

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 10/13/2016

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 2145 Medaris Rd., 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 August 24, 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: Micahel B. Jordan

Date: 10/4/2016

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 2145 Medaris Rd NW 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 24th day of August, 2016, cause to be and issued to owners of record of the property, Notice to Demolish Structure, Official Notice No. 16-4500PNS, 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 2145 Medaris Rd NW more particularly described as follows to-wit:

LOT 11 BLK B LAKEWOOD MANOR 5TH ADD SEC 1

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 13th day of October, 2016.

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

APPROVED this the 13th day of October, 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: 1 CT: t3.01 CD: 1

PV: 0

Insp.: mdm

FINAL: 9/23/2016

OFFICIAL NOTICE NO. 16-4500PNS

Woodie B. Elliott (Deceased) & Thomas E. Battle
2145 Medaris Rd., NW
Huntsville, AL 35810

Re: 2145 Medaris Rd NW

PPIN: 3089 PARCEL: 14-01-12-3-004-013.000

Legal Description: LOT 11 BLK B LAKEWOOD MANOR 5TH ADD SEC 1

Date Inspected: 8/4/2016

Notice Issued: 8/24/2016

DEMOLISH BY: 9/23/2016

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:

NOTICE TO DEMOLISH STRUCTURE VIOLATIONS

- ♦ Unit lacks direct-wired electrical smoke detector(s) (must have on-board battery back-up).
- ♦ Electrical system not operational.
- ♦ Exterior door damaged: front, right
- ♦ Sanitary facilities not operational.
- ♦ Exterior door hardware missing: rear
- ♦ Exterior door frame damaged: front, rear
- ♦ Unit/structure is open and accessible to the public.
- ♦ Toilet damaged:
- ♦ Toilet not in working order:
- ♦ Kitchen sink damaged.
- ♦ Kitchen sink faucet missing.
- ♦ Bathroom sink missing:
- ♦ Electrical outlet damaged: throughout
- ♦ Electrical outlet cover missing: throughout
- ♦ Electrical outlet has bare exposed electrical wiring: throughout
- ♦ Electrical switch damaged: throughout
- ♦ Electrical switch cover missing: throughout
- ♦ Light fixture damaged: throughout
- ♦ Light fixture not properly installed: throughout
- ♦ Light fixture cover missing: throughout
- ♦ Interior floor not in good repair: throughout
- ♦ Interior wall not in good repair: throughout
- ♦ Interior wall mildewed. : throughout
- ♦ Interior ceiling has hole: throughout
- ♦ Interior ceiling not in good repair: throughout
- ♦ Interior ceiling mildewed: throughout
- ♦ Water heater missing.
- ♦ Splice in electrical wiring must be in approved junction box: living room, kitchen, bathroom
- ♦ Unit lacks permanent source of heat.
- ♦ Interior floor not impervious to water: kitchen, bathroom

OFFICIAL NOTICE NO. 16-4500PNS (Cont.)

- ♦ Splice in electrical wiring must be in approved junction box: living room, kitchen, bathroom
- ♦ Unit lacks permanent source of heat.
- ♦ Interior floor not impervious to water: kitchen, bathroom
- ♦ Electrical, plumbing, and heating systems not operational due to lack of utility services; unit lacks hot water.
- ♦ Exterior wall has hole: front
- ♦ Exterior siding loose: front
- ♦ Exterior siding missing: front
- ♦ Trim rotted: front, right, rear, left
- ♦ Trim loose: front, right, rear, left
- ♦ Trim missing: front, right, rear, left
- ♦ Soffit rotted: front, rear
- ♦ Soffit loose: right, rear, left
- ♦ Soffit has hole: front, rear
- ♦ Trim lacks paint: front, right, rear, left
- ♦ Window pane broken: front, rear
- ♦ Roof decking rotted: front, rear
- ♦ Roof collapsed: front
- ♦ Roof rafter rotted: front, rear
- ♦ Roof finish covering missing: front, rear
- ♦ Entry door(s) not weathertight: front, rear
- ♦ Evidence of rodents in unit
- ♦ Evidence of roaches and other insects in unit
- ♦ Food preparation surface(s) damaged: kitchen
- ♦ Interior door hardware defective: throughout

This structure must be demolished and removed prior to: 9/23/2016

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 9/14/2016. 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 Duane Mahaffey, Housing Specialist, at (256) 427-5429.

cc: Kevin Dewayne Matthews
106 Valleside Dr.
Huntsville, AL 35810

F.C.I. National Fund, LLC
8180 East Kaiser Blvd
Anaheim, CA 92808

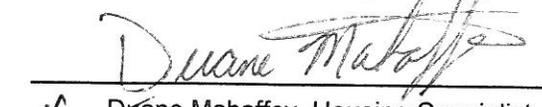

Duane Mahaffey, Housing Specialist
Phone: (256) 427-5429

EXHIBIT "B"

2145 Medaris Rd., NW



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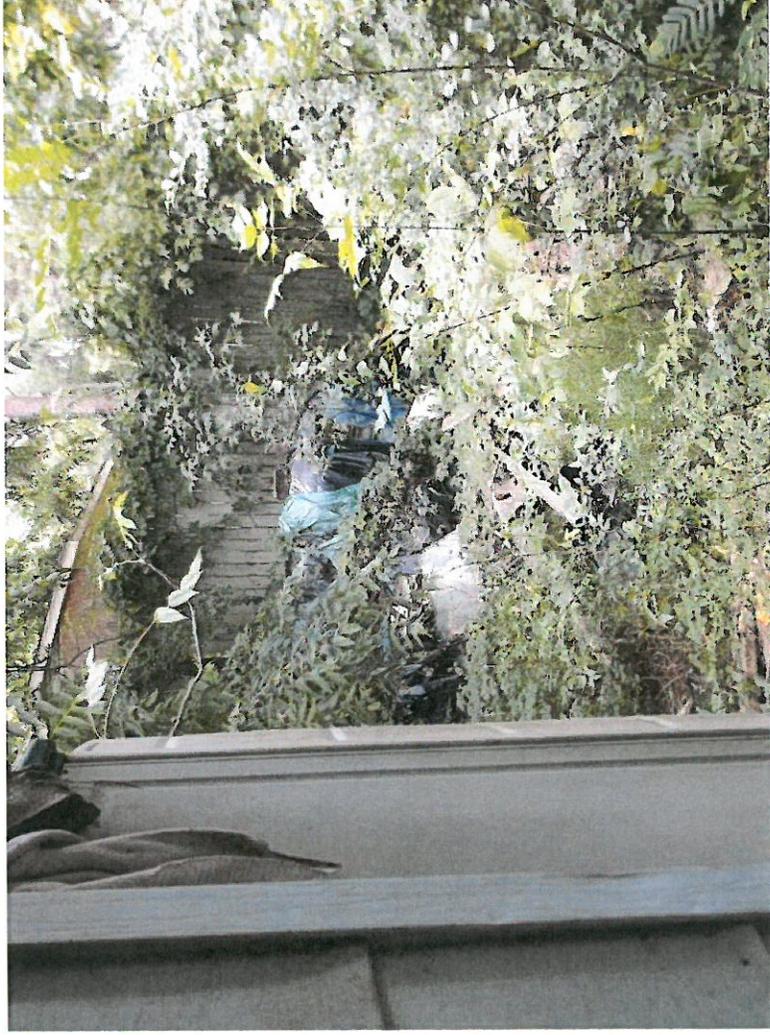


EXHIBIT "B"

2145 Medaris Rd., NW



STRUCTURAL EVALUATION REPORT

EXHIBIT "C"

ADDRESS OF STRUCTURE: 2145 Medaris Rd. Hunts, AL 35810
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 [checked] Masonry Other
APPROXIMATE SIZE OF STRUCTURE: 42 ft. x 31 ft. = 1,302 s/f
** ASBESTOS SIDING or ROOFING: NO [checked] YES (Appx. S/F =)

Table with columns: COMPONENTS, PERCENTAGE REPLACEMENT REQUIRED (0-10). Rows include: I. EXTERIOR (Foundation, Floor System, Framing, Roof System), II. INTERIOR (Int. Floors, Int. Walls, Int. Ceilings), III. UTILITY SYSTEMS (Electrical, Heating, Plumbing), IV. OTHER DEFICIENCIES (Window units, Door units). Includes sub-totals and GRAND TOTAL POINT RATING = 92.

FEASIBILITY OF REPAIR: RATING 50 or MORE - REHAB NOT FEASIBLE [checked]
RATING 49 or LESS - REHAB FEASIBLE

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

SIGNATURE: David B. Schimsher DATE: 8/22/2016