

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

CITY OF COLUMBIANA, ALABAMA)
)
 v.)
)
 NEXT OF KIN OF AGNES ELIZABETH STEWART;)
 COLUMBIA WATER WORKS BOARD;)
)
 SEE BELOW FOR LEGAL DESCRIPTION)

NOTICE OF INTENT TO DEMOLISH

TAKE NOTICE that:

COMES NOW, the City of Columbiana, Alabama ("the City"), by and through its Appropriate Municipal Official, its Clerk, and its Attorney, that its Council has held a public hearing as required by Ordinance No. 05-14-06 and determined that a building located within the City is unsafe to the extent that it is a public nuisance, and the Council has ordered demolition of the building at the expense of the City, which will assess the expenses of the demolition on the land on which the building stands or to which it is attached. A copy of Resolution No. 04-23-07 is attached hereto as Exhibit A. As no person aggrieved by the decision of the Council has appealed to the Circuit Court of Shelby County, Alabama, the City files this Notice of Intent to Demolish. For further particulars, see Ordinance No. 05-14-06.

The building is located on the following described property, to wit:

STREET ADDRESS:

460 Highway 47, Columbiana, Alabama 35051

LEGAL DESCRIPTION:

Commence at the point where that certain drain ditch forming the South boundary of E. D. Farr's land intersects the East right of way line of Columbiana-Chelsea paved highway and run in a northwesterly direction along the East line of said highway 243 feet to the point of beginning; thence run in a northeasterly direction and almost perpendicular to said highway and along a drain ditch to that certain branch forming the easterly boundary of E. D. Farr land; thence in a northerly direction along said branch to

the North line of SE 1/4 of NE 1/4 of Section 23, Township 21 South, Range 1 West; thence run West along said forty acres line to the East line of said highway; thence along same in a southeasterly direction to the point of beginning.

PARCEL IDENTIFICATION NUMBER:

21 6 23 1 001 009.000

/s/ Kelly Thrasher Fox

Kelly Thrasher Fox, Attorney
Columbiana, Alabama

OF COUNSEL:

This Instrument Prepared By:

Kelly Thrasher Fox
HAND ARENDALL HARRISON SALE LLC
1801 Fifth Avenue North, Suite 400
Birmingham, AL 35203
(205) 502-0122

CERTIFICATE OF SERVICE

Contemporaneously with the filing of this “Notice of Intent to Demolish” 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 19 day of May, 2023:

Next of Kin of Agnes Elizabeth Stewart
8201 Greencastle Drive
Charlotte, NC 28210

Next of Kin of Agnes Elizabeth Stewart
c/o BOBBIE STEWART-HOFER
106 Melinda Drive
Madison, AL 35758

Next of Kin of Agnes Elizabeth Stewart
c/o BOBBIE STEWART-HOFER
Post Office Box 2035
Madison, AL 35758

Next of Kin of Agnes Elizabeth Stewart
460 Highway 47
Columbiana, AL 35051

Columbiana Water
50 Water Works Street
Columbiana, AL 35051

/s/ Kelly Thrasher Fox

Kelly Thrasher Fox, Attorney
Columbiana, Alabama

Introduced by Mayor Mitchell

RESOLUTION 04-23-07

A RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE LOCATED AT 460 HIGHWAY 47 NORTH, COLUMBIANA ALABAMA, PARCEL ID# 21 6 23 1 001 009.000, IN COMPLIANCE WITH SECTIONS 11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16, INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH ORDINANCE NUMBER 05-14-06 OF COLUMBIANA, ALABAMA; AND CALLING FOR THE CITY TO CAUSE SAID DEMOLITION TO BE PERFORMED AND DIRECTING THE CITY ATTORNEY AND THE CITY CLERK TO CAUSE THE COST OF SUCH DEMOLITION TO BE CHARGED AGAINST THE LAND ON WHICH THE BUILDING OR STRUCTURE EXISTS AS A MUNICIPAL LIEN OR CAUSE SUCH COST TO BE RECOVERED IN A SUIT AT LAW AGAINST THE OWNER OR OWNERS

WHEREAS, the Appropriate Municipal Official of Columbiana, Alabama, determined that the condition of the building or structure located at **460 Highway 47 North, Columbiana, Alabama, Parcel I.D. Number 21 6 23 1 001 009.000** is in such a condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

WHEREAS, contemporaneously with the filing of "Finding of Public Nuisance, Notice and Order to Remedy and Notice of Lis Pendens" on February 21, 2023, a copy of same was sent via certified mail, properly addressed and postage prepaid, to:

A. All person or persons, firm, association, or corporation last assessing the subject property for state taxes to the address on file in the Shelby County Revenue Commissioner's Office,

B. The record property owner or owners (including any owner or owners of an interest in the subject property) as shown from a search of records of the office the Judge of Probate of Shelby County, Alabama, at the owner or owners' last known address and at the address of the subject property,

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,

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 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,

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.

WHEREAS, contemporaneously with the filing of the “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of Lis Pendens”, a copy of the same was posted at or within three feet of an entrance to the building on the subject property and posted in three public places located within the City: Columbiana City Hall, Columbiana Public Library, and Columbiana Water Works.

WHEREAS, notice that the Appropriate Municipal Official has made a finding that the subject property is a dangerous building because it is unsafe to the extent that it is a public nuisance and is subject to demolition and that a public hearing would be held on a certain date was also given to all interested parties and to the public at large by publication in the Shelby County Reporter.

BE IT RESOLVED by the City Council of Columbiana, Alabama while in regular session on April 18, 2023, at 6:00 p.m. as follows:

Section 1. A Public Hearing was held on April 18, 2023, at 6:00 p.m. and after due deliberation the Council of the City finds that the structure standing at **460 Highway 47 North, Columbiana, Alabama, Parcel ID# 21 6 23 1 001 009.000** is unsafe to the extent of becoming a public nuisance to the citizens of the City and is due to be demolished in compliance with Sections 11-40-30 through 11-40-36 and Sections 11-53B-1 through 11-53B-16, inclusive, of the Code of Alabama (1975), and Ordinance Number 05-14-06 of the City;

Section 2. That the City shall cause said demolition to be performed by its own employees and/or by contractor(s); and

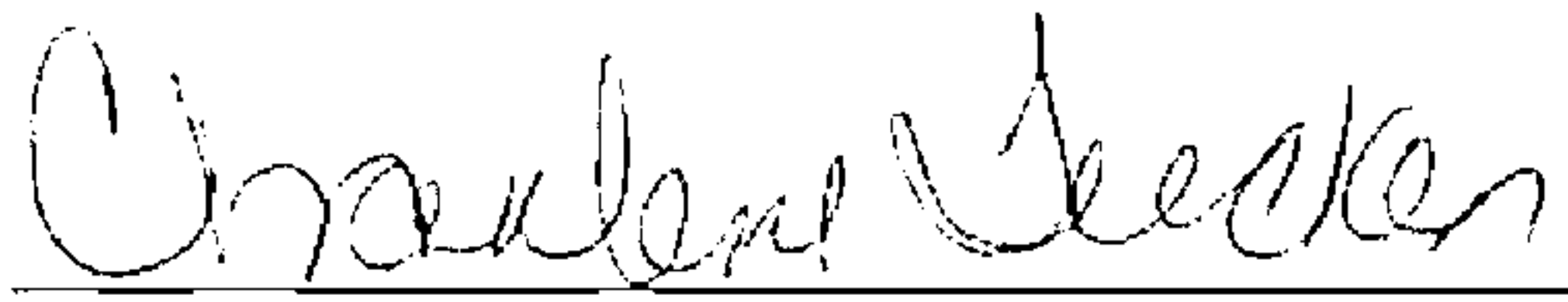
Section 3. That the City Attorney and the City Clerk are hereby directed to cause the cost of such demolition to be charged against the land on which the building or structure is located and shall constitute a lien on the property for the amount of the assessment or cause such cost to be recovered in a suit at law against the owner or owners.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Columbiana does adopt the above actions and wishes to proceed with demolition of said property. The motion was made by Council Member Ruston and seconded by Council Member King and passed by a vote of the Council.

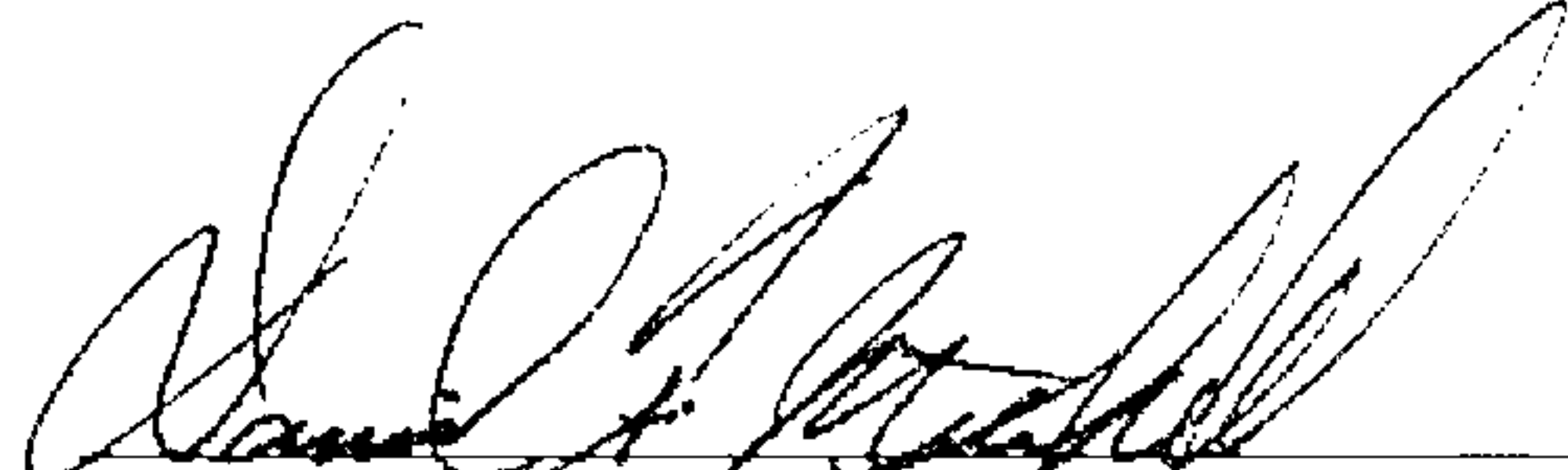
	Yea	Nay		Yea	Nay
Council Member Lilly	<u>X</u>	___	Council Member King	<u>X</u>	___
Council Member Mizzell	<u>X</u>	___	Council Member Phillips	<u>X</u>	___
Council Member Ruston	<u>X</u>	___	Mayor David Mitchell	<u>X</u>	___

Passed, adopted and approved this 18th day of April, 2023.

ATTEST



Charlene Tucker, City Clerk



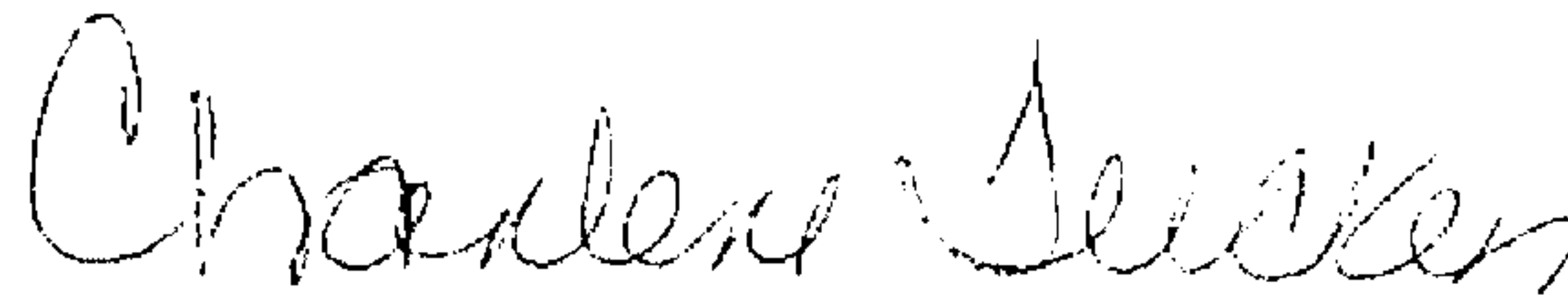
David Mitchell, Mayor

CERTIFICATION OF CLERK

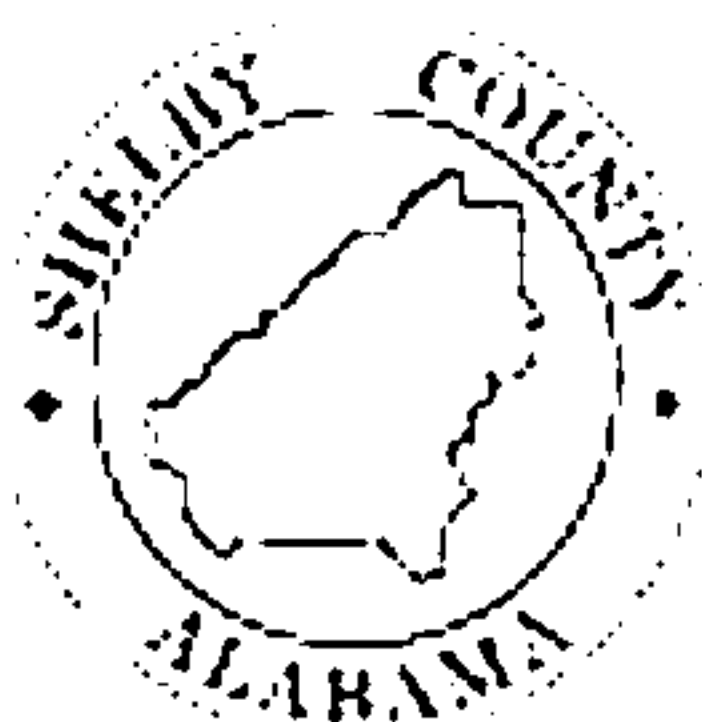
STATE OF ALABAMA)
SHELBY COUNTY)

I, Charlene Tucker, City Clerk of Columbiana, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of Columbiana, Alabama, on April 18, 2023.

Witness my hand and seal of office this April 18, 2023.



Charlene Tucker, City Clerk



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
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