

## **RESOLUTION NO. 22-\_\_\_\_\_**

**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 3910 Birch Ave SW, 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 3910 Birch Ave SW, more particularly described as follows wit: LOT 18 BL 5 WESTLAWN S/D, 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 1/27/2022, 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 13th day of January, 2022, 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 3910 Birch Ave SW 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 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 1/27/2022, in the City Council

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Chambers in the Municipal Building of the City of Huntsville, Alabama, when their objections will be heard and given due consideration.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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 13th day of January, 2022.

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

**APPROVED** this the 13th day of January, 2022.

\_\_\_\_\_  
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: 1/13/2022  
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:  
3910 Birch Ave SW more particularly described as follows to-wit: LOT 18 BL 5 WESTLAWN S/D,

I have found to exist, as of December 13th, 2021, Red Ford, engine in disrepair, on blocks, not in road operable condition, located on driveway.

Red Toyota, tag no. 8582AJ7 (AL May 19), battery in disrepair, not in road operable condition, located on driveway.

Interior furniture, plastic bags filled with items, mattresses, plastic containers filled with items, heating and air conditioner units, power tools, and other debris located in front yard and in carport.

Brown Honda motorcycle, tag no. M073435 (AL Oct 11), engine in disrepair, not in road operable condition, located in rear yard.

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

Scrap metal, scrap wood, cardboard boxes, plastic containers, damaged bicycles, interior furniture, shopping carts, mobility scooter, electronic items, electrical cords and other debris 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 December 13th, 2021, 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.

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

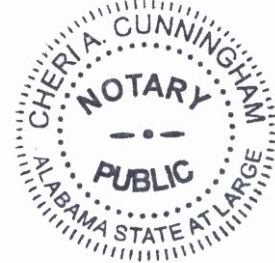
**REPORT AND AFFIDAVIT**

COMMUNITY DEVELOPMENT DIVISION  
CITY OF HUNTSVILLE, ALABAMA

**SWORN TO AND SUBSCRIBED BEFORE ME** this the 13th day of December, 2021.

*Cheri A. Cunningham*  
**Notary Public**

My commission expires: 07/06/2021



## 3910 Birch Ave SW

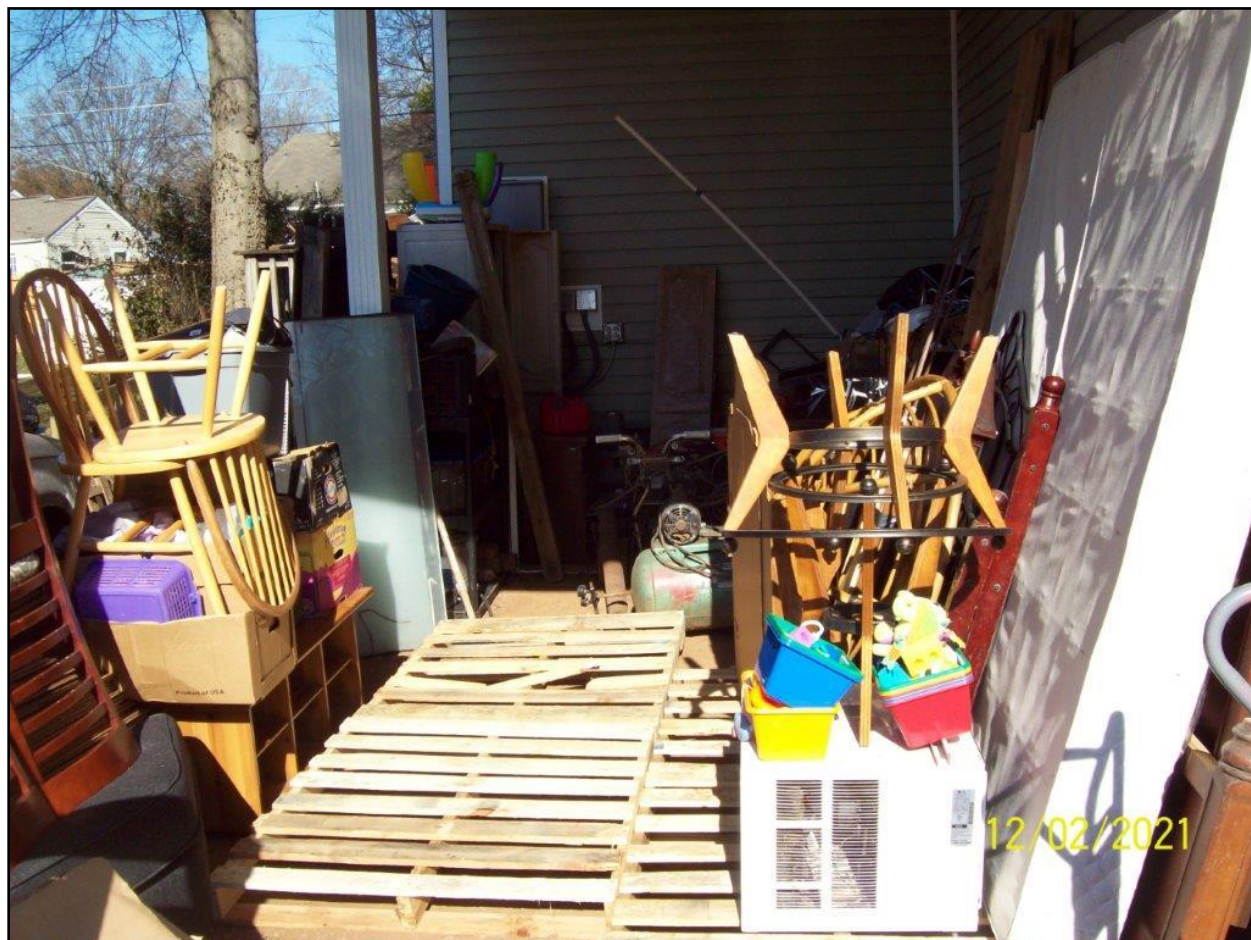




3910 Birch Ave SW



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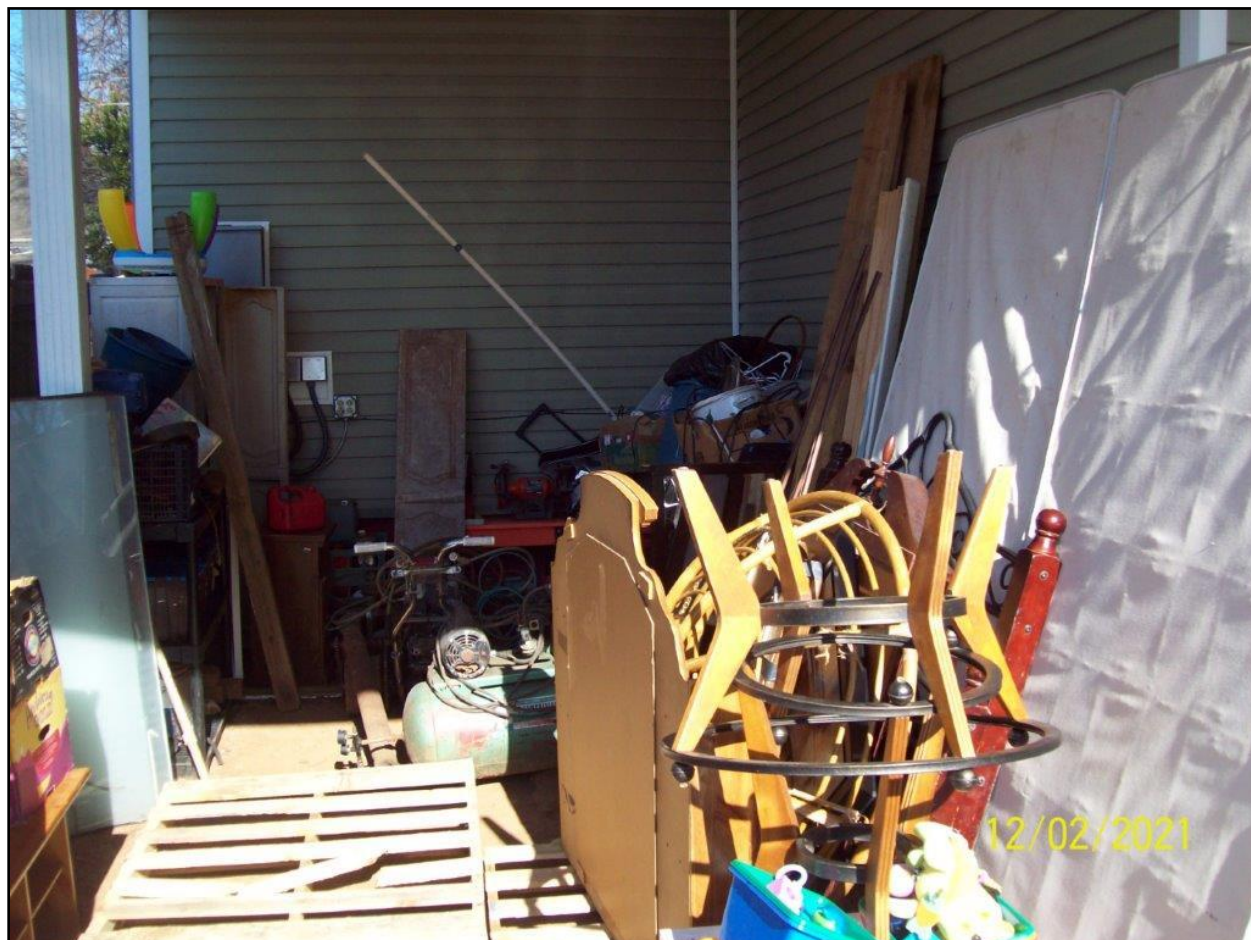


3910 Birch Ave SW





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