

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 9/10/2015

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 2914 Eighth Ave., SW

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 July 20, 2015, 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: Melissa B. Jordan

Date: 9/1/2015

RESOLUTION NO: 15-_____

WHEREAS, the Director of Community Development for the City of Huntsville, Alabama, has inspected or caused to be inspected the property situated at 2914 Eighth Ave SW in 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 21st day of July, 2015, cause to be and issued to owners of record of the property, Notice to Demolish Structure, Official Notice No. 15-4461PNS, 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) should 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 structures, 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 2914 Eighth Ave SW more particularly described as follows to-wit:

LOT 9 BL 146 W HVILLE ADD

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

RESOLUTION NO: 15- _____

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 September, 2015.

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

APPROVED this the 10th day of September, 2015.

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: 4 CT: t21 CD: 4

PV: 0

Insp.: kew

FINAL: 8/20/2015

OFFICIAL NOTICE NO. 15-4461PNS

Johnny R. Atchley and Helen Atchley (Deceased)
2914 Eighth Ave.
Huntsville, AL 35805

Re: 2914 Eighth Ave SW

PPIN: 23018 PARCEL: 17-01-02-3-003-074.000

Legal Description: LOT 9 BL 146 W HVILLE ADD

Date Inspected: 7/20/2015

Notice Issued: 7/21/2015

DEMOLISH BY: 8/20/2015

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 not operational.
- ◆ Gas system damaged by fire.
- ◆ Exterior door damaged: front, rear
- ◆ Sanitary facilities not operational.
- ◆ Unit/structure is open and accessible to the public.
- ◆ Plumbing system damaged by fire.
- ◆ 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 walls damaged by smoke: throughout
- ◆ Interior ceiling damaged by smoke: throughout
- ◆ Interior floors damaged by smoke: throughout
- ◆ Exterior trim damaged by fire: front, left, rear
- ◆ Window damaged by fire: front, left, right, rear
- ◆ Roof collapsed:
- ◆ Roof system damaged by fire:

NOTICE TO DEMOLISH STRUCTURE

This structure must be demolished and removed prior to: 8/20/2015

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

8-20-15 NO CHARGE RFA 9:00AM

OFFICIAL NOTICE NO. 15-4461PNS (Cont.)

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 8/11/2015. 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 Kim Webster, Housing Specialist, at (256) 427-5415.



Kim Webster, Housing Specialist

Phone: (256) 427-5415



cc:

Beulah M. Atchley (Deceased)
2914 Eighth Ave.
Huntsville, AL 35805

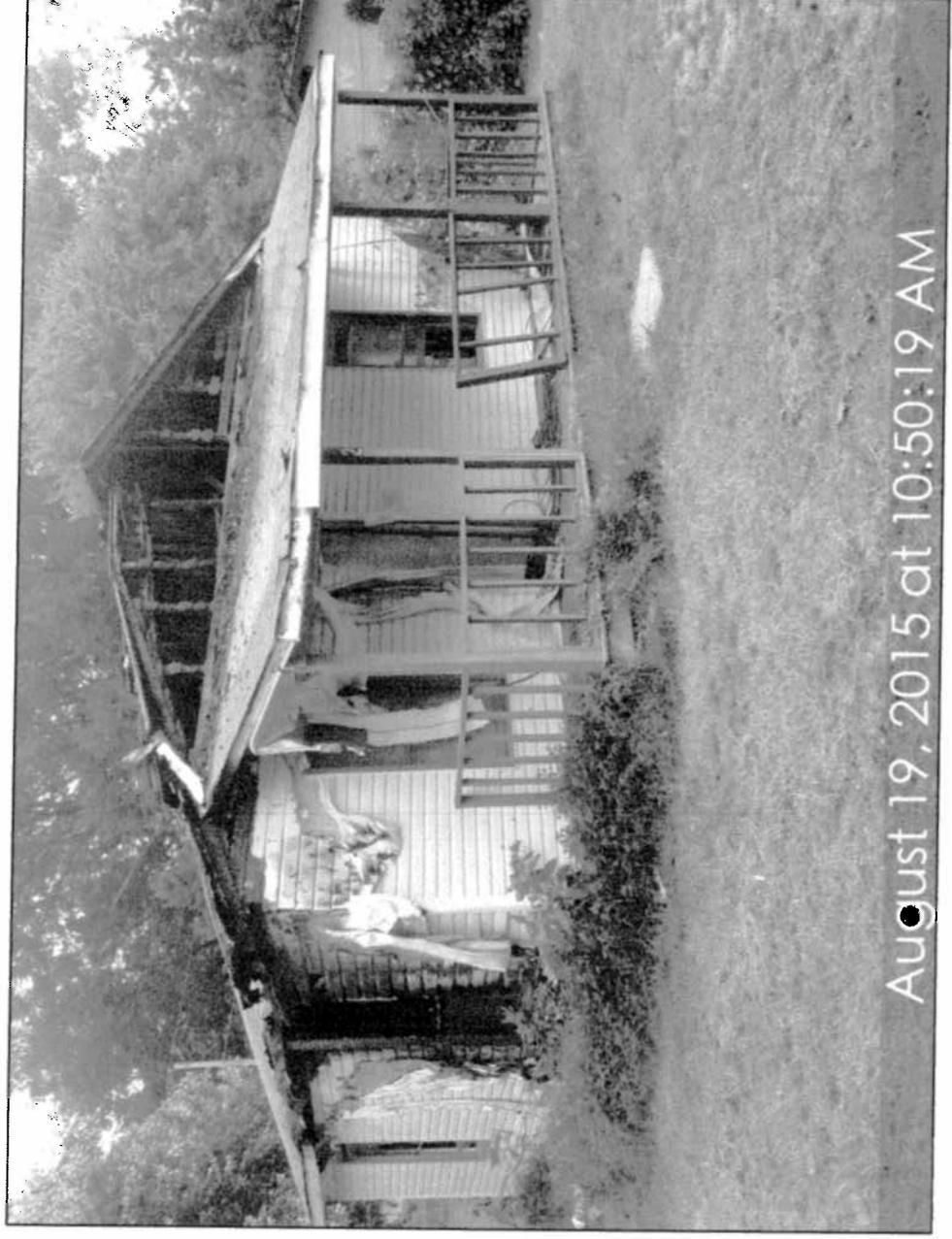
David Glenn Atchley
453 Widow Hornbuckle Rd.
New Market, AL 35761

James R. Atchley (Deceased)
2914 Eighth Ave., SW
Huntsville, AL 35805

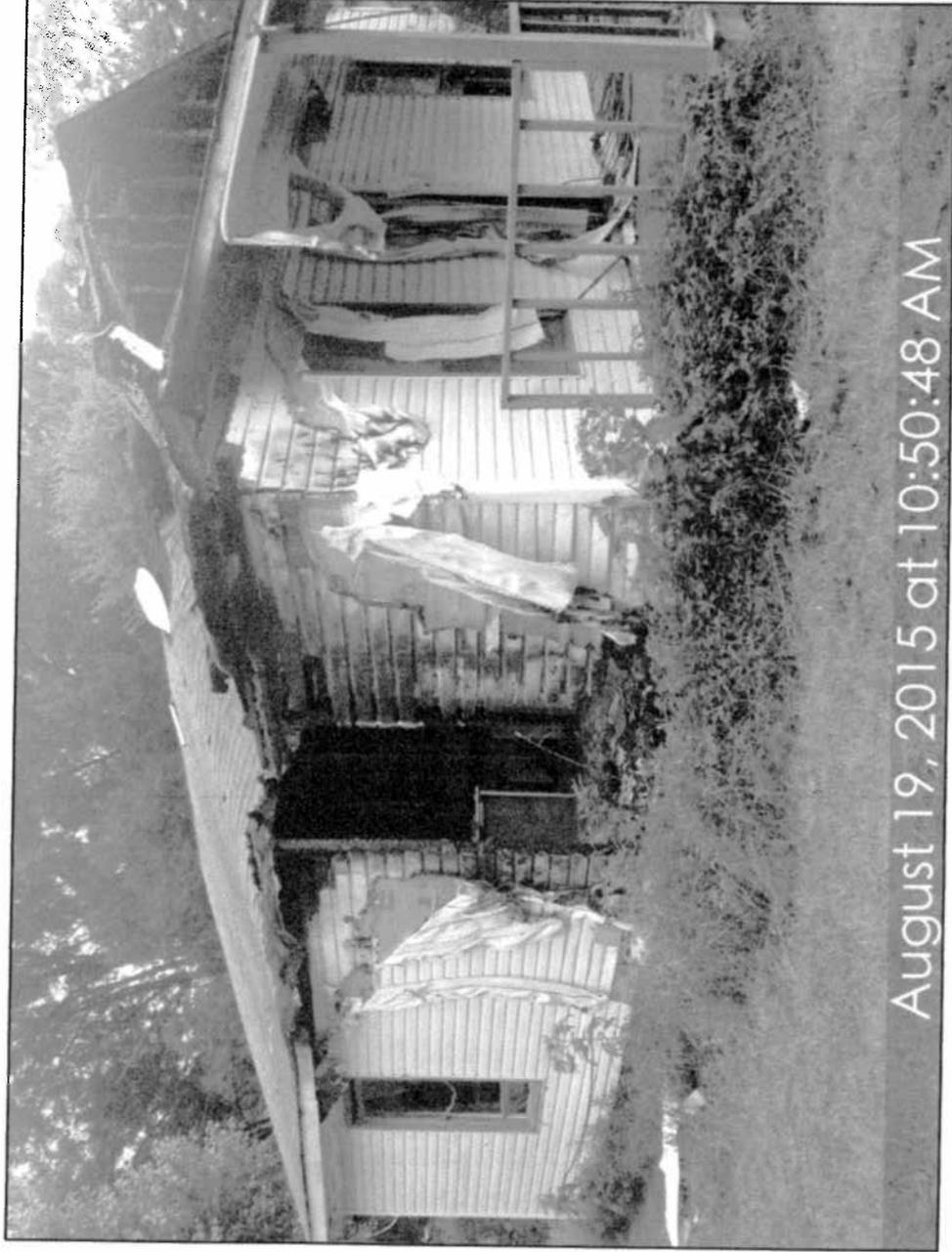
Douglas C. Martinson, II
Conservator for Charles M. Atchley
115 North Side Square
Huntsville, AL 35801

EXHIBIT "B"

2914 Eighth Ave., SW

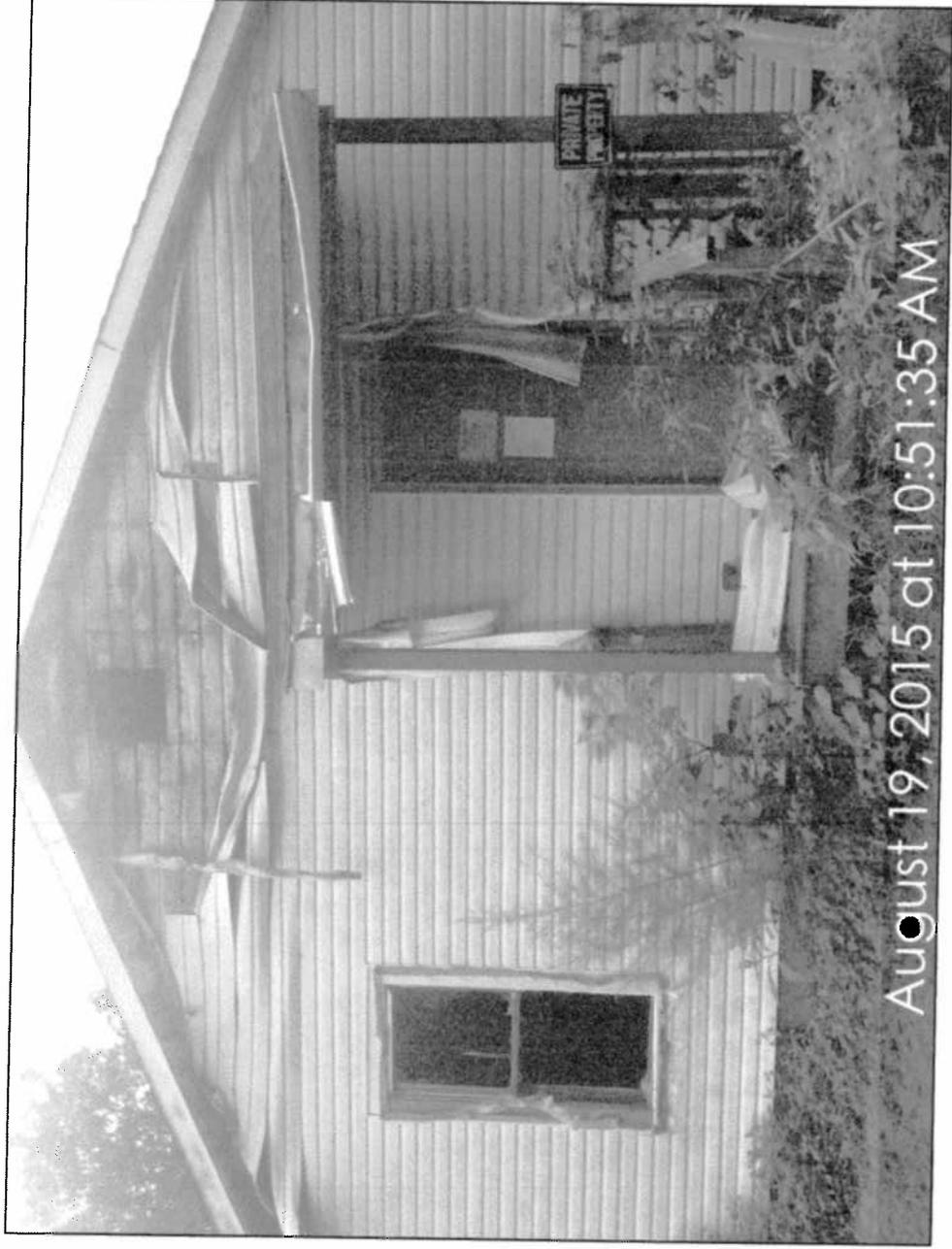






August 19, 2015 at 10:50:48 AM





August 19, 2015 at 10:51:35 AM

STRUCTURAL EVALUATION REPORT

EXHIBIT "C"

ADDRESS OF STRUCTURE: 2714 Eighth Ave. S.W.
 INSPECTOR'S NAME: DAN Schrimsher TITLE: Co-Owner/Foreman
 COMPANY NAME: Bobby Schrimsher & Sons Gen. Contr. Inc. PHONE: 256-533-3560

NUMBER OF DWELLING UNITS 1 NUMBER OF STORIES 1
 CONSTRUCTION: Wood Frame Frame/Veneer _____ Masonry _____ Other _____
 APPROXIMATE SIZE OF STRUCTURE: 28⁶ ft. x 28⁶ ft. = 812.25 s/f
 ** ASBESTOS SIDING or ROOFING: NO YES (Appx. S/F = _____)

COMPONENTS	PERCENTAGE REPLACEMENT REQUIRED
<u>I. EXTERIOR</u>	
1) FOUNDATION:	0 1 2 3 4 5 6 7 <u>8</u> 9 10
2) FLOOR SYSTEM	0 1 2 3 4 5 6 7 8 9 <u>10</u>
3) FRAMING:	0 1 2 3 4 5 6 7 8 9 <u>10</u>
4) ROOF SYSTEM:	0 1 2 3 4 5 6 7 8 9 <u>10</u>
	EXTERIOR TOTAL = <u>38</u>
<u>II. INTERIOR</u>	
1) INT. FLOORS	0 1 2 3 4 5 6 7 8 9 <u>10</u>
2) INT. WALLS	0 1 2 3 4 5 6 7 8 9 <u>10</u>
3) INT. CEILINGS	0 1 2 3 4 5 6 7 8 9 <u>10</u>
	INTERIOR TOTAL = <u>30</u>
<u>III. UTILITY SYSTEMS</u>	
1) ELECTRICAL SYSTEM	0 1 2 3 4 5 6 7 8 9 <u>10</u>
2) HEATING SYSTEM	0 1 2 3 4 5 6 7 8 9 <u>10</u>
3) PLUMBING SYSTEM	0 1 2 3 4 5 6 7 8 9 <u>10</u>
	UTILITY SYSTEM TOTAL = <u>30</u>
<u>IV. OTHER DEFICIENCIES (if applicable)</u>	
1) _____	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 = _____
	GRAND TOTAL POINT RATING = <u>98</u>

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

REMARKS: Dwelling has severe damage AS A result of fire. Rehab would not be feasible due to extensive damage

SIGNATURE: David B. ... DATE: 7/16/2015