

# CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 4/14/2016

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 0.48 acres of land lying on the east side of Weatherford Drive and north of Harbin 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.

Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 3/30/2016

ORDINANCE NO. 16-

**WHEREAS**, Nery I. Lopez 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 Section 16, Township 3 South, Range 2 West, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the northwest corner of Lot 124, according to the Map or Plat of survey of Hermitage Phase II, a resubdivision of Tract 2 Hermitage Phase I recorded in Plat Book 46, Pages 39 & 40, as same is recorded in the Office of the Judge of Probate of Madison County, Alabama, Plat Book 46, Page 67 & 68; said point is further described as being located on the east right-of-way of Weatherford Drive; thence leaving said right-of way South 89 degrees 24 minutes 31 seconds East 120.00 feet to a point located at the northeast corner of said Lot 124; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence leaving said existing corporate limits South 00 degrees 35 minutes 18 seconds West 180.00 feet to a point located on the southeast corner of Lot 124; said point is further described as the north right-of-way of Weatherford Drive; thence said right-of-way the following bearings and distances: North 89 degrees 26 minutes 56 seconds West 70.00, North 84 degrees 51 minutes 30 seconds West 7.85 feet, North 75 degrees 51 minutes 28 seconds West 7.85 feet, North 66 degrees 51 minutes 26 seconds West 7.85 feet, North 57 degrees 51 minutes 24

**ORDINANCE NO. 16-** \_\_\_\_\_

seconds West 7.85 feet, North 48 degrees 51 minutes 22  
seconds West 7.85 feet, North 39 degrees 51 minutes 21  
seconds West 7.85 feet, North 30 degrees 51 minutes 19  
seconds West 7.85 feet, North 21 degrees 51 minutes 17  
seconds West 7.85 feet, North 12 degrees 51 minutes 15  
seconds West 7.85 feet, and North 03 degrees 51 minutes 13  
seconds West 7.85 feet to a point located on the east  
right-of-way of Weatherford Drive; thence along said right-  
of-way North 00 degrees 34 minutes 02 seconds East 130.00  
feet to the point of beginning and containing 0.48 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
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, Nery I. Lopez 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 Nery I. Lopez.

All that part of Section 16, Township 3 South, Range 2 West, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the northwest corner of Lot 124, according to the Map or Plat of survey of Hermitage Phase II, a resubdivision of Tract 2 Hermitage Phase I recorded in Plat Book 46, Pages 39 & 40, as same is recorded in the Office of the Judge of Probate of Madison County, Alabama, Plat Book 46, Page 67 & 68; said point is further described as being located on the east right-of-way of Weatherford Drive; thence leaving said right-of way South 89 degrees 24 minutes 31 seconds East 120.00 feet to a point located at the northeast corner of said Lot 124; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence leaving said existing corporate limits South 00 degrees 35 minutes 18 seconds West 180.00 feet to a point located on the southeast corner of Lot 124; said point is further described as the north right-of-way of Weatherford Drive; thence said right-of-way the following bearings and distances: North 89 degrees 26 minutes 56 seconds West 70.00, North 84 degrees 51

minutes 30 seconds West 7.85 feet, North 75 degrees 51  
minutes 28 seconds West 7.85 feet, North 66 degrees 51  
minutes 26 seconds West 7.85 feet, North 57 degrees 51  
minutes 24 seconds West 7.85 feet, North 48 degrees 51  
minutes 22 seconds West 7.85 feet, North 39 degrees 51  
minutes 21 seconds West 7.85 feet, North 30 degrees 51  
minutes 19 seconds West 7.85 feet, North 21 degrees 51  
minutes 17 seconds West 7.85 feet, North 12 degrees 51  
minutes 15 seconds West 7.85 feet, and North 03  
degrees 51 minutes 13 seconds West 7.85 feet to a  
point located on the east right-of-way of Weatherford  
Drive; thence along said right-of-way North 00 degrees  
34 minutes 02 seconds East 130.00 feet to the point of  
beginning and containing 0.48 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 "Lopez 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

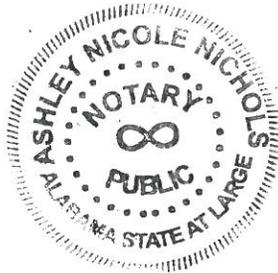
  
\_\_\_\_\_(SEAL)  
Signature of Owner/Authorized Representative

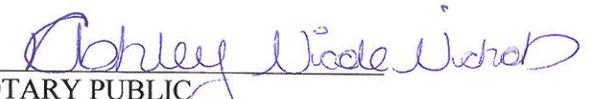
STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Nery Lopez 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.

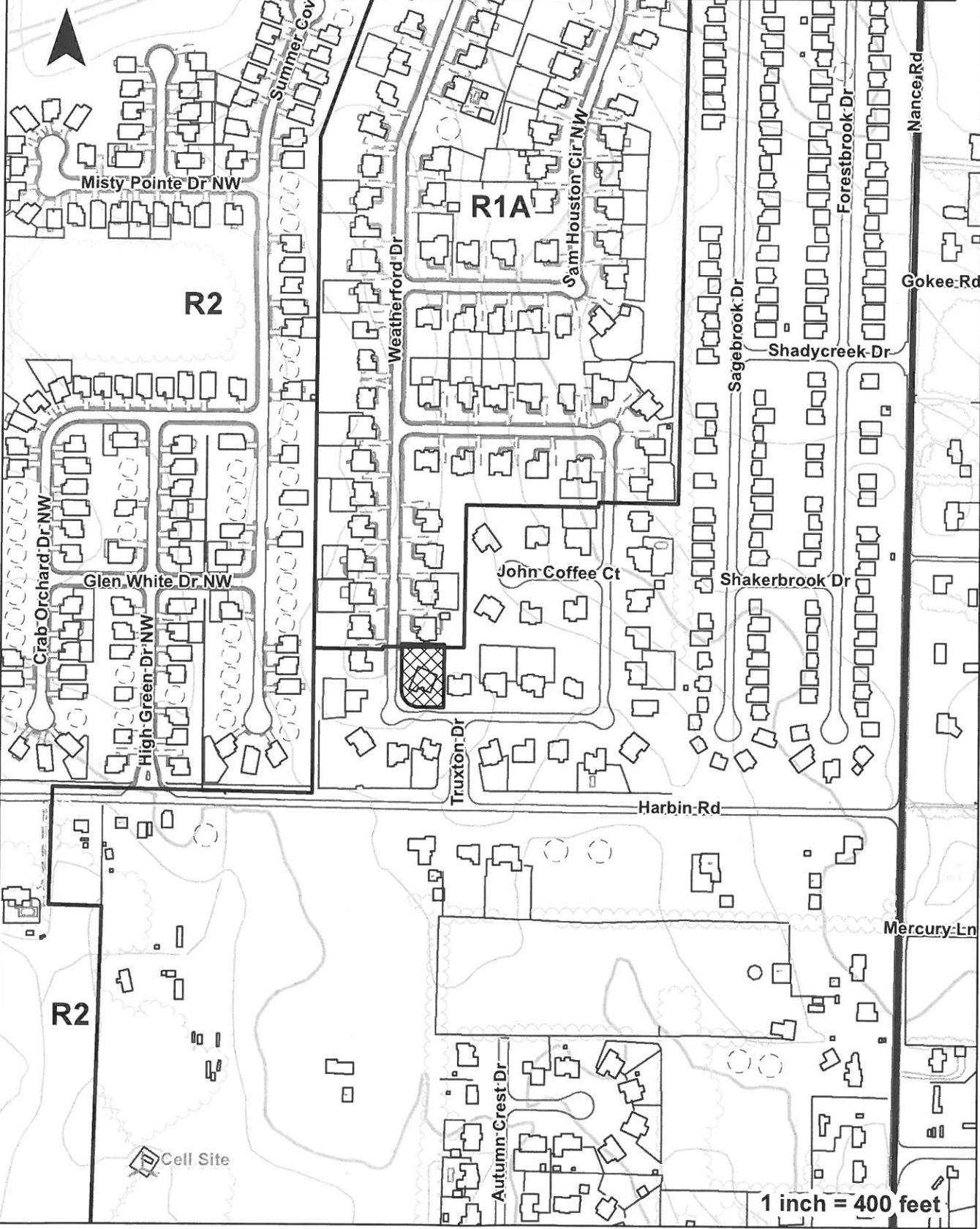
Given under my hand and official seal of office, this the 29<sup>TH</sup> day of MARCH, 2016.



  
\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES 8-13-2016

# EXHIBIT A: LOPEZ PROPERTY TO BE ANNEXED



1 inch = 400 feet

**ANNEXATION SUMMARY: LOPEZ**

March 28, 2016

PETITIONER: Nery I. Lopez

LOCATION: East side of Weatherford Drive and north of Harbin Road  
Township 3 South, Range 2 West, Section 16

ACERAGE: 0.48 acres

REASON FOR  
REQUEST: City Sewer

## ANNEXATION GUIDELINES: LOPEZ

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  Date 03/23/16

Petitioner \_\_\_\_\_ Date \_\_\_\_\_