

RESOLUTION NO. 2025-03

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOXLEY, ALABAMA DECLARING AN UNSAFE STRUCTURE AND
PUBLIC NUISANCE**

WHEREAS, the City of Loxley is authorized pursuant to Ala. Code §§ 11-40-30, et seq. (1975) to declare a structure unsafe to the extent that it creates a public nuisance;

WHEREAS, said statutes establish procedures whereby the City may require the demolition of an unsafe structure to protect the safety, health, and general welfare of the citizens of the City;

WHEREAS, upon finding that a structure is unsafe to the extent that it cannot be reasonably repaired, the City may declare the structure to be a public nuisance and order the demolition of the structure; and

WHEREAS, the City's building inspector has found that the north structure located at 1056 Holley Street (Parcel No.: 05-42-01-11-3-000-021.000), in Loxley, Alabama ("the Property") is unsafe to the extent that it creates a public nuisance;

WHEREAS, the City's building inspector has determined that the north structure cannot be reasonably repaired and therefore, must be demolished for the following reasons:

1. The building's wood frame structure is unsafe and unstable in its current condition.
2. The foundation sills on the north structure have deteriorated beyond repair.
3. The north structure has walls missing; the roof and floor are failing; and the ceiling joist is deteriorated.

WHEREAS, in accordance with Ala. Code § 11-40-31 (1975) the City provided proper notice to the owner of the Property stating that the City has declared the north structure to be a public nuisance and requesting that he demolish the north structure within (45) forty-five days of receipt of such notice; and

WHEREAS, the owner asserted his right under Code § 11-40-32 (1975) to request a hearing before the City Council regarding his objections to the demolition of the north structure; and

WHEREAS, said hearing took place before the City Council on November 18, 2024, and the City Council of the City of Loxley gave the owner until the February 10, 2025 City Council meeting to bring forth a written scope of work, prepared by a licensed contractor, showing that the north structure can be repaired to the extent it no longer creates a public nuisance together with a timeline to complete the repairs;

WHEREAS, the owner of the Property failed to provide sufficient written information showing the City Council that the north structure can be repaired to the extent it no longer creates a public nuisance;

WHEREAS, at the February 10, 2025, City of Loxley City Council meeting the City Council determined that the north structure is a public nuisance, cannot be repaired, and therefore must be demolished; and

WHEREAS, the cost of the demolition of the unsafe structure and the abatement of the public nuisance will be assessed against the parcel of property on which the unsafe structure is located.

NOW THEREFORE, be it resolved by the City Council for the City of Loxley, Alabama as follows:


1. The north structure located at 1056 Holley Street (Parcel No.: 05-42-01-11-3-000-021.000) in Loxley, Alabama is unsafe to the extent it creates a public nuisance.
2. The condition of the north structure located at 1056 Holley Street (Parcel No.: 05-42-01-11-3-000-021.000) in Loxley, Alabama is such that it cannot be easily repaired, and therefore, the City Council of the City of Loxley, Alabama hereby orders the north structure to be demolished.
3. The owner of the Property shall demolish the north structure located at 1056 Holley Street (Parcel No.: 05-42-01-11-3-000-021.000) in Loxley, Alabama and abate the public nuisance within sixty (60) days from the date of this Resolution.
4. Failure by the owner to demolish the north structure located at 1056 Holley Street (Parcel No.: 05-42-01-11-3-000-021.000) in Loxley, Alabama and abate the public nuisance will result in the City demolishing the unsafe structure and abating the public nuisance; and
5. The costs of abating the public nuisance and demolishing the north structure located at 1056 Holley Street (Parcel No.: 05-42-01-11-3-000-021.000) in Loxley, Alabama shall be assessed against the owner of the Property.

ADOPTED AND APPROVED by the City of Loxley on this 10th day of February 2025.



Richard Teal
Mayor


ATTEST:



Melissa Lawrence
City Clerk/Treasurer

CERTIFICATION

I, Melissa Lawrence, City Clerk/Treasurer of the City of Loxley, Alabama hereby certify the above to be true and correct copy of a resolution adopted by the City Council of the City of Loxley at its meeting held on the 10th day of February, 2025, as same appears in the minutes or record of said meeting.



Melissa Lawrence
City Clerk/Treasurer