

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 9/26/2013

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 west side of U.S. Highway 431 South and north of Sutton Road.

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.

1.38 acres.
Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 9/16/2013

ORDINANCE NO. 13-

WHEREAS, Real Estate Holdings, LLC, an Alabama limited liability company, by Alan B. Bibb, its manager, 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 Northeast Quarter of Section 26, Township 4 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the northeast corner of said Section 26; thence from the point of beginning and along the north boundary of said Section 26 Due West 1229.64 feet; thence leaving said boundary South 23 degrees 33 minutes 00 seconds East 802.26 feet to a point located on the west right-of-way of U.S. Highway 431 South; said point is further described as the point of true beginning; thence from the point of true beginning and continuing along said right-of-way South 23 degrees 50 minutes 19 seconds East 195.99 feet; thence leaving said right-of-way South 72 degrees 32 minutes 11 seconds West 347.66 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence North 25 degrees 45 minutes 31 seconds West 147.48 feet; thence leaving existing corporate limits North 64 degrees 31 minutes 42 seconds East 350.59 feet to a point located on the west right-of-way of U.S. Highway 431 South and to the point of true beginning and containing 1.38 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, Real Estate Holdings, LLC, an Alabama limited liability company, by Alan B. Bibb, its manager, 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 Real Estate Holdings, LLC, an Alabama limited liability company,.

All that part of the Northeast Quarter of Section 26, Township 4 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the northeast corner of said Section 26; thence from the point of beginning and along the north boundary of said Section 26 Due West 1229.64 feet; thence leaving said boundary South 23 degrees 33 minutes 00 seconds East 802.26 feet to a point located on the west right-of-way of U.S. Highway 431 South; said point is further described as the point of true beginning; thence from the point of true beginning and continuing along said right-of-way South 23 degrees 50 minutes 19 seconds East 195.99 feet; thence leaving said right-of-way South 72 degrees 32 minutes 11 seconds West 347.66 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence North 25 degrees 45 minutes 31 seconds West 147.48 feet; thence leaving existing corporate limits North 64 degrees 31 minutes 42 seconds East 350.59 feet to a point located

on the west right-of-way of U.S. Highway 431 South and to the point of true beginning and containing 1.38 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 "Bibb 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**

ABRIL (SEAL)
Signature of Owner/Authorized Representative

STATE OF ALABAMA

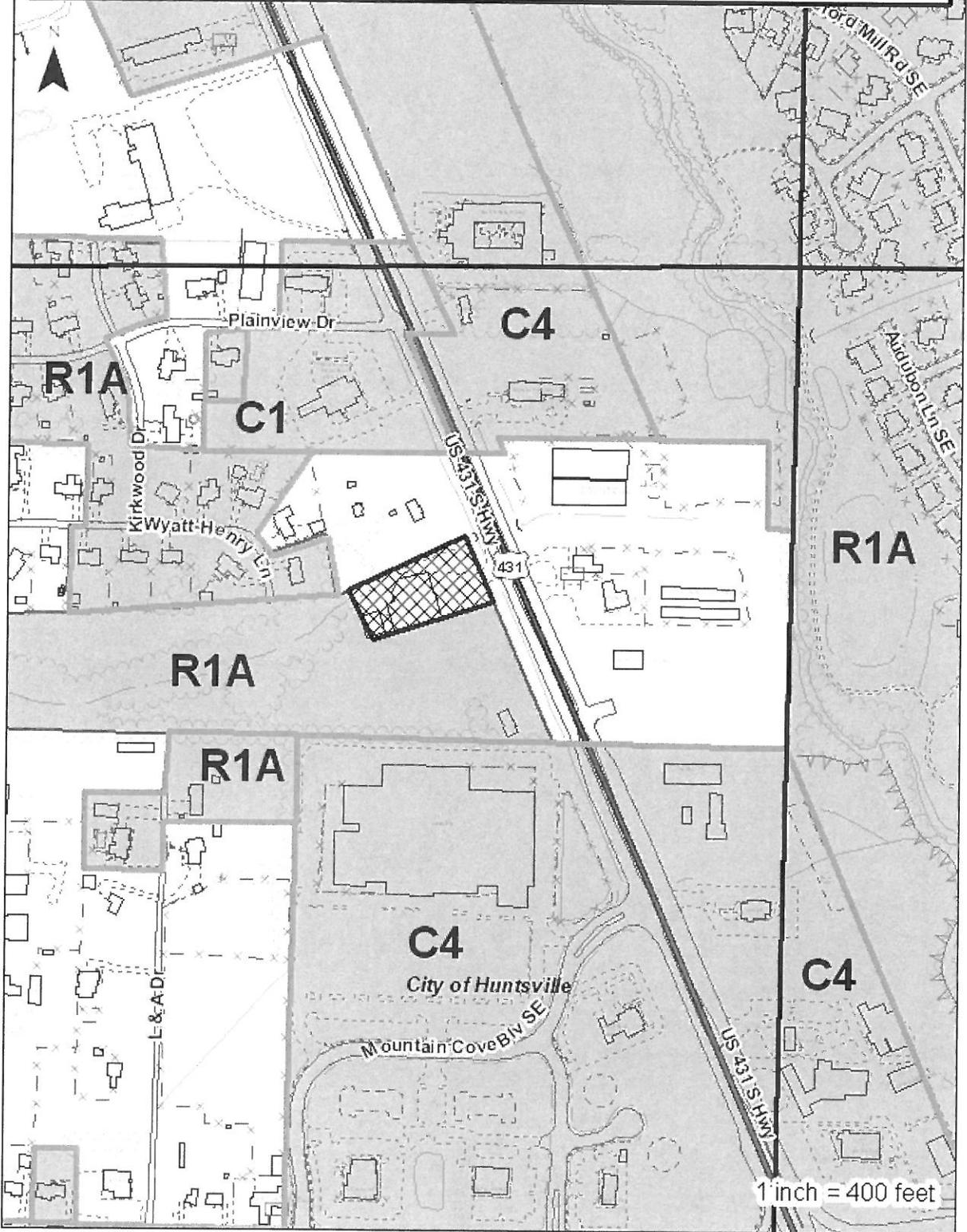
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Alan B. Bibb 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 12th day of September, 2013.

Rebecca O. Fares
NOTARY PUBLIC

EXHIBIT A: BIBB PROPERTY TO BE ANNEXED



ANNEXATION SUMMARY: BIBB
September 13, 2013

PETITIONER: Real Estate Holdings, LLC

LOCATION: West side of U.S. Highway 431 South and North of Sutton Road
Township 4 South, Range 1 East, Section 26
6466 Highway 431 South
Owens Crossroads, AL 35763

ACREAGE: 1.38 acres

REASON FOR
REQUEST: City Services

ANNEXATION GUIDELINES: BIBB

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....

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....

COMMERICAL 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

