CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 5/23/2013

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 east of U.S. Highway 431 South and on the south side of Old Highway 431.

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

Item to be considered for: Introduction

Unanimous Consent Required: No

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.

6.76 acres.
Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Jeff M Reick

Date: 5-15-13

revised 4/13/2011

ORDINANCE NO. 13-_____

WHEREAS, Christ Presbyterian Church of Huntsville, Alabama, an Alabama Nonprofit Corporation, by Jack A. Cooper, its Secretary 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 25, Township 4 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 Lot 1, Sadler Acres, as recorded in Plat Book 22, Page 99, Probate Records of Madison County, Alabama; thence from the point of beginning North 08 degrees 29 minutes 07 seconds East 439.87 feet; thence South 89 degrees 29 minutes 59 seconds East 100.00 feet; thence North 00 degrees 57 minutes 41 seconds West 236.72 to a point located at the northwest corner of Lot 1, Sadler Acres, as recorded in Plat Book 22, Page 99, Probate Records of Madison County, Alabama; said point is further described as being located on the south right-of-way of Old Highway 431; thence along said right-of-way North 88 degrees 17 minutes 02 seconds East 351.76 feet to a point located at the northeast corner of Lot 1, Sadler Acres, as recorded in Plat Book 22, Page 99, Probate Records of Madison County, Alabama; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence leaving said right-of way and the existing corporate limits South

ORDINANCE NO. 13-_____

00 degrees 03 minutes 21 seconds East 684.29 feet to a point located at the southeast corner of Lot 1, Sadler Acres, as recorded in Plat Book 22, Page 99, Probate Records of Madison County, Alabama; thence North 89 degrees 40 minutes 41 seconds West 513.20 feet to the point of true beginning and containing 6.76 acres, more or less.

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, Christ Presbyterian Church of Huntsville, Alabama, an Alabama Nonprofit Corporation, by Jack A. Cooper, its Secretary, 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 Christ Presbyterian Church of Huntsville, Alabama.

All that part of the Southwest Quarter of Section 25, Township 4 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 Lot 1, Sadler Acres, as recorded in Plat Book 22, Page 99, Probate Records of Madison County, Alabama; thence from the point of beginning North 08 degrees 29 minutes 07 seconds East 439.87 feet; thence South 89 degrees 29 minutes 59 seconds East 100.00 feet; thence North 00 degrees 57 minutes 41 seconds West 236.72 to a point located at the northwest corner of Lot 1, Sadler Acres, as recorded in Plat Book 22, Page 99, Probate Records of Madison County, Alabama; said point is further described as being located on the south right-of-way of Old Highway 431; thence along said right-of-way North 88 degrees 17 minutes 02 seconds East 351.76 feet to a point located at the northeast corner of Lot 1, Sadler Acres, as recorded in Plat Book 22, Page 99, Probate Records of Madison County, Alabama; said point is further described as being located on the existing

corporate limits of the City of Huntsville; thence leaving said right-of way and the existing corporate limits South 00 degrees 03 minutes 21 seconds East 684.29 feet to a point located at the southeast corner of Lot 1, Sadler Acres, as recorded in Plat Book 22, Page 99, Probate Records of Madison County, Alabama; thence North 89 degrees 40 minutes 41 seconds West 513.20 feet to the point of true beginning and containing 6.76 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 "Christ Presbyterian 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

ASHLEY NICOLE NICHOLS
NOTARY
PUBLIC
ALABAMA STATE AT LARGE

_____(SEAL)
Signature of Owner/Authorized Representative

STATE OF ALABAMA

COUNTY OF MADISON

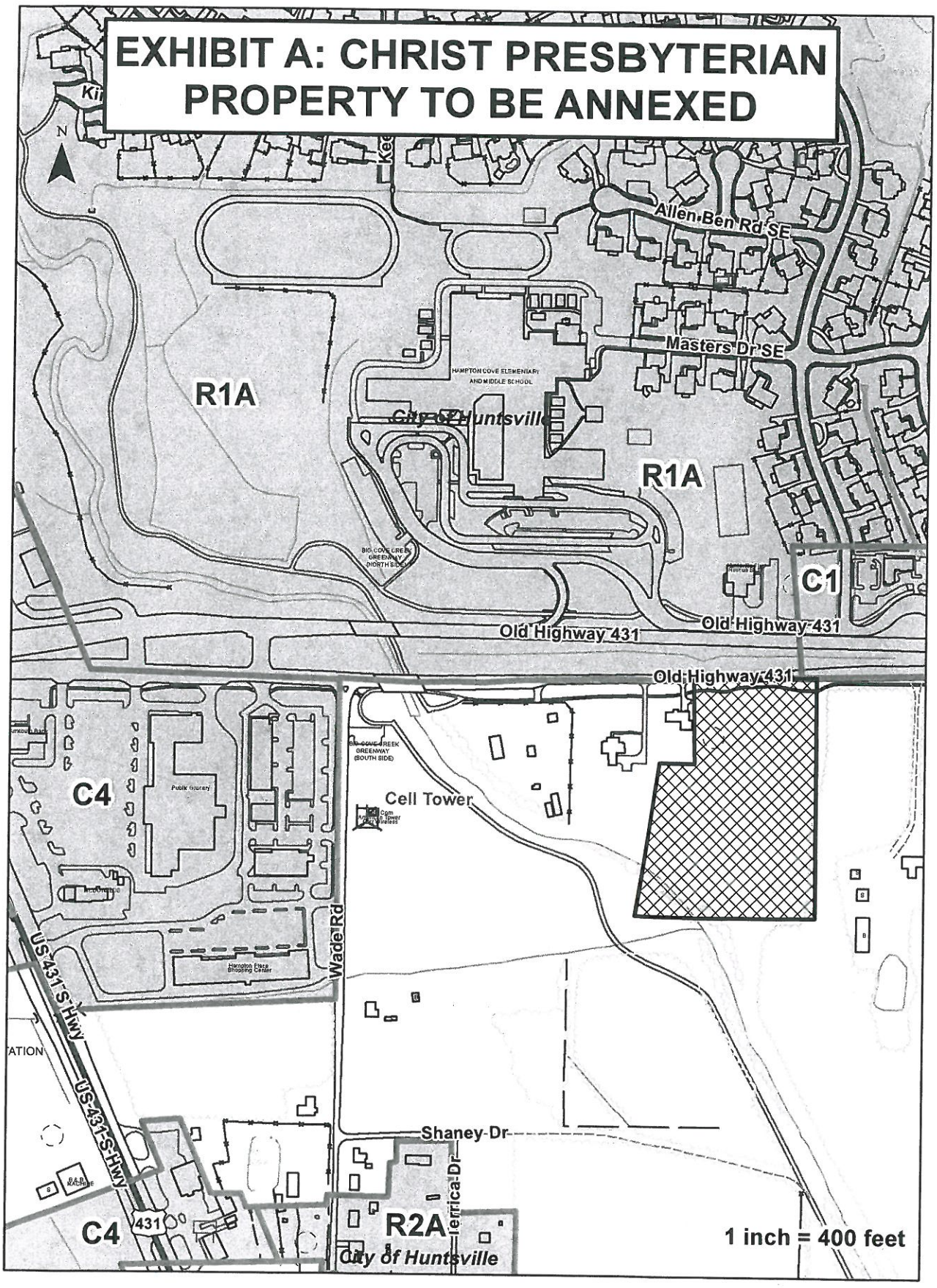
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Jack A. Cooper whose name is signed to the foregoing annexation petition and who is known to me, acknowledged before me on this date that, being informed of the contents of the within annexation petition, he/she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

Given under my hand and official seal of office, this the 13th day of May, 2013.

Ashley Nicole Nichols
NOTARY PUBLIC

MY COMMISSION EXPIRES 8-13-2016

EXHIBIT A: CHRIST PRESBYTERIAN PROPERTY TO BE ANNEXED



ANNEXATION SUMMARY: <u>CHRIST PRESBYTERIAN</u>

May 13, 2013

PETITIONER:	Christ Presbyterian Church
LOCATION:	East of U.S. Highway 431 South and South side of Old Highway 431 Township 4 South, Range 1 East, Section 25 Lot 1, Sadler Acres
ACREAGE:	6.76 acres
REASON FOR REQUEST:	City Services

ANNEXATION GUIDELINES: CHRIST PRESBYTERIAN

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....

NOT 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 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 4/24/13

Petitioner_____ Date_____