.98	\$428.98	PAID
2001	7,568	\$393.23	\$0.00	\$0.00	\$0.00	\$0.00		\$393.23	\$393.23	PAID
2000	6,880	\$361.20	\$0.00	\$0.00	\$0.00	\$0.00		\$361.20	\$361.20	PAID
1999	6,880	\$352.26	\$0.00	\$0.00	\$0.00	\$0.00		\$352.26	\$352.26	PAID
1998	6,880	\$352.94	\$0.00	\$0.00	\$0.00	\$0.00		\$352.94	\$352.94	PAID
1997	6,880	\$352.94	\$0.00	\$0.00	\$0.00	\$0.00		\$352.94	\$352.94	PAID

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2010	1119905	10/02/2012	\$393.77	\$0.00	\$0.00	\$0.00	\$81.46	\$475.23
2009	1097467	11/09/2011	\$490.48	\$0.00	\$0.00	\$0.00	\$106.13	\$596.61
2008	1054519	01/13/2010	\$490.48	\$0.00	\$0.00	\$0.00	\$65.82	\$556.30
2007	1035032	02/27/2009	\$309.91	\$0.00	\$0.00	\$0.00	\$46.88	\$356.79
2006	118775	10/9/2007	\$612.69	\$0.00	\$0.00	\$0.00	\$0.00	\$612.69
2005	69480	8/3/2006	\$565.58	\$0.00	\$0.00	\$0.00	\$0.00	\$565.58
2004	53622	7/8/2005	\$510.20	\$0.00	\$0.00	\$0.00	\$0.00	\$510.20
2003	58805	8/20/2004	\$473.67	\$0.00	\$0.00	\$0.00	\$0.00	\$473.67
2002	66970	9/5/2003	\$428.98	\$0.00	\$0.00	\$0.00	\$0.00	\$428.98

2001	5578	4/1/2002	\$393.23	\$0.00	\$0.00	\$0.00	\$0.00	\$393.23
2000	2465	4/2/2001	\$361.20	\$0.00	\$0.00	\$0.00	\$0.00	\$361.20
1999	7187	7/5/2000	\$352.26	\$0.00	\$0.00	\$0.00	\$0.00	\$352.26
1998	6881	6/25/1999	\$352.94	\$0.00	\$0.00	\$0.00	\$0.00	\$352.94
1997	4563	7/6/1998	\$352.94	\$0.00	\$0.00	\$0.00	\$0.00	\$352.94

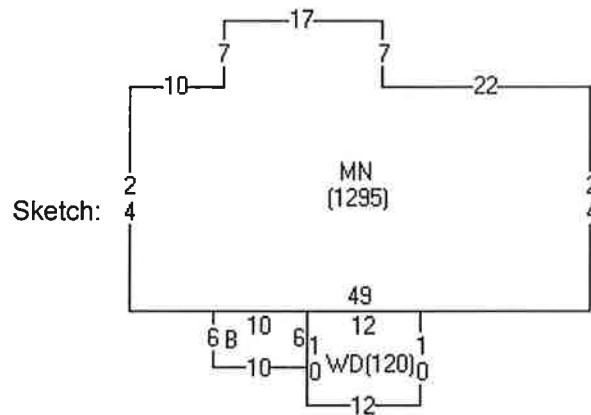
Deed History

Date	Deed Ref.	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
11/7/2007	<u>2007-42032</u>	MAHAN, AARON		FD	0	
SN 2007-42032 FD NO REV PER PROBATE PR2006-778-5						
1/1/1985	<u>920-83</u>	WAITS, BOBBY			0	0.00

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Year Constructed	Basement Area
1	SF	FS	1295	1295	1950	

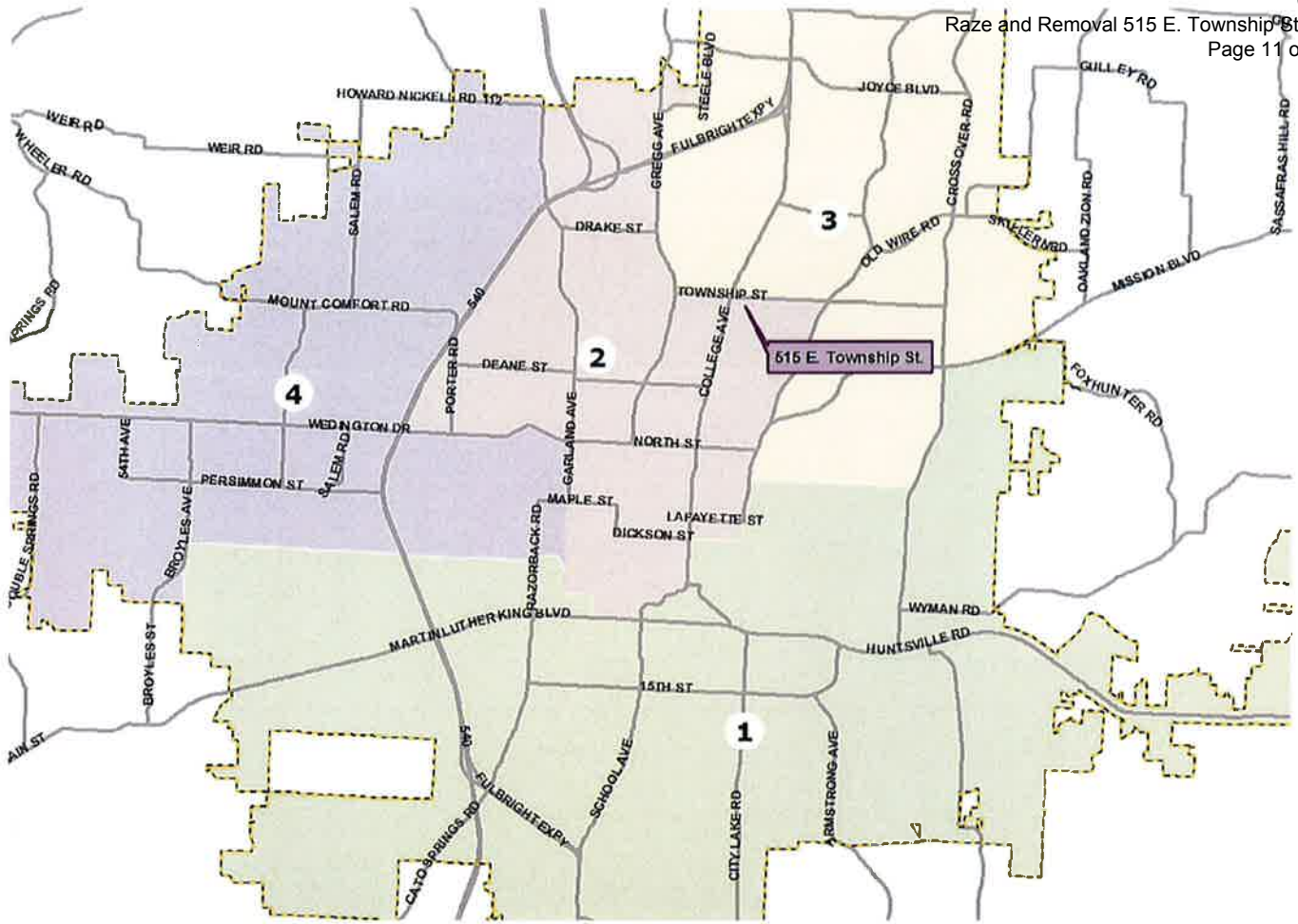
Grade	Condition	Exterior Wall	Fireplace	Year Remodeled	Effective Age
5	P	STANDARD	1SF		60



Out Buildings and Yard Improvements

Qty	Description	Size	Quality
1	Gravel Driveway		

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IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS  
PROBATE DIVISION

Doc ID: 011742300002 Type: REL  
Recorded: 11/09/2007 at 03:44:51 PM  
Fee Amt: \$20.00 Page 1 of 2  
Washington County, AR  
Bette Stamos Circuit Clerk

In the Matter of the Estate of  
BOBBY WAITS, Deceased

Case No. PR-2006-778-5

FIDUCIARY'S DEED

File 2007-00042032

The undersigned, Matthew Mahan, being the duly appointed, qualified, and acting Personal Representative of the Estate of Bobby Waits, deceased, pursuant to Orders of the Washington County Probate Court entered February 2, 2007 and for One Dollar (\$1.00) and other valuable consideration to us in hand paid by Aaron Mahan, hereafter called Grantee, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL, and CONVEY unto said Grantee, and unto his heirs and assigns forever, all the said decedent's right, title, and interest, discharged from liability for his debts, in and to the following described real property situated in Washington County, Arkansas:

A Part of the East half of the fractional Northwest quarter of Section three (3) in Township sixteen (16) North of Range thirty (30) West, being more particularly described as follows:

Beginning at a point on the North line of the said East half of the fractional Northwest quarter of said Section three (3) which is four hundred eighty one and one half (481 1/2) feet East of the East line of U.S. Highway No. 71, which point on said highway is eight (8) links East of the North West corner of said East half of the Fractional Northwest quarter of Section three (3), and running, thence East Seventy two (72) feet, thence South three hundred twenty one and one-tenth (321.1) feet; thence West seventy two (72) feet; thence North three hundred twenty one and one-tenth (321.1) feet to the place of beginning, containing fifty three hundredths (.53) of an acre, more or less.

TO HAVE AND TO HOLD the same unto Grantees and unto his heirs and assigns forever, together with all appurtenances thereunto belonging,

EXECUTED the 7<sup>th</sup> day of November 2007.

  
Matthew Mahan, Personal Representative

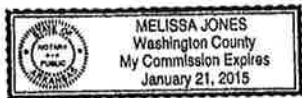


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STATE OF ARKANSAS  
COUNTY OF WASHINGTON

On the 7<sup>th</sup> day of November, 2007, personally appeared before me, the undersigned Notary Public, Matthew Mahan, Personal Representative in the Bobby Waits Estate, to me well known, and acknowledged that he had executed the foregoing instrument in the capacity and for the purposes and consideration therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



*Melissa Jones*  
Notary Public

Send Tax Bills To:

Aaron Mahan  
P. O. Box 361  
Farmington, AR 72730

Prepared by:

Dianne C. Boyd  
Boyd Law Firm  
840 N Pollard  
Fayetteville, AR 72701

