

AGENDA

PROPERTY OWNERS APPEAL BOARD

OCTOBER 10, 2016 ~ 11:00 A.M.

CITY OF FORT SMITH PLANNING DEPARTMENT

CONFERENCE ROOM, ROOM 326

623 GARRISON AVENUE

CALL TO ORDER

ROLL CALL

- Karen Lewis (Chair) Megan Raynor Scott Monroe
 Joel Culberson Dennis Shaeffer

STATEMENT OF QUALIFICATIONS AND INTRODUCTION OF CITY STAFF

ITEMS OF BUSINESS

- 4305 Kelley Highway** ~ *Tabled from the September 26, 2016 public hearing ~*
RSVP: Terry Rollins – September 14, 2016
Owner(s): Terry L. Rollins
Cleaned: June 8, 2015 / \$940.01
- 3001 Hardie** ~ *RSVP from the September 28, 2016 public hearing ~*
RSVP: Christina Bolin – September 26, 2016
Owner(s): Christina Bolin
Cleaned: December 1, 2015 / \$2,266.27

OTHER

ADJOURN



OFFICE OF THE CITY CLERK
Sherri Gard, CMC, City Clerk
Heather James, Assistant City Clerk

MEDIA RELEASE

October 7, 2016

The Property Owners Appeal Board will meet at 11:00 a.m., Monday, October 10, 2016, in the City of Fort Smith Planning Department Conference Room located at 623 Garrison Avenue, Room 326, to consider two (2) appeals of delinquent property cleanup liens.

Once finalized, the agenda will be posted to the calendar on the City of Fort Smith website. For questions or additional information, please contact the City Clerk's Office at 784-2208 or email sgard@fortsmithar.gov.

A handwritten signature in blue ink that reads "Sherri Gard".

Sherri Gard, City Clerk

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
Tel: (479) 784-2208
Fax: (479) 784-2256
E-mail: cityclerk@fortsmithar.gov
Printed on 100% Recycled Paper

**CHRONOLOGY OF ASSIGNMENT
E15-1333
4305 Kelley Hwy.
Terry L Rollins**

➤ **A complaint was received a fallen tree creating a dangerous situation.**

➤ **May 13, 2015**

Inspector Scott Hamilton posted a 7 DAY CLEAN-UP WARNING notice on the property for dead tree. The tree had fallen and was laying across the adjoining property’s drive with the top of the tree hung up on other trees it had fallen against.

➤ **May 15, 2015**

Due to the dangerous situation a legal search was requested. Arkansas Senate Bill 372 Item (7)(A) requires that any lienholders be given 7 days notice prior to undertaking any work on a property. A legal search was performed and no lien holders were found. A certified letter was mailed to Terry L Rollins, 1718 Rodeo Arena Rd., Lavaca, AR 72941 with copies of the Warning and the cover letters. The Mail Man left notices for the letter on May 18, 2015 and May 23, 2015. The Post Office noted the letter as Unclaimed on **May 23, 2015** and returned the letter to us on May 28, 2015.

➤ **May 28, 2015**

The property remained in violation so Inspector Hamilton documented the violation for assignment to a contractor for abatement.

➤ **June 8, 2015**

The violation was abated by the contractor.

Abatement Costs and Associated Fees were assessed as follow:

February 5, 2016

Labor Charges	790.00
Photo Charges	.00
Landfill Charges	.00
Administrative Fees	150.01
Totals	940.01

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

JAMES E. WEST

JERRY L. CANFIELD, P.A.
THOMAS A. DAILY, P.A.
WYMAN R. WADE, JR., P.A.
DOUGLAS M. CARSON, P.A.
C. MICHAEL DAILY, P.A. † ●
COLBY T. ROE, P.A.
MICHAEL A. LAFRENIERE

KMW BUILDING
58 SOUTH SIXTH STREET
P.O. BOX 1446
FORT SMITH, AR 72902
TELEPHONE (479) 782-0361
FAX (479) 782-6160

OF COUNSEL

HARRY P. DAILY (1886-1965)
JOHN P. WOODS (1886-1976)
JOHN S. DAILY (1912-1987)
BEN CORE (1924-2007)

† Also Licensed in Oklahoma
● Also Licensed in Wyoming & North Dakota

www.dailywoods.com

WRITER'S E-MAIL ADDRESS:
MLaFreniere@DailyWoods.com

WRITER'S DIRECT DIAL NUMBER:
479-242-3955

October 5, 2016

Rick Ruth
Neighborhood Services Division
623 Garrison Ave #503
Fort Smith, AR 72901

Re: Property Owners Appeal Board ("Board")–Terry Rollins

Dear Mr. Ruth:

We have been asked to research the merits of Mr. Terry Rollins' claim that he is not responsible for the fees levied against him by the City following the City's cleanup of a fallen tree on or near his property at 4305 Kelley Highway. It is our understanding that Mr. Rollins' argument to the Board was that while the tree in question may be located on his property, it fell due to an "act of God" onto a neighbors' private driveway and, therefore, it is his neighbor who should be held accountable for the cost of the cleanup.

We began by examining Mr. Rollins' original 1984 deed to the property, a copy of which we are enclosing with this letter along with two drawings of the lot and easement in question. According to the description contained in the 1984 deed, Mr. Rollins' lot does not include the eastern thirty two (32) feet of Lot 8 of the Broadmoor Addition to the City of Fort Smith (the "subject strip"). Thus, the Rollins' are not the fee owners of the subject strip. Although the legal effect of the instruments is uncertain, and although there may be little relevance to the City's Ordinances, Mr. Rollins and his wife may have an easement interest in common with all other adjoining property owners in the thirty two (32) foot strip easement created in 1988 and 1998 instruments, copies of which we are attaching.

The City's nuisance ordinance, codified at §§ 16.1 *et seq.* of the City of Fort Smith Municipal Code, authorizes the City "to order . . . any owner or occupant, or both, of any real property, subdivided or otherwise, within the limits of the city. . . to cut weeds, grass or **dead or dying trees**. . . found to exist **on the property** or on alleys, utility easements, rights-of-way and/or **easements adjoining the property.** "

Initially, the Board should determine whether the tree (base of tree) is on the Rollins' property and not on the subject strip. The GIS map depiction (attached) does not appear to correctly identify the Rollins' ownership. It may be that the entirety of the subject tree is on the subject strip. If it is

determined that the tree (base of tree) is on the Rollins' property, the City's nuisance ordinance may be applied to the Rollins.

If it is determined that the subject tree (base of tree) is not on the Rollins' owned property, but on the subject strip, then the "easements adjoining" language of § 16.1 should be considered. We do not believe that the "easements adjoining" language should be literally applied to an adjacent owner who has no right to access an easement. In contrast to public rights-of-way to which the owner has access to perform cleanup of lands duties, an adjacent owner who has no interest in an easement would be a trespasser on the easement. Here, based on our review to date, we believe the Rollins' have a common interest with their neighbors in the thirty two (32) feet wide strip. However, the Rollins' interest is no greater than the interests of the other adjoining property owners. The Board should determine (and recommend to the board of Directors) whether the City's ordinance should be applied to the Rollins' (alone) in this situation.

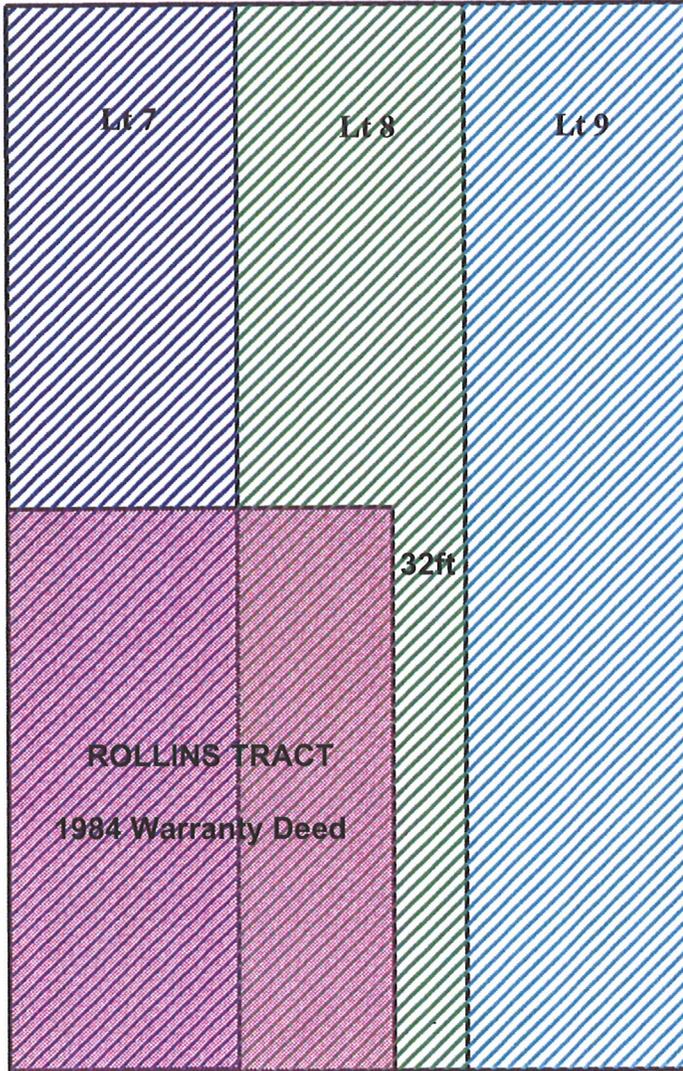
Thank you for your attention to this matter.

Very truly yours,



Michael A. LaFreniere
MAL/jaj

CC: Client

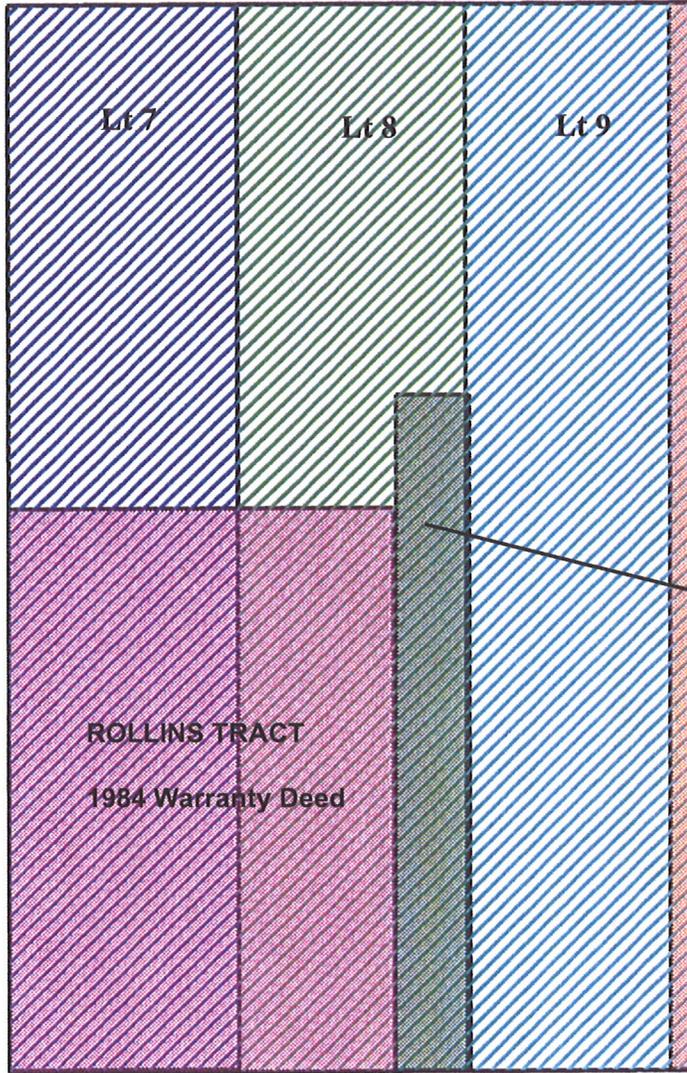


9/27/2016

Scale: 1 inch= 85 feet

File: With easement on right side of Lot 9.ndp

Tract 1: 13.3333 Acres, Closure: s00.0000e 1320.00 ft. (1/3), Perimeter=3960 ft.
Tract 2: 13.3333 Acres, Closure: s00.0000e 1320.00 ft. (1/3), Perimeter=3960 ft.
Tract 3: 1.0852 Acres (47270 Sq. Feet), Closure: n00.1748w 0.09 ft. (1/12434), Perimeter=1145 ft.
Tract 4: 1.0876 Acres (47378 Sq. Feet), Closure: n00.1748w 0.09 ft. (1/12458), Perimeter=1148 ft.
Tract 5: 1.0876 Acres (47378 Sq. Feet), Closure: n00.1748w 0.09 ft. (1/12458), Perimeter=1148 ft.
Tract 6: 0.9642 Acres (42000 Sq. Feet), Closure: n00.1748w 0.15 ft. (1/5402), Perimeter=836 ft.



ACCESS EASEMENT CREATED BY
1988 & 1998 INSTRUMENTS

9/27/2016

Scale: 1 inch= 85 feet

File:

- Tract 1: 13.3333 Acres, Closure: s00.0000e 1320.00 ft. (1/3), Perimeter=3960 ft.
- Tract 2: 13.3333 Acres, Closure: s00.0000e 1320.00 ft. (1/3), Perimeter=3960 ft.
- Tract 3: 1.0852 Acres (47270 Sq. Feet), Closure: n00.1748w 0.09 ft. (1/12434), Perimeter=1145 ft.
- Tract 4: 1.0876 Acres (47378 Sq. Feet), Closure: n00.1748w 0.09 ft. (1/12458), Perimeter=1148 ft.
- Tract 5: 1.0876 Acres (47378 Sq. Feet), Closure: n00.1748w 0.09 ft. (1/12458), Perimeter=1148 ft.
- Tract 6: 0.9642 Acres (42000 Sq. Feet), Closure: n00.1748w 0.15 ft. (1/5402), Perimeter=836 ft.
- Tract 7: 0.2204 Acres (9600 Sq. Feet), Closure: n88.4418w 1.34 ft. (1/496), Perimeter=664 ft.
- Tract 8: 0.1088 Acres (4738 Sq. Feet), Closure: n00.1748w 0.01 ft. (1/105027), Perimeter=968 ft.

Margaret Holden, a single person

TO

Terry L. Rollins, a single person

WARRANTY DEED

UNMARRIED PERSON

KNOW ALL MEN BY THESE PRESENTS:

That I, Margaret Holden, a single person
of Fort Smith, Arkansas, for and in consideration of the sum of
Ten and No/100 ----- DOLLARS,
to me in hand paid by Terry L. Rollins, a single person
have Granted, Bargained and Sold, and do hereby Grant, Bargain, Sell and Convey unto the said Terry L. Rollins, a single person and unto his heirs and assigns forever, the following described Real Estate lying in the County of Sebastian and State of Arkansas, to-wit:
The South 250 feet of Lot 7 and the South 250 feet of the West 68 feet of Lot 8, Block 3, Broadmoor Addition to the City of Fort Smith, Arkansas

Improvements: One (1) story single family residence
Send tax statement to: Central Mortgage Bancshares, Inc.
MPO Box 631
Springfield, Missouri 65801

TO HAVE AND TO HOLD the same unto the said Terry L. Rollins, a single person and unto his heirs and assigns forever, with all privileges and appurtenances thereunto belonging.
And I, the said Margaret Holden, for my self, my heirs, executors, administrators and assigns do

hereby covenant with the said Terry L. Rollins, a single person, his heirs and assigns, that I lawfully seized in fee of the aforegranted premises; that they are free from all incumbrances; that I have good right to sell and convey the same to the said Terry L. Rollins as aforesaid and that I will, and my heirs, executors and administrators shall forever warrant and defend the title to said real estate against all lawful claims and demands whatsoever.

Witness my hand and seal on this 19th day of March, 19 84
Margaret Holden (SEAL)
Margaret Holden (SEAL)

STATE OF ARKANSAS }
County of Sebastian } ss.
On this 19th day of March, 19 84, personally appeared before me, a Notary Public within and for the County and State aforesaid, duly commissioned and acting Margaret Holden, a single person to me well known as the person whose name appear upon the within and foregoing deed, as the part Y grantor, and stated that she had executed the same for the considerations and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public the day and year last above mentioned.
My Commission expires 1-10-, 19 91
Kathryn S. Coonce
Notary Public

Filed for record this 23 day of March, 1984, at 3:35 o'clock P. M.
Reel 452 Page 1169
Margaret Holden, D.C.
Clerk and ex-Officio Recorder

This Instrument was prepared by (Name) _____
(Company or Firm) _____
THIS INSTRUMENT PREPARED BY:
EUGENE A. W... ATTORNEY
P. O. Box 2123 720093
Fort Smith, Arkansas 72902

FILED
FORT SMITH DISTRICT
MAR 23 1984
P. M.
3 35
Kathryn S. Coonce

\$44.00
\$22.00
0093689
0188391

1169

QUIT-CLAIM DEED - Unmarried Person

KNOW ALL MEN BY THESE PRESENTS:

That I, Margaret Holden, a widow, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration,

to me in hand paid by Analea James, a widow, surviving tenant by the entirety of Jesse James, deceased, her heirs and assigns, and Terry L. Rollins and Mary Rollins, husband and wife, their heirs and assigns

do hereby Grant, Sell and Quitclaim unto the said Analea James, a widow, surviving tenant by the entirety of Jesse James, deceased, her heirs and assigns, and Terry L. Rollins and Mary Rollins, husband and wife, their heirs and assigns and unto their heirs and assigns forever, the following lands lying

in the County of Sebastian and State of Arkansas, to-wit:

BOOK 508 PAGE 561

"I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument." ✓

[Signature]
500 Grantee St. Grantee Agent
Fort Smith, AR 72901

Grantee's Address *

No revenue stamps required.
No monies exchanging hands.

A road right-of-way for the purpose of ingress and egress to adjoining properties to said roadway which is described as follows, to wit: Commencing at the SW corner of Lot 7, Block 3 of Broadmoor Addition to the City of Fort Smith, Arkansas, and running thence due East along the Northern right-of-way line of Kelly Highway 168 feet for a point of beginning; thence North 300 feet; thence East 32 feet; thence South 300 feet; thence West 302 feet to the point of beginning, said right-of-way for road purposes being 32 feet East and West and 300 feet North and South.

FILED IN THE CLERK'S OFFICE
AUG 22 1988
P. 3: 58

To Have And To Hold the same unto the said Analea James, a widow, surviving tenant by the entirety of Jesse James, deceased, her heirs and assigns, and Terry L. Rollins and Mary Rollins, husband and wife, their heirs and assigns and unto their heirs and assigns forever, with all appurtenances thereunto belonging.

Witness my hand and seal this 22nd day of August, 1988

Margaret Holden (SEAL)
Margaret Holden

ACKNOWLEDGMENT

STATE OF ARKANSAS
County of Sebastian } ss.

On this 22nd day of August, 1988, personally appeared before me, a notary public within and for the County and State aforesaid, duly commissioned and acting, Margaret Holden, a widow, to me well known as the person whose name appears upon the within and foregoing deed as grantor and stated that she had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such notary public the day and year last above mentioned.
My Commission expires August 10, 1989
[Signature]
Notary Public

This Instrument was prepared by (Name) Roy Gean, Jr.
(Company or Firm) Gean, Gean & Gean Address Fort Smith, AR
Calver-McBride Printing Co., Fort Smith, Ark.-Form 33

3.00

QUIT-CLAIM DEED - Unmarried Person

BOOK 508 PAGE 560

KNOW ALL MEN BY THESE PRESENTS:

Amalea James, a widow, surviving tenant by the
That I, entirety of Jesse James, for and in

consideration of the sum of One (\$1.00) Dollar and other good
and valuable consideration, ~~and valuable~~

to me in hand paid by Margaret Holden, a widow, her heirs and

assigns, and Terry L. Rollins and Mary Rollins,
husband and wife, their heirs and assigns

do hereby Grant, Sell and Quitclaim unto the said Margaret Holden, a
widow, her heirs and assigns, and Terry L. Rollins and
Mary Rollins, husband and wife, their heirs and
assigns

and unto their heirs and assigns forever, the following lands lying

in the County of Sebastian and State of Arkansas, to-wit:

"I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument."

[Signature]
Grantee or Grantee's Agent
500 First America Bldg.
Fort Smith, AR 72901

Grantee's Address *

No revenue stamps required.
No monies exchanging hands.

A road right-of-way for the purpose of ingress and egress to adjoining properties to said roadway which is described as follows, to wit: Commencing at the SW corner of Lot 7, Block 3 of Broadmoor Addition to the City of Fort Smith, Arkansas, and running thence due East along the Northern right-of-way line of Kelly Highway 168 feet for a point of beginning; thence North 300 feet; thence East 32 feet; thence South 300 feet; thence West 32 feet to the point of beginning, said right-of-way for road purposes being 32 feet East and West and 300 feet North and South.

CLERK
F. S. JONES
P. O. BOX 30
FORT SMITH, ARK.
3:58

To Have And To Hold the same unto the said Margaret Holden, a widow, her heirs and assigns,
and Terry L. Rollins and Mary Rollins, husband and wife, their heirs and assigns
and unto their heirs and assigns forever, with all appurtenances thereunto belonging.

Witness my hand and seal this 22nd day of August, 1988.

x Amalea James (SEAL)
Amalea James

ACKNOWLEDGMENT

STATE OF ARKANSAS
County of Sebastian } ss.

On this 22nd day of August, 1988, personally appeared before me, a notary public
within and for the County and State aforesaid, duly commissioned and acting, Amalea James, a widow
to me well known as the person whose name appears upon the within and foregoing deed as grantor and
stated that she executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such notary public the day and year last above mentioned.
My Commission expires August 10, 1989
Ernest Stinson
Notary Public

This Instrument was prepared by (Name) Roy Gean, Jr.
(Company or Firm) Gean, Gean & Gean Address Ft. Smith, AR
Calvert-McBride Printing Co., Fort Smith, Ark.—Form 33

3.00

"I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument."

QUIT CLAIM DEED WITH RELINQUISHMENT OF DOWER

KNOW ALL MEN BY THESE PRESENTS:

BOOK 598 PAGE 562

Grantee or Grantee's Agent
500 First America Bldg.
Fort Smith, AR 72901
Grantee's Address *

That we, Terry L. Rollins and Mary Rollins, his wife, for and in consideration of the sum of One (\$1.00) and other good and valuable consideration, DOLLARS

to us paid by Margaret Holden, a widow, her heirs and assigns, and Analea James, a widow, surviving tenant by the entirety of Jesse James, deceased, her heirs and assigns

do hereby grant, sell and quitclaim unto the said Margaret Holden, a widow, her heirs and assigns, and Analea James, a widow, surviving tenant by the entirety of Jesse James, deceased, her heirs and assigns and unto their heirs and assigns forever, the following-described real estate

lying in the County of Sebastian, and State of Arkansas, to-wit:

A road right-of-way for the purpose of ingress and egress to adjoining properties to said roadway which is described as follows, to wit: Commencing at the SW corner of Lot 7, Block 3 of Broadmoor Addition to the City of Fort Smith, Arkansas, and running thence due East along the Northern right-of-way line of Kelly Highway 168 feet for a point of beginning; thence North 300 feet; thence East 32 feet; thence South 300 feet; thence West 32 feet to the point of beginning, said right-of-way for road purposes being 32 feet East and West and 300 feet North and South.

No revenue stamps required.
No monies exchanging hands.

To have and to hold the same unto the said Margaret Holden, a widow, her heirs and assigns, and Analea James, a widow, surviving tenant by the entirety of Jesse James, deceased, her heirs and assigns and unto their heirs and assigns forever, with all the appurtenances thereto belonging.

And I, Mary Rollins wife of the said Terry L. Rollins for and in consideration of the said sum of money, do hereby release and relinquish unto the said Margaret Holden, her heirs and assigns, and Analea James, her heirs and assigns all my right of dower and homestead in and to said lands.

Witness our hands and seals on this 19 day of September, 1988

Terry L. Rollins (Seal)
Mary Rollins (Seal)

ACKNOWLEDGMENT

STATE OF ARKANSAS
County of Sebastian ss.
On this 19 day of September, 1988, before me, the undersigned notary public within and for the County of Crawford

Arkansas, duly commissioned and acting, appeared in person Terry L. Rollins and Mary Rollins, husband and wife to me personally well known as the person whose name appears upon the within and foregoing deed of conveyance as the parties grantors and stated that they had executed the same for the consideration and purpose therein mentioned and set forth, and I do hereby so certify.

And I further certify that on the same day voluntarily appeared before me Mary Rollins wife of the said Terry L. Rollins to me well known to be the person whose name appears upon the within and foregoing deed, and in the absence of her said husband, stated and declared that she had of her own free will executed said deed and had signed the relinquishment of dower and homestead therein expressed for the purpose and consideration therein contained and set forth, without compulsion or undue influence of her said husband.

In Testimony Whereof, I have hereunto set my hand and seal of office as such notary public at the County and State aforesaid, on this 19th day of September, 1988

SEAL

Edward Fisher
Notary Public

My Commission expires August 10, 1989

This instrument prepared by Gean, Gean & Gean, 500 First America Bldg., Fort Smith, AR.

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That MARGARET HOLDEN, a single person, GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration paid by MARY SPENCER, GRANTEE, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said Grantee, and unto her heirs and assigns forever the following perpetual easement over a portion of Grantor's real property; said easement shall be used for utility purposes and is necessary for access to Kelley Highway to and from Grantees appurtenant real property. Said easement shall be nonexclusive and shall consist of the following described real property situated in the County of Sebastian, State of Arkansas:

SEE ATTACHED EXHIBIT 'A' WHICH IS INCORPORATED HEREIN BY REFERENCE.

Whereas, this easement shall run as a burden with Grantor's real property and the title to such property, and be binding on the Grantor and her heirs and any person who shall, after the effective date of this instrument, acquire title to Grantors' property.

Witness our hands and seals this 21 day of August, 1998.

MARGARET HOLDEN

Witness of County Recorder
-Nushka Howard L.P.W.

RE-RECORDED TO CORRECT LEGAL DESCRIPTION.

Certificate of Record - Fort Smith District of Sebastian County, Arkansas

Doc #: 7018319
Fee: \$10.00
Pages: 3
05/23/2000 15:47:21 PM

Nancy Brewer, Circuit Clerk and Registrar

FILED
FT SMITH DISTRICT
CLERK SEB. CO.
1998 AUG 21
PM 3 35

MARY SPENCER
BOX 853
VAN BUREN AR 72956

Doc #: 7018319

Mary Spencer
Box 853 RB 56

Sebastian County Recorder

Document # F-7018319

Page 1 of 3

023

073

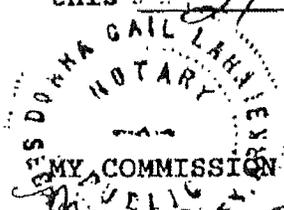
10.00

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss
COUNTY OF _____)

On this day before the undersigned, a Notary Public, duly qualified and acting in and for the County and State aforesaid, personally appeared MARGARET HOLDEN, a single person, to me personally well known as the person whose name appears as grantor in the foregoing instrument, and stated that she executed the same for the consideration, uses and purposes therein stated.

In witness whereof, I hereunto set my hand and seal on this 21 day of August, 1998.



Donna L. Lanni
Notary Public

MY COMMISSION EXPIRES:

May 25, 2000

023 074

EXHIBIT "A"

A road right-of-way for the purpose of ingress and egress to adjoining properties to said roadway which is described as follows, to-wit: Commencing at the SW corner of Lot 7, Block 3 of Broadmoor Addition to the City of Fort Smith, Arkansas and running thence due East along the Northern right-of-way line of Kelly Highway 168 feet for a point of beginning; thence North 300 feet; thence East 32 feet; thence South 300 feet; thence West 32 feet to the point of beginning, said right-of-way for road purposes being 32 feet East and West and 300 feet North and South.

A part of Lot 9, Block 3, Broadmoor Addition to the City of Fort Smith, Arkansas, a subdivision of the North Half of the Southwest Quarter of Section 2, Township 8 North, Range 32 West, more specifically a 10 foot easement lying adjacent to East property line for a distance of 473.78 feet from Kelly Highway North to North property line.

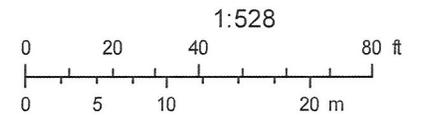
023 075

4305 Kelley Highway Subtitle



September 27, 2016

- Fort Smith City Limits
- Arkansas River
- Public Schools
- Parcels
- IN
- OUT
- Parks



**CHRONOLOGY OF ASSIGNMENT
E15-1103
3001 Hardie Ave.
Christina Bolin**

A complaint was received about a dead/dying tree creating a dangerous situation.

- **August 10, 2015**
Inspector Brandon Haynes posted a 7 Day Clean-Up Warning on the property for a dead tree, open storage and being overgrown.
- **August 11, 2015**
The office staff verified the owner through the County Assessors website. Arkansas Senate Bill 372 Item (7)(A) requires that any lienholders be given 7 days notice prior to undertaking any work on a property. A legal search was performed and no lien holders were found. A certified letter was mailed to Christina Bolin, 3001 Hardie Ave., Fort Smith, AR 72901 with copies of the Warning and the cover letters. The letter was signed for by Kyle (?) Bolin on August 13, 2015. The posting on the property and the sending of the certified letter met the requirements of legal notice.
- **August 17, 2015**
The signed card was returned to our office by the Post Office.
- **August 20, 2015**
The dead/dying tree remained in violation so Inspector Haynes documented the violation for assignment to a contractor and requested bids for assignment. Three (3) bids were received between August 24, 2015 and October 23, 2015 ranging from \$2,100 to \$3,000.
- **November 15, 2015**
The contract to abate was awarded to the contractor with the \$2,100 bid.
- **December 1, 2015**
The violation was abated and the contractor submitted the bill on December 1, 2015.

Abatement Costs and Associated Fees were assessed as follow:

December 1, 2015	
Labor Charges	2100.00
Photo Charges	.00
Landfill Charges	.00
Administrative Fees	166.27
Totals	<u>2266.27</u>