

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 4/10/2014

Action Requested By:
Community
Development

Agenda Item Type
Resolution

Subject Matter:

Request to authorize the demolition of an unsafe structure

Exact Wording for the Agenda:

Public Hearing on a Resolution authorizing the demolition of an unsafe building constituting a public nuisance located at 2821 Union Dr., NW.

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 above referenced property was cited February 3, 2014 , under § 11-40-30 et seq., Code of Alabama (1975), as a public nuisance. This is the state law allowing Community Development to sell said property at tax sale if the owner does not pay costs of demolition. The owners were issued a notice to demolish the structure. No work has been done. Property was inspected by an independent contractor and they determined the structure was not economically feasible to repair. Notice, photos and evaluation are attached.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____

Date: 4/1/2014

RESOLUTION NO: 14- _____

WHEREAS, the Director of Community Development for the City of Huntsville, Alabama, has inspected or caused to be inspected property situated at 2821 Union Dr NW, Huntsville, Alabama, and has determined that the structure, including any and all accessory structures, is unsafe; and

WHEREAS, the Director of Community Development for the City of Huntsville, Alabama, did on the 3rd day of February, 2014, cause to be and issued to owners of record of the property, Notice to Demolish Structure, Official Notice No. 14-351PNS, a copy of which is attached hereto as EXHIBIT "A", being substantially similar in words to that document identified as "NOTICE OF PUBLIC NUISANCE", a copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville; and

WHEREAS, any structure located on said property has not been demolished as required by said notice, and no appeal having been taken therefrom as by law provided; and

WHEREAS, photographs showing the condition of the property are attached hereto as EXHIBIT "B"; and

WHEREAS, independent contractors have inspected the structure(s) and determined that the cost of repair and rehabilitation is not economically feasible and is of the opinion that the structure(s) be demolished, and has given a written statement to that effect, a copy of which is attached hereto as EXHIBIT "C"; and

WHEREAS, in the judgement of the Director of the Department of Community Development of the City of Huntsville, Alabama, the structure(s) in question cannot be reasonably repaired, and that demolition of the structure, including any and all accessory is necessary to protect the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Huntsville, Alabama, that upon the expiration of ten (10) days from today's date, the Director of the Department of Community Development, City of Huntsville, Alabama, is authorized to proceed, pursuant to § 11-40-30 et seq., Code of Alabama (1975), to demolish and remove the structure(s) and contents, if any, at 2821 Union Dr NW more particularly described as follows to-wit:

THE WEST TWENTY (20) FEET OF LOT TWO (2) AND ALL LOT THREE (3), ALL IN BLOCK NINE (9) AS SAID LOTS AND BLOCK ARE LAID DOWN AND DESCRIBED IN THE PLAT IN WHICH THE SAME IS EMBRACED, THE SAME BEING PLAT OF TERRY HEIGHTS ANNEX TO THIRD ADDITION, OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA IN PLAT BOOK ONE (1) PAGE 173

and to assess the reasonable costs for demolition and removal of debris against said property.

RESOLUTION NO: 14- _____

BE IT FURTHER RESOLVED, by the City Council of the City of Huntsville, Alabama, that the Director of Community Development, or his/her appointed designee, is hereby authorized to take all lawful and necessary actions to accomplish the foregoing.

ADOPTED this the 10th day of April, 2014.

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

APPROVED this the 10th day of April, 2014.

Mayor of the City of Huntsville, Alabama

**Department of Community Development
Code Enforcement Division**

Kenneth Benion, Director, Community Development



120 Holmes Avenue E.
P.O. Box 308
Huntsville, AL 35804

Phone: (256) 427-5400, FAX: (256) 427-5431

Area: 3 CT: T12 CD: 1

PV: 0

Insp.: rfa/mdg

FINAL: 3/5/2014

OFFICIAL NOTICE NO. 14-351PNS

Wellman & Associates, Inc.
c/o Scott Andersen
4800 Whitesburg Dr. (Ste. 30-152)
Huntsville, AL 35802

RE: 2821 Union Dr NW

PARCEL NUMBER: 14-08-34-4-002-047.000 PPIN NUMBER: 19770

Legal Description: THE WEST TWENTY (20) FEET OF LOT TWO (2) AND ALL LOT THREE (3), ALL IN BLOCK NINE (9) AS SAID LOTS AND BLOCK ARE LAID DOWN AND DESCRIBED IN THE PLAT IN WHICH THE SAME IS EMBRACED, THE SAME BEING PLAT OF TERRY HEIGHTS ANNEX TO THIRD ADDITION, OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA IN PLAT BOOK ONE (1) PAGE 173

Date Inspected: 1/16/2014

Notice Issued: 2/3/2014

DEMOLISH BY: 3/5/2014

In accordance with Sec. 11-40-30 et seq., Code of Alabama (1975), the Housing Official of the City of Huntsville, Alabama has determined that the structure located on the property described above is unsafe and constitutes a public nuisance due to the following conditions:

VIOLATIONS:

- ♦ Electrical system damaged by fire.
- ♦ Gas system damaged by fire.
- ♦ Exterior door(s) damaged by fire: front, rear
- ♦ Structure/unit is open and accessible to the public.
- ♦ Plumbing system damaged by fire.
- ♦ Toilet damaged:
- ♦ Kitchen sink damaged.
- ♦ Bathroom sink damaged:
- ♦ Interior floor(s) damaged by fire: throughout
- ♦ Electrical outlet damaged by fire: throughout
- ♦ Interior wall(s) damaged by fire: throughout
- ♦ Electrical switch damaged by fire: throughout
- ♦ Interior ceiling(s) damaged by fire: throughout
- ♦ Light fixture damaged by fire: throughout
- ♦ Interior ceiling collapsed:
- ♦ Bathtub damaged:
- ♦ Exterior siding damaged by fire: front
- ♦ Exterior trim damaged by fire: front, left, right, rear
- ♦ Eave damaged by fire: front, left, right, rear
- ♦ Window damaged by fire: front, right, rear
- ♦ Window trim damaged by fire: front, right, rear
- ♦ Roof system damaged by fire:
- ♦ Electrical service panel missing

3-14-14 NO CHANGE RFA 9:00 AM

NOTICE TO DEMOLISH STRUCTURE

3/14/14 NO CHANGE (12:54) MDS.

OFFICIAL NOTICE NO. 14-351PNS (Cont.)

This structure must be demolished and removed prior to: 3/5/2014

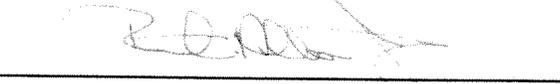
Demolition permits must be obtained from the City of Huntsville Inspection Department and work commenced and completed by the specified date.

Failure to comply with this notice by the specified date may result in the property being presented to the City Council as a public nuisance for demolition by the City of Huntsville. If the City of Huntsville demolishes the structure, all costs incurred will be assessed against the property and will be added to the tax bill of the property. Failure to pay the assessment will result in foreclosure and the property being sold.

REQUEST FOR HEARING: Any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing to the City Council of the City of Huntsville, Alabama. The written request must be received by the City Council of the City of Huntsville prior to 2/24/2014. The written request must contain the objections to the finding by the Housing Official that the building or structure is unsafe to the extent of being a public nuisance. The request may be mailed or delivered to:

CITY COUNCIL OF THE CITY OF HUNTSVILLE
P.O. BOX 308
308 FOUNTAIN CIRCLE
HUNTSVILLE, AL 35801

Your cooperation will be appreciated. For questions related to this notice, please call Robert Alba, Housing Specialist, at (256) 564-8034.



Robert Alba, Housing Specialist

Phone: (256) 564-8034

cc:

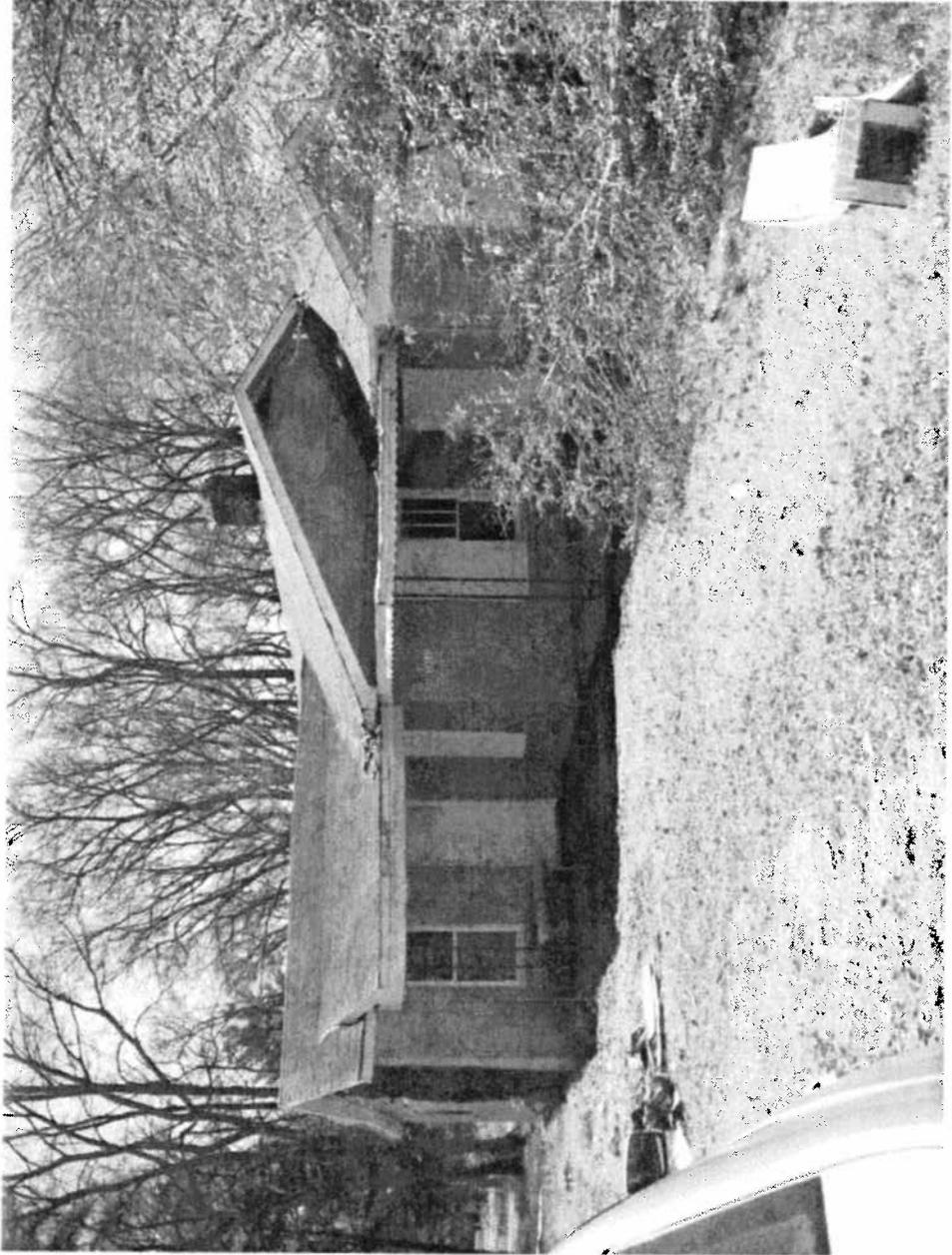
STATE OF ALABAMA
64 North Union
Montgomery, AL 36104

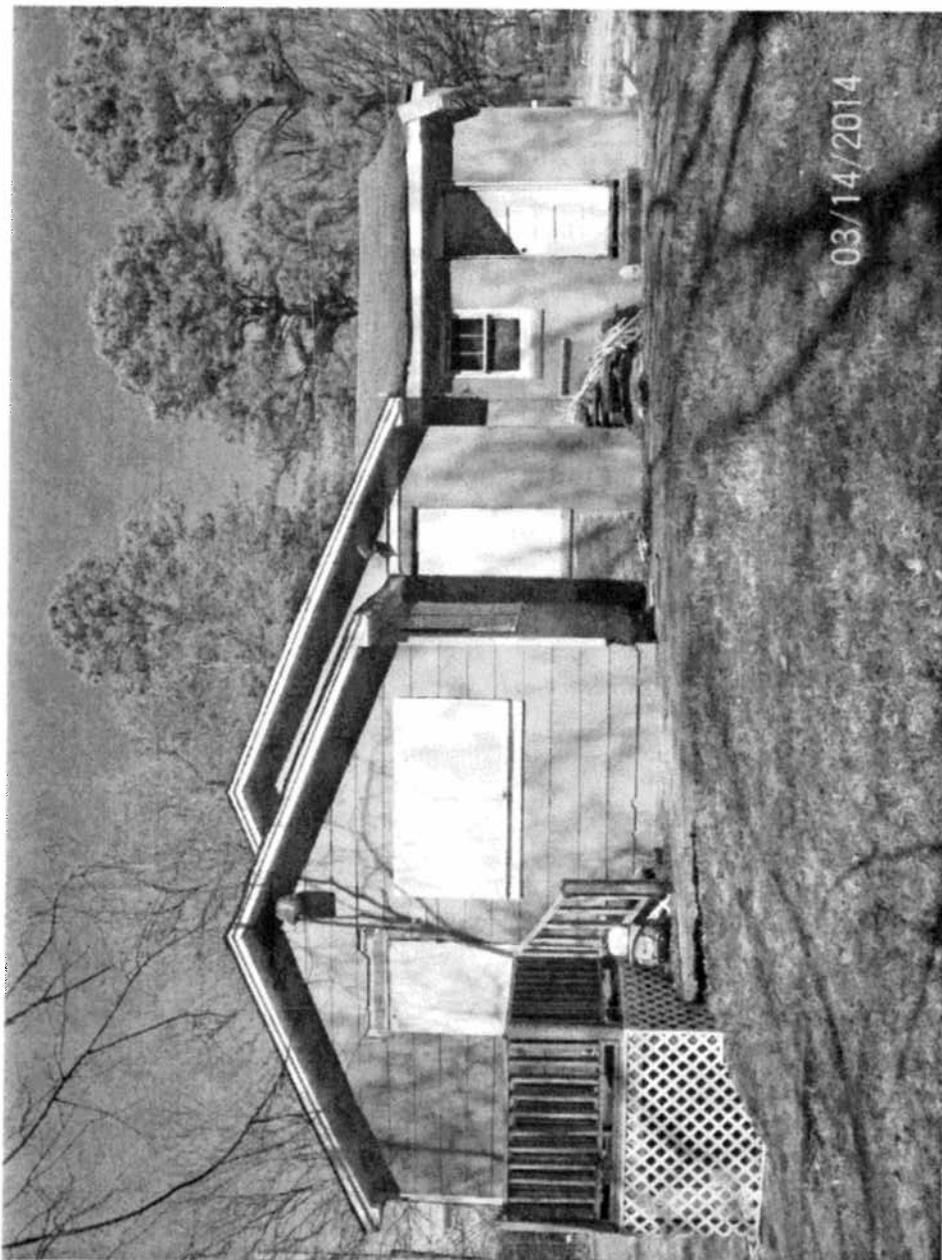
Superior Bank
312 Clinton Ave.
Huntsville, AL 35802

FIRST EQUITY CARD CORP
c/o Zaraur and Schwarte PC
P. O. Box 11366
Birmingham,, AL 35202



2821 Union Dr., NW



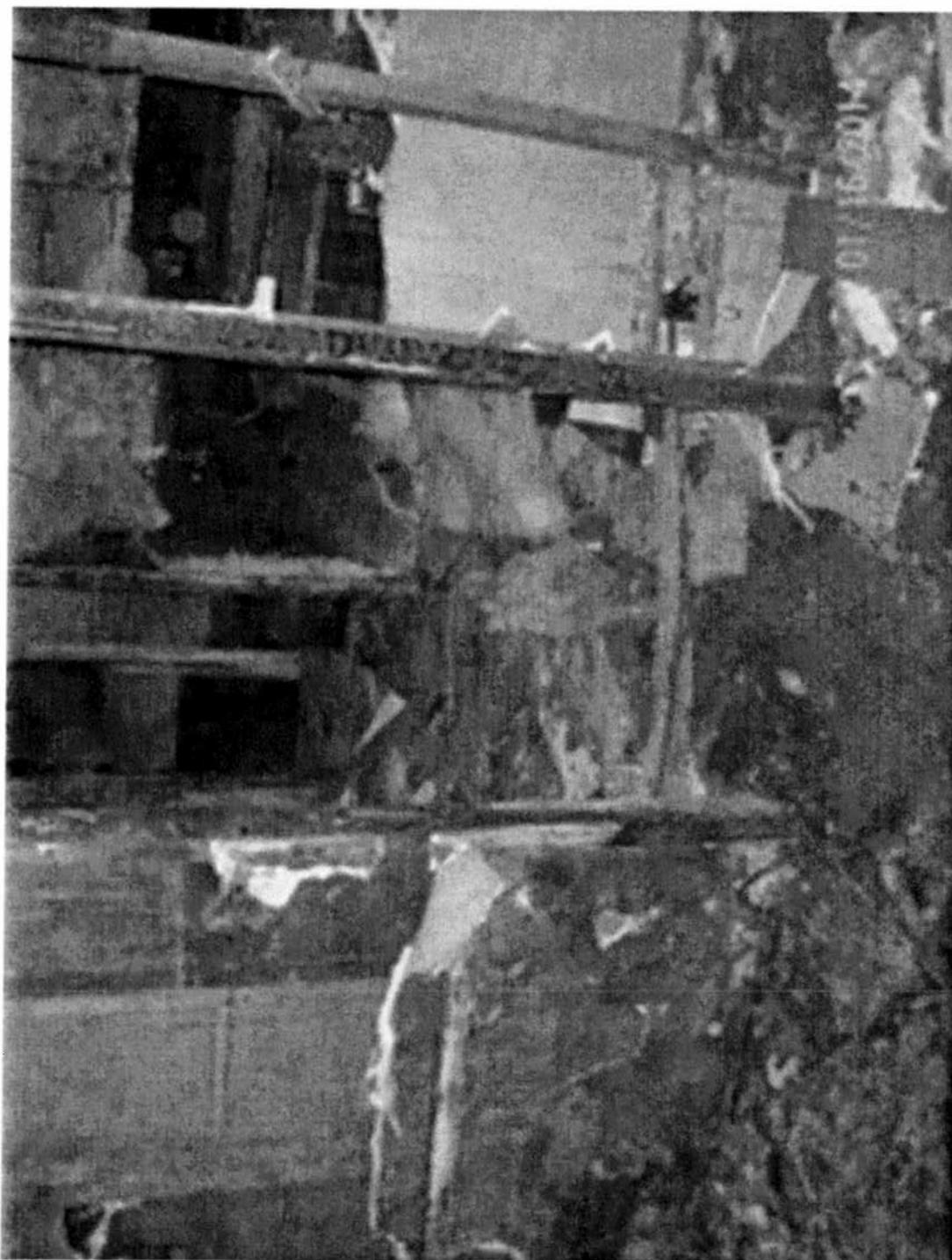


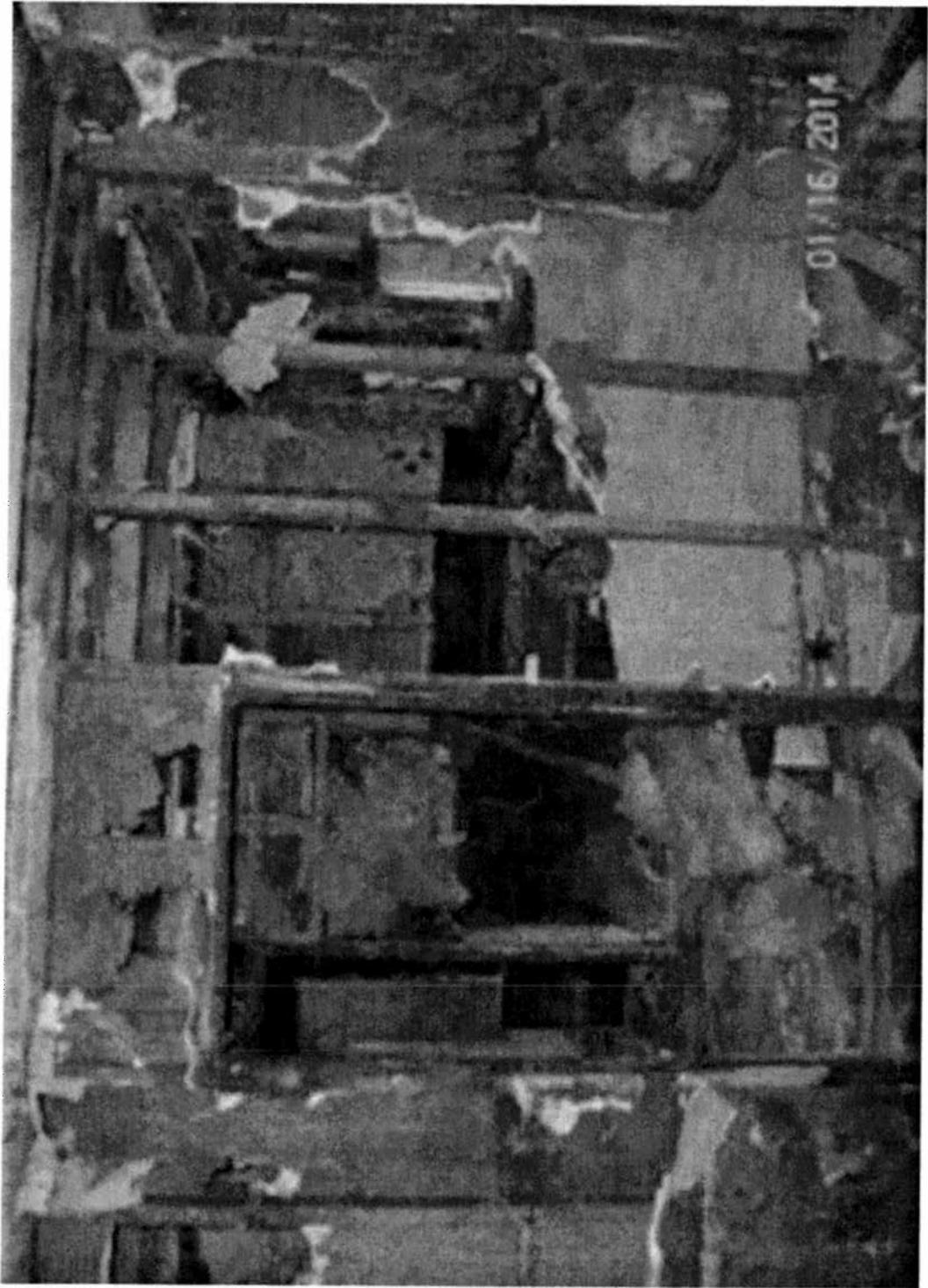
03/14/2014

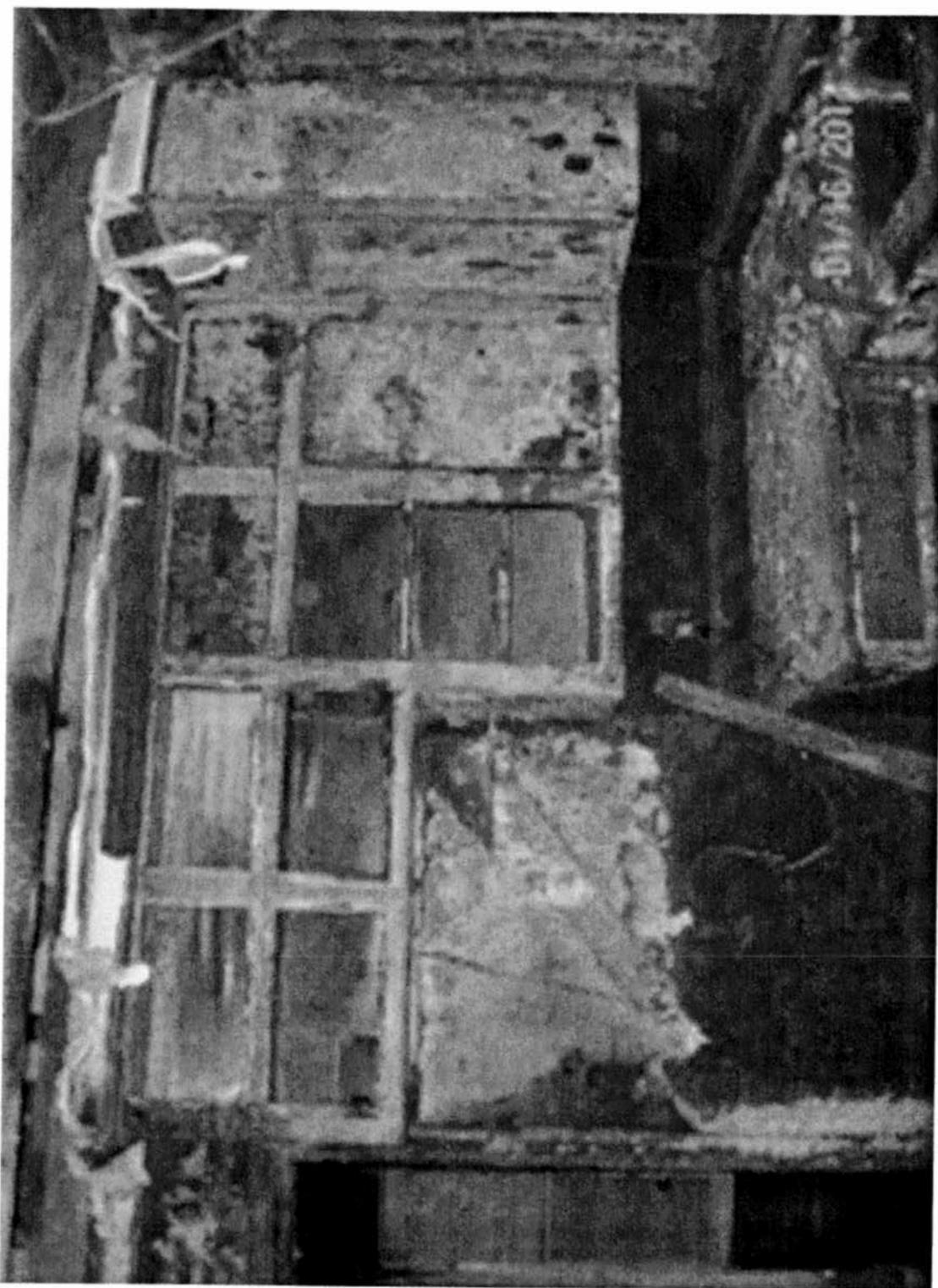












STRUCTURAL EVALUATION REPORT

EXHIBIT "C"

ADDRESS OF STRUCTURE: 2821 Union Dr. Huntsville, AL 35816
 INSPECTOR'S NAME: Dan Schrimsher TITLE: Co-owner/Foreman
 COMPANY NAME: Bobby Schrimsher & Sons Gen. Contr., Inc. PHONE: 256-539-3560

NUMBER OF DWELLING UNITS 1 NUMBER OF STORIES 1
 CONSTRUCTION: Wood Frame Frame/Veneer Masonry Other
 APPROXIMATE SIZE OF STRUCTURE: 38 ft. x 40 ft. = 1533 s/f
 ** ASBESTOS (SIDING) or ROOFING: NO YES ✓ (Appx. S/F = 395 SF)

COMPONENTS	PERCENTAGE REPLACEMENT REQUIRED										
<u>I. EXTERIOR</u>											
1) FOUNDATION:	0	1	2	3	4	5	6	7	8	9	10
2) FLOOR SYSTEM	0	1	2	3	4	5	6	7	8	9	10
3) FRAMING:	0	1	2	3	4	5	6	7	8	9	10
4) ROOF SYSTEM:	0	1	2	3	4	5	6	7	8	9	10
										EXTERIOR TOTAL =	<u>22</u>
<u>II. INTERIOR</u>											
1) INT. FLOORS	0	1	2	3	4	5	6	7	8	9	10
2) INT. WALLS	0	1	2	3	4	5	6	7	8	9	10
3) INT. CEILINGS	0	1	2	3	4	5	6	7	8	9	10
										INTERIOR TOTAL =	<u>30</u>
<u>III. UTILITY SYSTEMS</u>											
1) ELECTRICAL SYSTEM	0	1	2	3	4	5	6	7	8	9	10
2) HEATING SYSTEM	0	1	2	3	4	5	6	7	8	9	10
3) PLUMBING SYSTEM	0	1	2	3	4	5	6	7	8	9	10
										UTILITY SYSTEM TOTAL =	<u>30</u>
<u>IV. OTHER DEFICIENCIES (if applicable)</u>											
1) <u>doors & windows</u>	0	1	2	3	4	5	6	7	8	9	10
2) _____	0	1	2	3	4	5	6	7	8	9	10
										OTHER DEFICIENCIES TOTAL =	<u>8</u>
										GRAND TOTAL POINT RATING =	<u>95</u>

FEASIBILITY OF REPAIR: RATING 50 or MORE - REHAB NOT FEASIBLE ✓
 RATING 49 or LESS - REHAB FEASIBLE _____

REMARKS: House has been severely damaged by fire and dwelling appears to have been vacant for extended period of time.

SIGNATURE: Dan B. Schrimsher DATE: 1/22/2014