

776 -

ORDINANCE NO. 87- 179

AN ORDINANCE TO ALTER, REARRANGE AND EXTEND THE CORPORATE LIMITS OF THE CITY OF BIRMINGHAM, ALABAMA, SO AS TO EMBRACE AND INCLUDE WITHIN THE CORPORATE AREA OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS TO SAID CITY.

WHEREAS, certain petitions signed by Crow Wood Springs Associates, Ltd., Crow Wood Springs Phase II Limited Partnership, Riverview, an Alabama General Partnership, and The Water Works and Sewer Board of the City of Birmingham requesting annexation to the City of Birmingham of territory therein described therein and shown on maps showing the relationship to the corporate limits of the city have been filed with the City Clerk of the City of Birmingham; and,

WHEREAS, this Council has determined and found that the matters set forth and alleged in said petition are true, and that it is in the public interest that said property be annexed to the City of Birmingham;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Birmingham as follows:

Section 1. That said Council hereby assents to the annexation of said territory to the City of Birmingham, Alabama, the corporate limits of the City to be extended and rearranged pursuant to the provisions of Chapter 42, Article 2, Code of Alabama 1975 (Sections 11-42-20 through 11-42-23, as amended) so as to embrace and include said territory, in addition to the territory already within its present corporate limits, within the corporate area of said City, which said territory is not within the corporate limits or police jurisdiction of another municipality. Said territory is described as follows:

**EXHIBIT A
LEGAL DESCRIPTION**

TRACT ONE:

A strip of land twenty (20) feet in width running and immediately adjacent to the Northwestern right-of-way line of Riverview Road and contained within and running along the perimeter of the following described real property tract situated in Shelby County, Alabama:

All that tract or parcel of land being a part of Lot 1-A Cahaba River Park First Addition as recorded in Map Book 8, Page 62 in the office of the Judge of Probate of Shelby County, Alabama and being more particularly described as follows:

BEGINNING at the N.W. corner of the N.W. 1/4 of the N.E. 1/4 of Section 35, Township 18 South, Range 2 West and run South along the West line of said 1/4-1/4 section a distance of 285.00 feet to a point; thence 90°00' to the left in an Easterly direction a distance of 240.00 feet to a point; thence 50°29'05" to the right in a Southeasterly direction a distance of 508.99 feet to the P.C. (point of curve) of a curve to the left having a radius of 377.38 feet and a central angle of 39°05'50"; thence Southeasterly along the arc of said curve a distance of 257.51 feet to a point; thence from the tangent of said curve, turn 64°32'40" to the right to the tangent of a curve to the left having a radius of 75.00 feet and a central angle of 151°29'13"; thence Southeasterly, Easterly and Northeasterly along the arc of said curve a distance of 198.30 feet to a point; thence from the tangent of said curve, turn 67°00'38" to the right and run in a Northeasterly direction a distance of 185.79 feet to the P.C. (point of curve) of a curve to the right having a radius of 197.54 feet and a central angle of 37°15'; thence Northeasterly, Easterly and Southeasterly along the arc of said curve a distance of 128.43 feet to the P.T. (point of tangent) of said curve; thence Southeasterly on the tangent to said curve a distance of 14.52 feet to a point on the Northwestern right-of-way line of Riverview Road; thence 89°38'40" to the left to the tangent of a curve to the left having a radius of 3779.83 feet and a central angle of 4°09'57"; thence Northeasterly along the arc of said curve and along said right-of-way line a distance of 274.82 feet to the P.T. (point of tangent) of said curve; thence Northeasterly on the tangent to said curve and along said right-of-way line a distance of 13.75 feet to the P.C. (point of curve) of a curve to the right having a radius of 613.69 feet and a central angle of 17°26'30"; thence Northeasterly along the arc of said curve and along said right-of-way line a distance of 186.82 feet to the P.T. (point of tangent) of said curve; thence Northeasterly on the tangent to said curve and along said right-of-way line a distance of 157.71 feet to the P.C. (point of curve) of a curve to the right having a radius of 613.69 feet and a central angle of 18°32'30"; thence Northeasterly along the arc of said curve and along said right-of-way line a distance of 198.59 feet to the P.T. (point of tangent) of said curve; thence Northeasterly on the tangent to said curve and along said right-of-way line a distance of 45.55 feet to the point of intersection of said right-of-way line with the Southwesterly right-of-way line of Old U.S. Highway No. 280; thence 106°40'15" to the left in a Northwesternly direction along the Southwesterly right-of-way line of Old U.S. Highway No. 280 for a distance of 126.72 feet to a point on the North line of the N.E. 1/4 of the N.E. 1/4 of said Section 35; thence west along said 1/4-1/4 section line and along the North line of the N.W. 1/4 of the N.E. 1/4 of said Section 35 for a distance of 1691.00 feet to the POINT OF BEGINNING; being designated Phase I per plat of survey by Walter Schoel Engineering Company dated December 2, 1985, revised December 12, 1985 and last revised August 20, 1986, bearing the seal and certification of Walter Schoel, Jr., Alabama Registration No. 3092.

TRACT TWO:

The following real property situated in Shelby County, Alabama:

Lot 2A of the Amended Map of A Resurvey of Lot 2, Cahaba River Park as recorded in Map Book 8, Page 80, in the Office of the Probate Judge of Shelby County.

TRACT THREE:

All that tract or parcel of land being a part of Lot 1-A Cahaba River Park First Addition as recorded in Map Book 8, Page 62 in the office of the Judge of Probate of Shelby County, Alabama and being more particularly described as follows:

Commence at the N.W. corner of the N.W. 1/4 of the N.E. 1/4 of Section 35, Township 18 South, Range 2 West and run South along the West line of said 1/4-1/4 section a distance of 285.00 feet to the POINT OF BEGINNING; thence continue South along the West line of said 1/4-1/4 section and along the West line of the S.W. 1/4 of the N.E. 1/4 of said Section 35 for a distance of 1220.00 feet to a point on the Northerly right-of-way line of Riverview Road; thence 79°35' to the left in a Southeasterly direction along said right-of-way line a distance of 7.35 feet to the P.C. (point of curve) of a curve to the left having a radius of 256.63 feet and a central angle of 43°19'57"; thence Southeasterly, Easterly and Northeasterly along the arc of said curve and along said right-of-way line a distance of 194.09 feet to the P.T. (point of tangent) of said curve; thence Northeasterly in the tangent to said curve and along said right-of-way line a distance of 565.19 feet to the P.C. (point of curve) of a curve to the right having a radius of 499.28 feet and a central angle of 27°06'30"; thence Northeasterly along the arc of said curve and along said right-of-way line a distance of 236.22 feet to the P.T. (point of tangent) of said curve; thence Northeasterly in the tangent to said curve and along said right-of-way line a distance of 95.62 feet to the P.C. (point of curve) of a curve to the left having a radius of 228.06 feet and a central angle of 53°38'30"; thence Northeasterly along the arc of said curve and along said right-of-way line a distance of 213.52 feet to the P.T. (point of tangent) of said curve; thence Northeasterly in the tangent to said curve and along said right-of-way line a distance of 80.84 feet to the P.C. (point of curve) of a curve to the left having a radius of 3779.83 feet and a central angle of 1°29'03"; thence Northeasterly along the arc of said curve and along said right-of-way line a distance of 97.91 feet to a point; thence from the tangent of said curve, turn 90°21'20" to the left and run in a Northwesterly direction a distance of 14.52 feet to the P.C. (point of curve) of a curve to the left having a radius of 197.54 feet and a central angle of 37°15'; thence Northwesterly, Westerly and Southwesterly along the arc of said curve a distance of 128.43 feet to the P.T. (point of tangent) of said curve; thence Southwesterly on the tangent to said curve a distance of 185.79 feet to a point; thence 67°00'38" to the left to the tangent of a curve to the right having a radius of 75.00 feet and a central angle of 151°29'13"; thence Southwesterly, Westerly and Northwesterly along the arc of said curve a distance of 198.30 feet to a point; thence from the tangent of said curve, turn 64°32'40" to the left to the tangent of a curve to the right having a radius of 377.38 feet and a central angle of 39°05'50"; thence Northwesterly along the arc of said curve a distance of 257.51 feet to the P.T. (point of tangent) of said curve; thence Northwesterly on the tangent to said curve a distance of 508.99 feet to a point; thence 50°29'05" to the left in a Westerly direction a distance of 240.00 feet to the POINT OF BEGINNING, being designated Phase II per plat of survey by Walter Schoel Engineering Company dated December 2, 1985, revised December 12, 1985 and last revised August 20, 1986, bearing the seal and certification of Walter Schoel, Jr., Alabama Registration No. 3092.

TRACT FOUR:

A parcel of land in the Southwest quarter of the Northeast quarter and the Southeast quarter of the Northwest quarter of Section 35, Township 18 South, Range 2 West, more particularly described as follows:

Lot 2E, Resurvey of Lot "2-D" Cahaba River Park, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, also begin at the Southeast corner of the Southeast quarter of the Northwest quarter of said Section which is also the Southwest corner of said Lot 2E and run West along the South boundary of said quarter-quarter section for a distance of 590 feet, more or less to the center of the Cahaba River; thence run in a Northwesterly direction along the center of said river for a distance of 350 feet, more or less; thence run East for a distance of 50 feet, more or less to the East bank of said river; thence run in a Northwesterly direction along said bank for a distance of 382 feet, more or less; thence run East for a distance of 675 feet, more or less to a point on the East boundary of said quarter-quarter section said point being 707.20 feet North of the point of beginning, and intersecting at an angle of $91^{\circ} 46' 08''$ in the Southwest quadrant, and containing 32.3 acres, more or less.

That portion of the above described tract lying in the Southwest quarter of the Northeast quarter of Section 35, Township 18 South, Range 2 West is situated in Shelby County, Alabama, and that portion thereof situated in the Southeast quarter of the Northwest quarter of said Section 35 is situated in Jefferson County, Alabama.

TRACT FIVE:

The following adjacent rights-of-way situated in Shelby County, Alabama:

A. All of the rights-of-way of Riverview Road (Shelby County Road 384) from U.S. Highway 280 to the Jefferson County line.

B. All of the rights-of-way of Old U.S. Highway 280 (Cahaba River Road) adjacent to the above Tracts One and Two and of U.S. Highway 280 parallel to said Tracts One and Two.

Section 2. Pursuant to the provisions of Sections 2, 3 and 4 of Act No. 787 of the 1977 Regular Session of the Legislature of Alabama (Alabama Acts 1977, pp. 1357-1358), all property, real or personal, having situs in said territory annexed shall be exempt from ad valorem property taxes levied by the City of Birmingham, and from the present and any future occupational license tax of said city based on wages or salaries received by persons working or employed by any business company or other professional, business, or commercial entity for services performed within the territory annexed, for a period of fifteen years commencing May 12, 1985.

Section 3. The City of Birmingham hereby agrees to comply with those provisions of Act No. 604 of the 1976 Regular Session of the Legislature, to the extent applicable, which pertain to the assumption of debt of an annexed fire district or to the payment of an amount equal to six times the dues paid by the territory annexed during the preceding year.

Section 4. That the City Clerk shall file a certified copy of this ordinance with the Probate Judge of Shelby County, Alabama, and also cause a copy of this ordinance to be published in a newspaper of general circulation in the City of Birmingham.

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Jackson B. Bailey, City Clerk of the City of Birmingham, do hereby certify, that the above is a true correct copy of an ordinance duly adopted by the Council of the City of Birmingham at its meeting held 12/1/82, and as same appears of record in Minute Book C-45, of said City, and approved by the Mayor on 12/2/82.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Birmingham, this the 2nd day of Dec, 1982.


CITY CLERK



SEC26-TSP18S-R2W

CITY OF BIRMINGHAM

SE 1/4

OUT

out

CITY LIMIT

EXIST SHAM

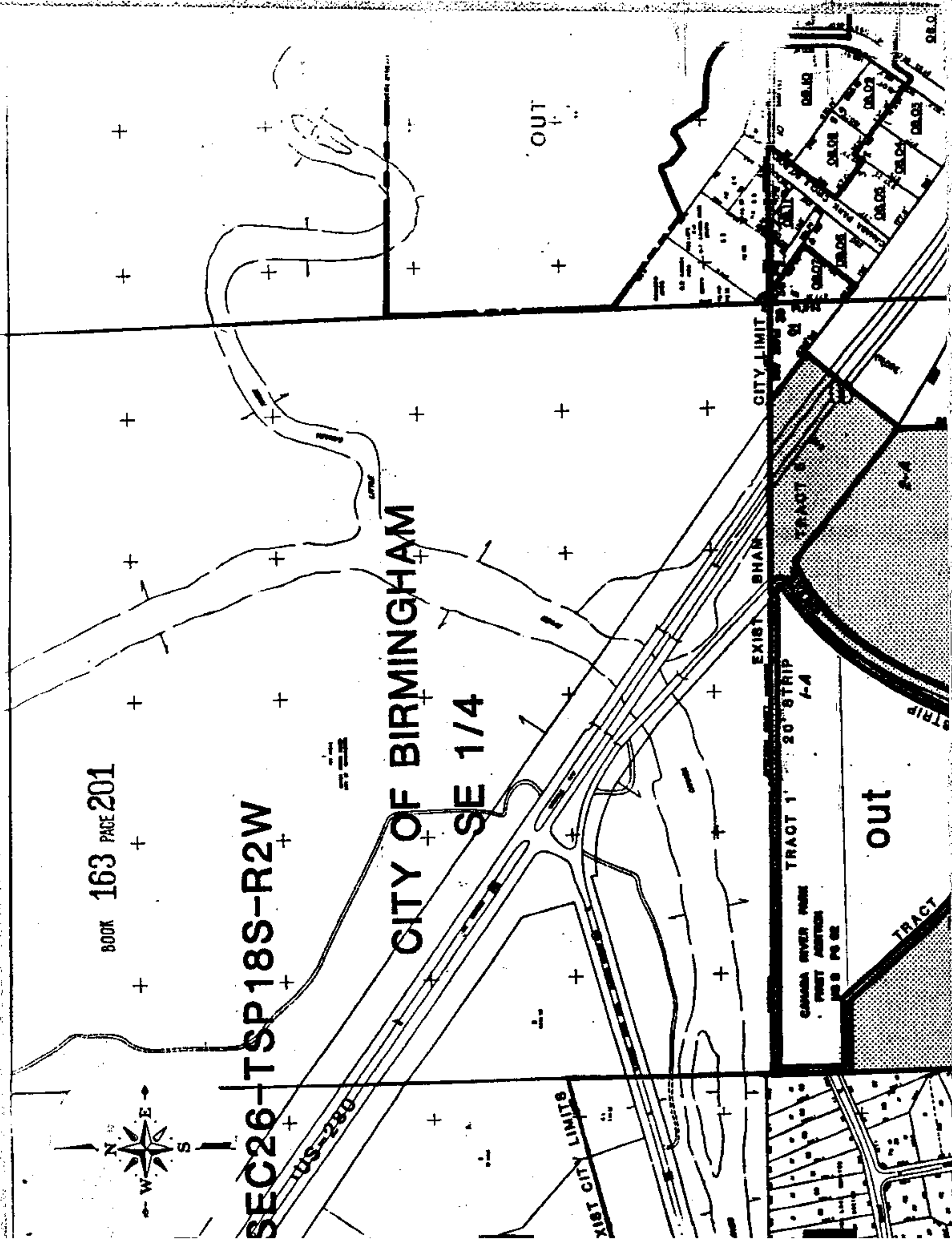
TRACT 1' 20' STRIP

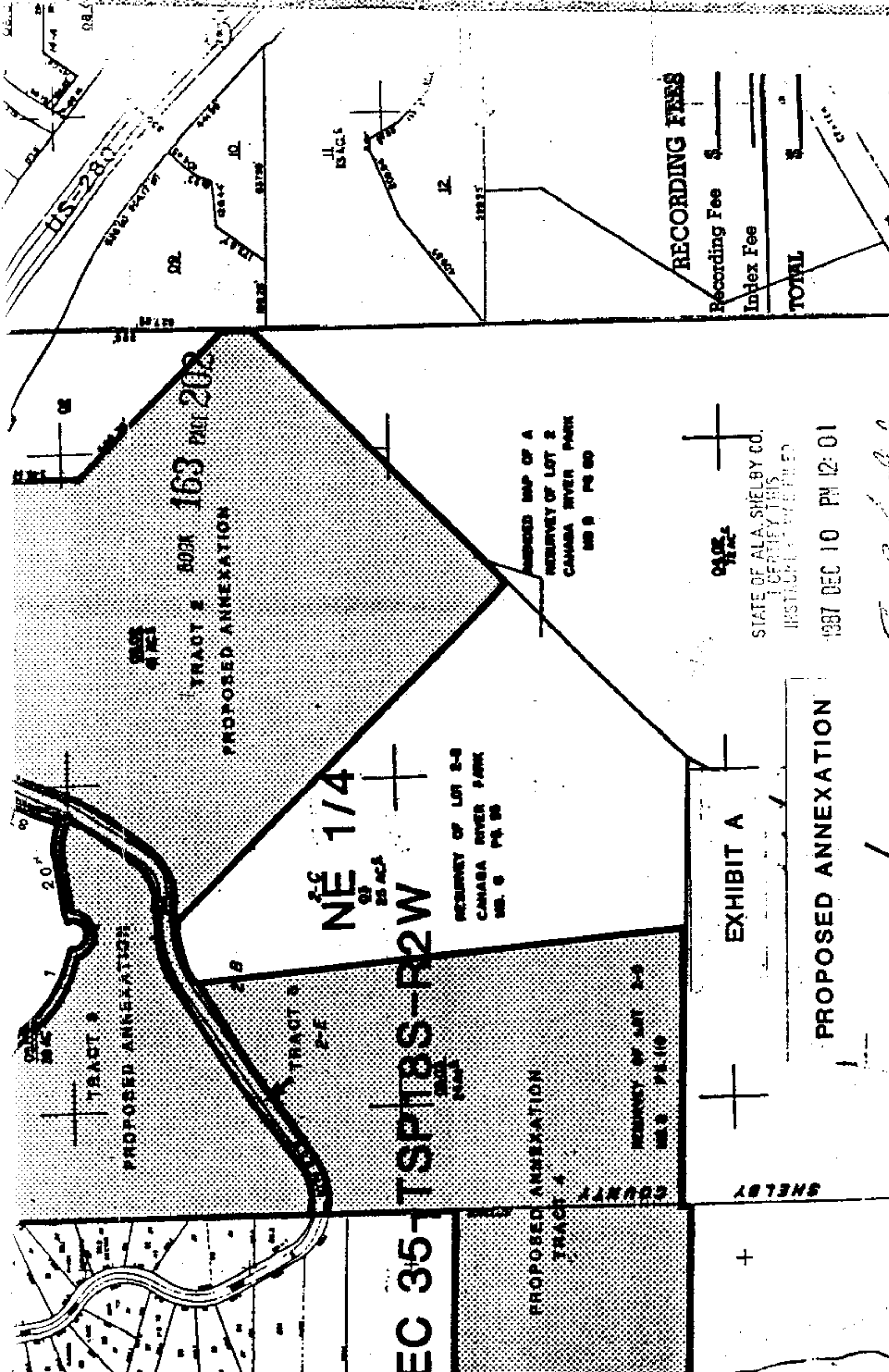
I-A

CANADA RIVER FROM
FOOT ADJUTON
18.0 PG 02

TRACT

EXIST CITY LIMITS





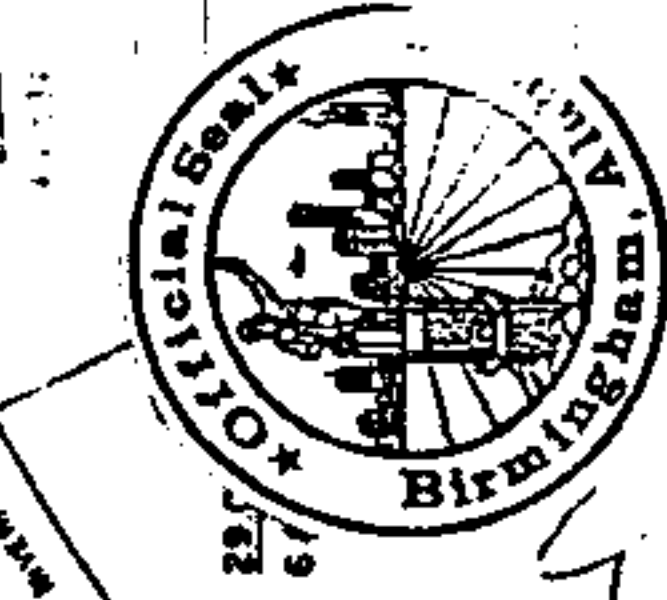
EC 35-TSPT8S-R2W

ANNEXED MAP OF A
RECOVERY OF LOT 2
CANADA RIVER PARK
MS 9 PG 60

RECORDING FEES

Recording Fee	\$
Index Fee	\$
TOTAL	\$

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1987 DEC 10 PM 12:01



JUDGE OF PROBATE

CITY OF BIRMINGHAM

DEPARTMENT OF ENGINEERING AND CONSTRUCTION

HOBSON R. RILEY, JR.
CITY ENGINEER

RECORDING FEE

Recording Fee	\$	200.00
Index Fee	\$	1.00
TOTAL	\$	201.00

EXHIBIT A

PROPOSED ANNEXATION