

RESOLUTION NO. 2023- 23

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF FAIRFIELD BAY
CONDEMNING A PUBLIC NUISANCE AT
108 RAINBOW COURT,
LOT NO. 36, BLOCK 3,
LAKEWOOD SUBDIVISION OF
THE CITY OF FAIRFIELD BAY;
PROVIDING NOTICE OF
CONDEMNATION OF THE STRUCTURES AT
108 RAINBOW COURT,
AS A RESULT OF THE
NUISANCE THEREON; AND
FOR OTHER PURPOSES**

WHEREAS, The City of Fairfield Bay has notified the owners of the real property located at 108 Rainbow Court, Christopher Powers, Agent for Adsepira, LLC, a foreign entity, more than thirty days prior to consideration of this Resolution, that the property was subject to nuisance proceedings (after sewer service was disconnected), and further would be subject to condemnation proceedings if the nuisance was not abated because the property is not habitable; and

WHEREAS, the City of Fairfield Bay at its August 14, 2023, regular meeting, declared this structure a nuisance, and provided notice that it would be condemned if the nuisance were not abated within thirty (30) days of written notice; and

WHEREAS, the City of Fairfield Bay has provided adequate written notice to the owner, tenants, occupants, spouses, and others; and

WHEREAS, there has been no response from any owner, tenant, occupant, or spouse of the same for more than thirty (30) days since delivery of appropriate written notice of the violations of the Municipal Code of the City of Fairfield Bay, Declaration of Nuisance, and Notice of Potential Condemnation;


NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD BAY, ARKANSAS:

1. That, in accordance with the report made to the Mayor by the Building Official, as reported at the City Council Meeting, and in accordance with the written notices previously provided to the owners, tenants, occupants, and spouses thereof, of 108 Rainbow Court, also known as part of Section 18, Township 11 N, Range 12 W, Lot No. 036, Block 3 in the City of Fairfield Bay, subdivision 2 (Lakewood Subdivision), Van Buren County, Arkansas, is **FOUND TO BE A NUISANCE**, for more than thirty consecutive days, and which has become a safety hazard to the public, and which is additionally adversely and materially affecting the value of real property within the City of Fairfield Bay.
2. That the owners, tenants, occupants, and spouses thereof, of 108 Rainbow Court, are incapable of timely abating the foregoing violations of the Municipal Code, notwithstanding the delivery of appropriate written notices at the real property, and to the owners, individually.
3. **IT IS THEREFORE FOUND, DETERMINED, AND DECLARED** by the City Council of the City of Fairfield Bay that the real property, located at 108 Rainbow Court, including all improvements thereon, and specifically including any structures located on the real property, such as a mobile home, trailer, and other attached structures, **IS CONDEMNED AS CONSTITUTING A NUISANCE** in accordance with Section 11.16.03 of the Municipal Code of the City of Fairfield Bay.
4. **IT IS FURTHER ORDERED** that any house, building, mobile home, trailer, and other attached structure, **MAY BE TORN DOWN AND REMOVED** to ensure the removal thereof as provided in the Municipal Code, Section 11.16.05.
5. **IT IS FURTHER ORDERED** that a copy of this RESOLUTION be POSTED ON THE REAL PROPERTY, and delivered to the OWNERS, TENANTS, OCCUPANTS, and any spouse of any OWNER, TENANT, OR OCCUPANT, by regular first-class mail, and by certified mail with a return receipt requested, and specifically delivered to the attention of Christopher Powers, Agent for Adsepira, LLC, at 200 NE Missouri Rd, Suite 200, Lee's Summit, MO 64086; and to Adsepira, LLC, PO Box 248, Pleasant Hill, MO 64080. Separate Notice shall also be addressed and delivered to Arkansas Secretary of State (Hon. John Thurston), Attn: Business and Commercial Services, 500 Woodlane Avenue, Little Rock, Arkansas 72201, the address for business entities not registered in the State of Arkansas (with three copies and a check for service in an amount not to exceed \$50.00). Separate Notices shall also be addressed to Owner, Tenants, and Occupants, and spouse of Owner, spouse of Tenant, and spouse of Occupant, and must likewise be delivered to 108 Rainbow Court by both regular first-class mail and by certified mail. A TRUE OR

CERTIFIED COPY OF THIS RESOLUTION shall be included in all notices delivered pursuant to this paragraph.

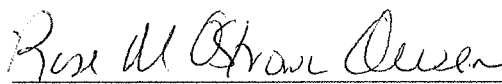
6. A copy of this Resolution shall be inserted into a newspaper of general circulation in Van Buren County, Arkansas, for at least two (2) separate publication dates (assuming single publication per week).
7. That the house, building, mobile home, trailer, and other structures located on the real property located at 108 Rainbow Court in Fairfield Bay, Arkansas, shall be torn down and removed by the Building Official of the City of Fairfield Bay, upon this Resolution of Condemnation by the City Council, ***UNLESS the nuisance has been abated, or the structures torn down, and removed by the owner, tenants, occupants, or others interested in the real property WITHIN THIRTY (30) DAYS OF THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE IN THE NEWSPAPER OF GENERAL CIRCULATION IN VAN BUREN COUNTY, and no sooner than thirty (30) days after the date of this Resolution, and no sooner than thirty (30) days after the date of mailing the notices required hereinabove.***
8. That the City of Fairfield Bay shall have a lien against the real property if the City has any net loss resulting from the costs in abatement, destruction or removal of any house, building or structure. Section 11.16.08 of the Municipal Code of the City of Fairfield Bay; Ark. Code Ann. §14-54-904.
9. FINE FOR NUISANCE: In accordance with Municipal Code Section 11.16.09, each separate day the nuisance continues unabated shall constitute a separate offense, for which the City may impose a fine of \$250.00 per day, in accordance with the Municipal Code.

PASSED THIS 9th of October, 2023, at the Regular City Council Meeting.



Jackie Sikes, Mayor
City of Fairfield Bay

A true copy, ATTEST:



Rose O. Owen, Recorder-Treasurer
City of Fairfield Bay

Prepared and approved:
Kelly Law Firm, PLC
Attorney for City of Fairfield Bay
October 9, 2023