

## **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 1417 Dale Circle SE, 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 1417 Dale Circle SE, more particularly described as follows wit: LOT 11 & N 5 FT LOT 10 BLK 1 DALEVIEW 2ND ADD, 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 11/7/2024, 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 24th day of October, 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 1417 Dale Circle SE 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 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

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Huntsville, Alabama, to be held at 5:30 pm, on 11/7/2024, 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 24th day of October, 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 24th day of October, 2024.

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

**APPROVED** this the 24th day of October, 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: 10/24/2024  
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:

1417 DALE Circle SE more particularly described as follows to-wit: LOT 11 & N 5 FT LOT 10 BLK 1 DALEVIEW 2ND ADD,

I have found to exist, as of October 15th, 2024, Cardboard boxes, plastic containers, metal shelving, interior furniture, scrap wood, mattresses, auto tires, wood pallets, wheelbarrow, shopping cart, paper items, plastic items, foam cushion, scrap metal, coolers, windows, and other debris located on driveway and on front porch.

Damaged trailer, scrap wood, metal carts, interior furniture, cardboard, plastic containers, cinder blocks, damaged child car seats, damaged bricks, plastic containers full of items, plastic bags full of items, storm windows, plastic pallets, scrap metal, metal shelving, metal containers, and other debris located in side yard.

Interior furniture, scrap wood, plastic containers, clothing items, and other debris located in open garage.

Scrap wood, scrap metal, aluminum ladders, plastic pallets, felled tree logs, tarps, clothing material, rugs, seat cushions, suitcase, plastic containers, metal containers, window screen, glass items, household items, interior furniture, plastic pipes, fish tank, cardboard boxes, bed frame, storm windows, items under tarp, wood pallets and other debris located in rear yard.

Metal shelving, metal items, interior furniture items under tarp, plastic containers, lamps, portable air conditioners, clothing material, wood shelving, and other debris located on rear deck.. 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 October 15th, 2024, which fairly and accurately shows how the property appeared on said date.)

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



**REPORT AND AFFIDAVIT**

COMMUNITY DEVELOPMENT DIVISION  
CITY OF HUNTSVILLE, ALABAMA

*Scott Erwin*

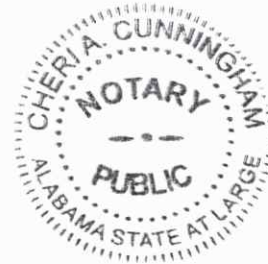
SCOTT ERWIN

**SWORN TO AND SUBSCRIBED BEFORE ME** this the 15th day of October, 2024.

*Cher A Cunningham*

Notary Public

My commission expires: 07/06/2025





1417 Dale Cir SE





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