

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 3/27/2014

Action Requested By:
Community
Development

Agenda Item Type
Resolution

Subject Matter:

Public Nuisance located at 1512 Mc Crary St., NW

Exact Wording for the Agenda:

Resolution to declare a public nuisance located at 1512 Mc Crary St., NW, Huntsville, AL, and to set the date for when objections will be heard (04/10/14).

Note: If amendment, please state title and number of the original

Item to be considered for: Select... Unanimous Consent Required: Select...

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

The attached resolution declares the remains of a demolished structure a public nuisance and sets the date for a public hearing on 04/10/14.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 3/12/2014

RESOLUTION NO.: 14-

WHEREAS, the Director of the Community Development Division of the City of Huntsville, Alabama ("Director") has reported in his *Report and Affidavit*, a copy of which is attached hereto and incorporated herein by reference, that upon and/or in front of the following described property there exists certain conditions as those enumerated in Acts 1971, Reg. Sess., No. 71-1320, p. 2269, § 2, which conditions constitute a public nuisance:

Lot number five (5) in block eight (8), Wells Second Addition, to the City of Huntsville, Alabama, as recorded in Plat Book 1, Page 115, Probate Records of Madison County, Alabama to the City of Huntsville, Alabama; and

WHEREAS, the *Report and Affidavit* of the Director proves to the satisfaction of the City Council that the conditions that exist upon and/or in front of the referenced property constitute a public nuisance in accordance with Acts 1971, Reg. Sess., No. 71-1320, p. 2269.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, ("City Council") as follows:

1. That, in accordance with Acts 1971, Reg. Sess., No. 71-1320, p. 2269, the conditions as described in the Director's *Report and Affidavit* existing upon and/or in front of the following described property:

1512 Mc Crary St., NW, Lot number five (5) in block eight (8), Wells Second Addition, to the City of Huntsville, AL as recorded in Plat Book 1, Page 115, Probate Records of Madison County, Alabama.

are found and hereby declared to be a public nuisance, which must be abated by the removal of said public nuisance.

2. That a meeting of the City Council shall be held at 6:00 p.m., on the 10th day of April, 2014, in the City Council Chambers in the Municipal Building of the City of Huntsville, Alabama, in order to hear and consider all objections or protests, if any, to the proposed removal of said nuisance.

3. The Director is hereby appointed to cause to be conspicuously posted in front of the property on which or in front of which the aforesaid nuisance exists, at not more than 100 feet in distance apart, but not less than 2 in all, notices headed, "Notice to Remove Public Nuisance," such heading to be in words not less than 1 inch in height and substantially in the following form:

NOTICE TO REMOVE PUBLIC NUISANCE

Notice is Hereby given that on the *27th day of March, 2014*, the City Council of the City of Huntsville, Alabama, passed a resolution declaring that a public nuisance exists upon and/or in front of the property at 1512 Mc Crary St., NW in said City of Huntsville, Alabama, and more particularly described in said resolution, and that the same constitutes a public nuisance which must be abated by the removal of said public nuisance, otherwise they will be removed and the nuisance will be abated by the municipal authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which and/or in front of which such public

nuisance is removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of said public nuisance are hereby notified to attend a meeting of the City Council of the City of Huntsville, Alabama, to be held at 6:00 p.m., on the 10th day of April, 2014, in the City Council Chambers in the Municipal Building of the City of Huntsville, Alabama, when their objections will be heard and given due consideration.

Dated this _____ day of _____, 2014.

City of Huntsville, Alabama

By: Ken Benion
Director of the Community
Development Division of the City of
Huntsville, Alabama
Phone: 256-427-5400

3. That the said notice shall be posted at least five days prior to the time set therein for hearing objections by the City Council of the City of Huntsville, Alabama. In addition Ken Benion, Director of Community Development is hereby ordered to mail a copy of said notice to the owner(s) of the property at least five days before the meeting at which objections will be heard, such notice to be mailed to the person last assessing the property for taxes according to the records of the Madison County Tax Assessor as well as to the current owner(s) of record according to the Madison County Probate Records if different that the owner(s) last assessed.

ADOPTED this the 27th day of March, 2014.

President of the City Council
Of the City of Huntsville, Alabama

APPROVED this the 27th day of March, 2014.

Mayor of the City of
Huntsville, Alabama

REPORT AND AFFIDAVIT

COMMUNITY DEVELOPMENT DIVISION

CITY OF HUNTSVILLE, ALABAMA

TO: THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, ALABAMA

DATE: MARCH 27, 2014

RE: *Public Nuisance*

Before me, the undersigned, a notary in and for said County in said State, personally appeared *Ken Benion*, who, after being by me duly sworn, deposes and says on oath as follows:

1. My name is *Ken Benion*. My business address is 120 East Holmes Ave., Yarbrough Office Bldg. / 2nd Floor Huntsville, Alabama 35801. I am over the age of nineteen (19) years and am competent to make this Affidavit. I have personal knowledge of the matters set out herein.

2. My current title is Director of the Community Development Division of the City of Huntsville, Alabama ("city").

3. Upon and/or in front of the following described property within the city limits of Huntsville:

1512 Mc Crary St., NW, Lot number five (5) in block eight (8), Wells Second Addition, to the City of Huntsville, Alabama, as recorded in Plat Book 1, Page 115, Probate Records of Madison County, Alabama (hereinafter referred to as "subject property")

I have found to exist, as March 5, 2014, the remains of a demolished structure, and other debris, and have determined that the stated conditions constitute a public nuisance. (See attached hereto and incorporated herein by reference photographs of the subject property taken on March 5, 2014, which fairly and accurately shows how the property appeared on said date.)

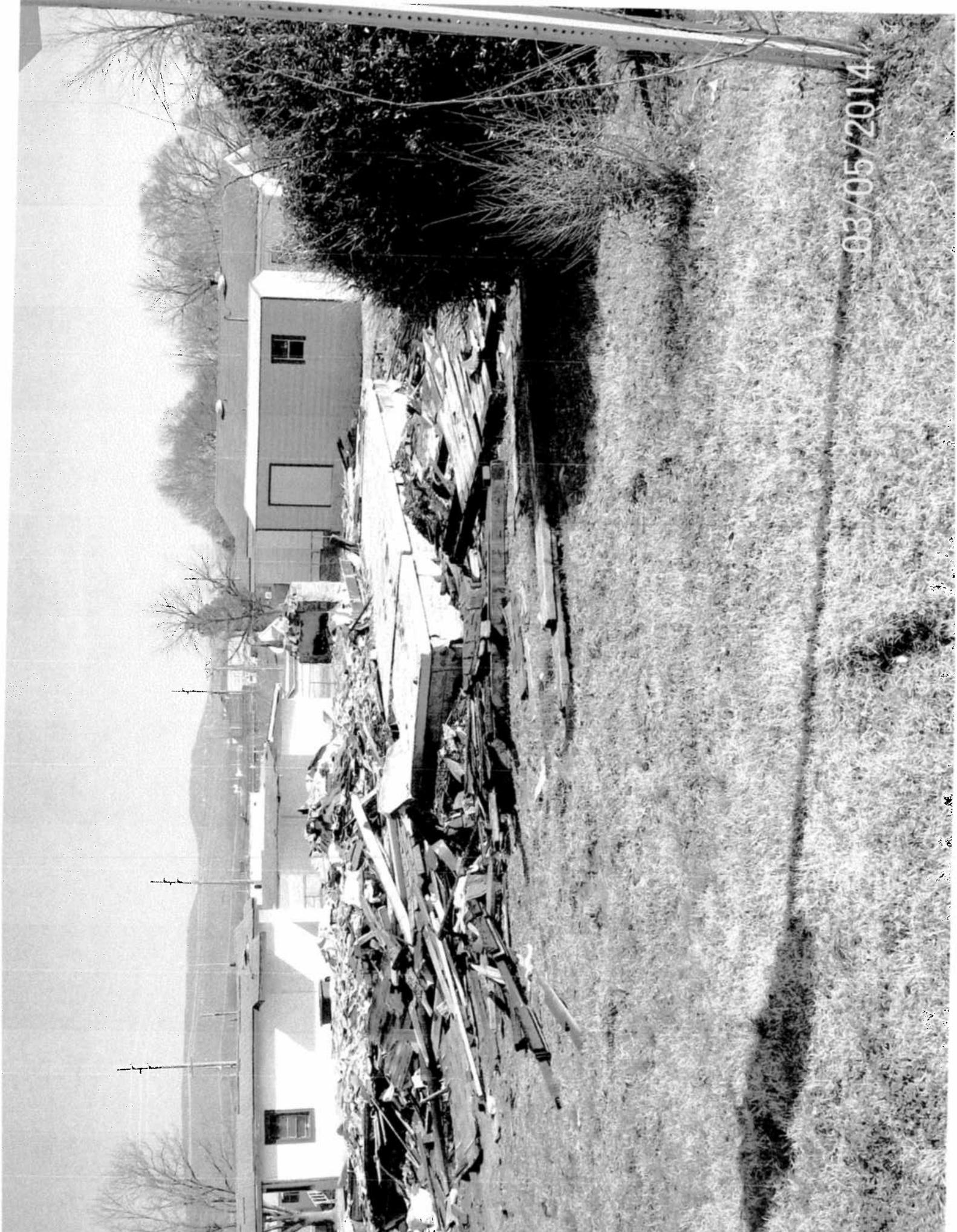
4. It is my recommendation that a public nuisance be declared to exist upon and/or in front of said property.


KEN BENION

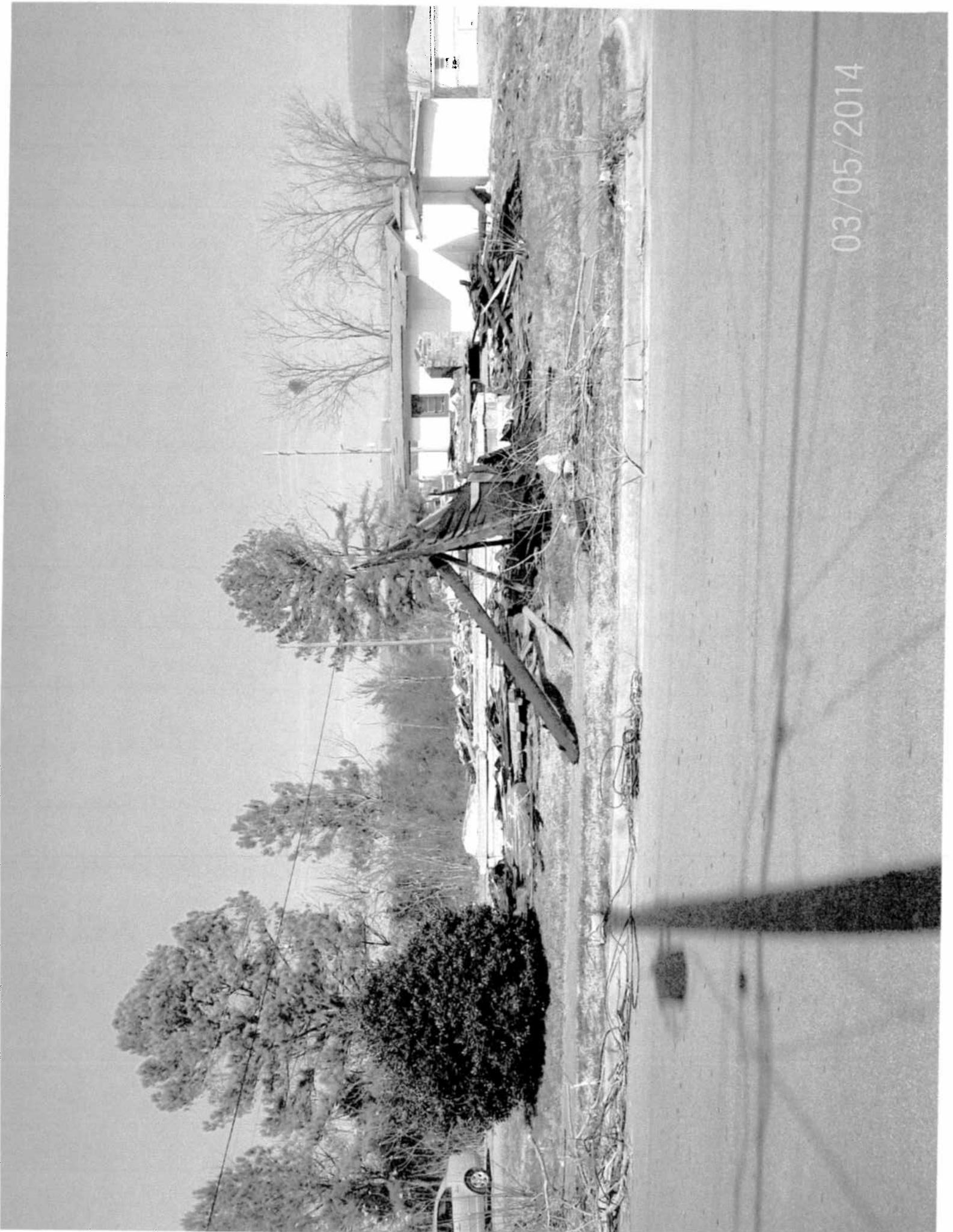
SWORN TO AND SUBSCRIBED BEFORE ME this the 5th day of March, 2014.


Notary Public

My Commission Expires: 07/03/17



03/05/2014



03/05/2014