Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 5/8/2014

Action Requested By:
Community
Development

Agenda Item Type

Resolution

Subject Matter:

Public Nuisance located at 613 Kennan Rd, NW

Exact Wording for the Agenda:

Resolution to declare a public nuisance located at 613 Kennan Rd NW, Huntsville, AL, and to set the date for when objections will be heard (05/22/14).

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 accumulation of junk and debris a public nuisance and sets the date for a public hearing on 05/22/14

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____ Date: 4/30/2014

revised 3/12/2012

REPORT AND AFFIDAVIT

COMMUNITY DEVELOPMENT DIVISION
CITY OF HUNTSVILLE, ALABAMA

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

DATE: MAY 8, 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:

613 Kennan Rd NW LOT 12, BLOCK 2, ACCORDING TO THE MAP OF SURVEY OF YARBROUGH ESTATES, SECOND ADDITION, AS THE SAME APPEARS OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, IN PLAT BOOK 2, PAGE 84.

I have found to exist, as of April 2, 2014, the accumulation of junk and 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 April 2, 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 2nd day of April, 2014.

Notary Public
My Commission Expires: 07/03/14

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:

613 Kennan Rd NW LOT 12, BLOCK 2, ACCORDING TO THE MAP OF SURVEY OF YARBROUGH ESTATES, SECOND ADDITION, AS THE SAME APPEARS OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, IN PLAT BOOK 2, PAGE 84.

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:

613 Kennan Rd NW LOT 12, BLOCK 2, ACCORDING TO THE MAP OF SURVEY OF YARBROUGH ESTATES, SECOND ADDITION, AS THE SAME APPEARS OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, IN PLAT BOOK 2, PAGE 84.

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 22nd day of May, 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 *8th day of May, 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 **613 Kennan Rd, 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 22nd day of May, 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 8th day of May, 2014.

_____

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

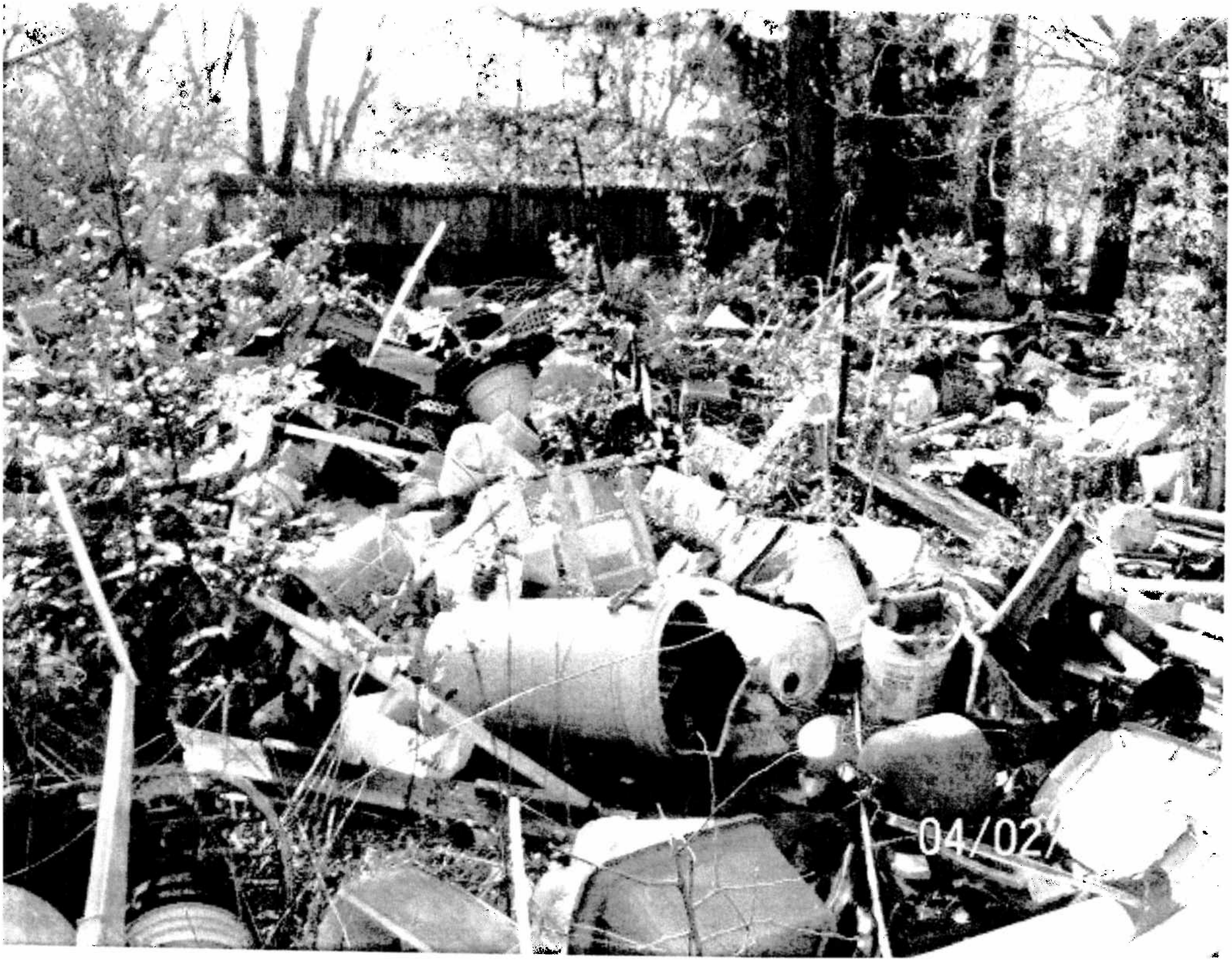
APPROVED this the 8th day of May, 2014.

_____

Mayor of the City of
Huntsville, Alabama

04/02/2014

04/02/2014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