

RESOLUTION 2009-29

A RESOLUTION OF THE ELKINS CITY COUNCIL  
DETERMINING AND DECLARING THAT THE TREES AT  
327 N. CENTER STREET, ELKINS, AR ARE A HAZARD TO  
THE HEALTH OF THIS COMMUNITY

WHEREAS, EMC 5.04.01 et seq requires maintenance of property to protect the health of this community.

WHEREAS, after notice if an owner of property fails to remedy the dangerous condition the City may act to remove the hazardous condition and charge the costs of such to the owner and claim a lien against the property itself.

WHEREAS, the owners of property situate at 327 N. Center Street, Elkins, AR, have previously been notified that EMC 5.04.01 requires them to remedy the unsightly and unsanitary situation existing on that property (removal of broken and fallen limbs) and said owner has failed to act as requested.

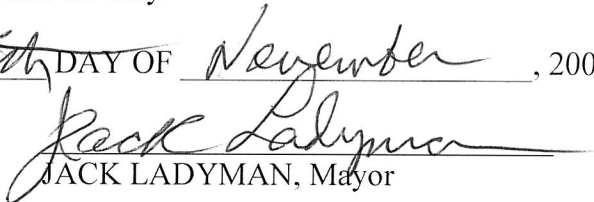
IT IS HEREBY RESOLVED BY THE ELKINS CITY COUNCIL THAT:

SECTION 1: The real property located at 327 N. Center Street, Elkins, AR, is hereby declared to be in violation of EMC 5.04.01 et seq due to the fallen and broken limbs overhanging the sidewalk and public areas near the school; and it is determined the owner, Billy Jack Frost, has been notified as required by EMC 5.04.01.

SECTION 2: The Mayor is hereby authorized to have qualified persons using their equipment and/or vehicles enter onto said property and then remove the fallen/broken limbs and all portions/parts of same which have fallen/blown off and to haul such to a licensed/authorized site. The Mayor shall not contract with anyone to perform this service for a cost in excess of \$ 1,500.<sup>00</sup>. As soon as the total costs for removal and moving and disposal of the dangerous limbs are known to the Recorder-Treasurer, she shall present a statement to the owners for those services.

SECTION 3: If the owner fails to reimburse the City within 60 days of the mailing of the statement by the Recorder-Treasurer, the City attorney shall prepare and file with the Washington County Circuit Clerk a Notice of Lien and take such other actions to perfect the lien, enforce the lien, and collect such monies as are due the City.

PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF November, 2009.

  
JACK LADYMAN, Mayor

ATTEST:

  
SUNNY LEDFORD, Recorder/Treasurer