

ORDINANCE no.2022-02-22-01

Ordinance to annex the property concerning the property concerning 994 Farmingdale Road

WHEREAS, on the 22nd day of February 2022

The persons whose names are signed thereto, filed a petition with the Clerk of the Town Harpersville as required by Section 11-42-20 and 11-42-21, Code of Alabama 1975, petitioning and requesting that the property hereinafter described be annexed to the municipality of the Town of Harpersville, Alabama and requesting the Mayor and Council of said Town to adopt an ordinance assenting to the annexation of said property to such municipality, which petition contained an accurate description of the property or territory proposed to be annexed together with a map of said territory showing its relationship to the corporate limits of the Town of Harpersville, and the signatures of the owners of the property or territory described were signed thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF HARPERSVILLE, ALABAMA AS FOLLOWS

WHEREAS; the Town of Harpersville does adopt this ordinance assenting to the annexation of the following described property or territory to the municipality of said Town of Harpersville

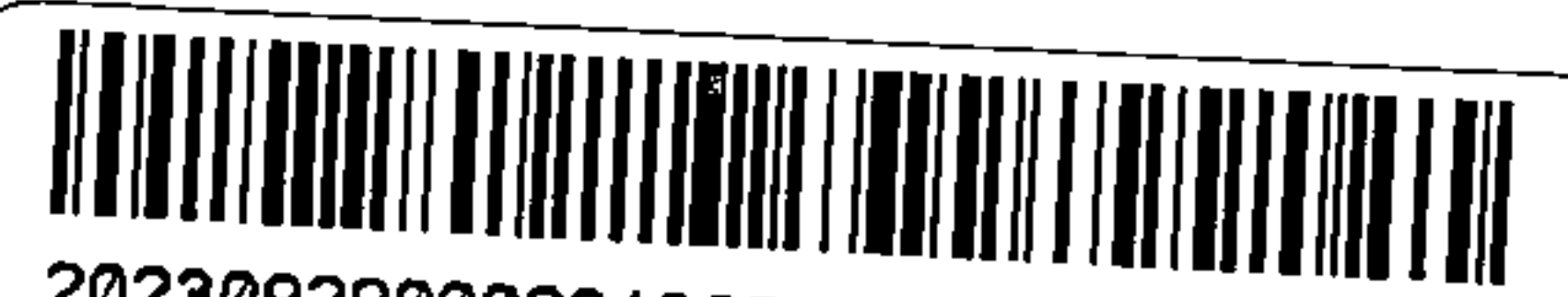
WHEREAS; said property being described on Exhibit "A" attached hereto.

BE IT FURTHER ORDAINED; the corporate limits of the Town of Harpersville be extended and rearranged so as to embrace and include such property and such property or territory shall become a part of the corporate area of such municipality upon the date of publication of the Ordinance, as provided for in section 11-42-20 and 11-42-21, Code of Alabama 1975

BE IT FURTHER ORDAINED; the Clerk is hereby authorized and directed to file a copy of this ordinance, along with an accurate description of the property or territory being annexed, together with a map of the said property or territory showing its relationship to the corporate limits of the Town of Harpersville to which said territory or property is being presented to the Office of the Department of Justice for approval.

BE IT FURTHER ORDAINED; the Zoning Map of the Town of Harpersville and any other official maps or surveys of the Town shall be amended to reflect the annexation of properties being presented for approval.

THEREUPON; Janet Gill, a councilmember, moved and Martin Dates, a councilmember, seconded the motion that adoption of said Ordinance 2022-02-22-01 be given vote. The roll call vote said on motion was recorded as follows:





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Shelby Cnty Judge of Probate, AL
09/29/2023 09:28:22 AM FILED/CERT

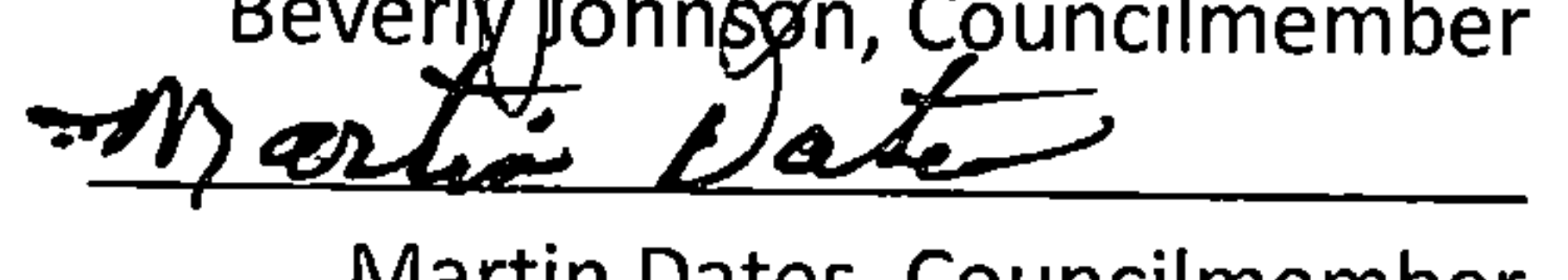
Theoangelo Perkins, Mayor	YES
Beverly Johnson, Councilmember	YES
Martin Dates, Councilmember	YES
Janet Gill, Councilmember	YES
William Carter, Councilmember	YES
Shelia Rich, Councilmember	NOT PRESENT

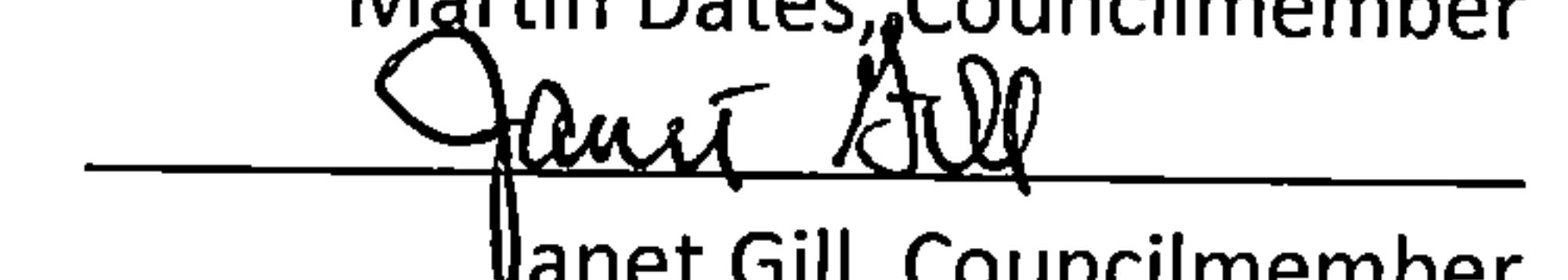
Ordinance 2022-02-22-01 passed by unanimous vote of those members of the council present and the mayor declared the same passed.

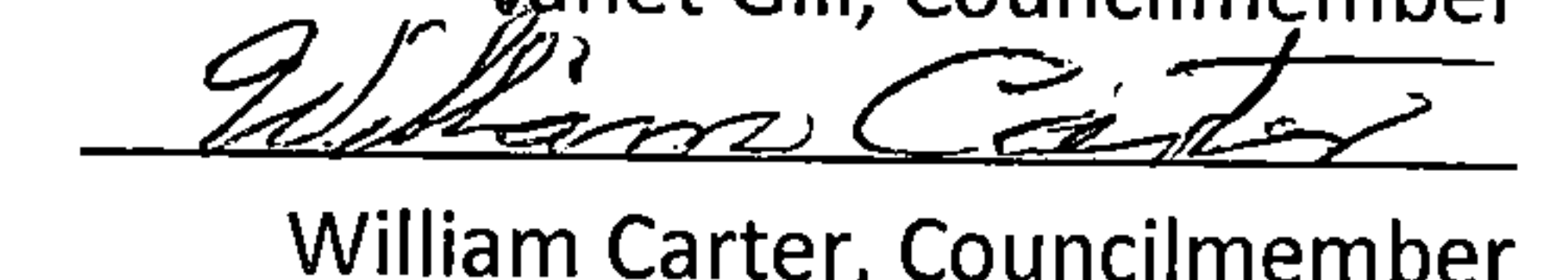
ADOPTED this 22nd day of February 2022



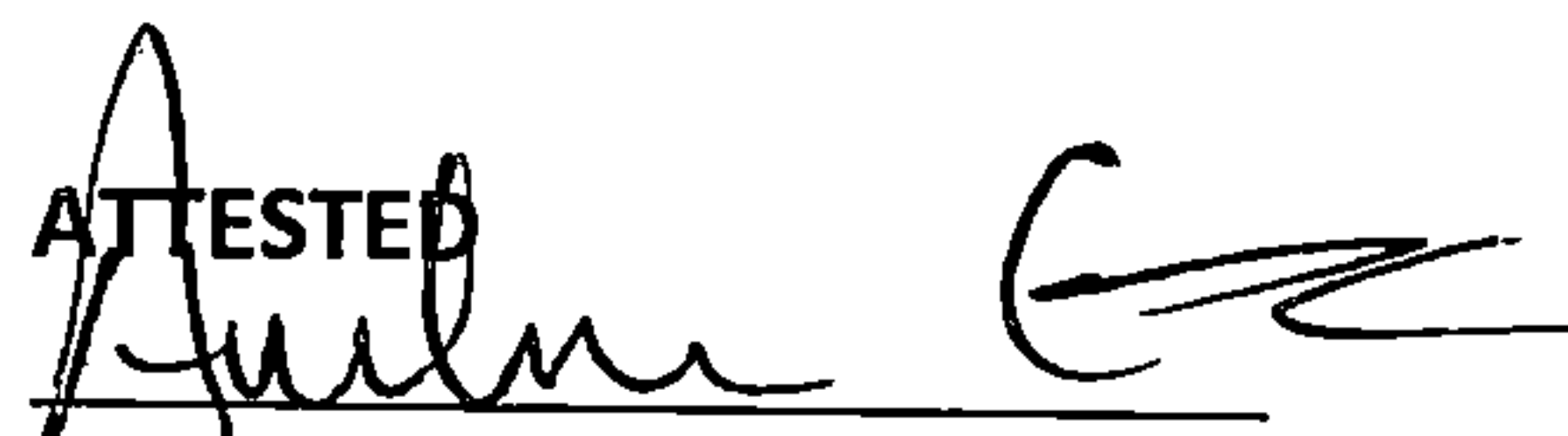
Theoangelo Perkins, Mayor


Beverly Johnson, Councilmember


Martin Dates, Councilmember


Janet Gill, Councilmember


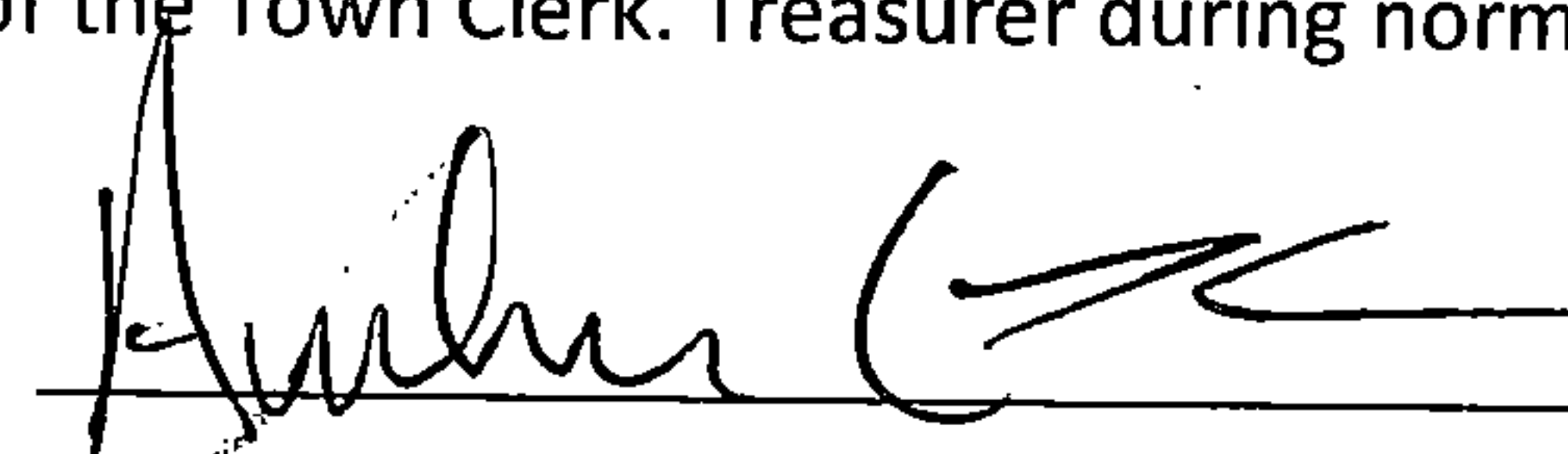
William Carter, Councilmember

ATTESTED


Amber Gardner, Town Clerk

POSTING AFFIDAVIT

I, the undersigned, Clerk of the Town Council of the Town of Harpersville, Alabama, do hereby certify that the above and foregoing ORDINANCE 2022-02-22-01 was duly ordained, adopted, and passed by the Town Council of the Town of Harpersville, Alabama as its regular meeting on the 22 day of February 2022. I further certify that said Ordinance is on file in the Office of the Town Clerk/ Treasurer and a copy of the full Ordinance may be obtained from the Office of the Town Clerk. Treasurer during normal business hours.



Amber Gardner, Town Clerk/Treasurer



City of Harpersville

83 Town Hall Lane

Harpersville, AL. 35078



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Shelby Cnty Judge of Probate, AL
09/29/2023 09:28:22 AM FILED/CERT

Letter of Petition

Dear Mayor, Council and Citizens,

As the owners of the "Bill Baker" homestead which is referenced below with legal description attached as Exhibit A, we would like for the Council Members to consider our request for annexation. The property in question is located at 994 Farmingdale Road Harpersville Alabama and consists of approximately 35+/- acres. The total acreage, currently adjacent to properties all within the city limits, consists of one permanent dwelling with an outbuilding as well as a hay barn. It is our request to bring the property into the city in two separate parcels outlined with survey separating the current dwelling and outbuilding along with 7+/- acres which is inhabited by Russell and Kea Harry and their two children Grahm and Mallory Harry (One adult white male of voting age and one white female of voting age with one white male child age 12 and one white female child age 9). The current dwelling is supported by Harpersville Water Department, Republic Services Trash pickup and is on a septic system registered with the Shelby County Health Department. Separate from the 7+/- acres will lie the remaining acreage and one hay barn. It is our hope that the Council would hear our request to take advantage of the local police, fire and building departments and consider the annexation of mutual benefit.

Please find documents pertaining to the annexation within our package which include:

- This letter of petition
- Property Ownership in the form of a Warranty Deed
- Name and information along with signatures of Property Owners
- A typed legal description Exhibit A
- Shelby County GIS map of property
- A typed legal description and survey of 7+/- acres Exhibit B

TOWN OF HARPERSVILLE

RICH PAST • BRIGHT FUTURE

FOUNDED 1815

P.O. Box 370

83 Town Hall Lane

Harpersville, Alabama 35078-0370

Telephone 205.672.9961 Fax 205.672.1929



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TOWN OF HARPSVILLE PETITION FOR UNANIMOUS CONSENT

We the undersigned, constituting all of the hereinafter described real property do hereby execute and file with the Town of Harpersville Clerk this written petition asking and requesting that our property hereinafter described be annexed to the Town of Harpersville, under authority of section 11-42-20 throughout 11-42-24 code of Alabama, 1975.

Said property is described as follows:

994 Farmingdale Road. Harpersville, AL 35078

Property Owners:

Ryan & Leah Harry

Tax ID:

[REDACTED]

See attached Map and Property Inquiry for legal description.

We further certify hat said property is contiguous to the Town of Harpersville. We further certify that all the property included in the above described which lies within the police jurisdiction of both the annexing municipality and another municipality is located closer to the annexing municipality than to the other municipality as required by sections 11-42-21 code of Alabama, 1975.

[Signature]
Owner's Signature

2/18/22
Date

[Signature]
Owner's Signature

2/22/22
Date

[Signature]
Witness

02/22/22
Date



20230929000291360 5/14 \$61.00
Shelby Cnty Judge of Probate, AL
09/29/2023 09:28:22 AM FILED/CERT

This instrument prepared by:
Michael Galloway
300 Office Park Drive, Suite 310
Birmingham, AL 35223

SEND TAX NOTICE TO:
Ryan Harry and Leah Harry
994 Farmingdale Road
Harpersville, AL 35078

WARRANTY DEED

STATE OF ALABAMA

)

SHELBY COUNTY

)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of Three Hundred Fifty Thousand And No/100 Dollars (\$350,000.00) paid by the grantee herein, the receipt of which is hereby acknowledged, I/we, Estate of Billie Frances Darby, deceased, Shelby County Probate Case No. PR2020-000668 (hereinafter grantor, whether one or more), do grant, bargain, sell and convey unto Ryan Harry and Leah Harry (hereinafter Grantees), as joint tenants with rights of survivorship, all of my/our right, title and interest in the following described real estate, situated in Shelby County, Alabama.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Subject to current taxes, all matters of public record, including, but not limited to easements, restrictions of record, and other matters which may be viewed by observation.

Subject to a third party mortgage in the amount of \$350,000.00 executed and recorded simultaneously herewith.

TO HAVE AND TO HOLD unto the said Grantees as joint tenants, with rights of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance that (unless the joint tenancy created is severed or terminated during the joint lives of the grantees herein) in the event one grantee herein survives the other, the entire interest in fee simple shall pass to the surviving grantee, and if one does not survive the other, then the heirs and assigns of the grantees herein shall take as tenants in common.

Grantor does, for Grantor and for Grantor's heirs, executors and administrators covenant with the said Grantees as joint tenants, with rights of survivorship, their heirs executors and administrators, that Grantor is lawfully seized in fee simple of said premises; that it is free from all encumbrances, unless otherwise noted above; that Grantor has a good right to sell and convey the same as aforesaid; that Grantor will and Grantor's heirs, executors and administrators shall warrant and defend the same to the said Grantees, and their heirs, executors and administrators forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the undersigned have hereunto set our hands and seals on January 29, 2021.

Estate of Billie Frances Darby, deceased, Shelby County Probate Case No. PR2020-000668

BY:


Elizabeth Ann Darby
Personal Representative



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Shelby Cnty Judge of Probate, AL
09/29/2023 09:28:22 AM FILED/CERT

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Elizabeth Ann Darby whose name as Personal Representative for The Estate of Billie Frances Darby, deceased, Shelby County Probate Case No. PR2020-000668 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 she executed the same voluntarily and in her capacity as Personal Representative on the day the same bears date.

Given under my hand and official seal on 29 day of January, 2021.


Notary Public

My commission expires:

10-4-2021

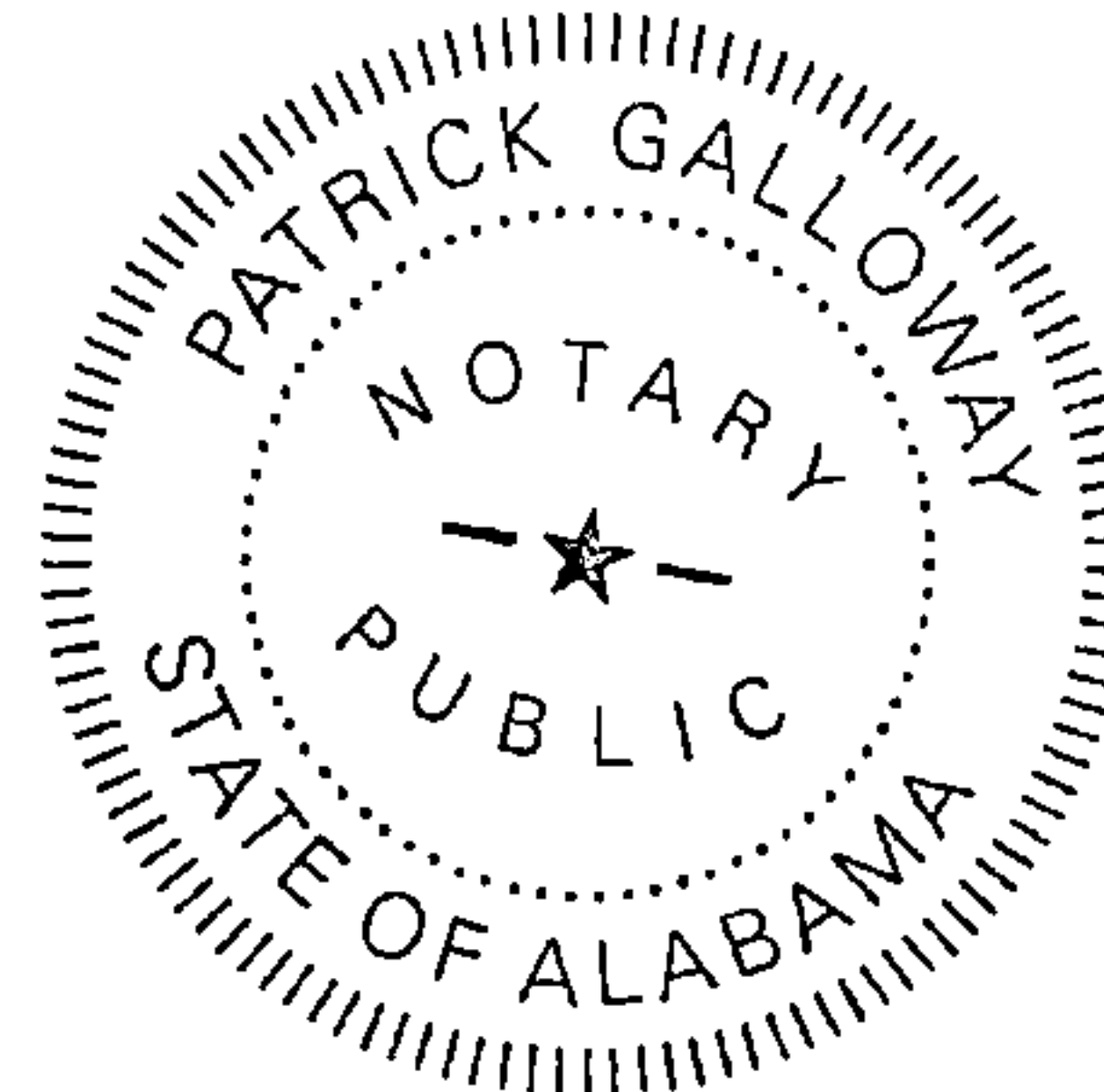


EXHIBIT "A"



20230929000291360 7/14 \$61.00
Shelby Cnty Judge of Probate, AL
09/29/2023 09:28:22 AM FILED/CERT

Parcel I

The Southwest 1/4 of the Northeast 1/4 of Section 32, Township 19 South, Range 2 East, in Shelby County Alabama.

Less and Except

A parcel of land lying in the Southwest 1/4 of the Northeast 1/4 of Section 32, Township 19 South, Range 2 East, in Shelby County Alabama, more particularly described as follows;

For the point of beginning commence at the Northwest corner of the South 1/2 of the Northeast 1/4, Section 32, Township 19 South, Range 2 East and run East along Northern boundary of South 1/2 of the Northeast 1/4 for a distance of 222.7 feet; thence turn 88°43' to the right and run 281.4 feet; thence turn 91°20' to the right and run 233.4 feet to the West boundary line of the South 1/2 of the Northeast 1/4; thence turn 90°51 to the right and run 281.2 feet to the point of beginning.

Less and Except

A parcel of land lying in the Southwest 1/4 of the Northeast 1/4 of Section 32, Township 19 South, Range 2 East, in Shelby County Alabama, more particularly described as follows;

Commence at the Northwest corner of the South 1/2 of the Northeast 1/4 of Section 32, Township 19 South, Range 2 East, and run easterly along the northern boundary of the South 1/2 of the Northeast 1/4 a distance of 222.67 feet; thence turn a deflection angle to the right 88°43'21", and run southerly 281.35 feet to the point of beginning; thence continue along last named course a distance of 184.00 feet; thence turn a deflection angle to the right 91°19'28" and run westerly 240.32 feet to a point on the west boundary of said 1/4 section line; thence turn a deflection angle to the right 90°50'47" and run northerly along said 1/4 line 184.00 feet; thence turn a deflection angle to the right 89°08'59" and run easterly 233.35 feet back to the point of beginning.

Parcel II

That portion of the South 10 acres of the Southeast 1/4 of the Northwest 1/4 of Section 32, Township 19 South, Range 2 East, Lying East of County Road 444 (Farmingdale Road) in Shelby County Alabama.

Less and except any part of subject property lying in a public right of way



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As the owners of the referenced property below as Exhibit A, Ryan and Leah Harry do solemnly swear all information below is current and correct and reflects accurate data pulled from county GIS as well as Ray and Gilliland, P. C., Ala. Board Cert. No. CA-0114-LS and closing attorney Michael Galloway.

Ryan Lee Harry

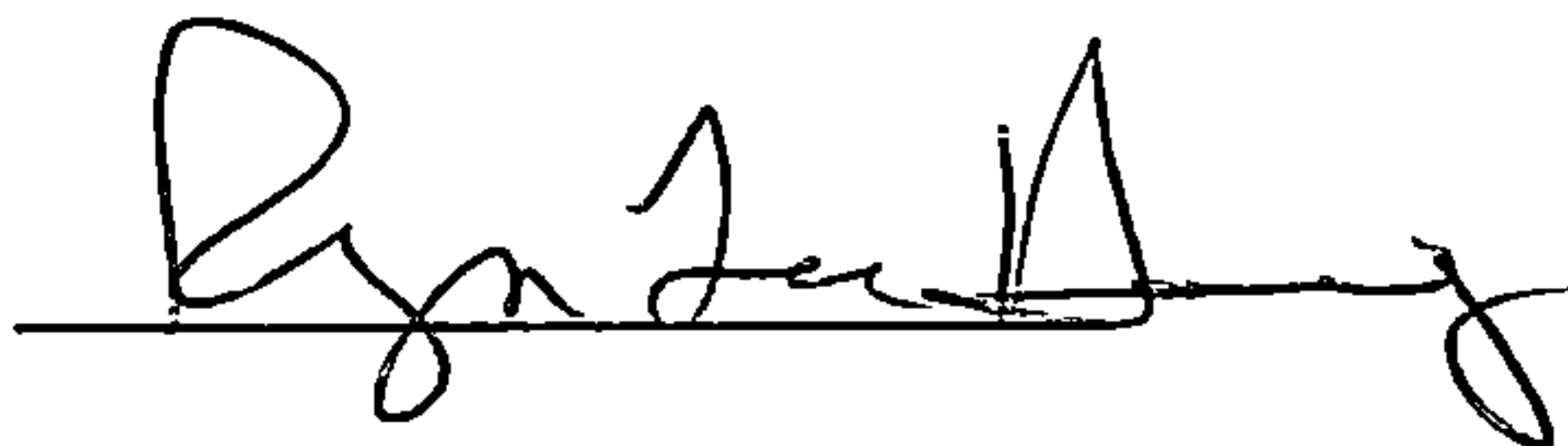
184 Furrow Lane

Harpersville, AL. 35078

205-209-8811

rharry@argos-us.com

Date: FEB 22, 2022

Owner: 

Leah Baker Harry

184 Furrow Lane

Harpersville, AL. 35078

205-504-7049

lharry@wm.com

Date: 2/22/22

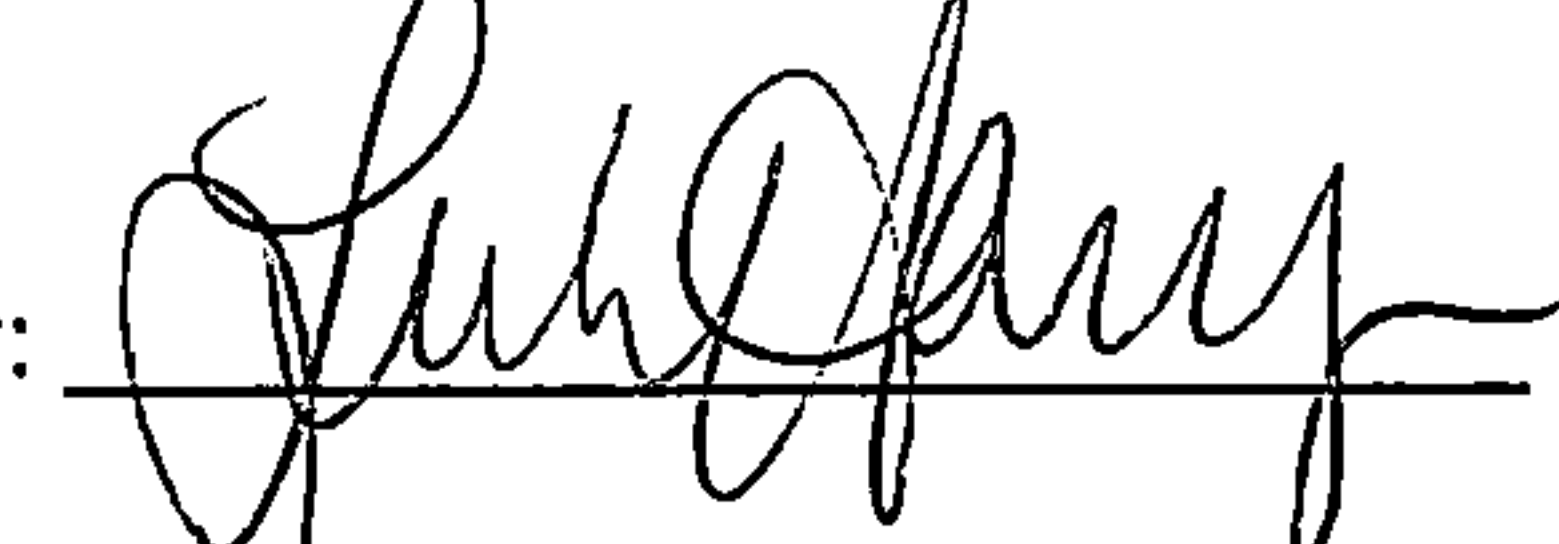

Owner: 

EXHIBIT "A"
Legal Description


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Parcel I:

The Southwest 1/4 of the Northeast 1/4 of Section 32, Township 19 South, Range 2 East, in Shelby County Alabama.

Less and Except :

A parcel of land lying in the Southwest 1/4 of the Northeast 1/4 of Section 32, Township 19 South, Range 2 East, in Shelby County Alabama, more particularly described as follows:

For the point of beginning commence at the Northwest corner of the South 1/2 of the Northeast 1/4, Section 32, Township 19 South, Range 2 East and run East along Northern boundary of South 1/2 of the Northeast 1/4 for a distance of 222.7 feet; thence turn 88°43' to the right and run 281.4 feet; thence turn 91°20' to the right and run 233.4 feet to the West boundary line of the South 1/2 of the Northeast 1/4; thence turn 90°51 to the right and run 281.2 feet to the Point of Beginning.

Less and Except :

A parcel of land lying in the Southwest 1/4 of the Northeast 1/4 of Section 32, Township 19 South, Range 2 East, in Shelby County Alabama, more particularly described as follows:

Commence at the Northwest corner of the South 1/2 of the Northeast 1/4 of Section 32, Township 19 South, Range 2 East, and run Easterly along the Northern boundary of the South 1/2 of the Northeast 1/4 a distance of 222.67 feet; thence turn a deflection angle to the right 88°43'21", and run Southerly 281.35 feet to the Point of Beginning; thence continue along last named course a distance of 184.00 feet; thence turn a deflection angle to the right 91°19'28" and run Westerly 240.32 feet to a point on the West boundary of said 1/4 section line; thence turn a deflection angle to the right 90°50'47" and run Northerly along said 1/4 line 184.00 feet; thence turn a deflection angle to the right 89°08'59" and run Easterly 233.35 feet back to the Point of Beginning.

Less and Except:

A tract of land, lying in the South 1/2 of the Northeast 1/4 of Section 32, Township 19 South, Range 2 East, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northwest corner of the South 1/2 of the Northeast 1/4 of said Section 32; thence in an Easterly direction along the North line of said South 1/2 of the Northeast 1/4 for a distance of 222.67 feet to an iron bolt found and the Point of Beginning of the tract herein described; Thence continue along the last course for a distance of 187.00 feet to an iron pin set; thence with an interior angle to the right of 91°14'30", run in a Southerly direction for a distance of 465.61 feet to an iron pin set; thence with an interior angle to the right of 88°40'47" and run in a Westerly direction for a distance of 187.00 feet to an iron pin set; thence with an interior angle to the right of 91°19'14" and run in a Northerly direction for a distance of 465.35 feet to the Point of Beginning.

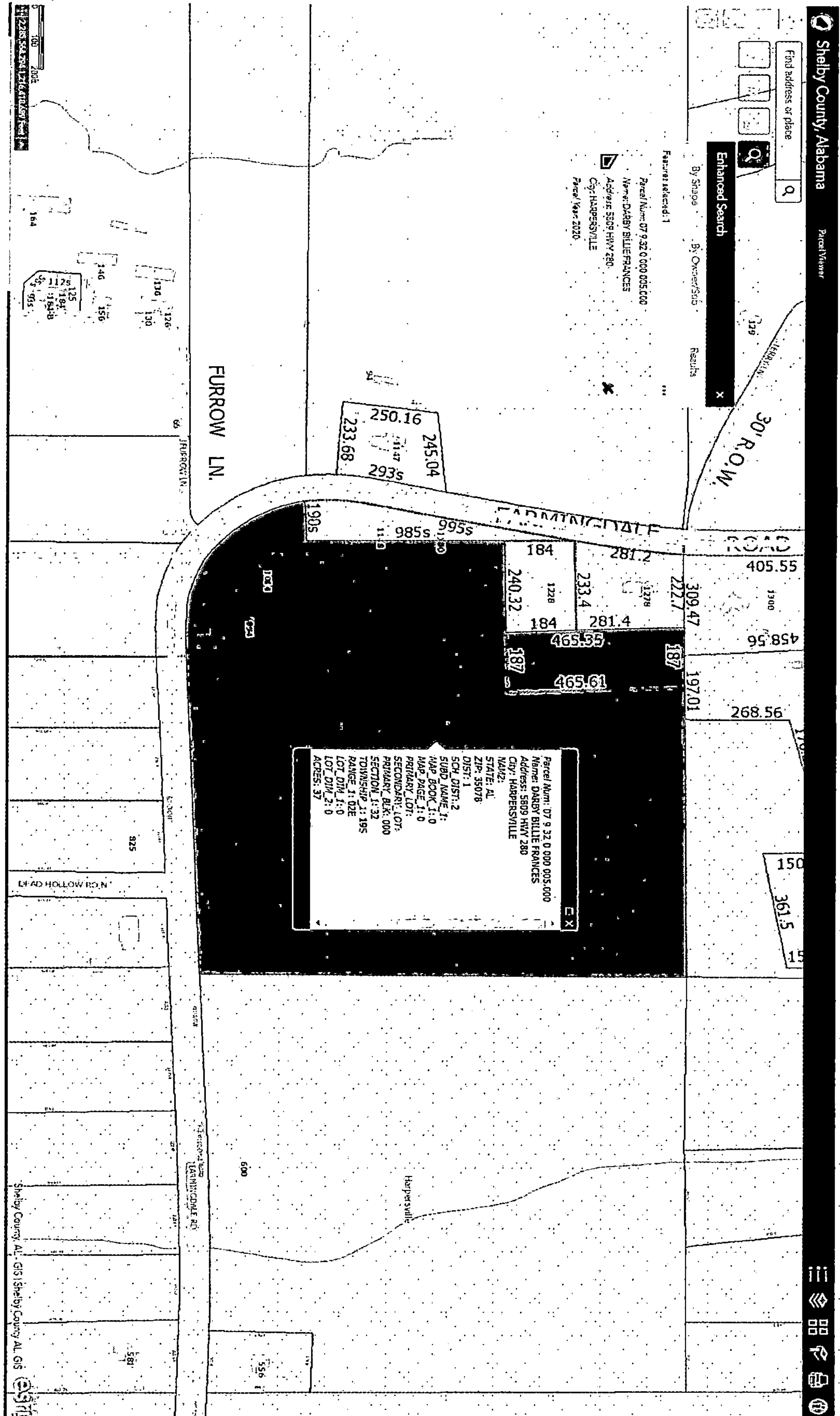
Parcel II:

That portion of the South 10 acres of the Southeast 1/4 of the Northwest 1/4 of Section 32, Township 19 South, Range 2 East, Lying East of County Road 444 (Farmingdale Road) in Shelby County Alabama.

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Shelby Cnty Judge of Probate, AL
09/29/2023 09:28:22 AM FILED/CERT

Shelby County, Alabama

Parcel Viewer

Find address or place:



Enhanced Search

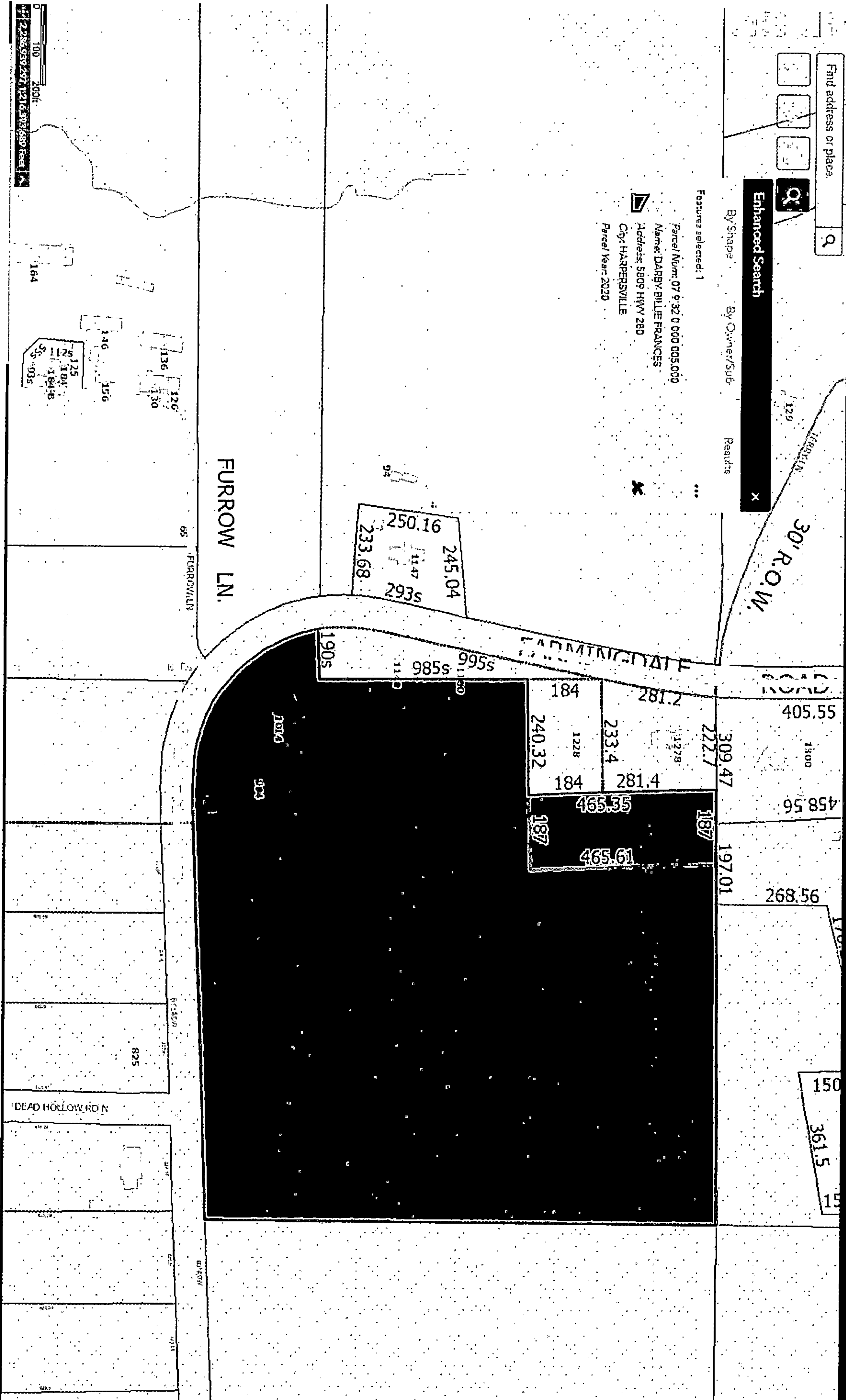
By Shape

By Owner/Sub

Results

Features selected: 1

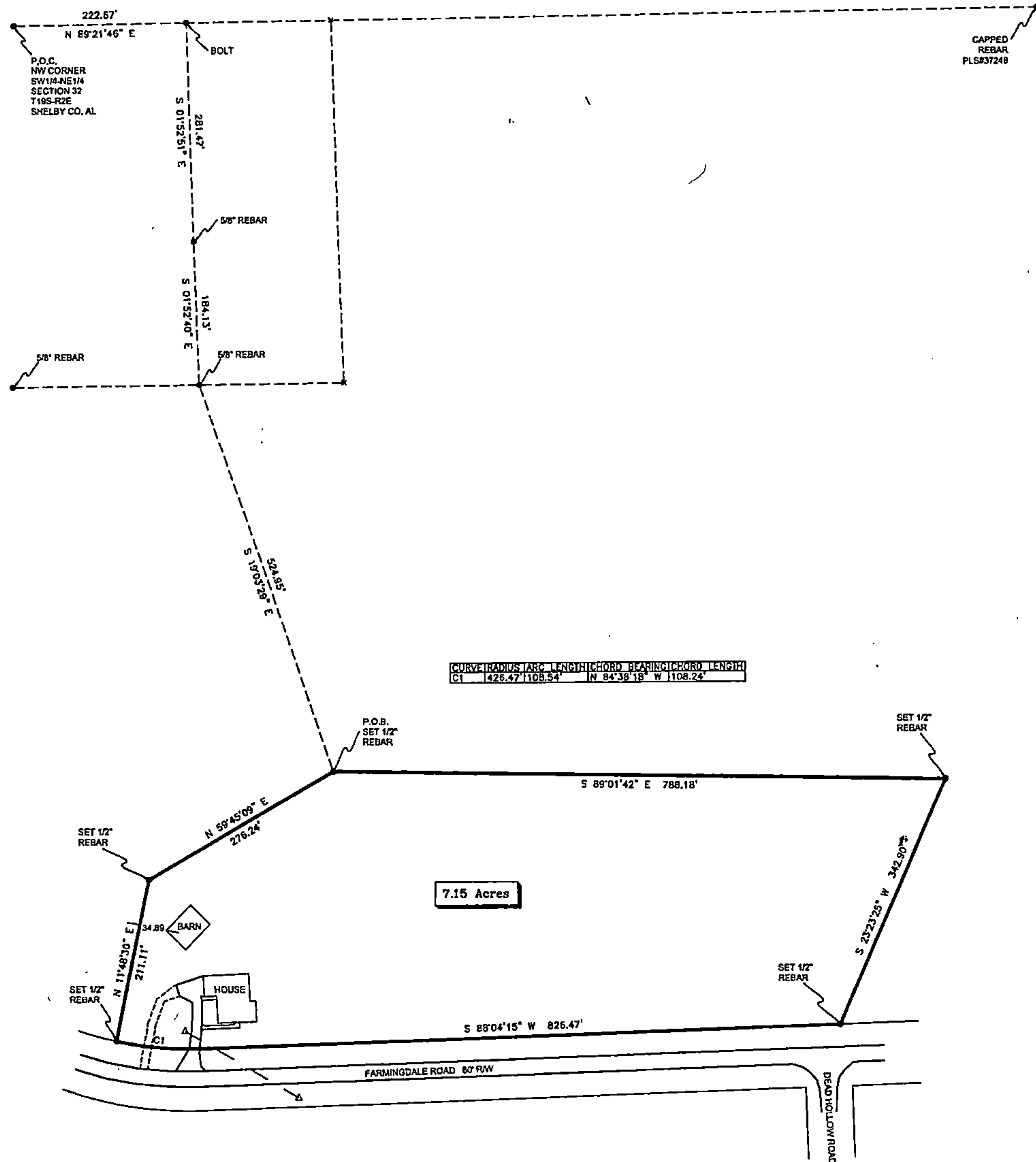
Parcel Number: 07-9-32-0-000-005-000
Name: DABBY, BILLIE FRANCES
Address: 5809 HWY 280
City: HARPERVILLE
Parcel Year: 2020





20230929000291360 13/14 \$61.00
Shelby Cnty Judge of Probate, AL
09/29/2023 09:28:22 AM FILED/CERT

EXHIBIT B



STATE OF ALABAMA
SHELBY COUNTY

I, Christopher M. Ray, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and plat (or drawing) have been completed in accordance with the requirements of the Standards for the Practice of Surveying in the State of Alabama, being more particularly described as follows, to-wit:

Commence at the Northwest corner of the Southwest one-fourth of the Northeast one-fourth of Section 32, Township 19 South, Range 2 East, Shelby County, Alabama; thence proceed North 89° 21' 46\"/>

The above described land is located in the Southwest one-fourth of the Northeast one-fourth of Section 32, Township 19 South, Range 2 East, Shelby County, Alabama and contains 7.15 acres.

According to my survey this 8th day of February, 2022.

Christopher M. Ray, Ala. Reg. No. 26017
Ray and Gilliland, P. C., Ala. Board Cert. No. CA-0114-LS



LEGEND:

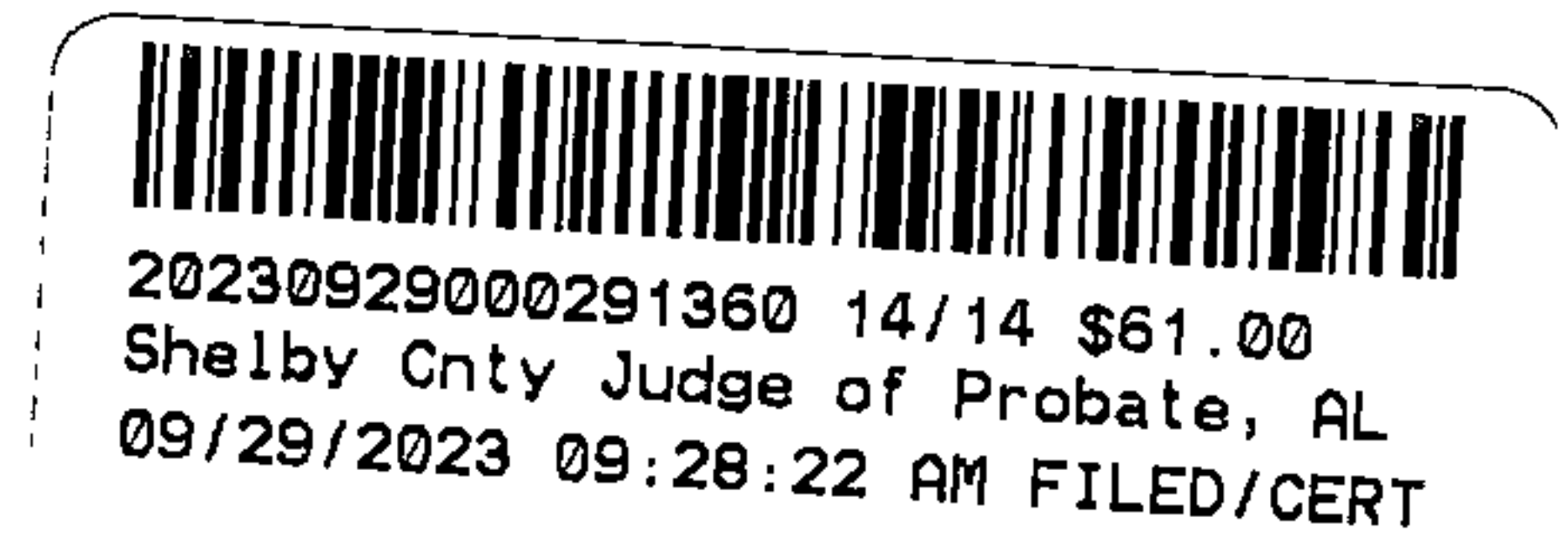
- (M) = MEASURED
- (R) = RECORDED (MAP, DEED, PLAT, ETC.)
- (M & R) = MEASURED & RECORDED
- (PS) = PREVIOUS SURVEY
- P.L.S. = PROFESSIONAL LAND SURVEYOR
- CA = CERTIFICATE OF AUTHORIZATION
- (0114 - LAND SURVEYING)
- G.P.S. = GLOBAL POSITIONING SYSTEM
- Δ = POWER POLE / OVERHEAD UTILITY
- X---X---X = FENCE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- IPS = SET 1/2\"/>



BEARINGS ARE STATE PLANE
NAD 83 ALABAMA WEST ZONE

RAY & GILLILAND, P.C.	
122 NORTH CALHOUN AVENUE P.O. BOX 1183 SYLACAUGA, ALABAMA 35150	TEL NO. (256) 245-3243 FAX NO. (256) 245-3202 FILE: RUSSELL HARRY
DRAWN BY: CMR	SCALE: 1\"/>

~ EXHIBIT B ~



STATE OF ALABAMA
SHELBY COUNTY

I, Christopher M. Ray, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and plat (or drawing) have been completed in accordance with the requirements of the Standards for the Practice of Surveying in the State of Alabama, being more particularly described as follows, to-wit:

Commence at the Northwest corner of the Southwest one-fourth of the Northeast one-fourth of Section 32, Township 19 South, Range 2 East, Shelby County, Alabama; thence proceed North 89° 21' 46" East along the North boundary of said quarter-quarter section for a distance of 222.67 feet to a bolt in place; thence proceed South 01° 52' 51" East for a distance of 281.47 feet to a 5/8" rebar in place; thence proceed South 01° 52' 40" East for a distance of 184.13 feet to a 5/8" rebar in place; thence proceed South 19° 03' 29" East for a distance of 524.95 feet (set 1/2" rebar CA-0114-LS), said point being the point of beginning. From this beginning point proceed South 89° 01' 42" East for a distance of 788.18 feet (set 1/2" rebar CA-0114-LS); thence proceed South 23° 23' 25" West for a distance of 342.90 feet (set 1/2" rebar CA-0114-LS), said point being located on the Northerly right-of-way of Farmingdale Road; thence proceed South 88° 04' 15" West along the Northerly right-of-way of said road for a distance of 826.47 feet to the P. C. of a concave curve right with an arc length of 108.54 feet and a radius of 426.47 feet; thence proceed Northwesterly along the Northerly right-of-way of said road and along the curvature of said curve for a chord bearing and distance of North 84° 38' 18" West, 108.24 feet to the P. T. of said curve (set 1/2" rebar CA-0114-LS); thence proceed North 11° 48' 30" East for a distance of 211.11 feet (set 1/2" rebar CA-0114-LS); thence proceed North 59° 45' 09" East for a distance of 276.24 feet to the point of beginning,.

The above described land is located in the Southwest one-fourth of the Northeast one-fourth of Section 32, Township 19 South, Range 2 East, Shelby County, Alabama and contains 7.15 acres.

According to my survey this the 8th day of February, 2022.

Christopher M. Ray, Ala. Reg. No. 26017

Ray and Gilliland, P. C., Ala. Board Cert. No. CA-0114-LS

Note: No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and /or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. Underground portions of foundations and footings and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewer or flip manhole covers