

City of Fayetteville Item Review Form

2014-0211

Legistar File Number

May 20, 2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Yolanda Fields

Submitted By

Development Services

Department

Action Required:

A Resolution Ordering the Razing and Removal of a Dilapidated and Unsafe Structure owned by Stroud Investment Properties, LLC located at 540 N. Betty Jo Drive in the City of Fayetteville, Arkansas, and approving a budget adjustment.

Does this item have a cost? Yes

\$12,000.00

Cost of this request

\$2,300.00

Category or Project Budget

1010.6420.5315.04

Account Number

\$0.00

Funds Used to Date

Raze and Removal

Program or Project Category

50033.1401

Project Number

-\$9,700.00

Remaining Balance

General Fund

Fund Name

Budgeted Item? No

Budget Adjustment Attached? Yes

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____



Comments:

Staff Recommends Approval of the Resolution and the Budget Adjustment.

Yolanda Fields
5/2/14

Paul a. Beck 5-5-2014

Alm May 5-5-14
Terrell Jones

Tabled to the June 3, 2014 City Council Meeting at the May 20, 2014 City Council Meeting.

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 20, 2014

TO: Mayor and City Council

THRU: Jeremy Pate, Development Services Department Director

FROM: Yolanda Fields, Community Resources Director

DATE: April 29, 2014

SUBJECT: Raze and Removal of Structure at 540 N. Betty Jo Drive

RECOMMENDATION:

Staff recommends approval of the Resolution ordering the Razing and Removal of a dilapidated and unsafe structure located at 540 N. Betty Jo Drive and to approve a budget adjustment in the amount of \$9,700 for the balance of the project.

BACKGROUND:

Service Request # 137333, Case # 19048: Code Compliance responded to a request concerning the structure located at 540 N. Betty Jo Drive. 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: *A building permit was submitted on Feb 2012 but never picked up. A Demo Permit was issued 9 NOV 2012 but not completed. Building is in violation of UDC 173.09.*

On February 28, 2014, an Unsafe Building Notice of Violation was received by the property owner. By ordinance, the property owner was given until March 31, 2014 to acquire a building permit or to raze and remove the structure.

On April 14, 2014, a Notice of Public Hearing was received by the property owner informing him of the May 20, 2014 Public Hearing.

DISCUSSION:

This parcel contains a two story 4,096 square foot multi family dwelling. The structure is not secured and has deteriorated to a point where it is no longer safe.

On April 29, 2014, the property owner was issued a Demo Permit (#59014) to Raze and Remove the structure. Due to the recent history of the property, staff is continuing normal abatement measures until the building is razed and the current Demo Permit is satisfied.

BUDGET/STAFF 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. The current budget balance of \$2,300 is a result of another raze and removal project that was corrected by the property owners. Therefore, we are requesting a budget adjustment for \$9,700, which is the remaining balance of this raze and removal project. The winning bid amount for the project was \$12,000.

Attachments:

Attachments include a Budget Adjustment and a packet including notifications and photos.

RESOLUTION NO. _____

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY STROUD INVESTMENT PROPERTIES, LLC LOCATED AT 540 NORTH BETTY JO DRIVE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Stroud Investment Properties, LLC is the record owner of the real property located at 540 North Betty Jo Drive, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

WC Parcel Number 765-07830-000; 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, Stroud Investment Properties, LLC, 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 Section 173.09 of the Fayetteville Code of Ordinances, Stroud Investment Properties, LLC 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 Stroud Investment Properties, LLC 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 20th day of May, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar V)

Budget Year 2014	Division: Community Services Dept.: Development Services Requestor: Lee, Cherrell	Adjustment Number
----------------------------	--	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Move \$9,700 to the Code Raze and Removal account in case of non-compliance to the Raze and Removal request.

COUNCIL DATE: 5/20/2014
 LEGISTAR FILE ID#: 2014-0211
BUDGET & INFORMATION MANAGEMENT USE
Kevin Springer
4/2/2014 11:29 AM
 Budget Director _____ Date _____
 TYPE: _____
 DESCRIPTION: Raze and Removal-Code
 GLDATE: _____
 POSTED: /

RESOLUTION/ORDINANCE

TOTAL	9,700	9,700					v.20140331
	<u>Increase / (Decrease)</u>		<u>Project.Sub#</u>				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
1010.6420.5315.04	9,700		50033	1401	EX	Raze And Removals	
1010.0001.4999.99		9,700			RE	Use of Fund Balance	





Code Compliance Program Unsafe Building Violation Determination

Address / Location: 540-546 Betty Jo Drive

WC Parcel # 765-07830-000

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

Observations: A building permit was submitted on Feb 2012 but never picked up. A demo permit was issued 9 Nov 2012 but not completed. This is in violation of WDC 173.09 (A), (B)(1),(3), (C) & (12)
2/20/14

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: February 7, 2014

SR# 137333

Date Received: 2/20/14

Case# 19048

Community Resources Division Director

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



C. 1
Stroud Investment Properties, LLC
Office of Code Compliance Page 7 of 20
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

February 24, 2014

Owner STROUD INVESTMENT PROPERTIES, LLC
C/O: ANITA STROUD
1690 COLONEL BARTON DR.
PRAIRIE GROVE, AR 72753

RE: Property @ 540 N BETTY JO DR, Fayetteville, AR

WC Parcel # 765-07830-000

Case # 19048

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)575-8232.**

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,

ROSCOE JOHNSON
Code Compliance Officer

Cc: file

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

STROUD INVESTMENT PROPERTIES, LLC
 C/O: ANITA STROUD
 1690 COLONEL BARTON DR.
 PRAIRIE GROVE, AR 72753

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Page 8 of 20
 Agent
 Addressee
 B. Received by (Printed Name) *[Signature]*
 C. Date of Delivery *2-25-14*
 D. Is delivery address different from item 1? Yes
 No
 Enter delivery address below: *[Address]*

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7013 1710 0001 3350 9524

PS Form 3811, February 2004 Domestic Return Receipt *19048 R1* 102595-02-M-1540

7013 1710 0001 3350 9524

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	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

2/24/14
PG, AR
 Postmark Here
R1
19048

Sent To

Street, Apt. No., or PO Box No. _____

City, State, ZIP+4 _____

PS Form 3800, August 2006 See Reverse for Instructions



April 3, 2014

Stroud Investment Properties, LLC
c/o Anita Stroud
10170 Garland McKee
Prairie Grove, AR 72753

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 **540 N. Betty Jo Drive (Parcel #765-07830-000)**, 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 20, 2014** 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

Stroud Investment Properties, LLC


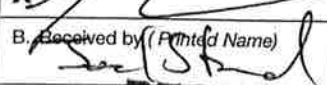
SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

STROUD INVESTMENT PROPERTIES, LLC
 C/O: ANITA STROUD
 10170 GARLAND MCKEE
 PRAIRIE GROVE, AR 72753

COMPLETE THIS SECTION ON DELIVERY

A. Signature X  Agent
 Addressee
 B. Received by (Printed Name)  C. Date of Delivery
 D. Is delivery address different from item 1? Yes
 Enter delivery address below: No

RECEIVED

APR 14 2014

CS DIVISION

3. Service Type
 Registered Express Mail
 Insured Mail Return Receipt for Merchandise
 C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7013 1710 0001 3350 9791

PS Form 3811, February 2004 Domestic Return Receipt 190487 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

7013 1710 0001 3350 9791

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

4-3-14

Postmark Here

KT

19408

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

Parcel: 765-07830-000
Prev. Parcel: 141352-000-00
As of: 4/25/2014

Washington County Report

ID: 42417 C. 1
Stroud Investment Properties, LLC
Page 11 of 20

Property Owner

Name: STROUD INVESTMENT
PROPERTIES LLC

Mailing Address: 1690 COLONEL BARTON DR
PRAIRIE GROVE, AR 72753

Type: (RI) - Res. Improv.

Tax Dist: (011) - FAYETTEVILLE SCH, FAY

Millage Rate: 53.75

Extended Legal:

Property Information

Physical Address: 540 N BETTY JO DR

Subdivision: MAPLE TERRACE PHASE 2

Block / Lot: 003 / 012

S-T-R: 07-16-30

Size (in Acres): 0.000

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$27,000	\$5,400	\$5,400
Building:	\$12,800	\$2,560	\$2,560
Total:	\$39,800	\$7,960	\$7,960

Homestead Credit: \$0.00

Status: (V) - Verify

Note: Tax amounts are estimates only. Contact the county
tax collector for exact amounts.

Land:

Land Use	Size	Units
	1.000	House Lot

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Washington County Report

Tax History:

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit	Net Total Tax	Total Tax Paid	Amount Due
2013	\$7,960	\$427.85	\$0.00	\$0.00	\$0.00	\$0.00	\$427.85	\$0.00	\$427.85
2012	\$7,960	\$427.85	\$0.00	\$0.00	\$0.00	\$0.00	\$427.85	\$427.85	\$0.00
2011	\$28,590	\$1,536.71	\$0.00	\$0.00	\$0.00	\$0.00	\$1,536.71	\$1,536.71	\$0.00
2010	\$28,590	\$1,551.01	\$0.00	\$0.00	\$0.00	\$0.00	\$1,551.01	\$1,551.01	\$0.00
2009	\$42,760	\$2,202.14	\$0.00	\$0.00	\$0.00	\$0.00	\$2,202.14	\$2,202.14	\$0.00
2008	\$48,560	\$2,500.84	\$0.00	\$0.00	\$0.00	\$0.00	\$2,500.84	\$2,500.84	\$0.00
2007	\$32,835	\$1,694.29	\$0.00	\$0.00	\$0.00	\$0.00	\$1,694.29	\$1,694.29	\$0.00

Available Tax Payment Receipt(s):

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty	Payment
2012	68599	10/9/2013	\$427.85	\$0.00	\$0.00	\$0.00	\$0.00	\$427.85
2011	12465	4/30/2012	\$1,536.71	\$0.00	\$0.00	\$0.00	\$0.00	\$1,536.71
2010	20407	5/2/2011	\$1,551.01	\$0.00	\$0.00	\$0.00	\$0.00	\$1,551.01
2009	13132	5/14/2010	\$2,202.14	\$0.00	\$0.00	\$0.00	\$0.00	\$2,202.14
2008	12743	4/27/2009	\$2,500.84	\$0.00	\$0.00	\$0.00	\$0.00	\$2,500.84
2007	14445	4/28/2008	\$1,694.29	\$0.00	\$0.00	\$0.00	\$0.00	\$1,694.29

Deed Transfers:

Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
10/19/2012	2012	31863	Warr. Deed	66.00	\$20,000	STROUD INVESTMENT PROPERTIES LLC	Unval.	Improved
2/5/2007	2007	5301	Warr. Deed	871.20	\$264,000	BARNETT, CORNELIA A	Valid	Improved
5/5/2000	2000	37647	Warr. Deed	3630.00	\$1,100,000	BEARD, MARSHA ANN	Additional Properties	Improved
8/12/1999	99	75172	Warr. Deed	9570.00	\$2,900,000	NEAL, RICKY R & SHELIA A	Additional Properties	Improved
1/1/1985	1038	426	Warr. Deed	0.00	\$0	LAZENBY, WILLIAM A		

Details for Residential Card 1:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Multi. Family	TWO	Masonry & Frame	2048	2048	4096	4+10	1985	25	Average	N/A

Exterior Wall: MF COMBO
Foundation: Slab
Floor Struct: ElevSlab
Floor Cover: Carpet & Tile

Plumbing: Full: 4 Half: 4
Fireplace: N/A
Heat / Cool: Central
Basement: N/A

Not a Legal Document.
 Subject to terms and conditions.

Parcel: 765-07830-000
 Prev. Parcel: 141352-000-00
 As of: 4/25/2014

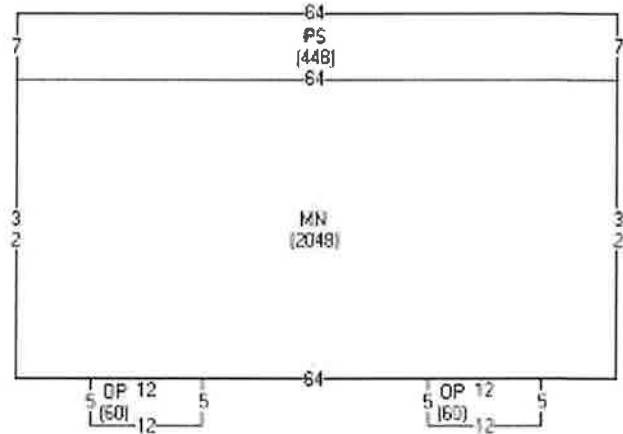
Washington County Report

ID: 42417 C. 1
 Stroud Investment Properties, LLC
 Page 13 of 20

Insulation: Ceilings Walls
Roof Cover: Asphalt Shingle
Roof Type: Hip

Basement Area: N/A
Year Remodeled: N/A
Style: N/A

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	2048
B	PS	Patio slab	448
C	OP	Porch, open	60
D	OP	Porch, open	60
E	WD	Wood deck	320
F	PCB	Patio cover, built-up	320

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Driveway, concrete		40x65	1		
Driveway, concrete		18x22	1		
Fence, wood 6'		175	1		
Porch, open		4x64			
Patio cover, built-up		12x16			
G.P. Barn Lean-To		8x16			

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-07830-000
Prev. Parcel: 141352-000-00
As of: 4/25/2014

Washington County Report

ID: 42417 C. 1
Stroud Investment Properties, LLC
Page 14 of 20

Map:



Not a Legal Document.
Subject to terms and conditions.
www.actDataScout.com









04.30.2014 15:44



04.30.2014 15:48









05.27.2014 08:58



