

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 5/26/2016

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 101 Whitney Ave., NE, 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 March 15, 2016, 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: Micahael B. Jordan

Date: 5/13/2016

RESOLUTION NO: 16-_____

WHEREAS, the Director of Community Development for the City of Huntsville, Alabama, has inspected or caused to be inspected the property situated at 101 Whitney Ave NE 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 15th day of March, 2016, cause to be and issued to owners of record of the property, Notice to Demolish Structure, Official Notice No. 16-541PNS, 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 101 Whitney Ave NE more particularly described as follows to-wit:

LOT 1 BL A EDMONTON HEIGHTS S/D PART A

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

RESOLUTION NO: 16-_____

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 26th day of May, 2016.

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

APPROVED this the 26th day of May, 2016.

Mayor of the City of Huntsville, Alabama

Department of Community Development
Code Enforcement Division

Michelle G. Jordan, Director, Community Development



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

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

Area: 2 CT: t2.01 CD: 1

PV: 0

Insp.: dwa

FINAL: 4/14/2016

OFFICIAL NOTICE NO. 16-541PNS

Caffey Enterprises, LLC
3920 Meridian St.
Huntsville, AL 35811

Re: 101 Whitney Ave NE

PPIN: 48841 PARCEL: 13-04-18-0-001-005.000

Legal Description: LOT 1 BL A EDMONTON HEIGHTS S/D PART A

Date Inspected: 3/8/2016

Notice Issued: 3/15/2016

DEMOLISH BY: 4/14/2016

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).
- ♦ Electrical system not operational.
- ♦ Gas system not operational.
- ♦ Exterior door missing: right, front
- ♦ Sanitary facilities not operational.
- ♦ Toilet damaged:
- ♦ Toilet not in working order:
- ♦ Kitchen sink missing.
- ♦ Bathroom sink missing:
- ♦ Toilet supply line missing:
- ♦ Toilet drain not properly connected:
- ♦ Electrical outlet damaged: throughout
- ♦ Electrical outlet cover missing: throughout
- ♦ Electrical switch damaged: throughout
- ♦ Electrical switch cover missing: throughout
- ♦ Light fixture cover missing: throughout
- ♦ Interior floor not in good repair: throughout
- ♦ Interior wall has hole: living room, kitchen, hall, left bedroom, right bedroom, bathroom
- ♦ Interior ceiling has hole: living room, left bedroom
- ♦ Interior ceiling not in good repair: right bedroom
- ♦ Interior floor not impervious to water: kitchen, bathroom
- ♦ Unit lacks heat.
- ♦ Exterior siding rotted: left, rear
- ♦ Siding lacks paint: left, rear
- ♦ Trim rotted: left, rear, right
- ♦ Trim lacks paint: front, left, rear, right
- ♦ Window sash missing: left, rear
- ♦ Window pane missing: left, rear

OFFICIAL NOTICE NO. 16-541PNS (Cont.)

- ♦ Window sill rotted: left, rear
- ♦ Roof has hole: left
- ♦ Roof decking rotted: left
- ♦ Roof rafter rotted: left
- ♦ Gas heater damaged and not in operating condition.

NOTICE TO DEMOLISH STRUCTURE

This structure must be demolished and removed prior to: 4/14/2016

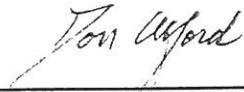
Demolition permits must be obtained from the City of Huntsville Inspection Department and work commenced and completed by the specified date.

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 4/5/2016. 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 Don Alford, Housing Specialist, at (256) 427-5405.



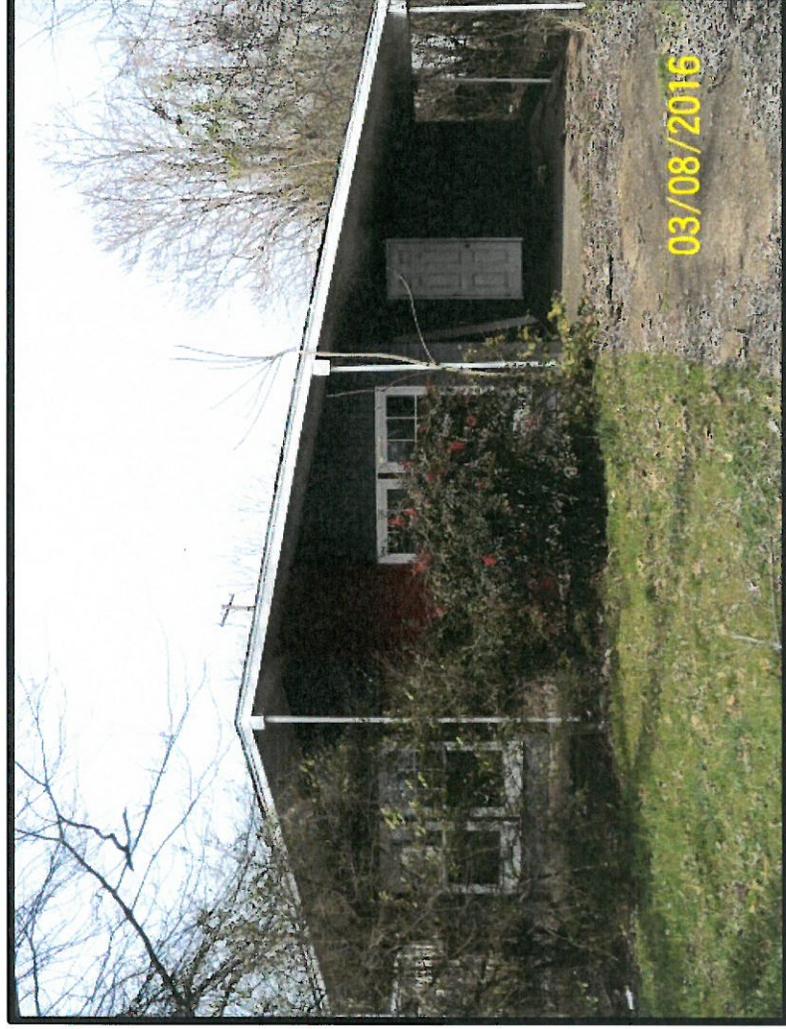
Don Alford, Housing Specialist
Phone: (256) 427-5405

cc:

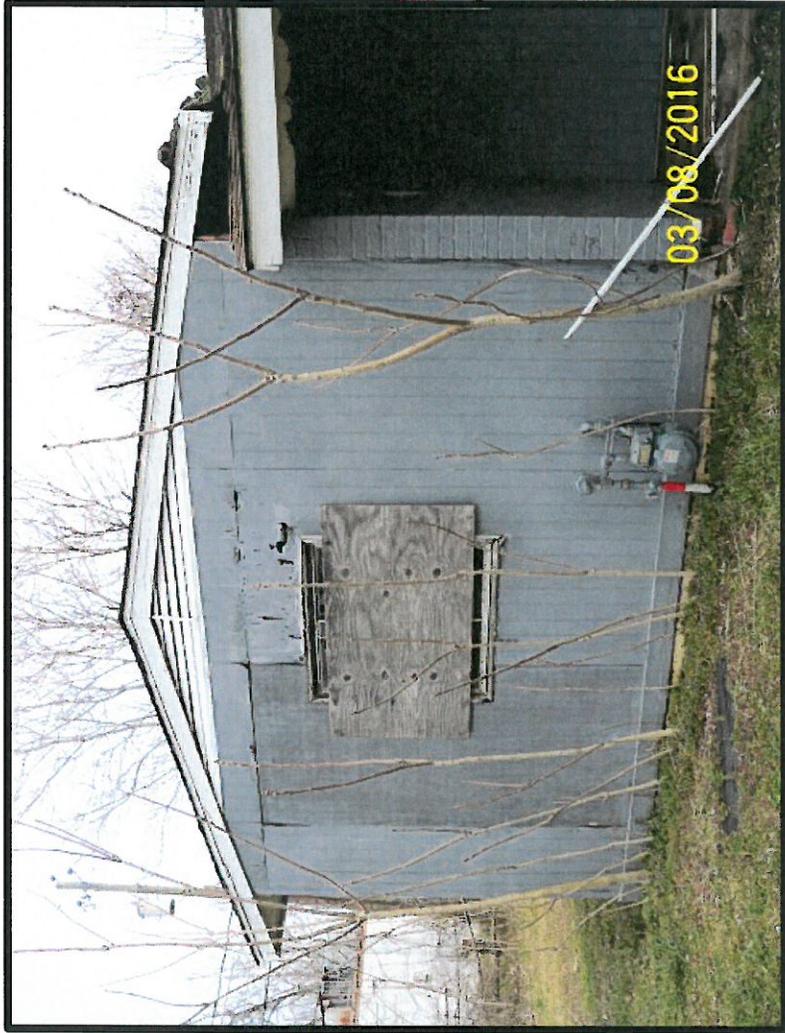
Regions Bank
200 Clinton Avenue, West
Huntsville, AL 35801
Caffey Enterprises, LLC
125 Lake Pointe Circle
Huntsville, AL 35824
Caffey Enterprises, LLC
9103 Kenley Way
Birmingham, AL 35242

EXHIBIT "B"

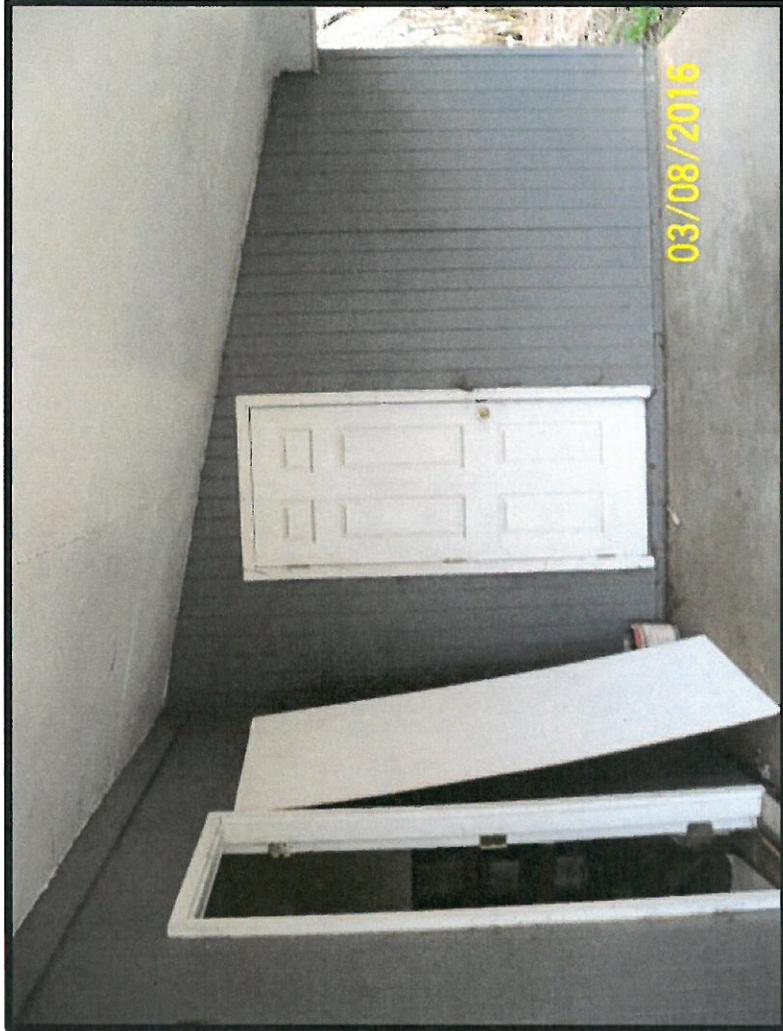
101 Whitney Ave.

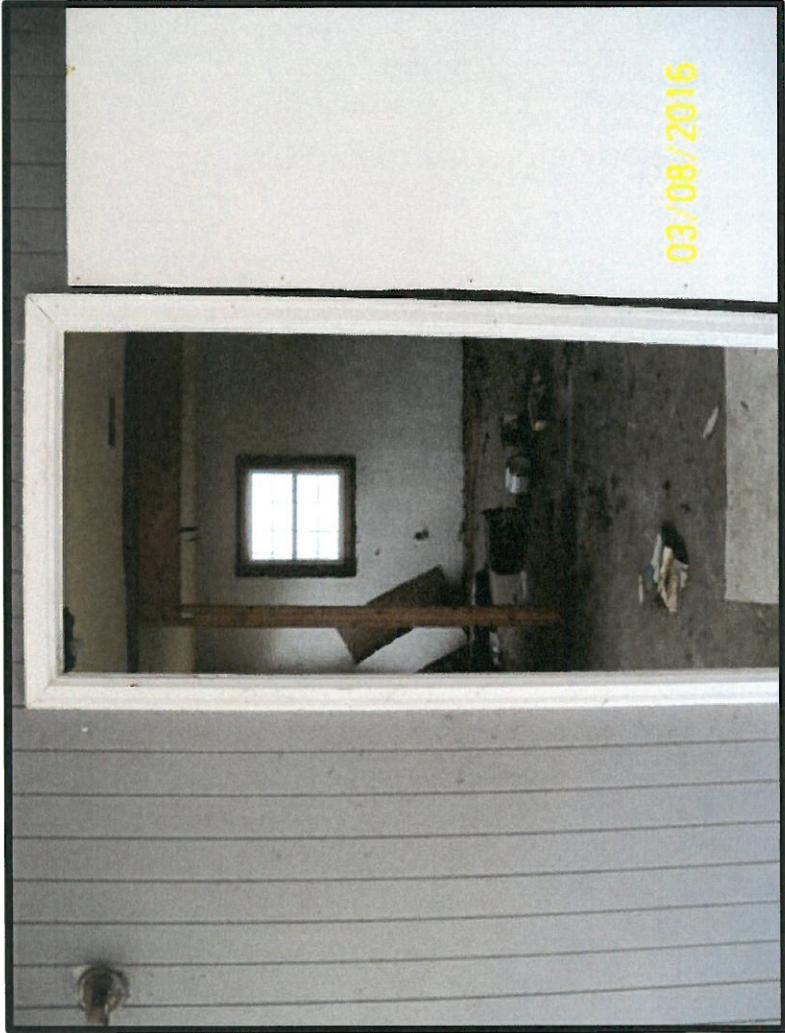






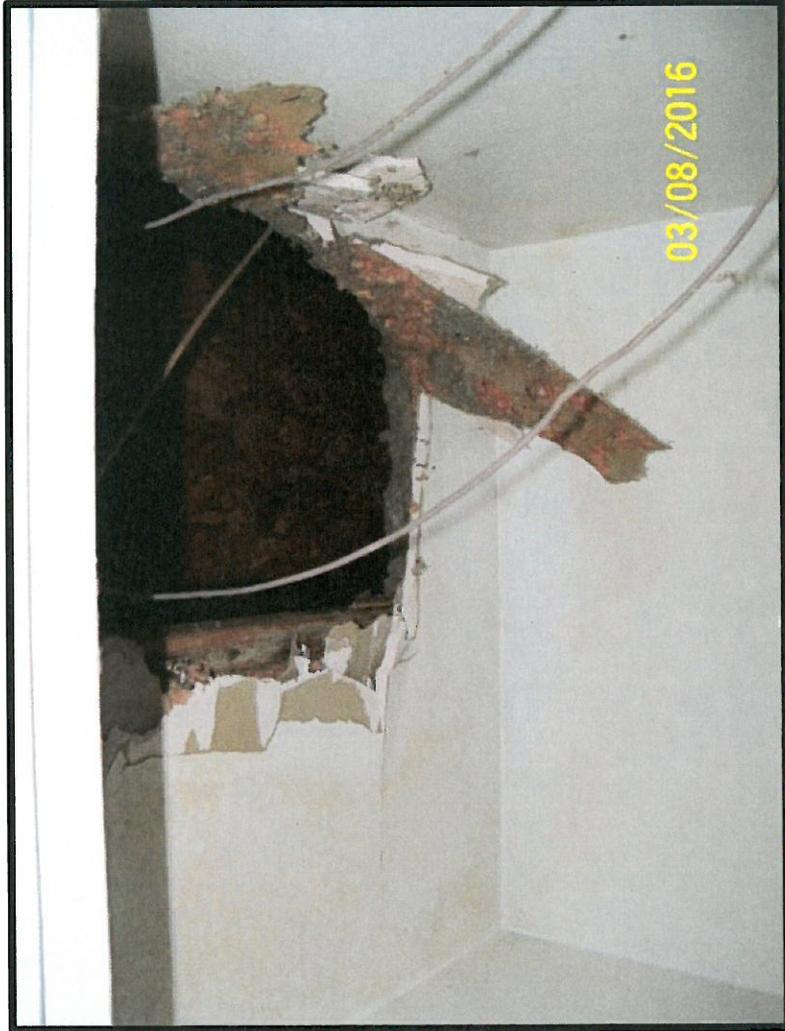


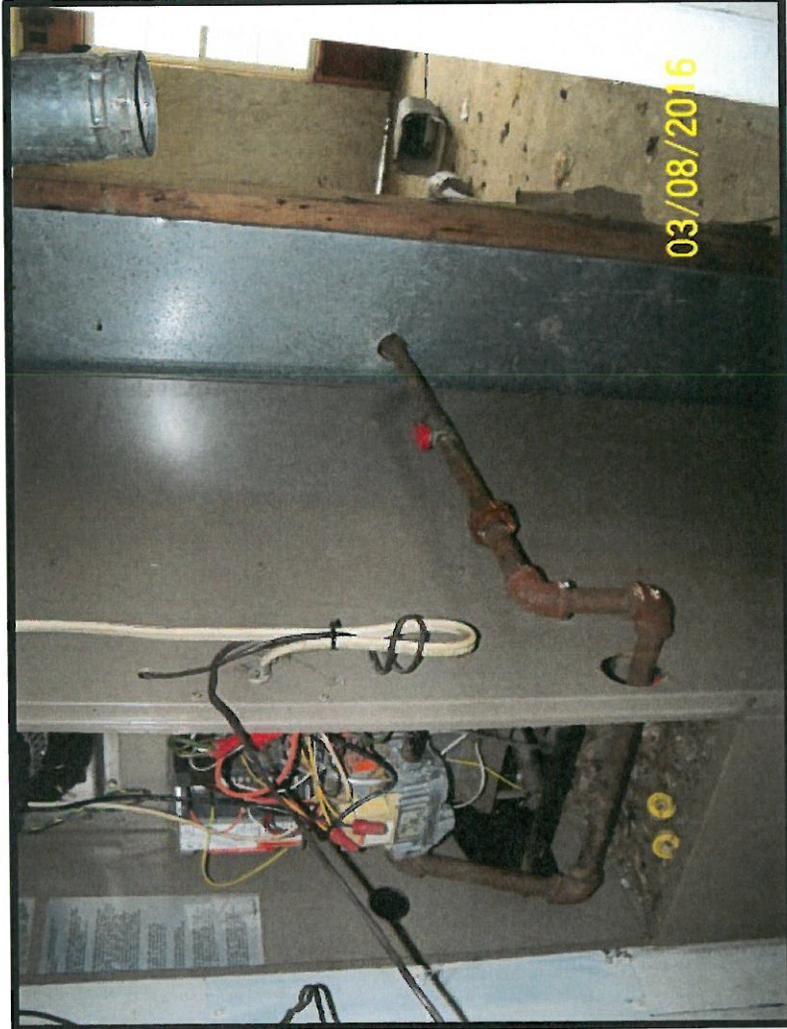


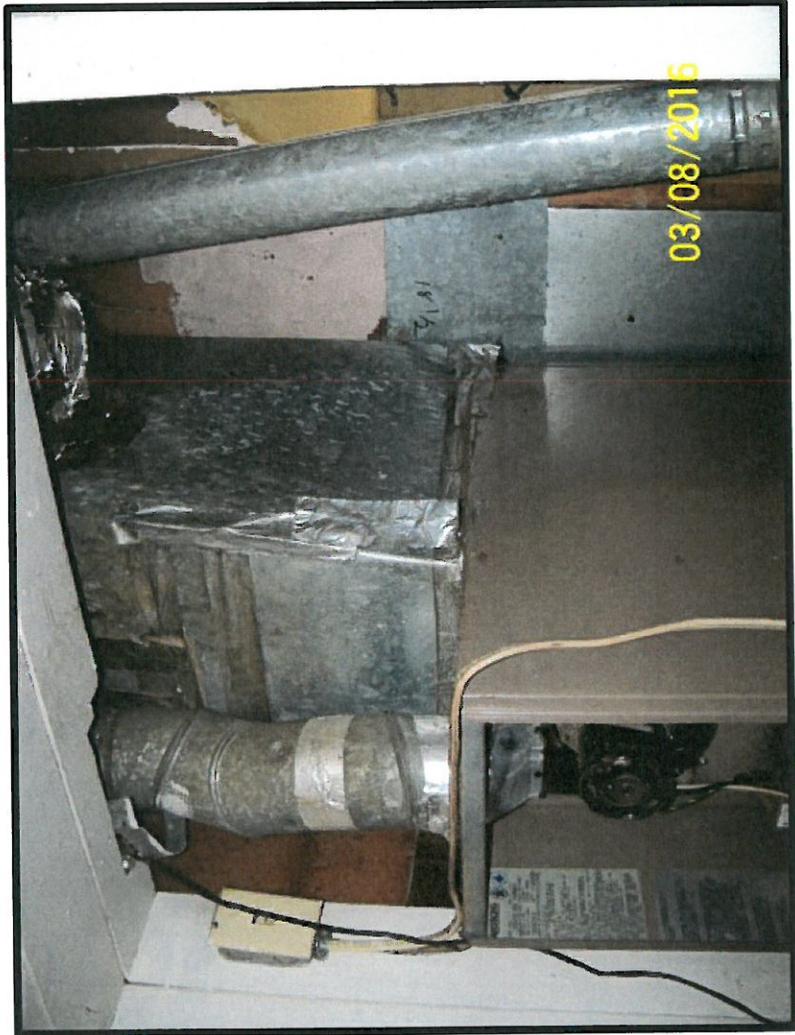














ADDRESS OF STRUCTURE: 101 Whitney Ave. Hunts, AL. 35811
 INSPECTOR'S NAME: Dan Schrimsher TITLE: Co-Owner/Foreman
 COMPANY NAME: Bobby Schrimsher & Sons Gen Contr., Inc. PHONE: 256-533-3580

NUMBER OF DWELLING UNITS 1 NUMBER OF STORIES 1
 CONSTRUCTION: Wood Frame Frame/Veneer Masonry Other
 APPROXIMATE SIZE OF STRUCTURE: 30 ft. x 37 ft. = 1110 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	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>17</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>28</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>windows & doors</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>10</u>
										GRAND TOTAL POINT RATING =	<u>85</u>

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

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

SIGNATURE: Dan B. Schrimsher DATE: 3/9/2016