CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 10/22/2015

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 1615 Lucille St., NW, Huntsville, AL.

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 June 16, 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: _____ Date: 10/13/2015

revised 3/12/2012

RESOLUTION NO: 15- _____

WHEREAS, the Director of Community Development for the City of Huntsville, Alabama, has inspected or caused to be inspected property situated at 1615 Lucille St 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 16th day of June, 2015, cause to be and issued to owners of record of the property, Notice to Demolish Structure, Official Notice No. 15-3781PNS, 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 1615 Lucille St NW more particularly described as follows to-wit:

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH RANGE 1, WEST, MADISON COUNTY, ALABAMA, PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE WEST MARGIN OF LUCILLE STREET, SAID PLACE OF BEGINNING IS DESCRIBED AS BEING LOCATED SOUTH 89 DEGREES 45 MINUTES EAST 95.0 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 35; THENCE FROM THE PLACE OF BEGINNING; SOUTH 1 DEGREES 0 MINUTES WEST ALONG THE WEST MARGIN OF SAID LUCILLE STREET 60.0 FEET TO A POINT; THENCE NORTH 89 DEGREES 47 MINUTES WEST 95.0 FEET TO A POINT; THENCE NORTH 1 DEGREE 0 MINUTES EAST 58.0 FEET TO THE NORTHWEST CORNER OF SAID SECTION 35; THENCE SOUTH 89 DEGREES 45 MINUTES EAST 95.0 FEET TO THE PLACE OF BEGINNING.

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

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 22nd day of October, 2015.

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

APPROVED this the 22nd day of October, 2015.

_____
Mayor of the City of Huntsville, Alabama

EXHIBIT "A"

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: 5* *PV: 0* *Insp.: mdg/acp* *FINAL: 7/16/2015*

OFFICIAL NOTICE NO. 15-3781PNS

Sam Steward (Deceased) & Eva Steward (Deceased)
1615 Lucille St., NW
Huntsville, AL 35816

Re: 1615 Lucille St NW

PPIN: 21076 PARCEL: 14-07-35-2-001-030.000

Legal Description: ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH RANGE 1, WEST, MADISON COUNTY, ALABAMA, PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE WEST MARGIN OF LUCILLE STREET, SAID PLACE OF BEGINNING IS DESCRIBED AS BEING LOCATED SOUTH 89 DEGREES 45 MINUTES EAST 95.0 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 35; THENCE FROM THE PLACE OF BEGINNING; SOUTH 1 DEGREES 0 MINUTES WEST ALONG THE WEST MARGIN OF SAID LUCILLE STREET 60.0 FEET TO A POINT; THENCE NORTH 89 DEGREES 47 MINUTES WEST 95.0 FEET TO A POINT; THENCE NORTH 1 DEGREE 0 MINUTES EAST 58.0 FEET TO THE NORTHWEST CORNER OF SAID SECTION 35; THENCE SOUTH 89 DEGREES 45 MINUTES EAST 95.0 FEET TO THE PLACE OF BEGINNING.

Date Inspected: 5/27/2015 **Notice Issued: 6/16/2015** **DEMOLISH BY: 7/16/2015**

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

- **Unit lacks direct-wired electrical smoke detector(s) (must have on-board battery back-up).**
- **Door pane broken: left**
- **Exterior door hardware damaged: left**
- **Water heater lacks collar bushing:**
- **Water heater lacks temperature and pressure (T & P) relief valve discharge line.**
- **Electrical outlet not properly installed: kitchen**
- **Electrical outlet cover missing: throughout**
- **Electrical switch cover missing: front bedroom, rear bedroom, bathroom**
- **Interior floor has hole: bathroom, kitchen**
- **Interior floor not in good repair: bathroom, kitchen**
- **Interior wall has hole: hall, living room, front bedroom, rear bedroom, kitchen, bathroom**
- **Interior wall not in good repair: hall, living room, front bedroom, rear bedroom, kitchen, bathroom**
- **Interior ceiling has hole: living room, hall, kitchen, bathroom**
- **Interior ceiling not in good repair: living room, hall, kitchen, bathroom**
- **Interior ceiling collapsed: living room**
- **Bathroom sink drain not properly connected:**
- **Access door missing: rear**
- **Electrical outlet not ground-fault circuit interrupter (GFI) protected: kitchen**
- **Bathroom lacks electrical outlet (must be ground-fault circuit interrupter (GFCI) protected):**
- **Interior floor not impervious to water: bathroom, kitchen**
- **Bathroom sink lacks trap:**
- **Exterior siding missing: rear**
- **Siding lacks paint: rear**
- **Trim rotted: left**
- **Trim missing: left**
- **Trim lacks paint: front, rear, right, left**

7/16/15 No Change @ 8:40 AM KEW (over)

OFFICIAL NOTICE NO. 15-3781PNS (Cont.)

- **Window pane broken: front, left, right, rear**
- **Roof has hole: rear**
- **Roof finish covering missing: front**
- **Porch floor lacks paint: front, left**
- **Porch column lacks paint: front**

Entry door not weathertight: front, rear
Uncapped gas line: rear
Gas central heating and cooling unit missing: rear
Kitchen has less than required minimum of two separate accessible electrical outlets: kitchen
Insulation missing from electrical service entrance cable: rear
Interior electrical wiring below 8 feet in height not in conduit or otherwise protected: kitchen, hall closet
Bathtub handle missing
Floor covering damaged: kitchen, hall, bathroom
Exterior electrical outlet cover damaged: rear
Storm door damaged: left
Storm door lacks self-closing device: left
Storm door hardware missing: left

NOTICE TO DEMOLISH STRUCTURE

This structure must be demolished and removed prior to: 7/16/2015

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 7/7/2015. 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 Michael Gray, Housing Specialist, at (256) 427-5413.

Michael D. Gray

Michael Gray, Housing Specialist
Phone: (256) 427-5413

cc:

Cornell Langford as Agent of the Estate of Eva Steward
3104 Johnna Cir.
Huntsville, AL 35810

OFFICIAL NOTICE NO. 15-3781PNS (Cont.)

Danny Muhammad
3841 Cash Dr.
Winston-Salem, NC 27107

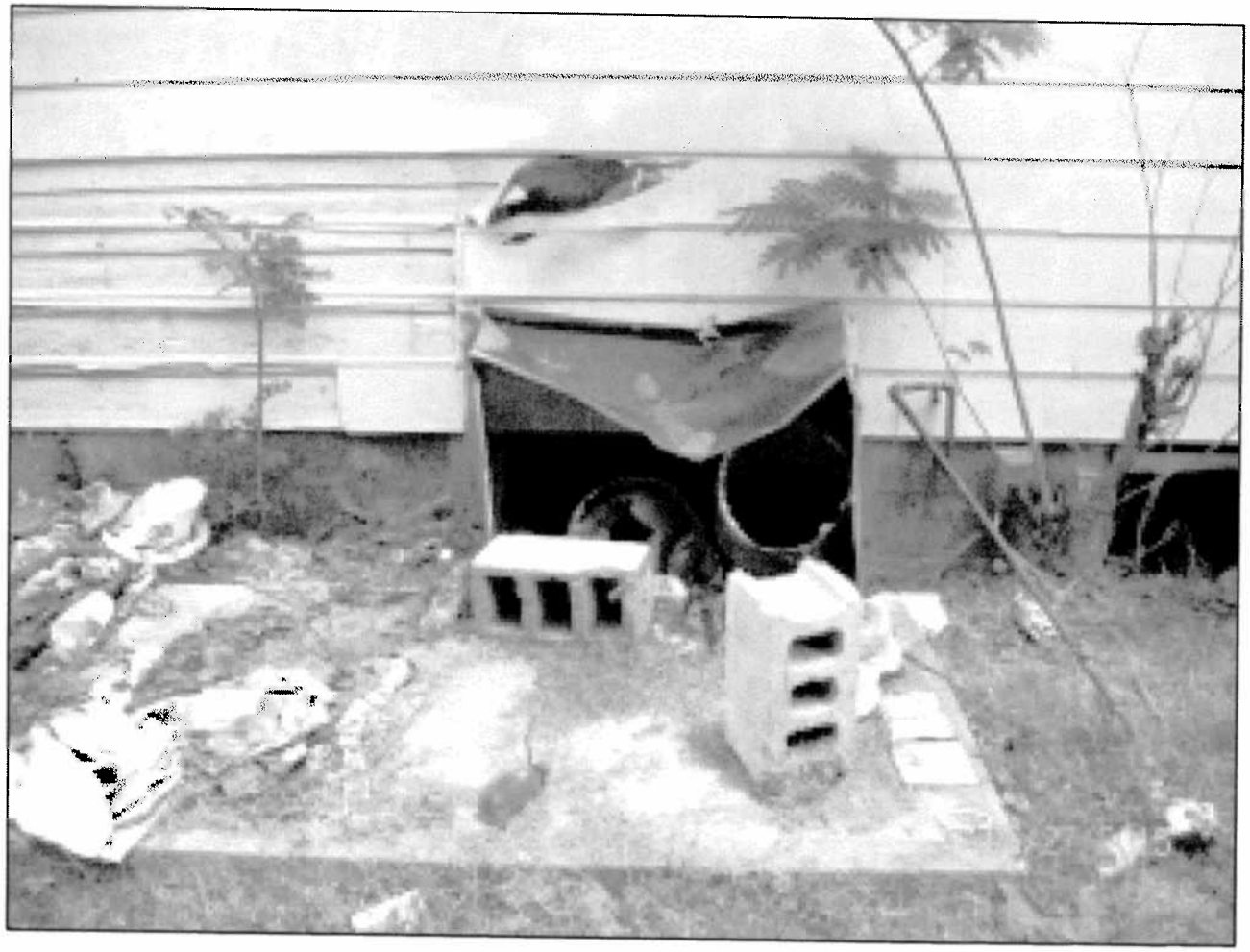
Called 9/21/15 M.D.G. Left message.
called 9/22/15 (8:26) M.D.G. Left message.
Called 9/22/15 (5:03) M.D.G. Left message.
Called 9/24/15 (8:30) M.D.G. Left message. (Advised Mr. muhammad take there was no change to property and they we were going to give him until Oct. 5/15 to make major changes to the property or we were going to proceed with the P.N. and take it to the council.
(He still did not call me back)

10/6/15 No Change (10:48) M.D.G.

EXHIBIT "B"

1615 Lucille St., NW

05/27/2015



05/27/2015

05/27/2015

05/27/2015

05/27/2015

05/27/2015

05/27/2015

EXHIBIT "C"

STRUCTURAL EVALUATION REPORT

ADDRESS OF STRUCTURE: 1615 Lucille St. Huntsville, AL. 35816

INSPECTOR'S NAME: Dan Schrimsher TITLE: Co-Owner / Foreman

COMPANY NAME: Bobby Schrimsher & Son's 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: 34 ft. x 26 ft. = 884 s/f

** ASBESTOS SIDING or ROOFING: NO ✓ YES___ (Appx. S/F = ___)

COMPONENTS	PERCENTAGE REPLACEMENT REQUIRED
I. EXTERIOR	
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 = 15
II. INTERIOR	
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 = 22
III. UTILITY SYSTEMS	
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 = 30
V. OTHER DEFICIENCIES (if applicable)	
1) Window units	0 1 2 3 4 5 6 7 8 9 (10)
2) door units	0 1 2 3 4 5 6 7 (8) 9 10
	OTHER DEFICIENCIES TOTAL = 18
	GRAND TOTAL POINT RATING = 85

FEASIBILITY OF REPAIR: RATING 50 or MORE - (REHAB NOT FEASIBLE) ✓

RATING 49 or LESS - REHAB FEASIBLE___

REMARKS: Property appears to have been vacant for extended period of time; also repairs to dwelling have been neglected.

SIGNATURE: [signature] DATE: 5/20/2015