

RESOLUTION NO. 23-_____

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 740 West Arbor Dr 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 740 West Arbor Dr NW, more particularly described as follows wit: LOT 31 BLOCK 4, ACCORDING TO THE MAP OF SURVEY OF PEARSALL GARDENS, HUTSVILLE, ALABAMA, AS RECORDED IN PLAT BOOK 1, PAGE 290 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA., 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 12/21/2023, 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 7th day of December, 2023, 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 740 West Arbor Dr NW in said City of , 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

RESOLUTION NO. 23-_____

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 12/21/2023, 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 7th day of December, 2023.

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 7th day of December, 2023.

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

APPROVED this the 7th day of December, 2023.

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: 12/7/2023
RE: Public Nuisance

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:

740 West Arbor Dr NW more particularly described as follows to-wit: LOT 31 BLOCK 4, ACCORDING TO THE MAP OF SURVEY OF PEARSALL GARDENS, HUNTSVILLE, ALABAMA, AS RECORDED IN PLAT BOOK 1, PAGE 290 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA.,

I have found to exist, as of November 15th, 2023, Red Plymouth, engine in disrepair, tires flat, not in road operable condition, located in front yard.

Red Ford, engine in disrepair, tires flat, not in road operable condition, located in rear yard.

White/Red Go-cart, engine in disrepair, not in operable condition, located in rear yard.

Red Honda ATV, engine in disrepair, not in operable condition, located in rear yard.

Red ATV, engine in disrepair, not in operable condition, located in rear yard.

Black ATV, engine in disrepair, not in operable condition, located in rear yard.

Red ATV, engine in disrepair, not in operable condition, located in rear yard.

Black motorcycle, engine in disrepair, not in road operable condition, located in rear yard.

Damaged in-ground pool filled with electronic equipment, plastic bins, auto tires, household appliances, plastic containers, clothing items, and other debris.

Auto tires, auto rims, auto parts, auto tools, auto batteries, damaged motor cycle, motor cycle engines, ATV engines, motor cycle tires, damaged household appliances, damaged lawn equipment, clothing items, suitcases, bicycle frames, interior furniture, shopping carts, plastic containers, bags of items filled with items, cooking utensils, plastic coolers, scrap metal, scrap wood, mattress, power tools, electronic equipment, air compressor, blankets, and damaged generator located in rear yard. 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 November 15th, 2023, 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
SCOTT ERWIN

SWORN TO AND SUBSCRIBED BEFORE ME this the 15th day of November, 2023.

Cheri A. Cunningham
Notary Public
My commission expires: 07/06/2025



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



11/15/23 7:06 AM

740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr



740 West Arbor Dr

