



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Signature Copy

Resolution: 13-0399-RES

File Number: 13-0850

Enactment Number: 13-0399-RES

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 1904 BAY STREET

WHEREAS, there have been complaints about the growth of grass, weeds and other vegetative growth located at 1904 Bay Street, Foley, Alabama, Tax Parcel ID# 54-08-33-3-000-024.034, and

WHEREAS, investigations by City forces have substantiated the growth is of the type and character that can be a public nuisance as defined in the State of Alabama Code, 1975, §11-67-21, and City Ordinance 1095-09, and

WHEREAS, the City Council of Foley will now give notice as prescribed by the State of Alabama Code, 1975, §11-67-22 and §11-67-23, of a Public Hearing to be held to determine if the area should be declared a public nuisance and give the property owners an opportunity to remove the growth of grass, weeds and other vegetative growth.

NOW, THEREFORE BE IT RESOLVED by the Foley City Council in regular session Monday, July 15, 2013, as follows:

Section 1: Notice of public hearing on the matter shall be given by certified mail, return receipt requested to the property owners. The notice shall be set for 5:30 p.m. Monday, August 19, 2013.

Section 2: Notice shall also be given in The Onlooker once a week for two consecutive weeks. The first notice shall be published at least fourteen (14) days prior to the date scheduled for the public hearing in Section 1 of this resolution.

Section 3: Two signs shall be conspicuously posted on the properties described in this resolution. The wording of the signs shall be not less than one inch in height and shall be substantially in the form of the notice contained in Section 11-67-23 of the State of Alabama Code. The notice shall be posted at least seven days prior to the time for the public hearing to hear objections to declaring the property, as described in this resolution, a public nuisance.



President's Signature

JW Travis

Date

7-17-13

Attest by City Clerk

Victoria Southern

Date

7-17-2013

Mayor's Signature

[Signature]

Date

7/18/13

CITY OF FOLEY
COMPLAINT FORM

incident #
76688

ENVIRONMENTAL:

- ☒ GRASS/WEEDS
☐ TRASH/DEBRIS
☐ TREES
☐ PUBLIC NUISANCE
☐ CONSTRUCTION
☐ LITTER
☐ ENVIRONMENTAL
☐ SMOKING
☐ RIPARIAN

BUILDING:

- ☐ DILAPIDATED BUILDING
☐ NO PERMIT
☐ HISTORIC DISTRICT
☐ ZONING
☐ SIGNS
☐ OTHER _____

ZONING:

ENGINEERING:

- ☐ DRAINAGE

DATE: 5-7-2013

LOCATION: 1904 Bay St

NOTES: (COMPLAINANT NAME & COMPLAINT) neighbor - empty lot, snakes + rats

CONTACT: _____

INSPECTION DATE: 5/7/13 STAFF: ABD ☐ PHOTOS TAKEN

FINDINGS: _____

5/7/13
10:30

lot is overgrown with weeds.

letter mailed (420)

Re-inspect 5-28-13

5/17 - Area not cut

5/15 - Owner called + stated property is no longer theirs, but records not found

TASK:

- ☐ 1 PERSONAL CONTACT ☒ 2 LETTER ☐ 3 STOP WORK ☐ 4 CITATION ☐ NO VIOLATION

DATE CLOSED: _____

229916
R-2

P. 192

Thanks,
Miriam Boutwell, AICP
Community Development Director
City of Foley
200 North Alston Street
Foley, AL 36535
251-952-4011 (Phone)
251-971-3442 (Fax)
mboutwell@cityoffoley.org

From: Brenda Shambo [<mailto:bshambo@cityoffoley.org>]
Sent: Monday, May 06, 2013 4:18 PM
To: brandy0720@gmail.com; mboutwell@cityoffoley.org; 'Gwen Thomas'; dhellmich@cityoffoley.org; 'Angela Cooper'
Cc: 'Brenda Shambo'
Subject: FW: Email from Website

Good Afternoon Brandy,
I just wanted you to know that I have forwarded your email to our Community Development Department, Public Works and Engineering, they will come check out your problems. Thank You, and Have a Wonderful Day!
Brenda

Brenda Shambo
Receptionist/Clerk
City of Foley
407 East Laurel Avenue
Foley, Alabama 36535
251-943-1545
251-952-4014/Fax
bshambo@cityoffoley.org

From: djohansson@askbis.com [<mailto:djohansson@askbis.com>]
Sent: Monday, May 06, 2013 3:45 PM
To: bshambo@cityoffoley.org
Subject: Email from Website

Please use the form below to report a problem.	
Name:	Brandy Lucas
Email:	brandy0720@gmail.com
Phone:	251-233-6510
Message:	I called and left a message about a vacant lot beside my property that has not been cut in over a year. The weeds are reaching at least six feet tall and starting to encroach on my property. Also, there is a terrible drainage problem behind my house. The water is causing my fence posts to rot. Between the overgrown lot and the water, we are having a terrible snake problem. I have already killed five this year. Please give me a call and help me correct these issues that are effecting my property or let me know who can. Thanks!

From :
<http://cityoffoley.askbis.com>

Gwen Thomas

From: "Miriam Boutwell" <mboutwell@cityoffoley.org>
To: "Gwen Thomas" <gthomas@cityoffoley.org>
Cc: <brandy0720@gmail.com>; "Leslie Gahagan" <lgahagan@cityoffoley.org>
Sent: Tuesday, May 07, 2013 9:11 AM
Subject: FW: Email from Website

p2 of 2

Can you please initiate a complaint on this property.

*Thanks,
Miriam*

From: Brandy [mailto:brandy0720@gmail.com]
Sent: Monday, May 06, 2013 5:46 PM
To: mboutwell@cityoffoley.org
Subject: Re: Email from Website

My apologies. We are located at 1 cypress pond circle in foley al an the lot is to the left of us.

Brandy Lucas
RE/MAX of Paradise
251-233-6510
brandy0720@gmail.com

On May 6, 2013, at 5:34 PM, mboutwell@cityoffoley.org wrote:

⑤ I'm sorry, wasn't clear with my question. Where is the violation located? We can create a complaint in our computer system but need to know the location of the property in violation so our Inspector can begin the process.
Thanks!
Miriam
Sent from my BlackBerry® wireless device provided by SouthernLINC Wireless

④ From: Brandy <brandy0720@gmail.com>
Date: Mon, 6 May 2013 17:19:52 -0500
To: Miriam Boutwell <mboutwell@cityoffoley.org>
Subject: Re: Email from Website

It was the city of foley website

Brandy Lucas
RE/MAX of Paradise
251-233-6510
brandy0720@gmail.com

On May 6, 2013, at 4:56 PM, "Miriam Boutwell" <mboutwell@cityoffoley.org> wrote:

③ *Ms. Lucas,
Could you please provide a location so we can visit the site?*

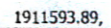
05/07/2013

Summary			
Parcel	05-54-08-33-3-000-024.034	Zoning	R-2
PIN	229916	Flood Zone	X
Tax District	N/A	Voter District	District 2
Property Address	1904 BAY ST	Historic District	No
Neighborhood	FOLEY	City Limits	Yes
Subdivision	03CYP	3-Mile Jurisdiction	Yes
Sec/Twp/Rng	33/7S/4E	Garbage Route	Tuesday & Friday
Lot Dimension		Recycle Route	Friday
		Yard Debris Route	Friday
View Property Appraisal			
View Tax Record			

Owner			
Owner Name:	CAGLE, JOHN D ETAL CAGLE, ROSEMARY	Deed Type	IN
Owner Address	P O BOX 363	Book	0000
		Page	1063
	ADDISON, AL 35540	Last Deed Date	7/13/
Previous Owner	AUTENRIETH, LIONEL C ETAL AUTENRIETH, MA		

The data referenced in this online mapping and GIS application is derived from the GIS Division of the City of Foley Community Development Department, the Se Regional Planning Commission, the Baldwin County Geographic Database and other public and private sources. These sources are generally considered to be de the City of Foley makes no attempt to verify or confirm any information provided by any source, and the City of Foley makes no warranties, expressed or impli accuracy, completeness, currentness, reliability, or suitability for any particular purpose of the information displayed on this map. Independent verification is adv making any commitments. Measurements are approximate, and this data is not intended to substitute for an actual survey. Additionally, the City of Foley and servants, and employees assume no liability or responsibility for the use of this map and expressly disclaim any liability and any damages that may arise from ti reliance on this map. The City of Foley expressly disclaims any representation as to the validity, accuracy, and currentness of any municipal corporate limits, 3-mi jurisdiction lines, and/or planning jurisdiction lines displayed on this map.

Last Data Upload: 5/4/2013 2:21:12 AM



Name - CAGLE, JOHN D ETAL CAGLE, ROSEMARY
Address1 - P O BOX 363
Address2 -
Address3 -
City - ADDISON
State - AL
Zip - 35540

Last Data Upload: 5/4/2013 2:21:12 AM



Baldwin County Revenue Commissioner

Copyright 2012

Property Appraisal Link

BALDWIN COUNTY, AL

Current Date 5/16/2013

Tax Year 2013

Valuation Date October 1, 2012

OWNER INFORMATION

PARCEL 54-08-33-3-000-024.034 **PPIN** 229916 **TAX DIST** 07
NAME CAGLE, JOHN D ETAL CAGLE, ROSEMARY
ADDRESS P O BOX 363
 ADDISON, AL 35540
DEED TYPE IN **BOOK** 0000 **PAGE** 1063141
PREVIOUS OWNER AUTENRIETH, LIONEL C ETAL AUTENRIETH, MA
LAST DEED DATE 7/13/2007

DESCRIPTION

115.7' X 125.1' IRR LOT 28 UNIT THREE PHASE 1 CYPRESS POND S
 UB SLIDE 1899-B IN THE CITY OF FOLEY SEC 33-T7S-R4E (WD-SURV
 IVORSHIP)

PROPERTY INFORMATION

PROPERTY ADDRESS BAY ST
NEIGHBORHOOD FOLEY FOLEY AREA
PROPERTY CLASS **SUB CLASS**
SUBDIVISION 03CYP **SUB DESC** CYPRESS POND SUB UNIT 3 PH 1
LOT 28 BLOCK U-3
SECTION/TOWNSHIP/RANGE 00-00 -00
LOT DIMENSION **ZONING**

PROPERTY VALUES

LAND: 15000 **CLASS 1:** **TOTAL ACRES:**
BUILDING: **CLASS 2:** 15000 **TIMBER ACRES:**
CLASS 3:
TOTAL PARCEL VALUE: 15000
ESTIMATED TAX: \$99.00

DETAIL INFORMATION

CODE	TYPE	REF METHOD	DESCRIPTION	LAND USE	TC	Hs	Pn	MARKET USE
								VALUE VALUE
M	LAND 1	BV BS-15000	X	9110-VAC RES	2	N	N	15000

[View Tax Record](#)



Baldwin County Revenue Commissioner

Copyright 2012

Property Link

BALDWIN COUNTY, AL

Current Date 5/16/2013

Tax Year 2012

Valuation Date October 1, 2011

Records Last Updated 5/14/2013

NO TAX RECORD FOUND

PROPERTY DETAIL

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1904 BAY STREET





City of

FOLEY

COMMUNITY DEVELOPMENT DEPARTMENT
200 NORTH ALSTON STREET

Foley, Alabama 36535
www.cityoffoley.org

(251) 952-4011
FAX (251) 971-3442

May 8, 2013

John and Rosemary Cagle
PO Box 363
Addison, AL 35540

Dear Sir/Madam:

A complaint has been received concerning the overgrown grass and weeds becoming a public nuisance at 1904 Bay Street in Foley, Alabama. This lot is further described as PIN 229916 on the Baldwin County Tax Maps.

The City of Foley Ordinance No. 1095-09 Regarding the Clearing and Maintenance of Lots that Constitute a Public Nuisance Section 4-104 states that a nuisance may be declared when grass and weeds which bear seeds of a wingy or downy nature, which attain a large growth so as to become a fire menace when dry, or otherwise noxious or dangerous. Private property owners should take regular steps to maintain the property in a manner to prevent the nuisance.

A visual inspection, conducted on May 7, 2013 revealed that the above described property was overgrown by grass and weeds which may constitute a public nuisance. Please be advised that as of this date you are placed on notice that this violation must be corrected within 10 days from your receipt of this letter. Failure to do so may result in a Resolution by the City Council that finds and declares that the weeds, grass and other vegetation are a public nuisance and orders the abatement of the nuisance subject to its findings after a public hearing.

If you have any questions or concerns please contact our office at 251-952-4011.

Sincerely,

Austin B. Duffie
Environmental Assistant
City of Foley

MAYOR: John E. Koniar

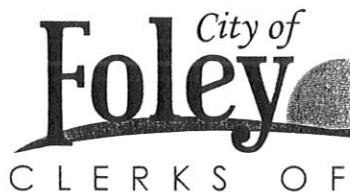
CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Vickey Southern

COUNCIL MEMBERS: J. Wayne Trawick, Vera Quaites, Ralph G. Hollmich, Cecil R. Blackwell, Charles Ebert III

407 East Laurel Ave.
Foley, AL 36535

(251) 943-1545
Fax (251) 952-4014
www.cityoffoley.org



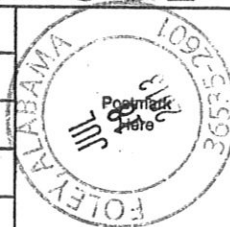
9529 9726 7216 6258

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To: John and Rosemary Cagle
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

July 17, 2013

John and Rosemary Cagle
P.O. Box 363
Addison, AL 35540

CERTIFIED

RE: Violation of Ordinance 1095-09 1904 Bay Street in Foley, Alabama.

Dear Mr. and Mrs. Cagle:

The Foley City Council, in regular session July 15, 2013 approved Resolution 13-0399 declaring the above property in violation of the Lot Clearing and Weed Removal Ordinance. Enclosed is a copy of the Notice of Public Hearing pursuant to the Code of Alabama Sections 11-67-20 through 11-67-28. The public hearing will be held on **Monday, August 19, 2013** at 5:30 p.m. in the City of Foley's Council Chambers located at 407 East Laurel Avenue, Foley Alabama to discuss the violation.

The City of Foley is supplying you with a list of Alabama Agriculture and Industries Board Certified contractors who also hold business licenses with the City of Foley. The City does not guarantee or recommend their work. If you remove the weeds, grass or other vegetative growth, the City will stop the abatement proceedings. However, failure to do so will ensure that City forces will remove the nuisance and the costs incurred by the City will result in a lien against your property.

Your cooperation in this matter is appreciated.

Sincerely,
Katy Taylor
Katy Taylor
Assistant City Clerk

Enclosures

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John and Rosemary Cagle
P.O. Box 3636
Addison, AL 35540

2. Article Number
(Transfer from service label)

7010 1060 0000 7216 6258

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Rosemary Cagle* ☐ Agent ☒ Addressee
B. Received by (Printed Name) *Rosemary Cagle* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

MAYOR JC

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540