

City of Fayetteville Staff Review Form

2014-0382

Legistar File ID

9/16/2014

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

Yolanda Fields

8/26/2014

Community Resources /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution Ordering the Razing and Removal of a Dilapidated and Unsafe Structure owned by Kenneth & Wanda Easterling c/o Chuck Easterling, Easterling Properties, LLC. located at 909 W. Eagle Street in the City of Fayetteville, Arkansas, and approving a budget adjustment.

Budget Impact:

1010.6420.5315.04	1010 - General
Account Number	Fund
50033.1401	Raze and Removal
Project Number	Project Title
Budgeted Item? <u>Yes</u>	Current Budget \$ 2,300.00
	Funds Obligated \$ -
	Current Balance \$ 2,300.00
Does item have a cost? <u>NA</u>	Item Cost \$ -
Budget Adjustment Attached? <u>Yes</u>	Budget Adjustment \$ 3,000.00
	Remaining Budget \$ 5,300.00

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments: Staff recommends Approval of the Resolution and the Budget Adjustment. The \$5,300 would be needed in the event the property owner does not raze the structure by the time the resolution is in effect.

JS 8/29/14

Paul A. Byler 9-2-2014

Jim Man 9-9-14

ENTERED 8/29/14
ENTERED 8/29/14
PH

Kenneth Easterling

CITY COUNCIL AGENDA MEMO

MEETING OF SEPTEMBER 16, 2014

TO: Mayor and City Council
THRU: Jeremy Pate, Development Services Department Director
FROM: Yolanda Fields, Community Resources Director
DATE: August 22, 2014
SUBJECT: Raze and Removal of Structure at 909 W. Eagle Street

RECOMMENDATION:

Staff recommends approval of the Resolution ordering the Razing and Removal of a dilapidated and unsafe structure located at 909 W. Eagle Street and to approve a budget adjustment in the amount of \$3,000 for the balance of the project.

BACKGROUND:

Service Request # 138754, Case # 19276: Code Compliance responded to a request concerning the structure located at 909 W. Eagle 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 and Shed have extensive structural damage and shifting. Exterior walls rotten, interior physical damage extensive. Cost to repair to current codes well beyond building valuation.*

On May 22, 2014, an Unsafe Building Notice of Violation was received by the property owner. By ordinance, the property owner was given until June 23, 2014 to acquire a building permit or to raze and remove the structure.

On July 28, 2014, a Notice of Public Hearing was sent to the property owner informing him of the September 16, 2014 Public Hearing.

DISCUSSION:

This parcel contains a single story 804 square foot multi family dwelling. The structure has recently been secured but has deteriorated to a point where it is no longer safe. Staff has met on site with the property owner to discuss abatement measures. No Building Permit has been issued for this property.

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 \$3,000, which is the remaining balance of this raze and removal project. The winning bid amount for the project was \$5,300.

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 KENNETH C. AND WANDA L. EASTERLING LOCATED AT 909 W. EAGLE STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Kenneth C. and Wanda L. Easterling are the record owners of the real property located at 909 W. Eagle Street, City of Fayetteville, Washington County, Arkansas, legally described as follows:

Lot Numbered Four (4) in Block Numbered Fifteen (15) in Rose Hill Addition to the City of Fayetteville, Arkansas, as shown on the recorded plat thereof; 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, Kenneth C. and Wanda L. Easterling, having been properly served with a Violation Notice via Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violation, have 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, Kenneth C. and Wanda L. Easterling 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 Kenneth C. and Wanda L. Easterling 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, a copy of which is attached to this Resolution as Exhibit "A".

PASSED and APPROVED this 16th day of September, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

Budget Year 2014	Division: Community Resources Dept.: Development Services Requestor: Cherrell Lee	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Moving funds in preparation of non-compliance to the Raze and Removal request for 909 W. Eagle St. Funds from the Use of Funds Balance will cover part of the project with the other part coming from funds that were left over from a previous Raze and Removal project, 50033.1303.

COUNCIL DATE: 8/22/2014
 LEGISTAR FILE ID#: 2014-0382
Kevin Springer
8/26/2014 10:42 AM

 Budget Director Date
 TYPE: _____
 DESCRIPTION: _____
 GLDATE: _____
 POSTED: _____ / _____

RESOLUTION/ORDINANCE

Account Number	TOTAL		Project.Sub#		AT	Account Name
	Expense	Revenue	Project	Sub		
1010.6420.5315.04	5,300	-	50033	1401	EX	Raze And Removals
1010.0001.4999.99		3,000			RE	Use of Fund Balance
1010.6420.5315.04	(2,300)	-	50033	1303	EX	Raze And Removals
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
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	-	-				
	-	-				
	-	-				

v.20140716





Code Compliance Program Unsafe Building Violation Determination

Address / Location: 909 W. Eagle St.
WC Parcel # 765-10416-000

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.


15 April

Building Official

Observations: Roof and shed has extensive structural damage
and shifting of trusses to the interior physical
damage extensive. Cost to repair to current codes
well beyond blog. violation. R

I have determined that the structure above is not in violation of Subsection 173.09 (A) of the Fayetteville Code Of Ordinances.

Building Official

I recommend pursuing a Property Nuisance, City Code 173.09(B).

PLEASE RETURN THIS FORM TO CODE COMPLIANCE

Date Sent: April 9, 2014

SR# 138754

Date Received: 4/14/14

Case# 19276



Community Resources 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

May 14, 2014

Owner **KENNETH C & WANDA L EASTERLING**
2920 S SCHOOL AVE

FAYETTEVILLE, AR 72701-8218

RE: Property @ 909 W EAGLE ST, Fayetteville, AR

WC Parcel # 765-10416-000

Case # 19276

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)575-8237.**

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,

ADAM ROBERTS
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. 	A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
KENNETH C & WANDA L EASTERLING c/o CHARLES EASTERLING 2704 S 24TH STREET ROGERS, AR 72758	B. Addressee (Printed Name) Kenneth C. Easterling C. Date of Delivery 5-22-14 Address different from item 1? <input type="checkbox"/> Yes If delivery address below: <input type="checkbox"/> No
	3. Service Type <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. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
2. Article Number (Transfer from service label)	7013 1710 0001 3350 5007 PS Form 3811, February 2004 Domestic Return Receipt AR 19276/19448 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															
<table border="1"> <tr><td>Postage</td><td>\$</td></tr> <tr><td>Certified Fee</td><td></td></tr> <tr><td>Return Receipt Fee (Endorsement Required)</td><td></td></tr> <tr><td>Restricted Delivery Fee (Endorsement Required)</td><td></td></tr> <tr><td>Total Postage & Fees</td><td>\$</td></tr> </table>	Postage	\$	Certified Fee		Return Receipt Fee (Endorsement Required)		Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$	<table border="1"> <tr><td>19276</td></tr> <tr><td>19448</td></tr> <tr><td>Postmark Here</td></tr> <tr><td>5/14/14</td></tr> </table>	19276	19448	Postmark Here	5/14/14
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Street, Apt. No., or PO Box No.															
City, State, ZIP+4															
PS Form 3800, August 2006	See Reverse for Instructions														

7013 1710 0001 3350 5007



July 28, 2014

Kenneth C. & Wanda L. Easterling
c/o Chuck Easterling, Easterling Properties, LLC
2704 S. 24th Street
Rogers, AR 72758

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 **909 W. Eagle Street (Parcel #765-10416-000)**, 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 **September 16, 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,

A handwritten signature in blue ink, appearing to read "Chad Ball".

Chad Ball
Code Compliance Administrator

Cc: file

Parcel: 765-10416-000
Prev. Parcel: 143692-000-00
As of: 8/14/2014

Washington County Report

Property Owner

Name: EASTERLING, KENNETH C &
WANDA L

Mailing Address: 2920 S SCHOOL AVE
FAYETTEVILLE, AR 72701-8218

Type: (RI) - Res. Improv.

Tax Dist: (011) - FAYETTEVILLE SCH, FAY

Millage Rate: 53.75

Extended Legal:

Property Information

Physical Address: 909 W EAGLE ST

Subdivision: ROSE HILL ADD

Block / Lot: 015 / 004

S-T-R: 09-16-30

Size (in Acres): 0.000

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$45,000	\$9,000	\$9,000
Building:	\$12,600	\$2,520	\$2,520
Total:	\$57,600	\$11,520	\$11,520

Homestead Credit: \$0.00

Note: Tax amounts are estimates only. Contact the county/parish 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

Parcel: 765-10416-000
 Prev. Parcel: 143692-000-00
 As of: 8/14/2014

Washington County Report

Deed Transfers:

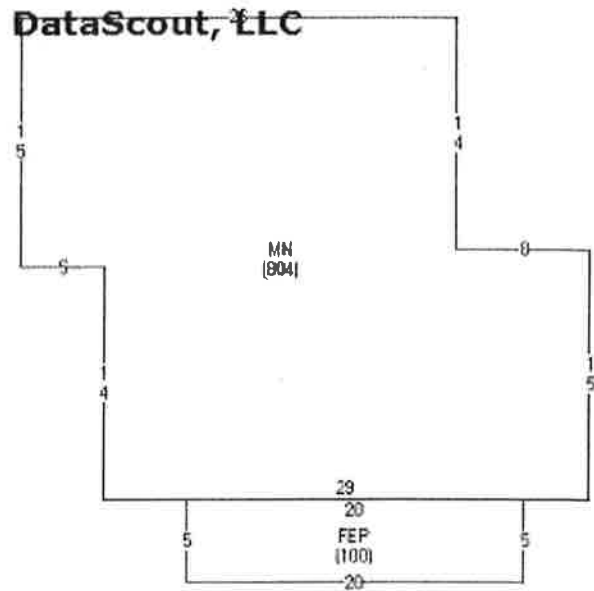
Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
10/22/1955	569	293	Warr. Deed	0.00	\$0	EASTERLING, KENNETH C. & WANDA L		

Details for Residential Card 1:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Frame Siding Std.	804	0	804	5	1886	124	Fair	N/A

Exterior Wall: SIDING
Foundation: Closed Piers
Floor Struct: Wood with subfloor
Floor Cover: Carpet & Tile
Insulation: Ceilings
Roof Cover: Metal
Roof Type: Gable

Plumbing: Full: 1
Fireplace: N/A
Heat / Cool: None
Basement: N/A
Basement Area: N/A
Year Remodeled: N/A
Style: N/A



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	804
B	FEP	Frame enclosed porch	100

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

Parcel: 765-10416-000
 Prev. Parcel: 143692-000-00
 As of: 8/14/2014

Washington County Report

Outbuildings and Yard Improvements:

Item	Type	Size/Dlm	Unit Multl.	Quality	Age
Garage - frame unfinished, detach		10x16	1		
Fence, chain link 4'		257			

Other Adjustments:

Code	Type	Quantity
FLOORC	L	161

Map:



Not a Legal Document.
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www.actDataScout.com







