

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 7/28/2016

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 20.35 acres of land lying on the east side of Sanderson Road and south of Copper Run 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.

Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 7/20/2016

ORDINANCE NO. 16-

WHEREAS, Mungo Homes of Alabama, Inc., by Andy Evans, As its Area Manager of Northern Alabama Division, 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 12, Township 3 South, Range 3 West, of the Huntsville Meridian, Limestone County, Alabama, more particularly described as beginning at a point located at the southwest corner of Tract B, according to the plat of Creekside Plantation Subdivision, as recorded in Plat Book G, page 156, in the Office of the Judge of Probate of Limestone County, Alabama; said point is further described as being located on the east right-of-way of Sanderson Road; thence from the point of beginning and along said right-of-way North 89 degrees 05 minutes 37 seconds East 929.41 feet to a point located at the northwest corner of said Tract B; thence leaving said-right-of way South 87 degrees 25 minutes 14 seconds East 332.84 feet; thence South 79 degrees 46 minutes 23 seconds East 171.89 feet; thence South 84 degrees 18 minutes 54 seconds East 371.68 feet; thence South 86 degrees 45 minutes 25 seconds East 298.44 feet; thence South 81 degrees 07 minutes 06 seconds East 37.51 feet; thence North 67 degrees 57 minutes 03 seconds East 166.52 feet; thence North 54 degrees 40 minutes 46 seconds East 166.76 feet; thence North 33 degrees 10 minutes 47 seconds East 121.12

ORDINANCE NO. 16- _____

feet; thence North 11 degrees 09 minutes 35 seconds East 235.06 feet; thence South 88 degrees 03 minutes 34 seconds East 48.61 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence South 17 degrees 45 minutes 18 seconds West 990.90 feet to a point located at the southwest corner of said Tract B; thence Due West 2,322.62 feet to the point of beginning and containing 20.35 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 LIMESTONE

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, Mungo Homes of Alabama, Inc., by Andy Evans, As its Area Manager of Northern Alabama Division, 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 Mungo Homes of Alabama, Inc.

All that part of Section 12, Township 3 South, Range 3 West, of the Huntsville Meridian, Limestone County, Alabama, more particularly described as beginning at a point located at the southwest corner of Tract B, according to the plat of Creekside Plantation Subdivision, as recorded in Plat Book G, page 156, in the Office of the Judge of Probate of Limestone County, Alabama; said point is further described as being located on the east right-of-way of Sanderson Road; thence from the point of beginning and along said right-of-way North 89 degrees 05 minutes 37 seconds East 929.41 feet to a point located at the northwest corner of said Tract B; thence leaving said-right-of way South 87 degrees 25 minutes 14 seconds East 332.84 feet; thence South 79 degrees 46 minutes 23 seconds East 171.89 feet; thence South 84 degrees 18 minutes 54 seconds East 371.68 feet; thence South 86 degrees 45 minutes 25 seconds East 298.44 feet; thence South 81 degrees 07 minutes 06 seconds East 37.51 feet; thence North 67 degrees 57 minutes 03 seconds East 166.52 feet; thence North 54 degrees 40

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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 "Mungo 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

MUNGO HOMES OF ALABAMA, INC.

7/19/16

(SEAL)

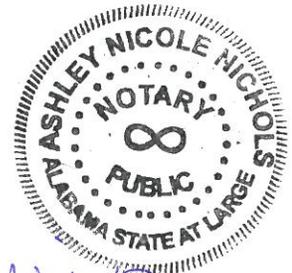
By: Andy Evans
As its: Area Manager of Northern Alabama
Division

STATE OF ALABAMA

COUNTY OF LIMESTONE

I, Ashley Nicole Nichols Notary in and for said County in said State, hereby certify that Andy Evans whose name as Area Manager of Northern Alabama ^{Division} of the Mungo Homes a corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation

Given under my hand and official seal of office, this the 19th day of July, 2016.



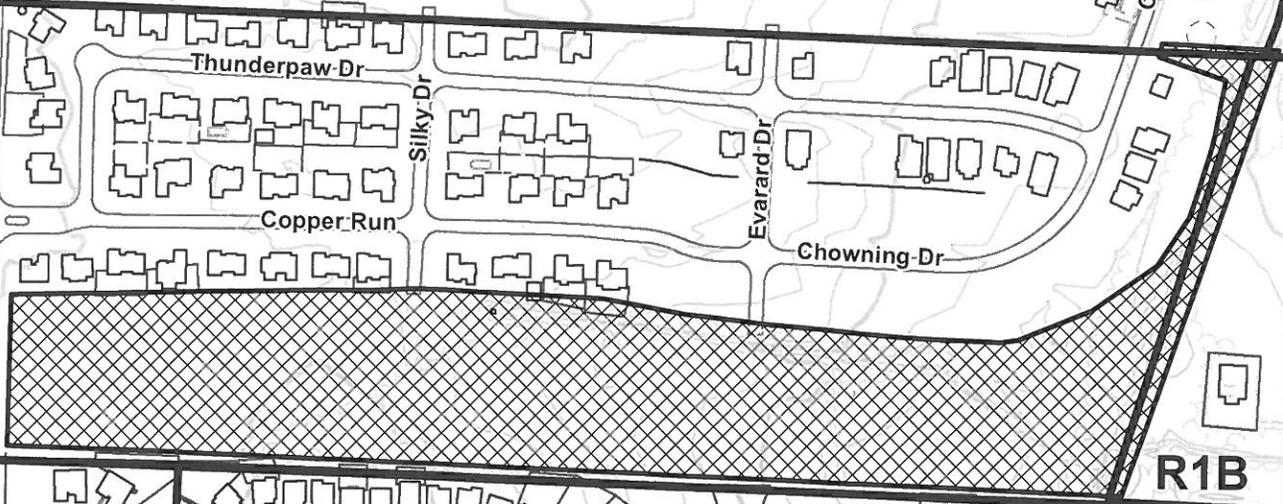
Ashley Nicole Nichols
NOTARY PUBLIC

MY COMMISSION EXPIRES 8-13-2016

EXHIBIT A: MUNGO PROPERTY TO BE ANNEXED

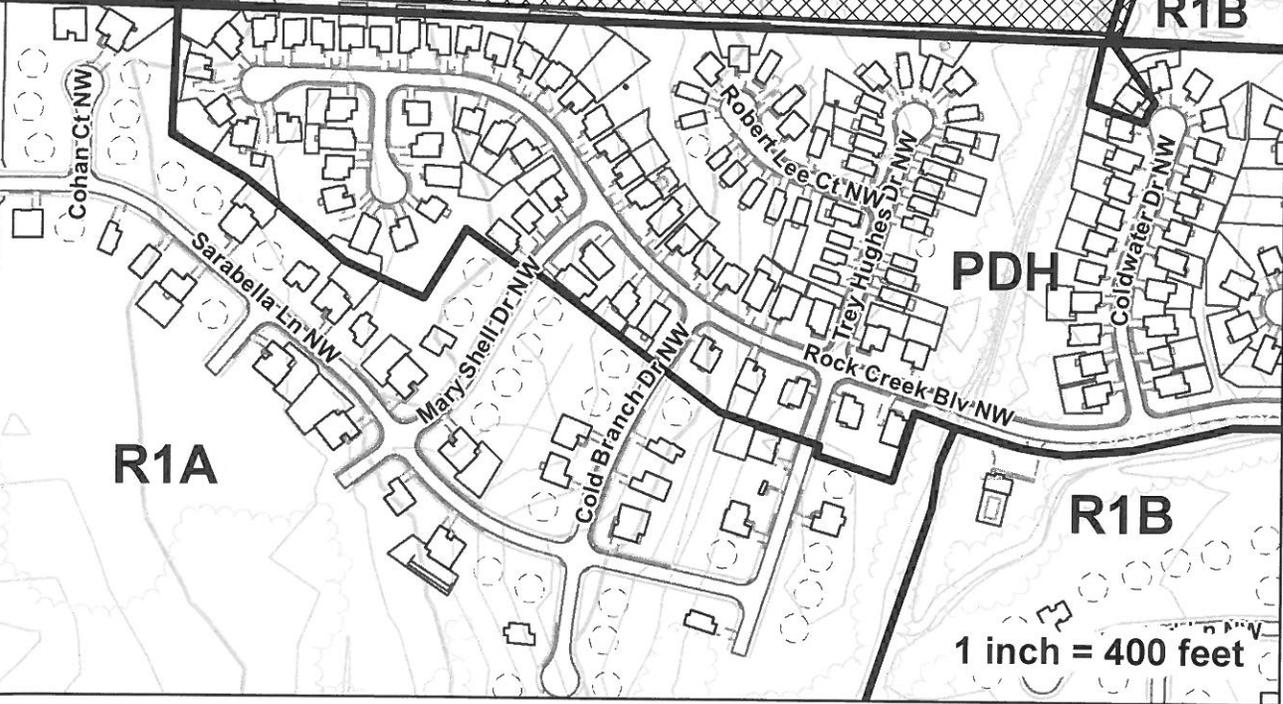


R1A



R1B

Sanderson Rd



R1A

PDH

R1B

1 inch = 400 feet

ANNEXATION SUMMARY: MUNGO

July 19, 2016

PETITIONERS: Mungo Homes of Alabama, Inc

LOCATION: On the east side of Sanderson Road and south of Copper Run Drive
Section 12, Township 3 South, Range 3 West

ACERAGE: 20.35 acres

REASON FOR
REQUEST: City Services for future residential development

ANNEXATION GUIDELINES: MUNGO

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....

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 OWNERS; COPIES 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 _____

7/19/16

Petitioner _____

Date _____