

## **RESOLUTION NO. 20-\_\_\_\_\_**

**WHEREAS**, the Interim Director 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 1122 Joshua Dr 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 Interim Director 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 Interim Director's Report and Affidavit existing upon and/or in front of the property at 1122 Joshua Dr SE, more particularly described as follows wit: LOT 1 BL 3 STRATTON SQUARE 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 6/25/2020, 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 Interim Director 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 11th day of June, 2020, 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 1122 Joshua Dr SE 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

**RESOLUTION NO. 20-\_\_\_\_\_**

Huntsville, Alabama, to be held at 5:30 pm, on 6/25/2020, 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 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of Huntsville, Alabama

\_\_\_\_\_  
By: Scott Erwin  
Interim Director of 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, Interim Director 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 11th day of June, 2020.

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

**APPROVED** this the 11th day of June, 2020.

\_\_\_\_\_  
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: 6/11/2020  
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 Interim Director 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:

1122 Joshua Dr SE more particularly described as follows to-wit: LOT 1 BL 3 STRATTON SQUARE 2ND ADD,

I have found to exist, as of May 18th, 2020, White Acura, tag no. 47CA215 (AL Feb 20), tire(s) flat, not in road operable condition, located on driveway.

Blue Saturn, tag no. 47CA216 (AL Feb 19), tire(s) flat, not in road operable condition, located on driveway.

Black Toyota, tire(s) flat, not in road operable condition, located in front yard.

Black boat trailer, tire(s) flat, not in road operable condition, located in rear yard.

Rusted boat trailer, tire(s) flat, not in road operable condition, located in rear yard.

Styrofoam, plastic, damaged fountain and other debris, located in front yard.

Styrofoam, plastic containers, plastic tarp, metal racks, propane tanks, pool pump, pool hoses, plastic items, damaged mail box, cardboard, cardboard boxes filled with items, damaged children's bikes, weights, glass, Christmas lights, interior lights, carpet, scrap wood, auto parts, pet carriers, golf clubs, damaged lawn furniture, clothes hangers, file cabinets, plastic barrels, appliance parts, rugs, damaged basketball goal, metal post, wood pallets, damaged lawn mowers, damaged appliances, interior art work, counter top, rubber tires, truck bed liners, fencing, small engines, bed railings, mats, interior fans, damaged trampoline, peg board, damaged bicycles, aluminum, vacuum, auto battery, auto rims, plastic containers filled with items, tree logs, computer, auto brake disc, auto lights, rubber items, interior chair, damaged string trimmer, 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 May 18th, 2020, 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

**REPORT AND AFFIDAVIT**

COMMUNITY DEVELOPMENT DIVISION  
CITY OF HUNTSVILLE, ALABAMA

said property.

Scott Erwin  
SCOTT ERWIN

**SWORN TO AND SUBSCRIBED BEFORE ME** this the 18th day of May, 2020.

Cheri A. Cunningham  
Notary Public  
My commission expires: 07/06/2021





# 1122 Joshua Dr SE



1122 Joshua Dr SE





## 1122 Joshua Dr SE





# 1122 Joshua Dr SE



# 1122 Joshua Dr SE





# 1122 Joshua Dr SE



# 1122 Joshua Dr SE





# 1122 Joshua Dr SE

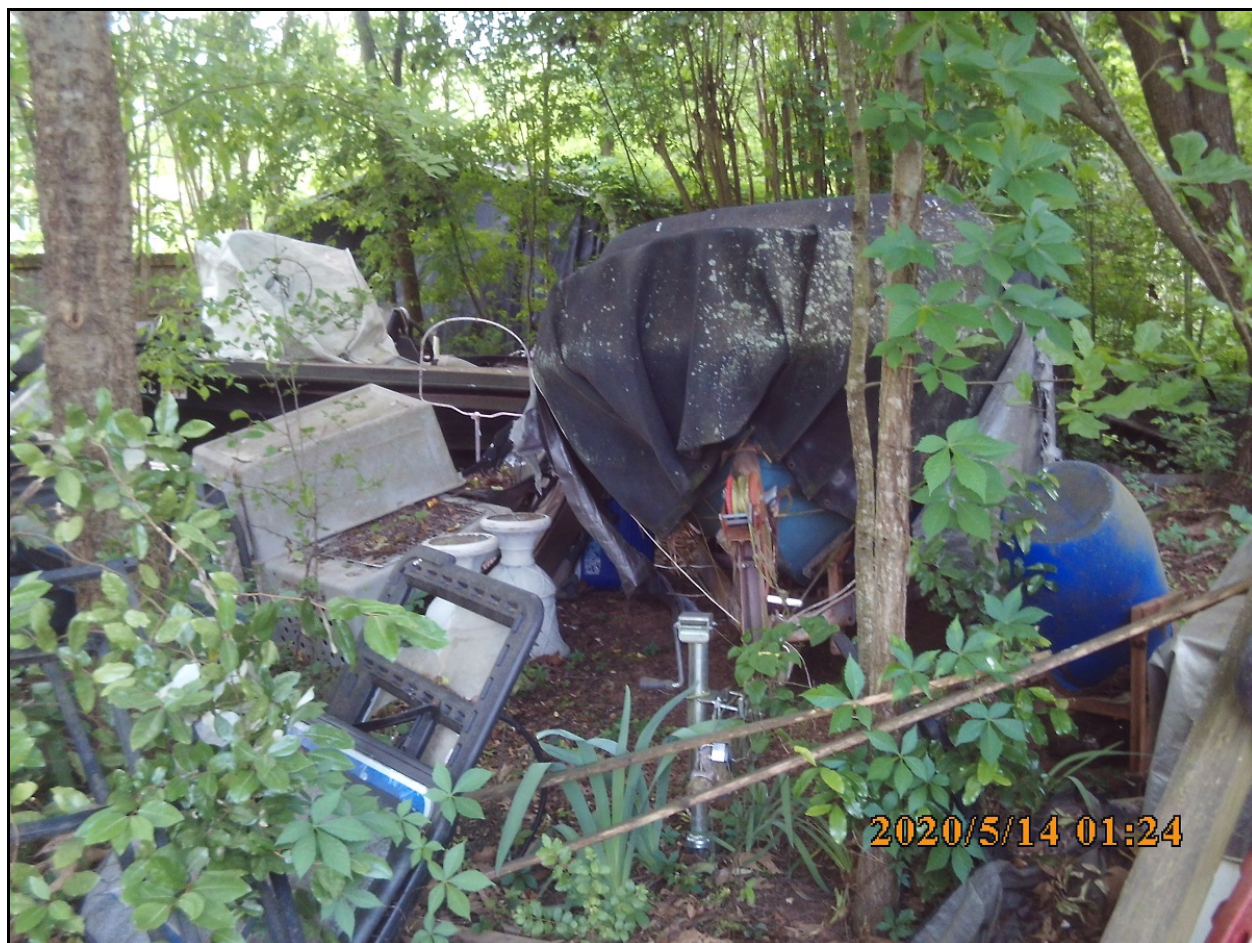




# 1122 Joshua Dr SE



# 1122 Joshua Dr SE



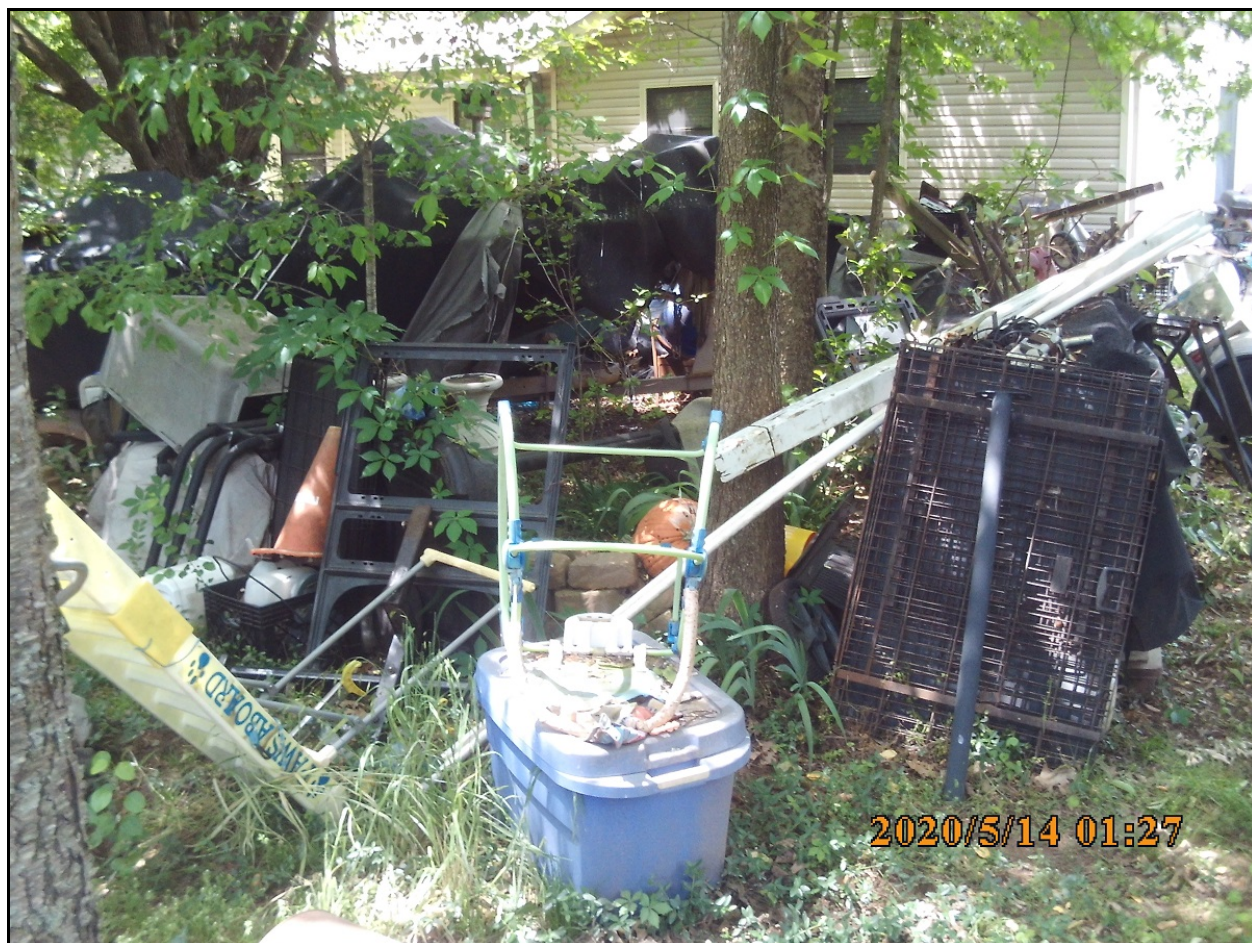


# 1122 Joshua Dr SE





# 1122 Joshua Dr SE





# 1122 Joshua Dr SE





# 1122 Joshua Dr SE





# 1122 Joshua Dr SE





# 1122 Joshua Dr SE





# 1122 Joshua Dr SE



# 1122 Joshua Dr SE





1122 Joshua Dr SE



# 1122 Joshua Dr SE





# 1122 Joshua Dr SE





# 1122 Joshua Dr SE

