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 east of Old Jim Williams Road and on the north side of Martin 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.

0.42 acres.
Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____ Date: 12-20-13

revised 4/13/2011

ORDINANCE NO. 14-_____

WHEREAS, Steven M. Hypes 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 33, Township 4 South, Range 2 West, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of the northeast quarter of said Section 33; thence from the point of beginning Due East 979.80 feet; thence North 02 degrees 39 minutes 21 seconds West 59.42 feet to a point located on the north right-of-way of Martin Road; said point is further described as the point of true beginning; thence from the point of true beginning and leaving said right-of-way North 01 degrees 33 minutes 27 seconds East 184.69 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence South 89 degrees 00 minutes 00 seconds East 28.59 feet; thence leaving existing corporate limits South 89 degrees 00 minutes 00 seconds East 71.43 feet; thence South 02 degrees 13 minutes 41 seconds West 185.13 to a point located on the north right-of-way of Martin Road; thence along said right-of-way North 88 degrees 45 minutes 56 seconds West 97.85 feet to the point of true beginning and containing 0.42 acres, more or less.

ORDINANCE NO. 14-_____

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, Steven M. Hypes, 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 Steven M. Hypes.

All that part of the Northeast Quarter of Section 33, Township 4 South, Range 2 West, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of the northeast quarter of said Section 33; thence from the point of beginning Due East 979.80 feet; thence North 02 degrees 39 minutes 21 seconds West 59.42 feet to a point located on the north right-of-way of Martin Road; said point is further described as the point of true beginning; thence from the point of true beginning and leaving said right-of-way North 01 degrees 33 minutes 27 seconds East 184.69 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence South 89 degrees 00 minutes 00 seconds East 28.59 feet; thence leaving existing corporate limits South 89 degrees 00 minutes 00 seconds East 71.43 feet; thence South 02 degrees 13 minutes 41 seconds West 185.13 to a point located on the north right-of-way of Martin Road; thence along said right-of-way North 88 degrees 45 minutes 56 seconds West 97.85 feet to the

point of true beginning and containing 0.42 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 "Hypes 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

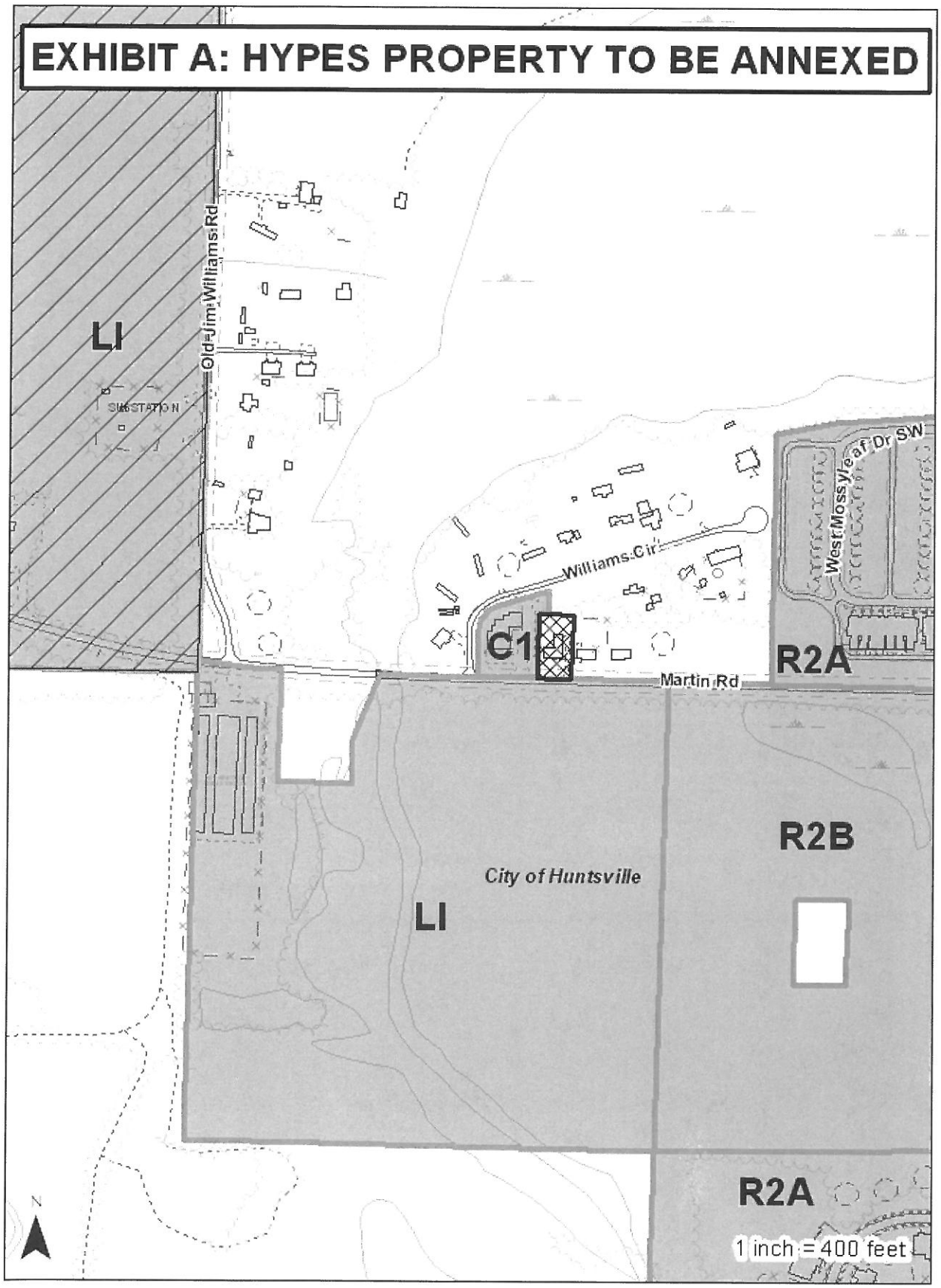
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Steven M. Hayes whose name is signed to the foregoing annexation petition and who is known to me, acknowledged before me on this date that, being informed of the contents of the within annexation petition, he/she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

Given under my hand and official seal of office, this the 19TH day of December, 2013.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES 8-13-2016

EXHIBIT A: HYPES PROPERTY TO BE ANNEXED



ANNEXATION SUMMARY: <u>HYPES</u>

December 18, 2013

PETITIONER:	Steven M. Hypes
LOCATION:	East of Old Jim Williams Road and North side of Martin Road
	Township 4 South, Range 2 West, Section 33
	663 Martin Road Huntsville, AL 35824
ACREAGE:	0.42 acres
REASON FOR REQUEST:	City Services

ANNEXATION GUIDELINES: HYPES

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….

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 [signature] Date 12-17-13

Petitioner_____ Date_____