RESOLUTION NUMBER 2025-R-13

A RESOLUTION CERTIFYING THE AMOUNT OF CLEAN UP LIEN TO BE FILED WITH THE MARION COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 211 ALFORD DRIVE, BULL SHOALS, MARION COUNTY, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, a certain property located at 211 Alford Drive, Bull Shoals, Arkansas was declared to have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare; and

WHEREAS, the residential structure located at 211 Alford Drive, Bull Shoals, Arkansas should be removed and/or razed due to the reasons set forth in A.C.A. 14-56-203.

WHEREAS, A.C.A. 14-54-903 provides that if the owner(s) or lien holder(s) of any lot or structure, after having been given seven (7) days' notice in writing to do so, refuses to remove, abate or eliminate any nuisance property, the City of Bull Shoals is authorized to do what is necessary to correct the conditions and charge the cost thereof to the owner(s) of the real property; and

WHEREAS, according to the Marion County Assessor's Office Parcel Numbers. 760-19148-000 and 760-19149-000, described as 211 Alford Drive, Bull Shoals, Arkansas, is owned by Céline Katrine Scott Colling and Jeffery David Colling Sr., who have, after receiving notice from the City regarding the conditions of the property (see attached Exhibit A & A1), failed to abate the conditions; and

WHEREAS, pursuant to A.C.A. 14-54-901, et seq. and Act 854 of 2007, the City of Bull Shoals is authorized to abate the nuisance conditions, establish a lien for the cost associated therewith, and collect the same in order to protect the health, safety and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BULL SHOALS, MARION COUNTY, ARKANSAS:

Section 1: THAT UPON A HEARING OF THE FACTS (see Attached Exhibit B & B1), the City Council held a hearing on January 30th, 2025 at 6:30 PM and as a result of that hearing hereby declare that proper notice was given to the owner(s) and lien holders(s) of the subject property to remove, abate or eliminate the public nuisance conditions on the subject property located at 211 Alford Drive; more specifically described as:

LOT 9, Block 4 of McDonald Meadows Subdivision, Marion County, Arkansas, as shown by the recorded plat thereof. Subject to a 10-foot sewer line easement across and along the easterly side of lot.

All of lot 10 Block 4 of McDonald Meadows Subdivision, Marion County, Arkansas, as shown by the recorded plat thereof, except the following described tract described as beginning at the NW corner of lot 10, run thence South 34 degrees West to the SW corner of said lot 10, run thence South 56 degrees East 25 feet; thence North 22 degrees 46 minutes East 135.6 feet, to the place of beginning.

SECTION 2: The City Council further declares that the owner(s) and lien holders(s) of the subject property failed to remove, abate or eliminate the public nuisance conditions at the property after it was condemned pursuant to Ordinance 2025-02 in the time allowed by law, and the City then abated the public nuisance conditions at a cost of no less than \$3,798.19 as of 8-6-2025 (See attached hereto as Exhibit C.)

SECTION 3: The City Council further declares that upon presentation of facts at a public hearing, the city is entitled to a priority clean up lien in the amount of \$3,798.19 (costs of abatement plus an additional \$45.00 filing fee for the subject lien certification) against the subject property. This lien, as provided for in A.C.A. 14-54-903, may be enforced and collected at any time within ten (10) years after the lien has been filed in either one of the following manners as provided for in A.C.A. 14-54-904:

- (1) By an action for foreclosure in the circuit court; or
- (2) The amount so determined at this public hearing, plus ten percent (10%) penalty for collection, to be certified to the Marion County Tax Collector to be placed on the tax books as delinquent taxes and collected accordingly.

SECTION 4: That if the owner(s) or lien holders(s) fail to pay the amount of the herein certified clean-up lien in the time allowed by law, attorneys representing the City are hereby directed to pursue any and all proper legal actions for collection of the amount of said lien plus all applicable cost.

SECTION 5: That the provisions of this Resolution are hereby declared to be severable, and if any section, phrase, or provision, shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases, or provisions.

SECTION 7: That this Resolution shall be in full force and effect from and after its passage and approval.

APPROVED: Mayor Bill Stahlman	COUNCIL VOTE: YAYS 5 NAYS 0	August 281 2025
ATTEST:Paula Renolds City Recorder	SPONSOR: Mayor Bill Stahlman	
APPROVED AS TO FORM:		
City Attorney Wi	ll King	

ABSTRACT OF COURT RECORD FOR STATE LICENSING AUTHORITY Disposition Date: Docket No.	Charge: Defendant's Plea: Guilty Not Guilty Court Finding: Guilty Not Guilty Dismissed Bond Forfeited Defensive Driving School Fined: \$ Total: \$	tion Date: Docket No.	Appeal Bond of: \$ Filed : Circuit Court As provided by law, I hereby certify that the information on this cliation is a true abstract of the record of this court in this case. Signature of Judge or Clerk
BULL SHOALS PD	ARKANSAS, COUNTY OF CITY TICKET 2A0A3131700 MARION Being duly sworn, deposes and says that heishe has reasonable cause to believe that the person herein named did, within the previous 12 months, commit the offense set forth contrary to law in that: on or about	Maiden Last Maiden Last COLLING AR YES Body Type NO Passenger #: NO Passenger #: NO Passenger #: Area Height With Middle	Court Appearance Information Court Appearance Information R70445-4775 Court Appearance Date and Time Court Appearance Date and Time O4/14/2025 O1:00 PM BULL SHOALS, AR 72619 BULL SHOALS, AR 72619 O4/14/2025 O1:00 PM BULL SHOALS, AR 72619 In said time and place or otherwise comply with the provisions of this complaint and instructions of the NOTICE part of this ticket. NO SIGNATURE REQUIRED Pursuant to §27-50-603 leassed on Own Recognizance

EXCHIBIT AI.



CITY ORDINANCE NO 2025-2

AN ORDINANCE OF THE CITY OF BULL SHOALS, ARKANSAS, DIRECTING AND ORDERING THE SEIZURE OF PROPERTY LOCATED AT 211 ALFORD DRIVE, BULL SHOALS, ARKANSAS 72619

WHEREAS, Arkansas law authorizes the City of Bull Shoals, AR to remove or raze structures that have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare; and

WHEREAS, the residential structure located at 211 Alford Drive, Bull Shoals AR 72619 should be removed and/or razed due to the reasons set forth in ACA 14-56-203,

WHEREAS, The City Council of the City of Bull Shoals finds that an Emergency exists, and that the implementation of this Ordinance is necessary for the preservation of the public's peace, health, safety, welfare, and property Therefore, an Emergency is hereby declared to exist, and that this Ordinance is to be in effect immediate after its adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BULL SHOALS, ARKANSAS, AS FOLLOWS.

Property Description The property subject to this ordinance is located at 211 Alford Drive, Bull Shoals AR 72619, parcel number 760-19149-000

Findings The City of Bull Shoals has inspected the above-described property and has consistently found the following problems, to wit:

- The residential structure located on the property is in a condition that is unsafe and likely to entice, lure or otherwise attract small children and others to such structures/improvements which could result in harm to such individuals,
- 2. The structure is acting as a haven and breeding ground for insects, pest animals and other vermin,
- Officers have been called to the property at least ten times between August and December 2024, due to trespass and other criminal activity, as a result of its damaged state,
- 4 The conditions on the property pose a significant threat to public health, safety, or welfare.
- 5 Previous attempts to address the issue through less severe measures have been unsuccessful or are otherwise impractical.

Seizure Order and Enforcement

1 Upon adoption of this ordinance, the City shall take such actions as are appropriate and lawful to resolve the dangerous condition of the property

- 2. The Mayor is directed to coordinate with legal counsel to effect the filing of appropriate legal action as to seize the property or otherwise resolve the dangerous condition.
- 3 Costs incurred by the City in seizing and resolving the dangerous condition of the property shall be assessed against the property as a lien.

Severability If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

Effective Date This ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of Bull Shoals, Arkansas on this 30 th day of TANUARY, 2025

Mayor, City of Bull Shoals

City Clerk, City of Bull Shoals

EXHIBIT BI PAGET

City of Bull Shoals Council Meeting Minutes

Thursday January 30th, 2025, at 6:30pm

Bull Shoals City Hall Council Chambers

706 C.S. Woods Blvd Bull Shoals, AR 72619

Agenda X – repair of damsite bath house. Repair is passed with MC Harcourt Construction doing the work. Motion by Councilman Bolen, 2nd by Howel. Ayes 5, Nayes 0

Agenda XI – Sink Holes - Jared wants to meet on 2/7 at the site with his bosses. May be able to receive grant from Game and Fish. Put barricade on lower end of Rivercliff for fishing, no boat access.

Agenda XII – Sidewalk decision – Have not heard back from ARDOT. Phase 2 will not have any penalties or fees charged to the city if the council decides to pull out of this grant. Motion by Councilman Meinking, 2nd by Councilman Bolen. Ayes 5, Nayes 0 to drop ARDOT sidewalk phase 2.

Agenda XIII – Old Harps Complex – Councilman Hutchison stated everything needs to go through the attorneys for resolutions. Councilman brought up maybe dropping the lawsuit. Councilman Meinking asked to put it on the next workshop. Councilman Hutchison motioned to drop lawsuit, Councilman Howell 2nd the motion. Ayes 5, Nayes 0.

Agenda XIV – Bucket truck – Motion to buy the \$12,000.00 truck by Councilman Bolen, 2^{nd} by Councilman Meinking. Ayes 5. Nayes 0.

Agenda XV – 2003-18 Ordinance Amendment – Animal control. Councilman Bolen made motion, Councilman Howell 2nd it. Ayes 5, Nayes 0. Motion to suspend rule; Councilman Bolen made motion, Councilman Hutchison 2nd it. Ayes 5, Nayes 0.

Agenda XVI - 211 Alford Dr - Councilman Lindman expects 15 to 20 thousand to clean up. Then we will put a lien on the property. Motion to read Ordinance 2025-02 by Councilman Bolen, 2nd by Councilman Hutchison. Ayes 5, Nayes 0. First motion to suspend rules, read by title only motioned by councilman Meinking, 2nd by Councilman Bolen. Ayes 5, Nayes 0. Second reading motioned by Councilman Bolen, 2nd by Councilman Howell. Ayes 5, Nayes 0. Third reading motioned by Councilman Lindman, 2nd by Councilman Meinking. Ayes 5, Nayes 0. The ordering of seizure of property of 211 Alford Dr Bull Shoals, Ar 72619, Ayes 5, Nayes 0.

EXHIBIT BI PAGE 2

City of Bull Shoals Council Meeting Minutes

Thursday January 30th, 2025, at 6:30pm

Bull Shoals City Hall Council Chambers

706 C.S. Woods Blvd Bull Shoals, AR 72619

Agenda XVII - Approval of 2025 Budget – Motion to approve Resolution R-1 by Councilman Hutchison, 2nd by Councilman Meinking. Roll call – Hutchison yes, Pucci absent, Meinking yes, Lindman yes, Bolen yes, Howell yes.

Adjourn to Executive Session motioned by Councilman Meinking, 2nd by Councilman Lindman.

Agenda XVIII – Resolution 2025 R-2 Treasurers appointment – Councilman Hutchison motioned to appoint Paula Reynolds to the position, 2nd by Councilman Meinking. Roll call – Hutchison yes, Pucci absent, Meinking yes, Lindman no, Bolen yes, Howell yes. City of Bull shoals hereby appoints Paula Reynolds as treasurer from Jan 1, 2025, through Dec 31 2028. Motioned by Councilman Hutchison, 2nd by Councilman Meinking. Ayes 4, Nayes 1 Councilman Lindman.

Citizens Comments: Pat Curtis – Thank you to all councilmembers who returned her phone call, Councilman Bolen and Councilman Lindman did not return her call. Dan Caldwell – Bel Arco owner, he has a couple of investors looking at that property. Tim Curtis – Thank you to the City of Bull Shoals moving forward. Linda Fawcett – Glad to be a part of working through the budget committee. Brenna Farrel – no longer coming to meetings, wants the city camera to face the council desks.

Mayors Comments: Councilman Mike Howell named Mayor Pro-Tempore under ACA 14-43-501(b)(3)(a). All city credit cards are returned to the admin and all purchases need purchase orders attached.

Adjournment: Motioned by Councilman Mienking, 2nd motioned by Councilman Howell. Ayes: 5, Nayes 0

APPROVED:

Mayor Bill Stahlman

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ATTESTED:

Recorder Paula Reynolds

EXHIBIT C.

City of Bull Shoals

P.O. Box 390 -706 C.S. Woods Blvd. - Bull Shoals, AR 72619

Website: <u>www.cityofbullshoals.org</u> Phone: (870) 445-4775 – Fax: (870) 445-4948

08/06/2025

Ms. Celine Colling,

Records show that you are the owner of 211 Alford Dr.

The City of Bull Shoals has not been able to contact you concerning this house being a danger to the community. The City Council has acted and passed an Ordinance 2025-2 to condemn this property as of January 30, 2025, due to the tree on the house and the premises not being kept free from high weeds, high grass, garbage and rubbish in the yard, according to Ordinance 2008-02. First notice, citation, was posted on the property on 04/04/2025, giving you 7 days to respond.

With no response and the city not being able to contact you, the City Council has had the tree removed from the house and then sealed any access to the house to prevent anyone from entering due to safety concerns to the public.

This letter is now your 2nd notice required by law to take care of this property.

The City of Bull Shoals will place a lien on this property to recover expenses that have been spent.

Administrative fee: \$275.00

Title Search: \$200.00

Tree Removal: \$2500.00

Material, Labor, and Travel for items to seal access to house: \$823.19

Total owed to the City of Bull Shoals: \$3798.19

Respectfully,

City of Bull Shoals City Council

Paperwork describing a clean-up lien, describing the dollar amount the city has spent was delivered and discussed with Celine Colling. Celine was in the Marion County Detention Center. This is in reference to the property located at 211 Alford Street, Bull Shoals, AR 72609.

Celine Colling

Russell Meinking

Mund Mango

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	LIVING AREA BASEMENT			CUPANCY	00

2025 Page 1 of 2 Parcel Summary Page

REVIEW RECORD USE CODES Action Date By BSFD ENTERED 04/106/23 KAR REVISITED 03/29/23 PG INSPECTED 03/29/23 PG NSPECTED 03/27/23 AH NOTICE 07/08/21 TJB TJB ENTERED 11/07/17 SEO REVISITED 10/25/17 AH	REVIEW RECORD on Date By BSFD D 04/05/23 KAR ED 03/29/23 PG TED 03/27/23 PG TED 03/27/23 AH 07/08/21 TJB D 11/07/17 SEO	REVIEW RECORD nn Date By BSFD D 04/06/23 KAR ED 03/29/23 PG TED 03/27/23 PG 03/27/23 AH 07/08/21 TJB	REVIEW RECORD on Date By BSFD D 04/06/23 KAR ED 03/29/23 PG TED 03/29/23 PG TED 03/27/23 AH	REVIEW RECORD Date By BSFD 04/06/23 KAR 0 03/29/23 PG 0 03/29/23 AH	REVIEW RECORD Date By BSFD 04/06/23 KAR 03/29/23 PG 03/29/23 PG	REVIEW RECORD Date By BSFD 04/06/23 KAR 0 03/29/23 PG	REVIEW RECORD By BSFD 04/06/23 KAR CONTROL C	REVIEW RECORD Date By 04/06/23 KAR	REVIEW RECORD Date By BSFD	REVIEW RECORD								TWO-FOR SALE, RMT 11/14/00:	10/9/01 AAG OPI IS 760-19149-000	10/11/01 AAG REDEMPT DEED REC'D 8/27/01 2001-03537 IN NAME OF CREEDLE	CIONA CIT ADDRESS ONO BEB COLLECTOR	COMMENTS	*							LOT 9 BLOCK 4	Legal Description 19-20-15	Old Parcel 15789	100	Acres 0.00 Timber 0.00	School District 26B Nbhd Code BSA Market MAR1	Subdivision MCDONALD MEADOWS	Block 4 LavLong		Lot 9	LEGAL DESCRIPTION	Exemption Status NON-EXEMPT		BULL SHOALS, AR 72619	Address 211 ALFORD DRIVE	Taxpayer Name COLLING, JEFFREY DAVID, SR. & SCOTT COLLING, CELINE		Property Address 211 ALFORD DR	OWNER NAME KATRINE	COLLING, JEFFREY DAVID, SR. & SCOTT COLLING, CELINE	OWNERSHIP RECORD AND DESCRIPTION	I died treat tooch
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Parcel Key 19092	Mahila	Other Home			WALLS	×	пе	a)	-			TION		×	+	UCTURE	1	×	-	r	Gable	Flat	Shed	VER	X Fbrglass	Shakes	RollMil	Galv Alm	LION	-	×	×	-	W.		3	THE PARTY OF THE P	大い		100	A PARTY		4	THE REAL PROPERTY.
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