CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 1/9/2014

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 Old Big Cove Road and on the north side of Buford Drive.

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.

45.72 acres.
Additional information is attached.

Associated Cost: _____

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____ Date: 12-28-13

revised 4/13/2011

ORDINANCE NO. 14-_____

WHEREAS, Concord Land Development, Inc, by Daniel O. Nash, As its President, 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 Southeast Quarter of Section 11, Township 5 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southeast corner of Section 11; thence from the point of beginning and along the south boundary of said Section 11 Due West 1470.30 feet; thence North 06 degrees 04 minutes 39 seconds West 1391.75 feet to a point located on the east right-of-way of Old Big Cove Road; said point is further described as the point of true beginning; thence from the point of true beginning North 89 degrees 00 minutes 42 seconds West 40.32 feet to a point located on the north right-of-way of Buford Drive; thence along said right-of-way North 88 degrees 16 minutes 32 seconds West 844.84 feet; thence leaving said right-of-way North 01 degrees 00 minutes 00 seconds East 413.94 feet; thence North 89 degrees 00 minutes 00 seconds West 212.45 feet; thence South 01 degrees 00 minutes 00 seconds West 200.30 feet; thence North 88 degrees 27 minutes 43 seconds West 164.39 feet; thence South 01 degrees 09 minutes 59 seconds West 209.46 feet to a point located on the north right-of-way of Buford Drive; thence along said right-of-way North 88 degrees 16 minutes 32 seconds West 383.25 feet; thence leaving said right-of-way

ORDINANCE NO. 14-_____

North 03 degrees 54 minutes 51 seconds East 674.44 feet; thence North 89 degrees 23 minutes 02 seconds West 284.99 feet; thence North 03 degrees 54 minutes 52 seconds East 633.90 feet; thence South 89 degrees 31 minutes 14 seconds East 1,488.06 feet to a point located on the east right-of-way of Old Big Cove Road; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence along said right-of-way South 21 degrees 22 minutes 59 seconds East 431.23 feet; thence South 17 degrees 18 minutes 35 seconds East 175.32 feet; thence South 12 degrees 56 minutes 12 seconds East 145.25 feet; thence South 11 degrees 45 minutes 17 seconds East 153.39 feet; thence South 10 degrees 15 minutes 02 seconds East 102.95 feet; thence leaving existing corporate limits South 10 degrees 15 minutes 02 seconds East 61.77 feet; thence South 09 degrees 11 minutes 33 seconds East 121.72 feet; thence South 08 degrees 46 minutes 55 seconds East 203.48 feet to the point of true beginning and containing 45.72 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 _____, 2014.

_____
President of the City Council of the City of Huntsville, Alabama

APPROVED this the ____ day of _____, 2014.

_____
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, Concord Land Development, Inc, by Daniel O. Nash, As its President, hereby petitions 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 requests 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 Concord Land Development, Inc.

All that part of the Southeast Quarter of Section 11, Township 5 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southeast corner of Section 11; thence from the point of beginning and along the south boundary of said Section 11 Due West 1470.30 feet; thence North 06 degrees 04 minutes 39 seconds West 1391.75 feet to a point located on the east right-of-way of Old Big Cove Road; said point is further described as the point of true beginning; thence from the point of true beginning North 89 degrees 00 minutes 42 seconds West 40.32 feet to a point located on the north right-of-way of Buford Drive; thence along said right-of-way North 88 degrees 16 minutes 32 seconds West 844.84 feet; thence leaving said right-of-way North 01 degrees 00 minutes 00 seconds East 413.94 feet; thence North 89 degrees 00 minutes 00 seconds West 212.45 feet; thence South 01 degrees 00 minutes 00 seconds West 200.30 feet; thence North 88 degrees 27 minutes 43 seconds West 164.39 feet; thence South 01 degrees 09 minutes 59 seconds West 209.46 feet to a point

located on the north right-of-way of Buford Drive; thence along said right-of-way North 88 degrees 16 minutes 32 seconds West 383.25 feet; thence leaving said right-of-way North 03 degrees 54 minutes 51 seconds East 674.44 feet; thence North 89 degrees 23 minutes 02 seconds West 284.99 feet; thence North 03 degrees 54 minutes 52 seconds East 633.90 feet; thence South 89 degrees 31 minutes 14 seconds East 1,488.06 feet to a point located on the east right-of-way of Old Big Cove Road; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence along said right-of-way South 21 degrees 22 minutes 59 seconds East 431.23 feet; thence South 17 degrees 18 minutes 35 seconds East 175.32 feet; thence South 12 degrees 56 minutes 12 seconds East 145.25 feet; thence South 11 degrees 45 minutes 17 seconds East 153.39 feet; thence South 10 degrees 15 minutes 02 seconds East 102.95 feet; thence leaving existing corporate limits South 10 degrees 15 minutes 02 seconds East 61.77 feet; thence South 09 degrees 11 minutes 33 seconds East 121.72 feet; thence South 08 degrees 46 minutes 55 seconds East 203.48 feet to the point of true beginning and containing 45.72 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 "Overton 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
AS ITS PRESIDENT

STATE OF ALABAMA

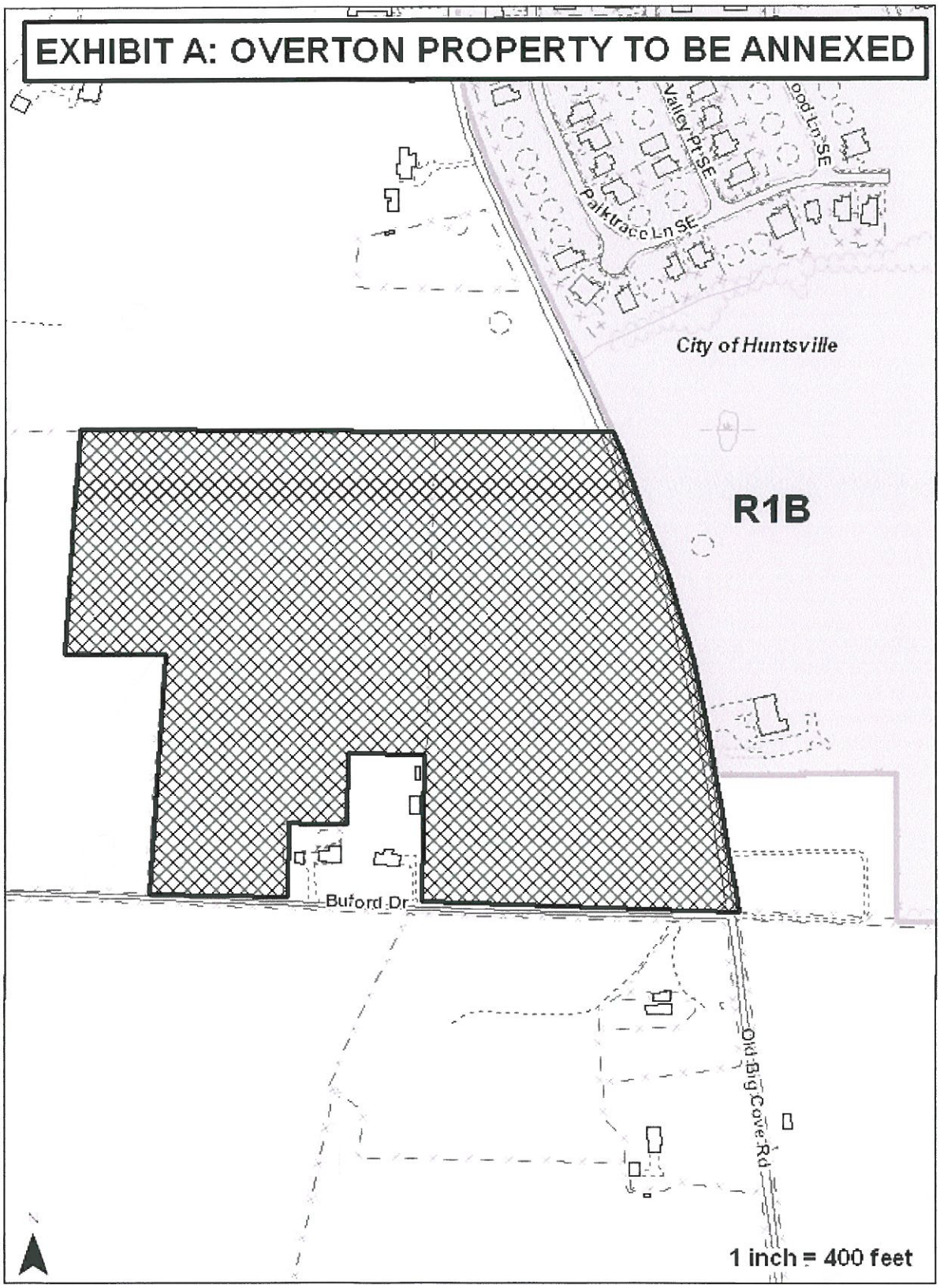
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Daniel O. Nash 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 17th day of December, 2013.

_____
NOTARY PUBLIC
3-2-15

EXHIBIT A: OVERTON PROPERTY TO BE ANNEXED



ANNEXATION SUMMARY: OVERTON

December 16, 2013

PETITIONER:	Concord Land Development, Inc
LOCATION:	West side of Old Big Cove Road and North side of Buford Drive Township 5 South, Range 1 East, Section 11
ACREAGE:	45.72 acres
REASON FOR REQUEST:	City Services

ANNEXATION GUIDELINES: OVERTON

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** 12/16/13

Petitioner _____ **Date** _____