

RESOLUTION NO. 2026 -11

**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 structure located at 4095 4th Avenue (Parcel No.:05-42-01-11-3-000-083.000), 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 structure cannot be reasonably repaired and therefore, must be demolished for the following reasons:

1. The exterior portion of the roof appears to be unfinished and missing shingles, allowing water to enter the structure.
2. There is apparent damage to the interior portions of the ceiling. Significant parts of the ceiling are covered in black mold, ceiling tiles are missing, and the insulation is falling onto the floor
3. There are visible holes and gaps in the wooden structure.
4. The interior walls and floors have suffered water damage, rot, decay, and are covered in various types of molds.

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 structure to be a public nuisance and requesting that the structure be demolished within (45) forty-five days of receipt of such notice;

WHEREAS, the owner of the Property has not contacted any City official regarding the demolition of the structure or expressed any objections to the City's Building Official's finding that the structure is unsafe to the extent it is a public nuisance and cannot be repaired; and

WHEREAS, at the February 9, 2026, City of Loxley City Council meeting the City Council determined that the 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 structure located at 4095 4th Avenue (Parcel No.: 05-42-01-11-3-000-083.000) in Loxley, Alabama is unsafe to the extent it creates a public nuisance.
2. The condition of the structure located at 4095 4th Avenue (Parcel No.: 05-42-01-11-3-000-083.000) 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 structure to be demolished.


3. Under Ala. Code § 11-40-32 (1975), the Property owner has ten (10) days from the passage of this resolution to appeal the City Council's determination to the Circuit Court of Baldwin County, Alabama.
4. If after the passage of ten (10) days the Property owner has not appealed to the Circuit Court of Baldwin County, Alabama, the City Council deems that the City shall demolish the structure and abate the public nuisance
5. The costs of abating the public nuisance and demolishing the structure located at 4095 4th Avenue (Parcel No.: 05-42-01-11-3-000-083.000) in Loxley, Alabama shall be assessed against the owner of the Property.

ADOPTED AND APPROVED by the City of Loxley on this 9th day of February 2026.



Richard Teal
Mayor


ATTEST:



Melissa Lawrence
City Clerk/Treasurer

CERTIFICATION

I, the undersigned qualified and acting Clerk of the City of Loxley, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City of Loxley Council, at a regular meeting of such council, held on the 9th day of February, 2026, and that said resolution is on file in the office of the City of Loxley Clerk.



Melissa Lawrence
City Clerk/Treasurer