

ORDER OF ANNEXATION
TOWN OF CHELSEA, ALABAMA
WHISENHUNT ROAD

WHEREAS, annexation into Chelsea has been requested through a petition signed by residents of the territory set forth in the attached metes and bounds description (Attachment A) and shown on the attached map (Attachment B); and

WHEREAS, pursuant to Section 11-42-2 (10), Code of Alabama (1975), said territory is contiguous to the corporate limits of the Town of Chelsea, forms a homogeneous part of Chelsea and is not within the corporate limits of another municipality; and

WHEREAS, pursuant to said Section 11-42-2 (10), said petition contains the signatures of at least two qualified electors who reside on each quarter of each quarter section, or part thereof, of said territory for which annexation into Chelsea is proposed, and by signing said petition said electors assent in writing to said annexation and thereby request an election to allow qualified electors residing in said territory to vote on whether or not the said territory shall be annexed into the Town of Chelsea; and

WHEREAS, pursuant to said Section 11-42-2 (10), consent to the proposed annexation of said territory and to the request for said annexation election, as signified by signing said petition, has been given by the persons, firms or corporations owning at least sixty percent of the acreage within the said territory for which annexation into Chelsea is proposed; and

WHEREAS, pursuant to Section 11-42-2, Code of Alabama (1975), on June 2, 1998, the Chelsea town council passed a resolution to the effect that the public good requires that said territory shall be brought within the corporate limits of Chelsea; and

WHEREAS, pursuant to Section 11-42-2(1), Code of Alabama (1975), the mayor of Chelsea has, on June 2, 1998, certified a copy of said resolution to the Shelby County judge of probate; and

WHEREAS, pursuant to Section 11-42-2 (10), Code of Alabama (1975), proof of residence and qualification as electors of petitioners and of persons affected has been made to the Shelby County judge of probate by affidavit signed by the mayor of the Town of Chelsea on June 2, 1998; and

WHEREAS, on June 15, 1998, an election was ordered by the Shelby County judge of probate, said election to be held on July 14, 1998, to enable the qualified electors residing within the area proposed for annexation into Chelsea to determine whether or not the said territory shall be brought within the corporate limits of Chelsea; and

WHEREAS, the said election was held on July 14, 1998, as ordered, and said election was conducted in accordance with general election laws of the State of Alabama except as provided for by Sections 11-42-2 (5) and 11-42-2 (6), Code of Alabama (1975); and

WHEREAS, the duly appointed election officials for the election held on July 14, 1998, have certified that the results of the election were as follows:

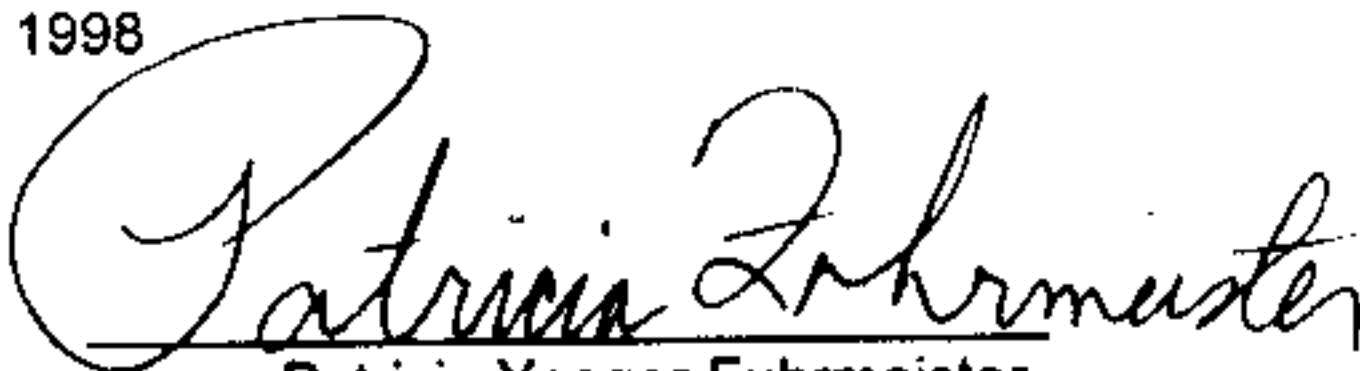
7 ballots "For Annexation" and 0 ballots "Against Annexation"; and

WHEREAS, the Shelby County judge of probate has canvassed the returns of said election as required by Section 11-42-2 (7), Code of Alabama (1975); and

WHEREAS, it appears that a majority of the votes cast at said election were "For Annexation";

BE IT ADJUDGED AND DECREED that the corporate limits of the Town of Chelsea be extended to embrace the said territory described in the said resolution and set forth in the metes and bounds description and designated on the map, both of which are attached to said resolution and to this Order of Annexation as Attachment A and Attachment B respectively.

DONE AND ORDERED this 15 day of July, 1998


Patricia Yeager Fuhrmeister
Judge of Probate

The foregoing order is entered under, and by virtue of and pursuant to, Article 1, Chapter 42, Title 11, Code of Alabama (1975).

Pat

07/15/1998-26810
11:04 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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ATTACHMENT A
METES & BOUNDS DESCRIPTION
FOR ORDER OF ANNEXATION

WHISENHUNT ROAD

PROPOSED DESCRIPTION FOR CHELSEA ANNEXATION

Commence at the Northeast corner of the SE 1/4 of SW 1/4 of Section 35, Township 19 South, Range 1 West, Shelby County, Alabama; thence run South along the East line of said 1/4-1/4 Section to the SE corner of said 1/4-1/4 Section, said point also being the NE corner of the NE 1/4 of NW 1/4 of Section 2, Township 20 South, Range 1 West; thence continue South along the East line of the NE 1/4 of the NW 1/4 and along the East line of the SE 1/4 of the NW 1/4 of said Section 2, to the SE corner of said SE 1/4 of NW 1/4 of said Section 2; thence run West along the South line of said SE 1/4 of NW 1/4 of said Section 2 to the SW corner of said SE 1/4 of NW 1/4 of said Section 2; thence run North along the West line of said SE 1/4 of NW 1/4 and along the West line of the NE 1/4 of NW 1/4 of said Section 2 to the NW corner of said NE 1/4 of NW 1/4 of said Section, said point also being the SW corner of the SE 1/4 of SW 1/4 of Section 35, Township 19 South, Range 1 West; thence continue North along the West line of the SE 1/4 of SW 1/4 of said Section 35 to the NW corner of said 1/4-1/4; thence run East along the North line of said SE 1/4 of SW 1/4 of said Section 35 to the point of beginning.

Prepared by: Mike T. Atchison, 8-5-96

Mike T. Atchison

MAP FOR ANNEXATION BY ELECTION
WHISENHUNT ROAD

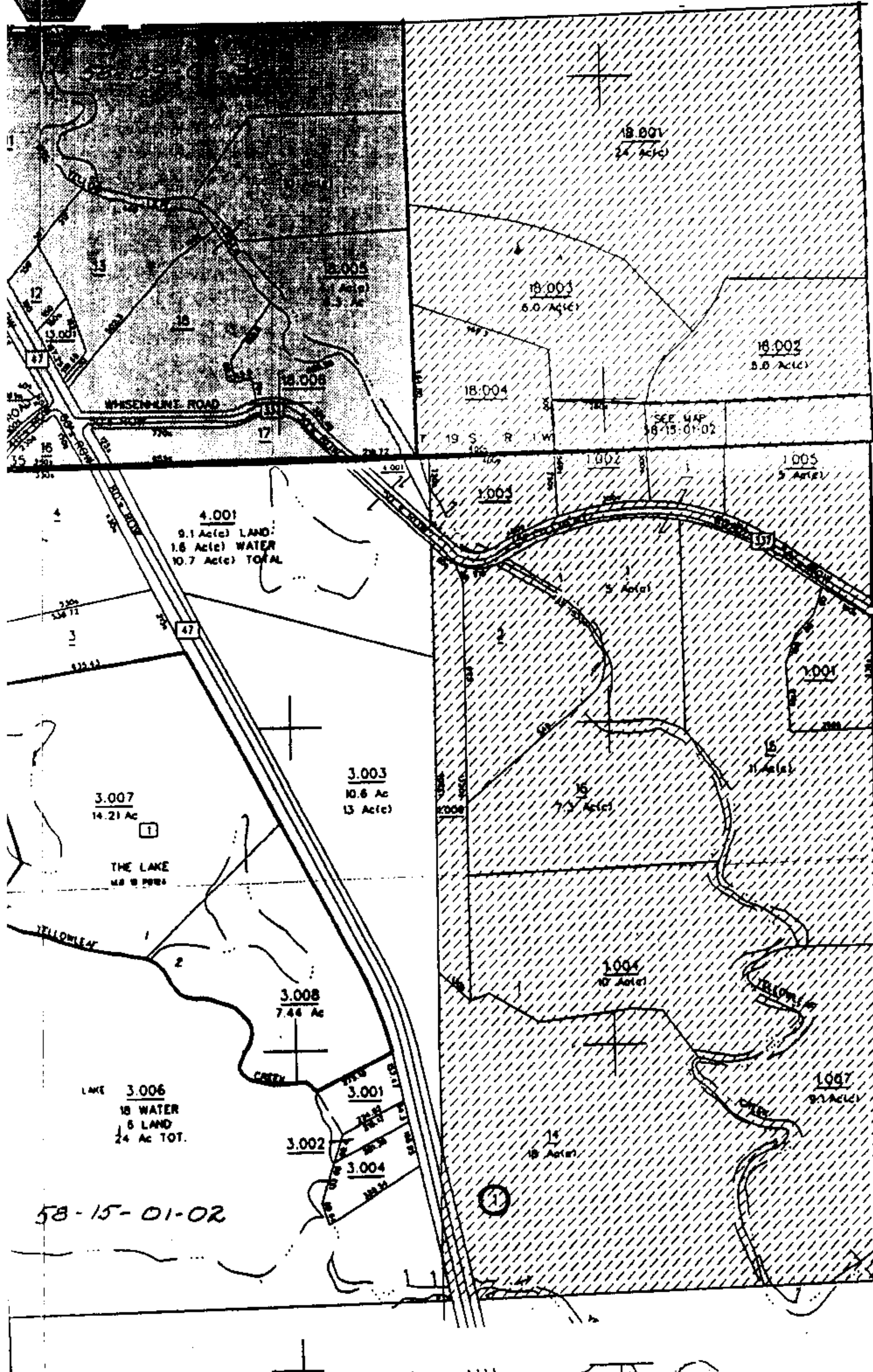
ATTACHMENT B
MAP FOR ORDER OF ANNEXATION

SHADING SYMBOLS

Territory for Annexation into Chelsea

Town of Chelsea

Parts of Maps #58-09-07-35
and #58-15-01-02



37-119

STATE OF ALABAMA
COUNTY OF SHELBY
TOWN OF CHELSEA

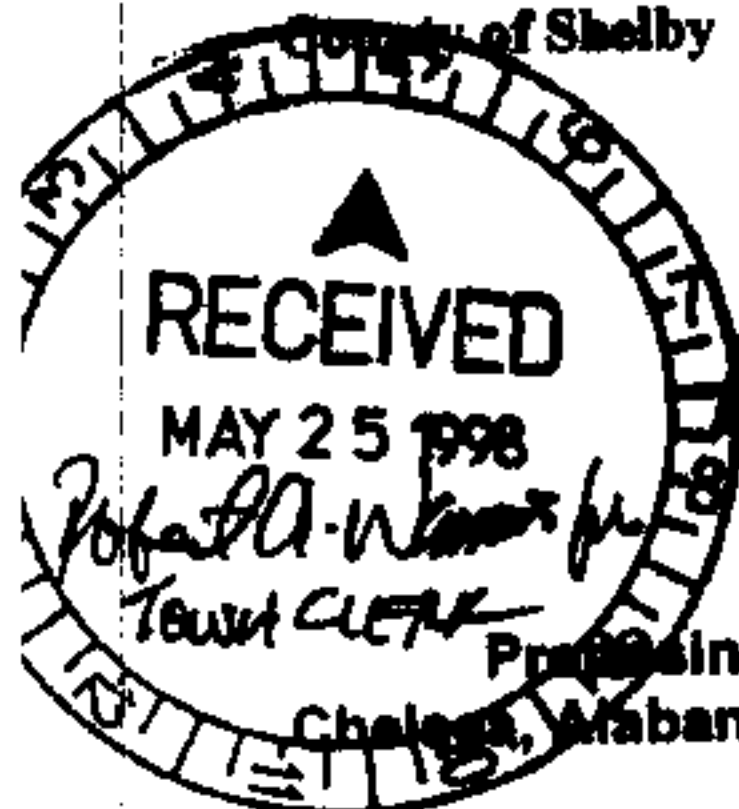


MAYOR'S CERTIFICATION OF
RESOLUTION NO. X 98-06-02-031

Pursuant to the provisions of Section 11-42-2 (1), Code of Alabama (1975), the undersigned mayor of the Town of Chelsea, Alabama, does hereby certify that the attached Resolution No. X 98-06-02-031 was adopted under the provisions of said Section 11-42-2, by the town council of the Town of Chelsea, the governing body of said town, on June 2, 1998, and was approved by the undersigned on June 2, 1998, and that the property description and the map attached thereto accurately describe the territory proposed to be brought into the corporate limits of said town, pursuant to an election to be called and conducted under the provisions of Articles 3 through 7 of Chapter 42, Title 11, Code of Alabama, (1975).

Certified and signed this the 2nd^d day of June 1998.


S. Earl Niven
Mayor



TOWN OF CHELSEA, ALABAMA

ANNEXATION RESOLUTION

RESOLUTION NUMBER X 98-06-02-031

Proposing the Annexation of Certain Territory to the Corporate Limits of the Town of Chelsea, Alabama.

WHEREAS, a petition requesting an annexation election (attached Exhibit A, pages 1-5) has been received from residents of the territory proposed for annexation into Chelsea, said territory being set forth in the attached accurate description by metes and bounds (Exhibit B) and said territory being shown on the attached map (Exhibit C) which includes all subdivisions into lots, blocks, streets and alleys within said territory, if any; and

WHEREAS, the said territory is contiguous to the boundary of the Town of Chelsea, Alabama, and does not embrace any territory within the corporate limits of another municipality; and

WHEREAS, the said territory would form a homogeneous part of the Town of Chelsea, Alabama, if annexed thereto and made a part of the Town of Chelsea, Alabama; and

Whereas, at least two qualified electors residing on each quarter of each quarter section, according to government survey, of said territory have expressed their assent in writing by signing said petition to being annexed into and becoming a part of the Town of Chelsea, Alabama; and

WHEREAS, consent to the proposed annexation of said territory has been given by the persons, firms or corporations owning at least sixty percent of the acreage of said territory, such consent being signified by their signing the said petition; and

WHEREAS, the public good requires that said territory be brought within the limits of the Town of Chelsea, Alabama.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CHELSEA, ALABAMA, that the Mayor of the Town of Chelsea, Alabama, is hereby authorized and directed to certify a copy of this resolution, along with the signed petition (Exhibit A), a copy of the metes and bounds description of said territory (Exhibit B), a copy of the map (Exhibit C) and a copy of the letter from the Office of the Secretary of State authorizing four poll workers for the annexation election (Exhibit D), to the Judge of Probate of Shelby County, Alabama, thereby initiating proceedings for said judge to make all orders and decrees and to do all things required by law, in particular by Article 1 of Chapter 42 of Title 11 of the Code of Alabama, 1975, as amended, to the end that the said territory be incorporated within the limits of the Town of Chelsea, Alabama, if authorized at an election therefor as provided by law.

ADOPTED this 2nd day of June, 1998.


Earl Niven, Mayor


Shelby Blackerby, Council Member


Earlene Isbell, Council Member

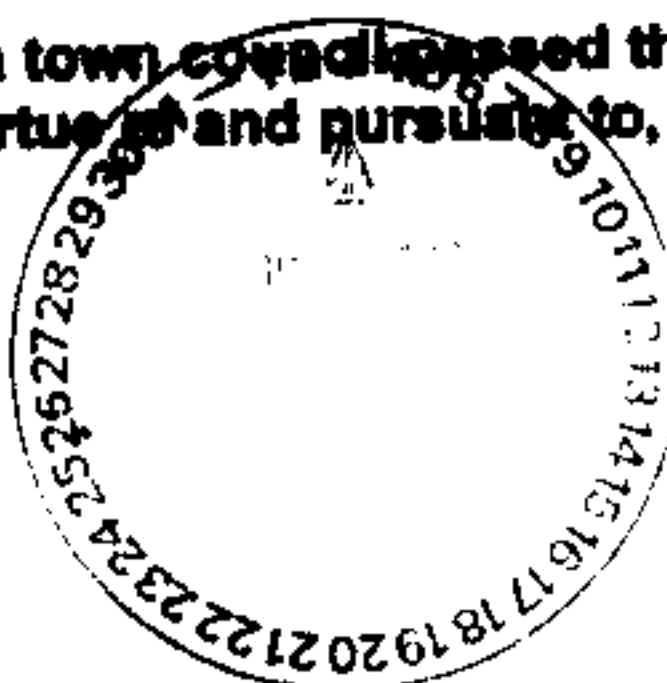

Glenn Autry, Council Member


Bob Combs, Council Member


John Ritchie, Council Member

The Chelsea town council passed the foregoing resolution this the 2nd day of June 1998, under, by virtue of and pursuant to, Article 1, Chapter 42, Title 11, Code of Alabama (1975).


Robert A. Wanninger, Town Clerk



ORDER FOR ANNEXATION ELECTION FOR TOWN OF CHELSEA
WHISENHUNT ROAD

Pursuant to Section 11-42-2, Code of Alabama (1975), the following actions have been completed to meet legal requirements for annexation by election.

- (1) The Chelsea town council passed, on June 2, 1998, a resolution to the effect that the public good requires that the territory set forth in the metes and bounds description, attached as Exhibit B to said resolution, and shown on the map, attached as Exhibit C to said resolution, shall be brought within the corporate limits of Chelsea.
- (2) The mayor of the Town of Chelsea certified, on June 2, 1998, a copy of said resolution to the Shelby County judge of probate.
- (3) The mayor of the Town of Chelsea made, on June 2, 1998, an affidavit that the legal requirements for annexation by election of said territory, set forth in Section 11-42-2 (10), Code of Alabama (1975), had been met.
- (4) Attached to said copy of the resolution were:
 - (a) a petition for annexation (Exhibit A);
 - (b) an accurate description by metes and bounds of the boundary of said territory (Exhibit B);
 - (c) a map which shows accurately the territory proposed to be embraced within the corporate limits of Chelsea, including all subdivisions into lots, blocks, streets, and alleys within such territory, if any, (Exhibit C); and
 - (d) a copy of the June 2, 1998 memo to Rita Smith from Vicki Balogh of the State of Alabama Office of the Secretary of State authorizing the use of three inspectors and one clerk at this annexation election (Exhibit D).

Further, pursuant to Section 11-42-2, Code of Alabama (1975), the following conditions exist which fulfill the remaining legal requirements for annexation by election.


- (1) The territory proposed for annexation is contiguous to the corporate boundary of Chelsea, forms a homogenous part of Chelsea, and is not within the corporate limits of another municipality.
- (2) There are at least two qualified electors residing on each quarter of each quarter section, or part thereof, of such platted and unplatted land in said territory who, by signing the petition, have assented in writing to the proposed annexation and have requested an election to determine whether or not the said territory shall be brought within the corporate limits of Chelsea.
- (3) Consent in writing to the proposed annexation, as signified by signing said petition, has been received from persons, firms, or corporations owning at least sixty percent of the acreage of such platted or unplatted land in said territory.

THEREFORE BE IT DIRECTED AND ORDERED that an election be held on Tuesday, July 14, 1998, by the qualified electors residing within the territory proposed for annexation into Chelsea as set forth in the attached metes and bounds description (Attachment A) and as shown on the attached map (Attachment B). Said qualified electors are those who will have resided within the boundaries of said territory three months next preceding the election (since April 14, 1998). The election on July 14, 1998, to determine whether or not the proposed territory shall be brought within the corporate limits of Chelsea must be conducted in all respects as provided by the general election laws and under the same sanctions and penalties except as provided for in Sections 11-42-2 (5) and 11-42-2 (6), Code of Alabama (1975) and except as authorized in the June 2, 1998 memo to Rita Smith from Vicki Balogh (Attachment C of this Order of Annexation Election).

BE IT FURTHER DIRECTED AND ORDERED that the polling place for the said election shall be the residence of William and Elizabeth Yon, 140 Wisenhunt Road, Chelsea, Alabama 35043; and the election officials appointed to serve at said election are: William A. Yon, Chief Inspector and Returning Officer; Elizabeth Yon, Inspector; Cathleen Robinson, Inspector; and David Robinson, Clerk., Karen Searcey, Clerk.

BE IT FURTHER DIRECTED AND ORDERED that the Shelby County sheriff post notice of said election at the following three public places located within the municipal limits of Chelsea: Chelsea Middle School; First National Bank of Columbiana (Chelsea Branch); and First Bank of Chelsea. Also, said sheriff shall post notice of said election at the following three public places located within the territory proposed for annexation into Chelsea: on Wisenhunt Road at 140 Wisenhunt Road and at both ends of the bridge over Yellowleaf Creek.

DONE AND ORDERED this the 15th day of June 1998.


Patricia Yeager Fuhrmeister
Judge of Probate

The foregoing order is entered under, and by virtue of and pursuant to, Article 1, Chapter 42, Title 11, Code of Alabama (1975).

1998-26810
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SHELBY COUNTY JUDGE OF PROBATE
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