

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 4/11/2013

Action Requested By:  
Planning

Agenda Item Type  
Ordinance

Subject Matter:

Annexation of land.

Exact Wording for the Agenda:

Introduction of an ordinance concerning the annexation of land lying on the east side of U.S. Highway 231/431 North and on the north side of Countess Road.

Note: If amendment, please state title and number of the original

Item to be considered for: Introduction Unanimous Consent Required: Yes

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

35.20 acres.  
Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: \_\_\_\_\_



Date: 4/3/2013

**ORDINANCE NO. 13-**

**WHEREAS**, Larry C. Martin has petitioned the governing body of the City of Huntsville, Alabama, requesting that certain property or territory be annexed to the City of Huntsville, Alabama; and

**WHEREAS**, said petition contained the signature of the owner of the property as the same is assessed for ad valorem tax purposes; and

**WHEREAS**, said property is contiguous to the present city limits of the City of Huntsville, Alabama, and does not lie within the corporate limits of any other municipality; and

**WHEREAS**, a map of said territory showing its relationship to the corporate limits of the City of Huntsville, Alabama, has been filed with the City Clerk-Treasurer; and

**WHEREAS**, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that it is necessary and proper and in the public interest that said property be brought within the corporate limits of the City of Huntsville, Alabama;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, as follows;

1. That the City Council of the City of Huntsville, Alabama hereby assents to the annexation of certain property to the City of Huntsville, Alabama, which said property as hereinabove referenced is more particularly described as follows:

All that part of the Southwest Quarter of Section 30, Township 2 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of said Section 30; said point is further described as the point of true beginning; thence from the point of true beginning and along the west boundary of said Section 30 Due North 1255.59 feet; thence South 88 degrees 58 minutes 04 seconds East 1396.97 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence leaving the existing corporate limits South 00 degrees 23 minutes 04 seconds West 342.77 feet; thence North 85 degrees 27 minutes 17 seconds West 252.31 feet; thence South 01 degrees 22 minutes 25 seconds West 416.57 feet; thence South 84 degrees 33 minutes 28 seconds East 213.59 feet; thence South 01 degrees 16 minutes 03 seconds West 492.15 feet to a point on the south boundary of said Section 30; thence along said boundary Due West 597.51 feet; thence North 01 degrees 49 minutes 39 seconds East 301.89 feet; thence North 88 degrees 09 minutes 22 seconds West 311.30 feet; thence South 01 degrees 04 minutes 35 seconds West 305.38 feet; thence Due West 444.11 feet to the point of true beginning and containing 35.20 acres, more or less.

**ORDINANCE NO. 13-**\_\_\_\_\_

2. That the corporate limits of the City of Huntsville, Alabama, are hereby extended and rearranged so as to embrace and include the hereinafter property as part of the corporate area of the City of Huntsville.

3. That this ordinance shall become effective upon its publication as required by law.

4. That the Mayor and City Clerk-Treasurer of the City of Huntsville, Alabama, are hereby authorized, requested and directed for and on behalf of the governing body of the City to file a description of the property or territory herein annexed in the Judge of Probate Office of Madison County.

**ADOPTED** this the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA  
COUNTY OF MADISON

PETITION FOR ANNEXATION TO THE CITY OF  
HUNTSVILLE, ALABAMA, UNDER ACT NO. 2228  
S.134, 1971 REGULAR SESSION

TO: The City Clerk-Treasurer of the City of Huntsville, Alabama

The undersigned, Larry C. Martin, hereby petition the Mayor and City Council of the City of Huntsville, Alabama, to bring the hereinafter described property within the corporate limits of the City of Huntsville under the provisions of Act No. 2228, S. 134, of the 1971 Regular Session of the Legislature of Alabama. The undersigned respectfully request that the property or territory hereinafter described be annexed to the City of Huntsville. I further certify that I have the right and authority to make and file this petition for annexation, that said property is contiguous to the existing corporate limits of the City of Huntsville, Alabama, which said City has a population of more than 2,000, and that said property does not lie within the corporate limits of any other municipality, and I do hereby respectfully petition the Mayor and City Council of the City of Huntsville to adopt an ordinance assenting to the annexation of said property to the City of Huntsville. I further certify that the property is assessed for ad valorem tax purposes in the name of Larry C. Martin.

All that part of the Southwest Quarter of Section 30, Township 2 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of said Section 30; said point is further described as the point of true beginning; thence from the point of true beginning and along the west boundary of said Section 30 Due North 1255.59 feet; thence South 88 degrees 58 minutes 04 seconds East 1396.97 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence leaving the existing corporate limits South 00 degrees 23 minutes 04 seconds West 342.77 feet; thence North 85 degrees 27 minutes 17 seconds West 252.31 feet; thence South 01 degrees 22 minutes 25 seconds West 416.57 feet; thence South 84 degrees 33 minutes 28 seconds East 213.59 feet; thence South 01 degrees 16 minutes 03 seconds West 492.15 feet to a point on the south boundary of said Section 30; thence along said boundary Due West 597.51 feet; thence North 01 degrees 49 minutes 39 seconds East 301.89 feet; thence North 88 degrees 09 minutes 22 seconds West 311.30 feet;

thence South 01 degrees 04 minutes 35 seconds West  
305.38 feet; thence Due West 444.11 feet to the point  
of true beginning and containing 35.20 acres, more or  
less.

Attached hereto marked Exhibit A is a map of said territory  
showing its relationship to the corporate limits of the City of  
Huntsville, which said map is further identified as being  
entitled "Martin Property to be Annexed."

IN WITNESS WHEREOF, the undersigned have set their hand and  
seal the date herein indicated.

**PREPARED BY  
CITY OF HUNTSVILLE  
PLANNING DIVISION**

 (SEAL)  
Signature of Owner/Authorized Representative

STATE OF ALABAMA

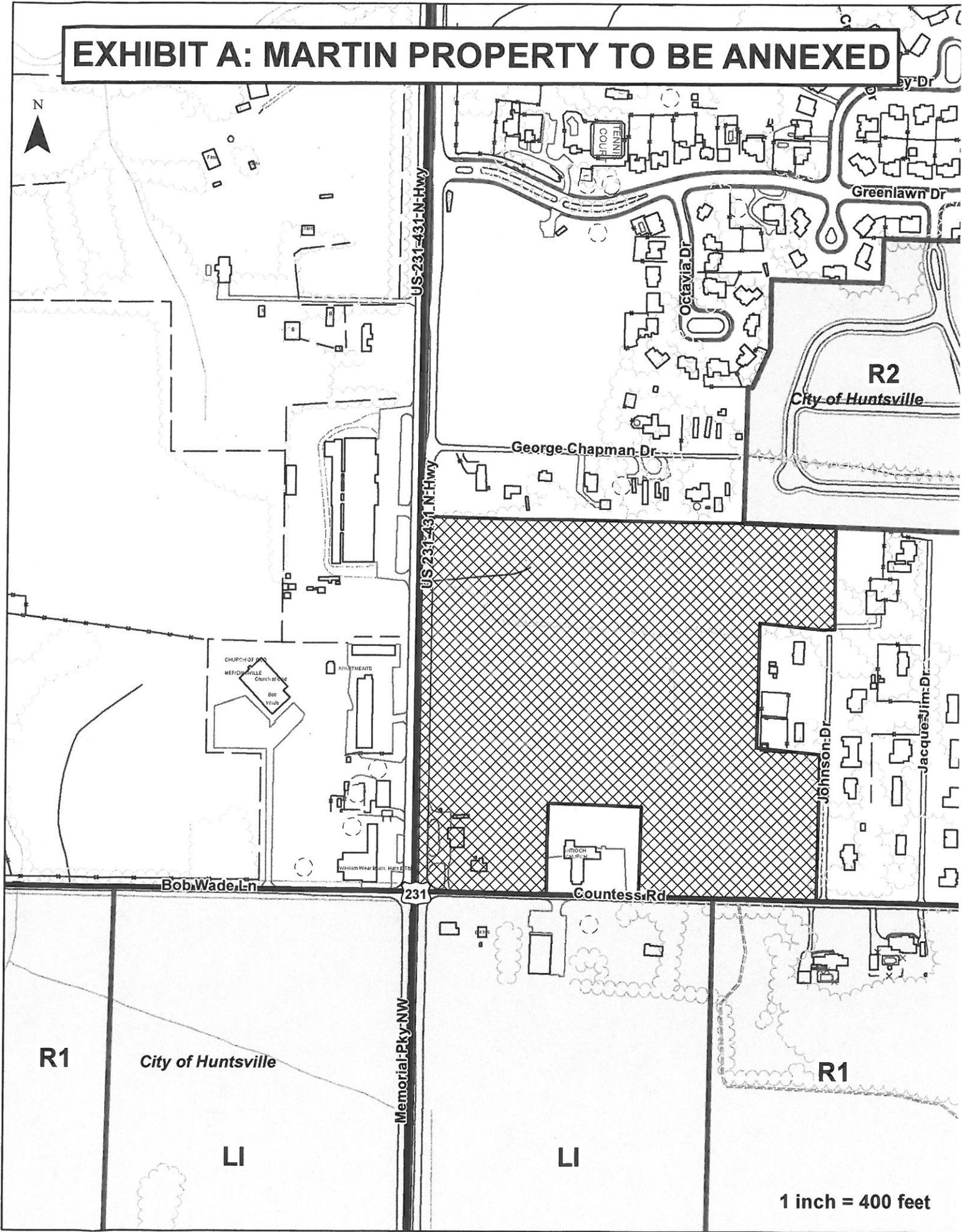
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Larry C. Martin whose name is signed to the foregoing annexation petition and who is known to me, acknowledged before me on this date that, being informed of the contents of the within annexation petition, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office, this the 15<sup>th</sup> day of March, 2013.

  
NOTARY PUBLIC, FLOYD COUNTY, GEORGIA  
MY COMMISSION EXPIRES JULY 5, 2014

# EXHIBIT A: MARTIN PROPERTY TO BE ANNEXED



1 inch = 400 feet

**ANNEXATION SUMMARY: MARTIN**  
March 21, 2013

PETITIONER: Larry C. Martin

LOCATION: East side of U.S. Highway 231/431 North and North side of  
Countess Road

Township 2 South, Range 1 East, Section 30

11010 U.S. Highway 231/431 North, Meridianville, AL 35759  
111 Countess Road, Huntsville, AL 35810

ACREAGE: 35.20 acres

REASON FOR  
REQUEST: City Services/Future Development

## ANNEXATION GUIDELINES: MARTIN

1. Annexations that would fill in or make more regular the existing corporate limits should be strongly encouraged.

WOULD CONTINUE ONGOING ANNEXATIONS IN THIS AREA

2. The remaining tax islands should be annexed when ownership changes and redevelopment occurs....

NOT A TAX ISLAND

3. Annexations of land in subdivisions....

WILL NOT BE PART OF A SUBDIVISION

4. Corridors are discouraged....

NOT A CORRIDOR

5. Point-to-point annexations should be discouraged....

NOT A POINT-TO-POINT CONNECTION

6. Owners living on land expected to be annexed within the ninety-day period preceding a municipal election....

NO MUNICIPAL ELECTION AT TIME OF ANNEXATION

7. Land which is known to be contaminated should not be annexed until such danger has been mitigated.

NO KNOWN CONTAMINATION

8. The annexation of land that would contribute to the city's economic development through an increase in taxes....

RESIDENTIAL AND COMMERCIAL LAND

9. The city should require petitions for annexation referenda to satisfy additional conditions....

NOT A REFERENDA

10. City planners will explain to all annexation petitioners the policies under which services are provided.

POLICY STATEMENT SIGNED BY OWNER; COPY ATTACHED

**STATEMENT REGARDING  
PROVISION OF CITY SERVICES TO NEWLY ANNEXED LANDS**

City services will be provided to all newly annexed lands according to the same policies that already govern in Huntsville. This means that Huntsville police and fire departments will respond to calls; garbage and trash will be collected by city sanitation; and school children will attend city rather than county schools. Transportation for students attending the city schools will be the responsibility of their parents. All applicable city ordinances will be enforced including the implementation of zoning regulations.

Water service is provided by Huntsville Utilities; however if the annexed land is already served by another water authority, the existing situation should be expected to continue until such time as development pressure or legal agreements between water authorities makes it feasible or possible for Huntsville Utilities to assume control of the water lines or extend new mains. The cost of main extensions usually are borne by the property owner.

Likewise, it has long been city policy to expand sanitary sewer service on a cost benefit basis. This policy applies to all land within the city regardless of its annexation date. In addition, the city has adopted a capital improvement plan to guide investment in infrastructure. In order for an area to be considered for road construction, drainage improvements, recreational or community facilities, new fire stations, or sanitary sewer extension, the area must be in the city and then must be prioritized according to need. Newly annexed land will be accorded the same consideration as other city lands.

Lastly, it is important to understand that those autonomous boards, agencies and utilities that have authority over the delivery of specific public services set their own policies and procedures.

\* \* \* \*

I have read the above statement governing the delivery of city services to lands annexed into the city of Huntsville, and I agree to these conditions as they may pertain to any of my lands that are annexed.

Petitioner  Date 3-15-13

Petitioner \_\_\_\_\_ Date \_\_\_\_\_