CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 4/10/2014

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 on the south side of Olmstead **Road and west of Taylor 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.

1.36 acres.
Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Michael B Jordan Date: 4/1/2014

revised 3/12/2012

ORDINANCE NO. 14-_____

WHEREAS, Kem E. Brady 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 35, 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 5, Block 2, Mountain View Acres Subdivision, as recorded in the Office of the Judge of Probate of Madison County, Alabama, Plat Book 5, Page 5; thence from the point of beginning North 03 degrees 03 minutes 25 seconds East 219.42 feet to a point located at the northwest corner of said Lot 5; said point is further described as being located on the south right-of-way of Olmstead Road; thence leaving said right-of-way North 02 degrees 45 minutes 51 seconds East 52.71 feet to a point located on the north right-of-way of Olmstead 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 88 degrees 28 minutes 29 seconds East 215.88 feet; thence leaving said right-of-way South 03 degrees 44 minutes 06 seconds West 52.52 feet to a point located at the northeast corner of said Lot 5; said point is further described as being located on the south right-of-way of Olmstead Road; thence leaving said right-of- way South 03 degrees 13 minutes 12 seconds West 220.10 feet to a point located at the southeast corner of said Lot 5; thence North

ORDINANCE NO. 14-_____

88 degrees 21 minutes 26 seconds West 214.35 to the point of true beginning and containing 1.36 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, Kem E. Brady, 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 Kem E. Brady.

All that part of the Southeast Quarter of Section 35, 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 5, Block 2, Mountain View Acres Subdivision, as recorded in the Office of the Judge of Probate of Madison County, Alabama, Plat Book 5, Page 5; thence from the point of beginning North 03 degrees 03 minutes 25 seconds East 219.42 feet to a point located at the northwest corner of said Lot 5; said point is further described as being located on the south right-of-way of Olmstead Road; thence leaving said right-of-way North 02 degrees 45 minutes 51 seconds East 52.71 feet to a point located on the north right-of-way of Olmstead 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 88 degrees 28 minutes 29 seconds East 215.88 feet; thence leaving said right-of-way South 03 degrees 44 minutes 06 seconds West 52.52 feet to a point located at the northeast corner of said Lot 5; said point is further described as being located on the south right-of-way of Olmstead

Road; thence leaving said right-of- way South 03 degrees 13 minutes 12 seconds West 220.10 feet to a point located at the southeast corner of said Lot 5; thence North 88 degrees 21 minutes 26 seconds West 214.35 to the point of true beginning and containing 1.36 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 "Brady 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

Kem E. Brady (SEAL)
Signature of Owner/Authorized Representative

ASHLEY NICOLE NICHOLS NOTARY PUBLIC ALABAMA STATE AT LARGE

STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Kem E. Brady 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 26TH day of March, 2014.

Ashley Nicole Nichols
NOTARY PUBLIC

MY COMMISSION EXPIRES 8-13-2016

EXHIBIT A: BRADY PROPERTY TO BE ANNEXED

ANNEXATION SUMMARY: <u>BRADY</u>

March 26, 2014

PETITIONER:	Kem E. Brady
LOCATION:	South side of Olmstead Road and West of Taylor Road
	Township 4 South, Range 1 East, Section 35
	162 Olmstead Road, Owens Crossroads, AL 35763
ACREAGE:	1.36 acres
REASON FOR REQUEST:	City Services

ANNEXATION GUIDELINES: BRADY

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....

IS 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. Please note that the National agency that established the rating schedule for fire insurance premiums (ISO) assigns a higher rate to property that is over 5 road miles from their responding fire station and/or over 1000 feet from a fire hydrant.

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 Kem E. Brady Date March 20, 2014

Petitioner _____ Date _____