

CITY OF COLUMBIANA, ALABAMA)
)
)
v.)
)
H. L. CONWILL;)
COLUMBIANA WATER)
)
See below for legal description.)

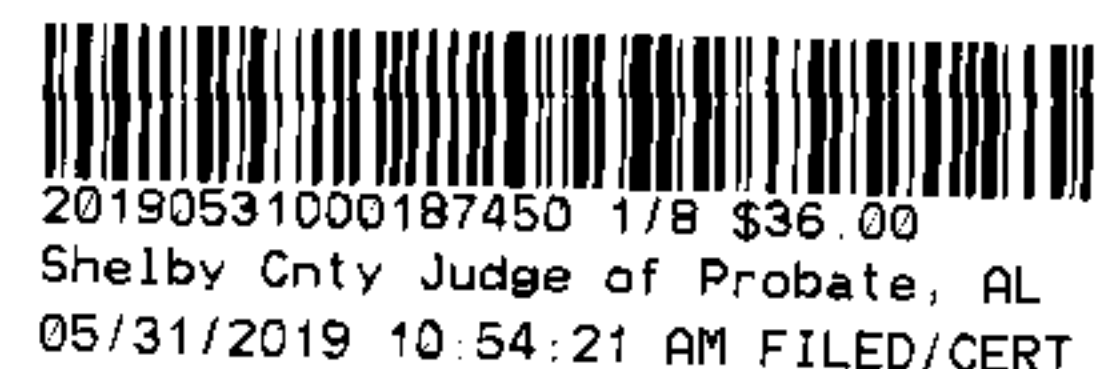
TAKE NOTICE that:

Pursuant to Section 12 of Ordinance No. 05-14-06 of the City of Columbiana, Alabama (the “City”), the undersigned Mr. Allen Reynolds, the City’s Appropriate Municipal Official, hereby makes a finding that (i) a property located within the City is dangerous and unsafe to the extent that it is a public nuisance because of the danger of the structure collapsing into the sidewalks and rights of way, (ii) such situation is in need of immediate remediation because of imminent danger endangering adjoining property, the public right of way, and human life or health, (iii) the City Council will consider the immediate remediation of such situation at a public hearing on Tuesday, June 4, 2019 at 6:00 p.m. in the Council Chambers at Columbiana City Hall, 107 Mildred Street, Columbiana, Alabama 35051, and (iv) if such immediate remediation of such situation is ordered by the City Council, the expenses of such remediation will be assessed against such property and constitute a lien thereon.

The dangerous situation is located on the following described property, to wit, which will be described hereafter as “the Subject Property”:

STREET ADDRESS:

108 South Main Street, Columbiana, Alabama



LEGAL DESCRIPTION:

A lot and two story brick building in the Town of Columbiana in the SE1/4 of the NE1/4 of Section 26, Township 21 South, Range 1, West more particularly described as follows:

Commencing at a point of the West side of Main Street on the Western boundary of said Main Street 10 inches North of the Northeast corner of where J.L. Peter's building once stood: thence running North along the Western boundary of said Main Street 24 feet 4 inches to the center of the North wall of the building herein conveyed; thence West 90 feet along the South boundary line of Columbiana Saving Bank lot (now belonging to Karl C. Harrison) thence South 24 feet 4 inches; thence East 90 feet to the point of beginning; being situated in Shelby County, Alabama.

PARCEL IDENTIFICATION NUMBER:

21 7 26 1 102 035.000

Be further advised that:

1. Ordinance No. 05-14-06 of the City is "An Ordinance to Amend the Official Policies and Procedures of the City of Columbiana, Alabama, Regarding Unsafe Structures and Dangerous Buildings." The below-signed Mr. Allen Reynolds is the Appropriate Municipal Official designated to exercise the authority and perform the duties delegated by Ordinance No. 05-14-06.

2. The Appropriate Municipal Official finds that the Subject Property is dangerous and unsafe to the extent that it is a public nuisance because of the danger of the structure collapsing into the sidewalks and rights of way, and such situation is in need of immediate remediation because of imminent danger endangering adjoining property, the public right of way, and human life or health. Therefore, the Appropriate Municipal Official orders that the Subject Property be and remain vacated.

3. A public hearing on whether such situation shall be immediately remediated shall be held on Tuesday, June 4, 2019 at 6:00 p.m. in the Council Chambers at Columbiana City Hall, 107 Mildred Street, Columbiana, Alabama 35051. At that time, the City Council shall hold a

public hearing to receive any objections to the finding by the Appropriate Municipal Official that such situation shall be immediately remediated. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the finding by the Appropriate Municipal Official. Any such written objection must be submitted to the City Clerk prior to the start of the City Council meeting at which the public hearing is held. No action shall be taken on the finding of the Appropriate Municipal Official until determination thereon is made by the City Council. Upon holding the hearing, the City Council shall determine whether or not such situation shall be immediately remediated. If it is determined by the City Council that such situation be immediately remediated, the City Council shall order such remediation as the City Council so decides at the expense of the City and assess the expenses of such remediation as a lien on the previously described land. For further particulars, see Ordinance No. 05-14-06.

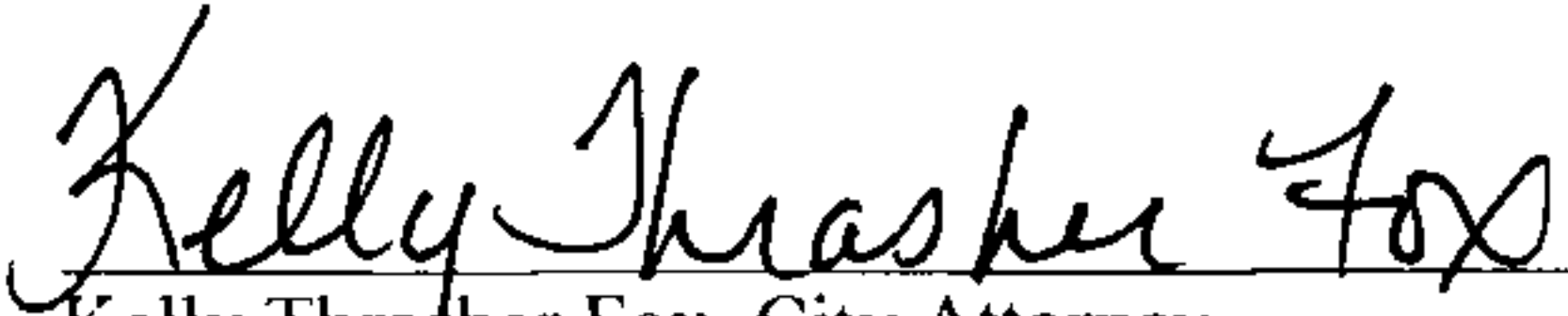
4. By the filing of this Notice, the City is not claiming any right, title, or interest in the Subject Property. Rather, the purpose of this Notice is to put all interested parties on notice of the City's intent to exercise of its authority provided by law and specifically by the City's ordinances.

5. It is unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with the Appropriate Municipal Official in carrying out the purposes of Ordinance No. 05-14-06.

6. It is unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, tamper with this "Finding of Public Nuisance, Notice of Declaration of Emergency, and Notice of *Lis Pendens*".


7. It is unlawful for any person to enter, access, or be upon the Subject Property that the Appropriate Municipal Official has ordered to be vacated pursuant to this "Finding of Public Nuisance, Notice of Declaration of Emergency, and Notice of *Lis Pendens*" except for the purposes of remediating same.

8. It is unlawful for any person who has received this "Finding of Public Nuisance, Notice of Declaration of Emergency, and Notice of *Lis Pendens*" to sell, transfer, mortgage, lease, encumber, or otherwise dispose of the Subject Property to another until such person shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of this "Finding of Public Nuisance, Notice of Declaration of Emergency, and Notice of *Lis Pendens*" and shall furnish to the City Building Inspector a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of this "Finding of Public Nuisance, Notice of Declaration of Emergency, and Notice of *Lis Pendens*".


Kelly Thrasher Fox, City Attorney
City of Columbiana, Alabama

OF COUNSEL:


Hand Arendall Harrison Sale LLC
1801 Fifth Avenue North, Suite 400
Birmingham, AL 35203
205-502-0122


20190531000187450 4/8 \$36.00
Shelby Cnty Judge of Probate, AL
05/31/2019 10:54:21 AM FILED/CERT

VERIFICATION OF THE APPROPRIATE MUNICIPAL OFFICIAL


I, the undersigned, Allen Reynolds state as follows: For purposes of administering Ordinance No. 05-14-06, I am the "Appropriate Municipal Official" for the City of Columbiana, Alabama. I hereby offer the findings made in this "Finding of Public Nuisance, Notice of Declaration of Emergency, and Notice of *Lis Pendens*", make such orders as are offered herein, and provide such notice as is specified herein.

DONE this the 31st day of May, 2019.


Allen Reynolds, Appropriate Municipal Official
City of Columbiana, Alabama

This Instrument Prepared By:

Kelly Thrasher Fox, Esq.
Hand Arendall Harrison Sale LLC
1801 Fifth Avenue North, Suite 400
Birmingham, AL 35203
205-502-0122


20190531000187450 5/8 \$36.00
Shelby Cnty Judge of Probate, AL
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CERTIFICATE OF SERVICE

Contemporaneously with the filing of this "Finding of Public Nuisance, Notice of Declaration of Emergency, and Notice of *Lis Pendens*," a copy of the same has been sent via certified mail, properly addressed and postage prepaid to all of the following persons on this the 31st day of May, 2019:

A. The person or persons, firm, association, or corporation last assessing the Subject Property for state taxes to the address on file in the Shelby County Tax Collector's Office:

H. L. Conwill
P.O. Box 69
Vincent, AL 35178

B. The record property owner or owners as shown from a search of the records of the office of the Judge of Probate of Shelby County, Alabama, at the owner or owners' last known address and at the address of the Subject Property:

H. L. Conwill
108 South Main Street
Columbiana, AL 35051

H. L. Conwill
115 Elliott Lane
Vincent, AL 35178

H. L. Conwill
106 South Main Street
Columbiana, AL 35051

H. L. Conwill
Drawer A
Vincent, AL 35178

C. All mortgagees of record as shown from a search of the records of the office of the Judge of Probate of Shelby County, Alabama, to the address set forth in the mortgage or, if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the Appropriate Municipal Official:

There are no mortgagees of record.

D. All lien holders of record as shown from a search of the records of the office of the Judge of Probate of Shelby County, Alabama other than the City to the address set forth in

the statement of lien or, if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the Appropriate Municipal Official:

There are no lien holders of record.

E. Such other persons who are otherwise known to the City Clerk or to the Appropriate Municipal Official who could have an interest in the Subject Property:

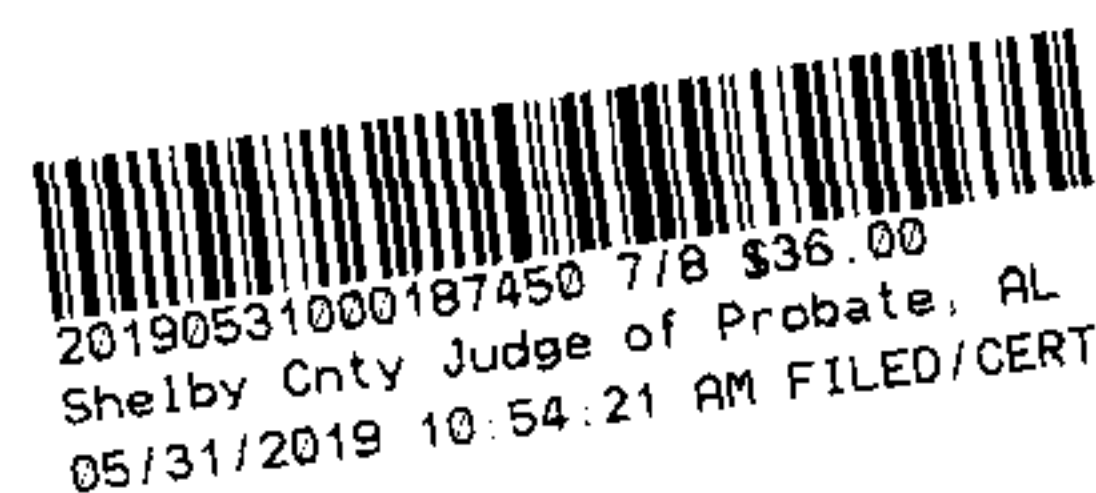
Columbiana Water
50 Water Works Street
Columbiana, AL 35051

No other person is otherwise known to the City Clerk or to the Appropriate Municipal Official to have an interest in the Subject Property.

Contemporaneously with the filing of this "Finding of Public Nuisance, Notice of Declaration of Emergency, and Notice of *Lis Pendens*," a copy of the same has been hand delivered to 106 South Main Street, Columbiana, AL 35051 and sent via Federal Express to 115 Elliott Lane, Vincent, AL 35178.

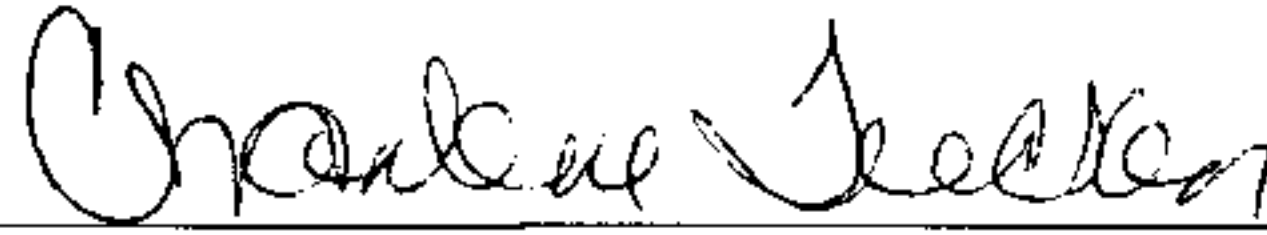
Contemporaneously with the filing of this "Finding of Public Nuisance, Notice of Declaration of Emergency, and Notice of *Lis Pendens*," a copy of the same has been posted at the Subject Property.

Contemporaneously with the filing of this "Finding of Public Nuisance, Notice of Declaration of Emergency, and Notice of *Lis Pendens*," a copy of the same has been posted in three public places located within the City: Columbiana City Hall, Columbiana Public Library, and Columbiana Water Works.





Allen Reynolds, City of Columbiana, Alabama
Appropriate Municipal Official for Purposes of
Administering Ordinance No. 05-14-06



Charlene Tucker, City Clerk
City of Columbiana, Alabama



20190531000187450 8/8 \$36.00
Shelby Cnty Judge of Probate, AL
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