

Regular City Council Meeting
July 11, 2022

RESOLUTION NO. 2022-21

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF FAIRFIELD BAY
CONDEMNING A PUBLIC NUISANCE AT
107 FIRESIDE LANE,
LOT 190, BLOCK 3,
LAKEWOOD SUBDIVISION OF
THE CITY OF FAIRFIELD BAY;
PROVIDING NOTICE OF
CONDEMNATION OF THE STRUCTURES AT
107 FIRESIDE LANE,
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 107 Fireside Lane, Estate of William M. Wingate, and his two heirs, Sherman Wingate and Dustin R. Wingate, 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 May 9, 2022, 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;

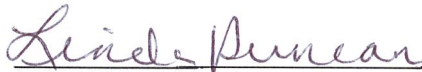
NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD BAY, ARKANSAS:

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 107 Fireside Lane, Fairfield Bay, the real property at 107 Fireside Lane, also known as Lot No. 190, Block (3) in the Lakewood Subdivision (Subdivision 2), City of Fairfield Bay, 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 107 Fireside Lane, 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 107 Fireside Lane, 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 Brandon M. Haubert, Wilson & Haubert, PLLC, 1 Riverfont Place, Suite 745, North Little Rock, AR 72114, as agent for the Estate of William Michael Wingate, deceased. Separate Notices shall also be addressed and delivered to Sherman Wingate, 829 West County Road, Greensboro, IN 47240, and the spouse of Mr. Sherman Wingate, if any, at that address. Separate Notices shall also be addressed and delivered to Dustin Ryan Wingate, 990 Gulf Mountain Road, Scotland, AR 72141, and the spouse of Mr. Dustin Ryan Wingate, if any, at that address. 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 107 Fireside Lane 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 107 Fireside Lane 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 11th of July, 2022, at the Regular City Council Meeting.



Honorable Linda Duncan, 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
July 11, 2022; Rev: July 11, 2022 by Council