



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 2/22/2024

**File ID:** TMP-3900

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**Department:** Community Development

**Subject:**

**Type of Action:** Approval/Action

Resolution to declare a public nuisance located at 2206 Hill St NW, Huntsville, AL and to set the date for when objections will be heard (Set March 14, 2024, Regular Council Meeting)

Resolution No.

**Finance Information:**

**Account Number:** N/A

**City Cost Amount:** \$ 0

**Total Cost:** \$ 0

**Special Circumstances:**

**Grant Funded:** \$ 0

**Grant Title - CFDA or granting Agency:** N/A

**Resolution #:** N/A

**Location: (list below)**

**Address:** 2206 Hill St NW

**District:** District 1 ☒ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

**Additional Comments:**

This resolution declares a junk public nuisance at 2206 Hill St NW and sets the date for a public hearing when comments may be made.

**RESOLUTION NO. 24-\_\_\_\_\_**

**WHEREAS**, the Manager of Community Development of the City of Huntsville, Alabama ("Director") has reported in a Report and Affidavit, a copy of which is attached hereto and incorporated herein by reference, that upon and/or in front of the property situated at 2206 Hill St NW, in Huntsville, Alabama, there exists certain conditions as those enumerated in Acts 1971, Reg. Sess., No. 71-1320, p. 2269, §2, which constitutes a public nuisance; and

**WHEREAS**, the Report and Affidavit of the Manager 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 Manager's Report and Affidavit existing upon and/or in front of the property at 2206 Hill St NW, more particularly described as follows wit: ALL TH PT OF THE NE 1/4 OF SEC 27 BEG AT THE N MARG OF OAKWOOD ST INTS WI THE E MARG OF HILL ST TH RUN N/WDLY AL THE E MARG OF HILL ST 744 FT TH E/WDLY & PARLL TO THE N BDY/L TO A CERT TR OF LD RECENTLY SOLD TO DR L B LINDSEY 150 FT THE N/WDLY & PARLL WI THE E MARG OF HILL ST 75 FT TO PT TH W/WDLY & PARLL TO DR LINDSEYS N BDY/L 150 FT TO A PT ON THE W MARG OF HILL ST TH RUN S/WDLY AL THE E MARG OF HILL ST 75 FT TO THE POB SEC 27 T3 R1W, 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 5:30 pm, on 3/14/2024, 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 Manager 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 two 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 22nd day of February, 2024, the City Council of the City of Huntsville, Alabama, passed a resolution declaring that a public nuisance exists upon or in front of the property at 2206 Hill St 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

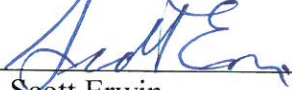
**RESOLUTION NO. 24-\_\_\_\_\_**

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 other 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 5:30 pm, on 3/14/2024, 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 the 22nd day of February, 2024.

City of Huntsville, Alabama



By: Scott Erwin

Manager, Community Development  
of the City of Huntsville, Alabama

Phone: (256) 427-5400

4. 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, Scott Erwin, Manager 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 than the owner(s) last assessed.

**ADOPTED** this the 22nd day of February, 2024.

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

**APPROVED** this the 22nd day of February, 2024.

\_\_\_\_\_  
Mayor  
of the City of Huntsville, Alabama

## REPORT AND AFFIDAVIT

### COMMUNITY DEVELOPMENT DIVISION CITY OF HUNTSVILLE, ALABAMA

TO: THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, ALABAMA  
DATE: 2/22/2024  
RE: Public Nuisance

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Before me, the undersigned, a notary in and for said County in said State, personally appeared Scott Erwin, who, after being by me duly sworn, deposes and says on oath as follows:

1. My name is Scott Erwin. 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 Manager 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:

2206 Hill St NW more particularly described as follows to-wit: ALL TH PT OF THE NE 1/4 OF SEC 27 BEG AT THE N MARG OF OAKWOOD ST INTS WI THE E MARG OF HILL ST TH RUN N/WDLY AL THE E MARG OF HILL ST 744 FT TH E/WDLY & PARLL TO THE N BDY/L TO A CERT TR OF LD RECENTLY SOLD TO DR L B LINDSEY 150 FT THE N/WDLY & PARLL WI THE E MARG OF HILL ST 75 FT TO PT TH W/WDLY & PARLL TO DR LINDSEYS N BDY/L 150 FT TO A PT ON THE W MARG OF HILL ST TH RUN S/WDLY AL THE E MARG OF HILL ST 75 FT TO THE POB SEC 27 T3 R1W,

I have found to exist, as of January 26th, 2024, Blue Ford truck, tire(s) flat, not in road operable condition, located on property.

White Ford Mustang, tire(s) flat, not in road operable condition, located on property.

Blue Ford Thunderbird, tire(s) flat, wheel missing, not in road operable condition, located on property.

Red Buick, tire(s) flat, not in road operable condition, located on property.

Blue Ford van, tire(s) flat, not in road operable condition, located on property.

White Ford truck, tire(s) flat, not in road operable condition, located on property.

Grey Ford, tire(s) flat, not in road operable condition, located on property.

Tan Mercury, tire(s) flat, not in road operable condition, located on property.

Grey Ford Pinto, tire(s) flat, not in road operable condition, located on property.


Gutters, damaged lawnmowers, scrap wood, scrap metal, auto wheels, felled tree limbs, metal drum, plastic containers, damaged bicycles, and other debris, located on property. As a result, I 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 January 26th, 2024, which fairly and accurately shows how the property appeared on said date.)




## REPORT AND AFFIDAVIT

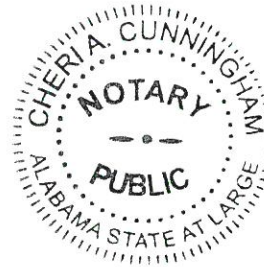
### COMMUNITY DEVELOPMENT DIVISION CITY OF HUNTSVILLE, ALABAMA

4. It is my recommendation that a public nuisance be declared to exist upon and/or in front of said property.

  
\_\_\_\_\_  
SCOTT ERWIN

**SWORN TO AND SUBSCRIBED BEFORE ME** this the 26th day of January, 2024.

  
\_\_\_\_\_  
Notary Public  
My commission expires: 07/06/2025

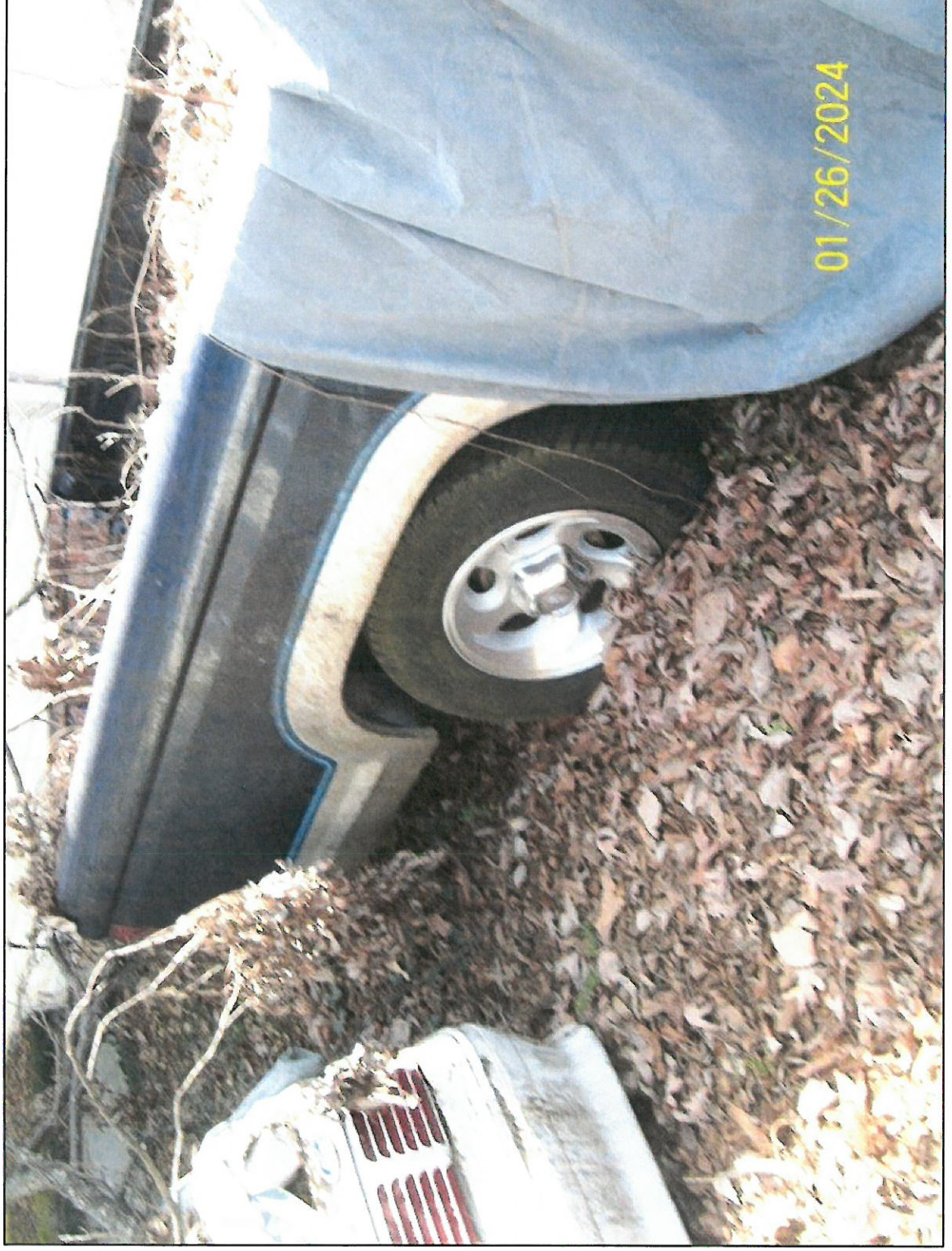


## 2206 Hill St NW





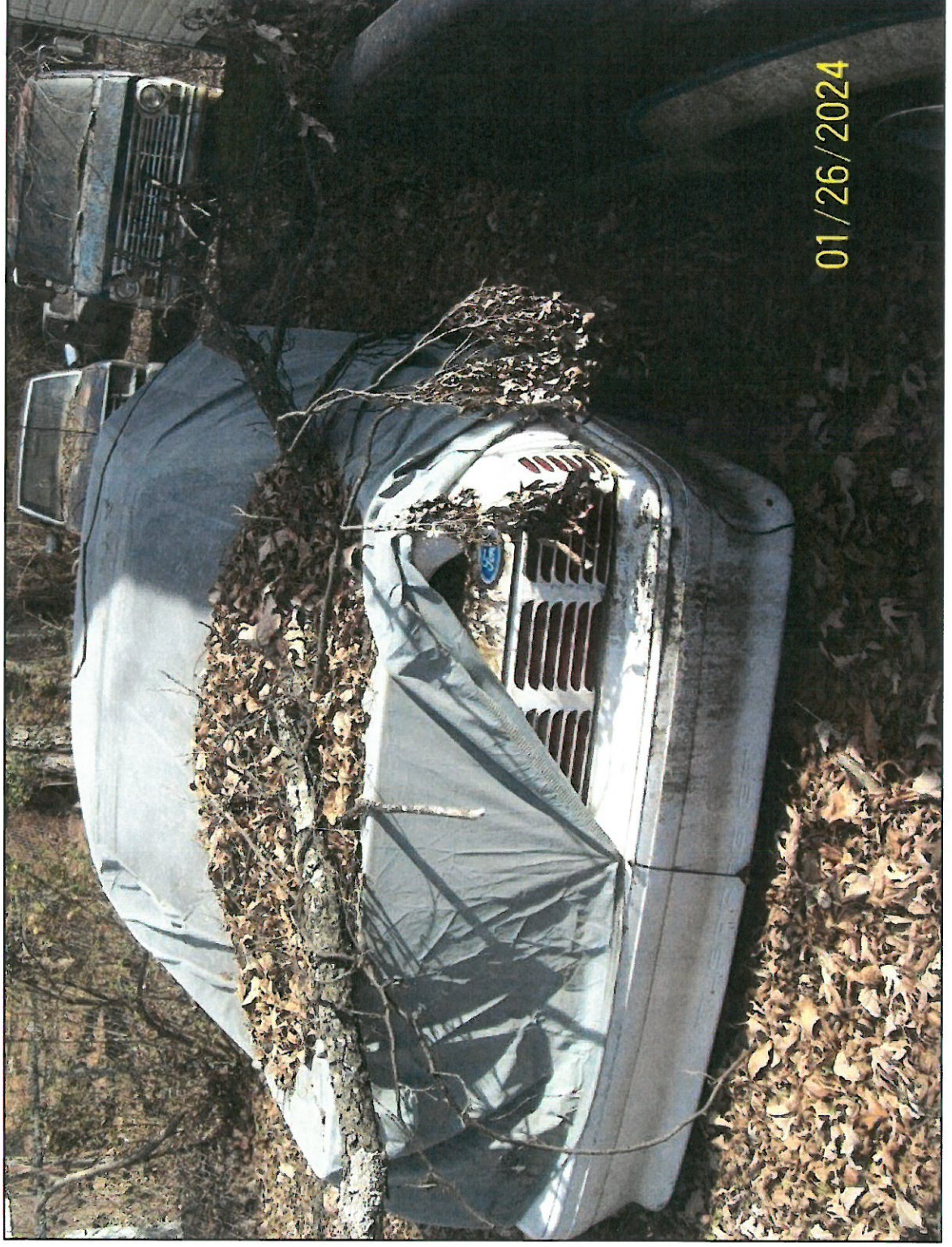
2206 Hill St NW





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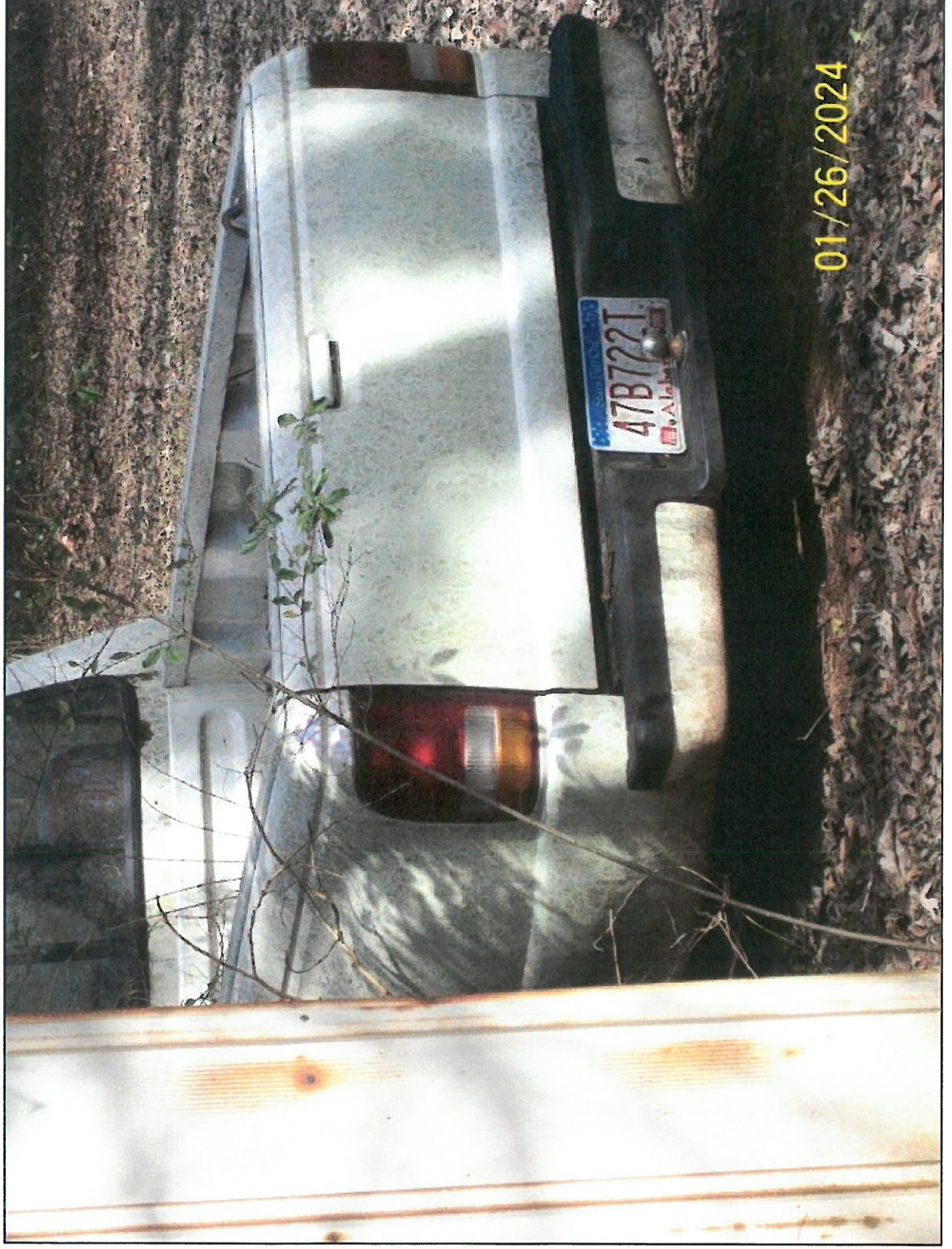


2206 Hill St NW





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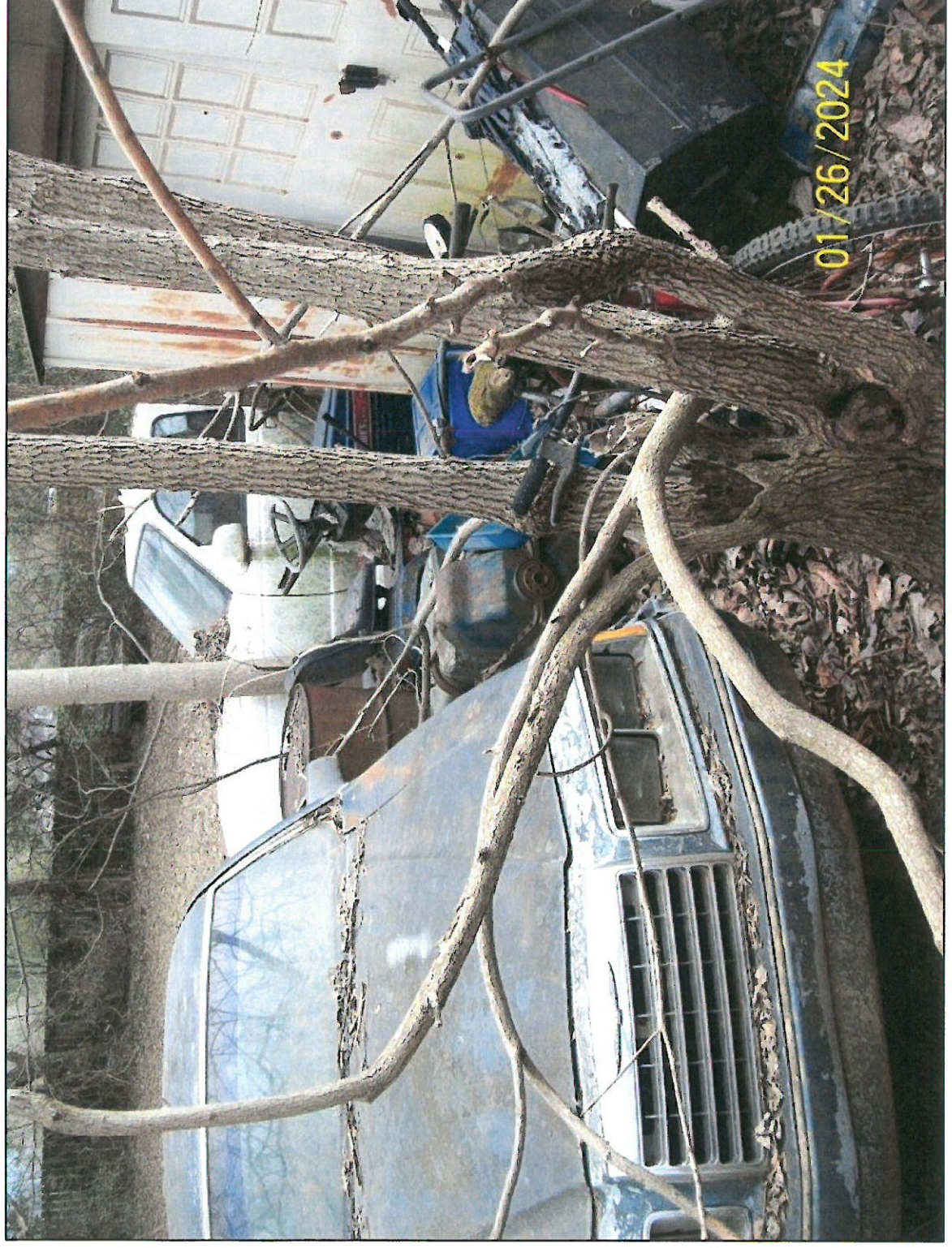
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