

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

CITY OF COLUMBIANA, ALABAMA)
)
)
v.)
)
WALLACE-CAMPBELL COMMUNITY CENTER, INC.;)
COLUMBIA WATER;)
)
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. 04-23-09 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:

1850 Highway 47 South, Columbiana, Alabama 35051

LEGAL DESCRIPTION:

Commence at a 1 1/2" pipe at the Southeast corner of Section 1, Township 22 South, Range 1 West; thence run North 0 degrees 14 minutes 05 seconds East along the East boundary line of said Section 1, a distance of 2646.17 feet to the Northeast corner of the SE 1/4 of said Section 1; thence turn an angle of 92 degrees 44 minutes 58 seconds to the left and run West along the North boundary line of said SE 1/4 a distance of 1324.45 feet to the Southeast corner of the SW 1/4 of NE 1/4 of said Section 1; thence

continue West along the North boundary line of said SE 1/4 a distance of 25.45 feet to the point of beginning on the West 40 foot right of way line of Shelby County Highway No. 47; thence continue Westerly along the North boundary line of said SE 1/4 a distance of 212.34 feet to a point; thence turn an angle of 90 degrees to the right and run a distance of 78.32 feet to a point; thence turn an angle of 39 degrees 57 minutes 16 seconds to the left and run a distance of 129.07 feet to a point; thence turn an angle of 58 degrees 36 minutes 51 seconds to the left and run a distance of 202.35 feet to a point; thence turn an angle of 81 degrees 25 minutes 53 seconds to the left and run a distance of 147.11 feet to a point on the South boundary line of the SW 1/4 of NE 1/4 of said Section 1; thence turn an angle of 90 degrees to the right and run West along said South boundary line a distance of 615.73 feet to a point on the East 40 foot right of way line of the Old L&N Railroad (now owned by ALAGASCO); thence turn An angle of 97 degrees 36 minutes 34 seconds to the right and run Northerly along said right of way line and along a curve to the left (concave Westerly and having a radius of 1819.04 feet and a central angle of 10 degrees 50 minutes 08 seconds), an arc distance of 344.01 feet to a point; thence turn an angle of 61 degrees 25 minutes 40 seconds to the right and leaving said right of way line run Northeasterly a distance of 691.85 feet to a point on the West 40 foot right of way line of Shelby County Highway No. 47; thence turn an angle of 81 degrees 18 minutes 29 seconds to the right and run along said right of way line a distance of 141.53 feet to a point; thence continue along said right of way line and along a curve to the right (concave Southwesterly and having a radius of 3779.72 feet and a central angle of 3 degrees 40 minutes 46 seconds), an arc distance of 242.73 feet to a point; thence turn an angle of 11 degrees 57 minutes 27 seconds to the right and continue along said right of way line a distance of 50.41 feet to a point; thence turn an angle of 11 degrees 03 minutes 57.5 minutes to the left and run along said right of way line and along a curve to the right (concave Southwesterly and having a radius of 3769.72 feet and a central angle of 3 degrees 00 minutes 01 seconds), an arc distance of 197.40 feet to a point; thence turn an angle of 11 degrees 03 minutes 57.5 seconds to the left and run along said right of way line a distance of 50.41 feet to a point; thence turn an angle of 11 degrees 48 minutes 58'seconds to the right and continue along said right of way line and along a curve to the right (concave Southwesterly and having a radius of 3779.72 feet and a central angle of 1 degree 46 minutes 12 seconds) an arc distance of 116.77 feet to a point; thence continue along said right of way line and along the tangent of said curve a distance of 76.10 feet to the point of beginning. Said parcel of land is lying in the SW 1/4 of NE 1/4, Section 1, Township 22 South, Range 1 West, Shelby County, Alabama.

PARCEL IDENTIFICATION NUMBER:

29 1 01 0 000 016.002

/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:

Wallace-Campbell Community Center
1850 Highway 47 South
Columbiana, AL 35051

Wallace-Campbell Community Center
Post Office Box 1853
Columbiana, AL 35051

Wallace-Campbell Community Center
1910 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 04-23-09

A RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE LOCATED AT 1850 HIGHWAY 47 SOUTH, COLUMBIANA ALABAMA, PARCEL ID# 29 1 01 0 000 016.002, 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 **1850 Highway 47 South, Columbiana, Alabama, Parcel I.D. Number 29 1 01 0 000 016.002** 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 **1850 Highway 47 South, Columbiana, Alabama, Parcel ID# 29 1 01 0 000 016.002** 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

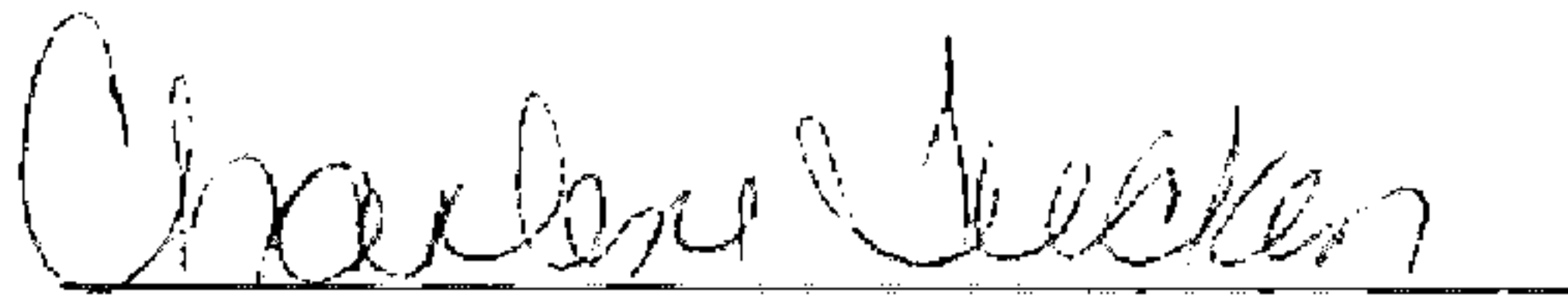
Section 3. That the City Attorney and the City Clerk are hereby directed to cause the cost of such demolition to be charged against the land on which the building or structure is located and shall constitute a lien on the property for the amount of the assessment or cause such cost to be recovered in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

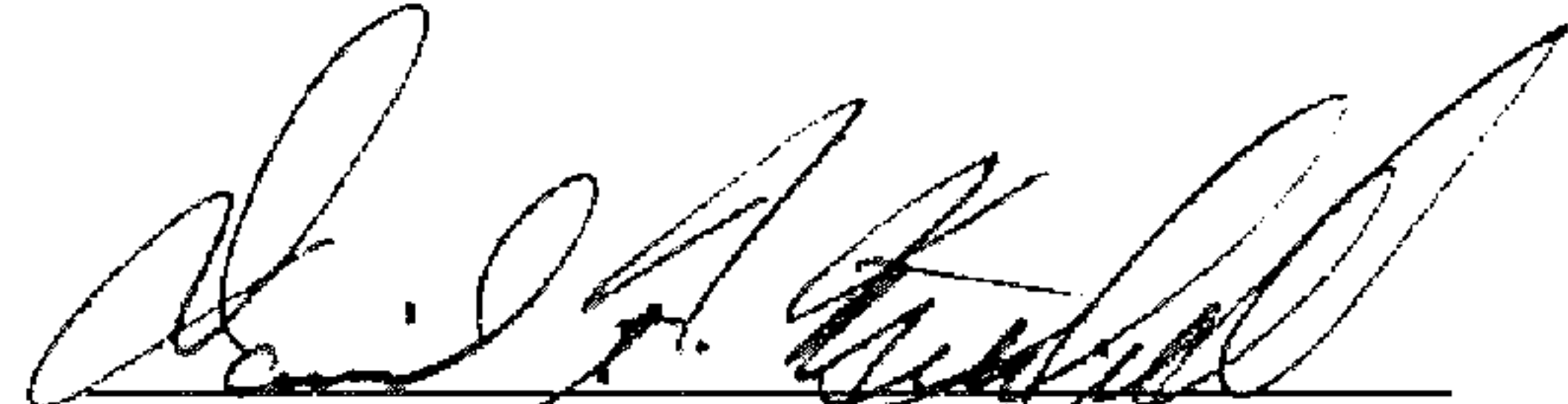
NOW, THEREFORE, BE IT RESOLVED THAT the City of Columbiana does adopt the above actions and wishes to proceed with demolition of said property. The motion was made by Council Member Ruston and seconded by Council Member King and passed by a vote of the Council.

	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

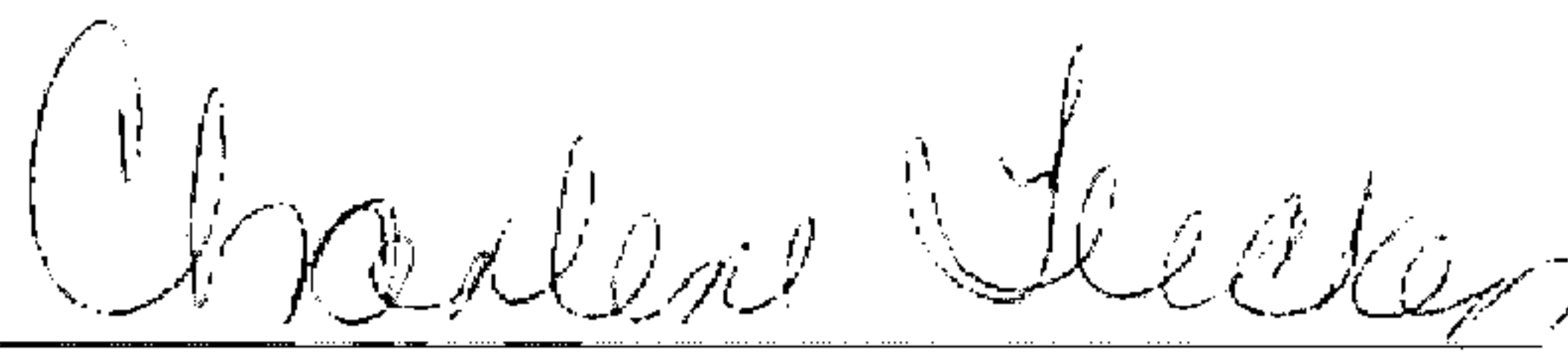

David Mitchell, Mayor

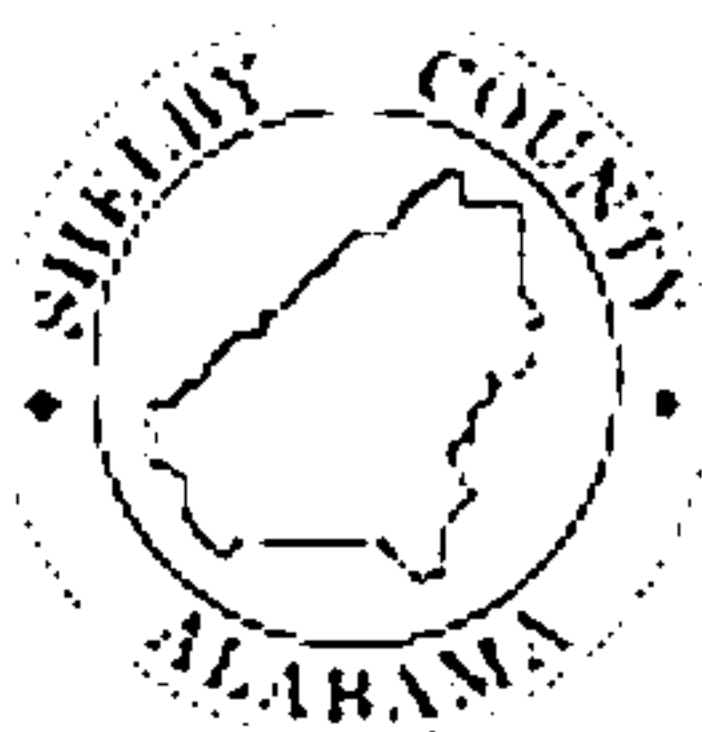
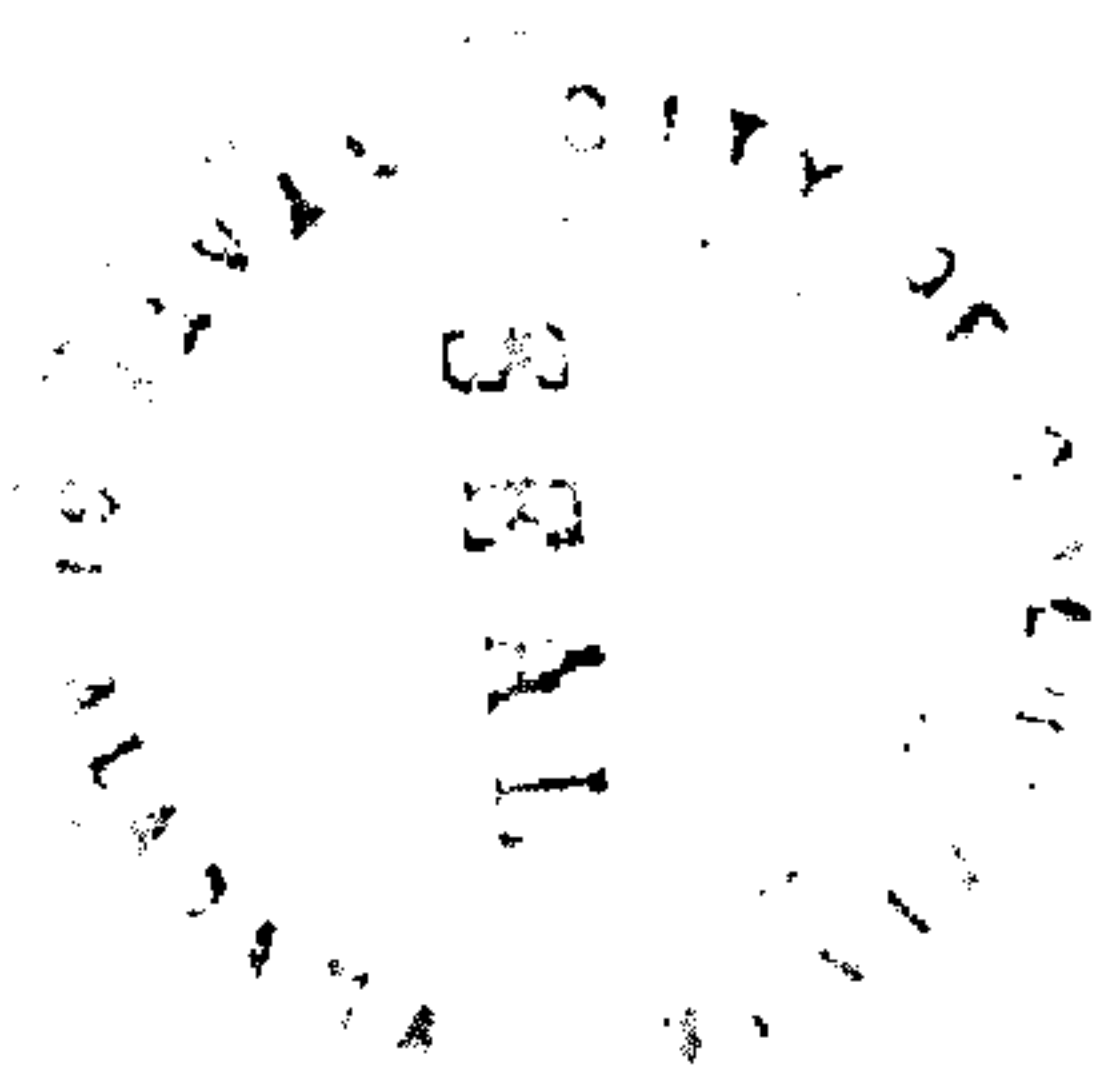
CERTIFICATION OF CLERK

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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