

1263

PHASE 10

ORDINANCE NUMBER 90-873

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

WHEREAS, a certain Petition for Annexation signed by Metropolitan Life Insurance Company and Inverness Point Homeowners' Association, Inc., the owners of all the territory therein described in Exhibit A, requesting that the territory therein described be annexed into the City, together with a map of said territory showing its relationship to the corporate limits of the City, has been filed with the City Clerk of the City of Hoover; and

WHEREAS, this Council has determined and found that the territory is contiguous to the existing municipal limits of the City and does not lie within the existing corporate limits of any other municipality; that, although the territory may lie within the existing police jurisdiction of another municipality, the boundary of the territory does not extend at any point beyond a line which is equidistant between the existing limits of the City and the existing corporate limits of any other municipality; that the matters set forth and alleged in the Petition for Annexation are true and correct; and that it is in the public interest that said territory be annexed into the City of Hoover;

NOW, THEREFORE, be it ordained by the City Council of the City of Hoover as follows:

Section 1. That the City Council of the City of Hoover, Alabama, hereby assents to the annexation of the territory described in Exhibit A attached hereto and made a part hereof, and the corporate limits of the City of Hoover, Alabama, are hereby rearranged and extended pursuant to Chapter 42, Article 2, Code of Alabama (1975), Sections 11-42-20 through 11-42-24, to embrace and include the territory described in Exhibit A within the corporate limits of the City of Hoover, Alabama, in addition to the territory already within the corporate limits of the City.

Section 2. Pursuant to the provisions of Act No. 787 of the 1977 Regular Session of the Alabama Legislature, and to the full extent of the authority of the City of Hoover thereunder, for a period of ten years from the date hereof, the territory and all

property having a situs within such territory shall be exempt from any increases in the rate of ad valorem municipal taxes in effect on the date hereof and, for a period of ten years from the date hereof, all businesses, occupations, professions, trades, exhibitions and vocations and persons engaged therein within such territory shall be exempt from the imposition of any occupational taxes based on wages or salaries of persons working therein. Nothing in this Section 2 shall prevent the City from imposing any sales tax allowed by law on the sale of personal property within the territory or from imposing an ad valorem school tax or special tax increases imposed after a favorable vote by the residents of the City for City taxes specifically designated for libraries or parks and recreational use on all property included within the municipal boundaries of the City. Notwithstanding any other provisions of this Section 2, from time to time after the lapse of five years from the time when the territory is brought within the corporate limits of the City, all portions of the territory as has residing on it a population of at least 20 persons on a contiguous ten acres of land (in forms of a square or any other shape) and all property having a situs on such populated territory, shall thereafter be subject to taxation by the City and taxes thereon shall be paid to the City.

Section 3. The City of Hoover hereby agrees to comply with those provisions of Act No. 604 of the 1976 Regular Session of the Alabama Legislature, to the extent applicable, which pertain to the assumption and payment of the debt of an annexed fire district, or the payment to said fire district of an amount equal to six times the amount of dues that the portion of said fire district being annexed paid to said fire district during the year preceding the annexation of all or any part thereof into the City of Hoover.

Section 4. The provisions of this ordinance are intended to be severable, and the invalidity of any provision hereof shall not be deemed to affect the validity of any other provision herein.

Section 5. The City Clerk shall file a certified copy of this ordinance containing an accurate description of the annexed territory, together with a map of such territory, with the Probate Judge of Shelby County, Alabama, and the Probate Judge of Jefferson County, Alabama.

Section 6. The City Clerk shall cause a copy of this ordinance, containing an accurate description of the annexed territory, to be published in a newspaper of general circulation in the City of Hoover, Alabama.

PHASE 10

ADOPTED by the Council of the City of Hoover, Alabama, and
approved by the Mayor on the 19th day of February, 1990.

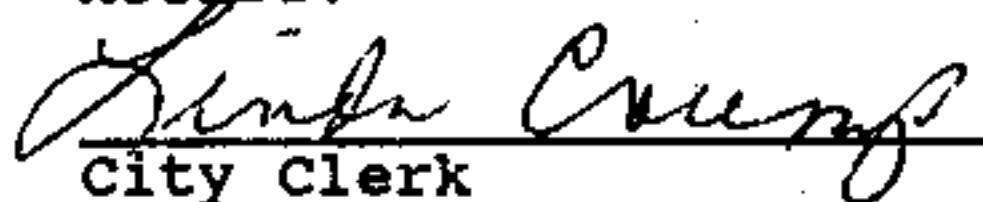


Frank S. Skinner, Jr.
Mayor



William Billingsley
President

ATTEST:



Linda Crump
City Clerk

BOOK 279 PAGE 600

EXHIBIT "A"

PHASE X

Commence at the Southeast Corner of Section 35, Township 18 South, Range 2 West; thence run north 0 degrees 43 minutes 29 seconds east along the east line of said Section 35 for a distance of 3362.28 feet; thence run north 0 degrees 47 minutes 09 seconds east along the east line of said Section 35 for a distance of 525.00 feet to the point of beginning; thence run north 0 degrees 47 minutes 09 seconds east for a distance of 31.18 feet; thence run north 45 degrees 11 minutes 27 seconds west for a distance of 41.31 feet; thence run south 72 degrees 49 minutes 15 seconds west for a distance of 50.54 feet; thence run south 46 degrees 19 minutes 50 seconds west for a distance of 1744.29 feet; thence run south 27 degrees 04 minutes 33 seconds west for a distance of 2943.44 feet; thence run north 87 degrees 30 minutes 54 seconds west parallel with and 7.04 feet south of the north line of Section 2, Township 19 South, Range 2 West for a distance of 28.07 feet; thence run north 0 degrees 13 minutes 14 seconds east parallel with and 10.94 feet west of the east line of the southwest one-quarter of Section 35, Township 18 South, Range 2 West for a distance of 2651.87 feet; thence run north 87 degrees 53 minutes 27 seconds west parallel with the north line of the southwest one-quarter of said Section 35 for a distance of 634.35 feet; thence run south 7 degrees 59 minutes 58 seconds east along the centerline of the Cahaba River for a distance of 30.14 feet; thence run south 87 degrees 53 minutes 27 seconds east parallel with the north line of the southwest one-quarter of said Section 35 for a distance of 619.09 feet; thence run south 0 degrees 13 minutes 14 seconds west parallel with and 21.88 feet west of the east line of the southwest one-quarter of said Section 35 for a distance of 2629.15 feet; thence run south 87 degrees 30 minutes 54 seconds east parallel with and 14.07 feet south of the north line of Section 2, Township 19 South, Range 2 West for a distance of 56.14 feet; thence run north 27 degrees 04 minutes 33 seconds east for a distance of 2939.41 feet; thence run north 46 degrees 19 minutes 50 seconds east for a distance of 1696.97 feet; thence run south 89 degrees 12 minutes 51 seconds east for a distance of 96.16 feet to the point of beginning.

BOOK 279 PAGE 602

CLERK'S CERTIFICATION

I, Linda Crump, City Clerk for the City of Hoover, Alabama, hereby certify that the attached is a true and correct copy of Ordinance # 90-873 which was passed and adopted by the City Council of the City of Hoover on the 19th day of Feb, 1990, and that it has been published in a newspaper of general circulation and is now in full force and effect.

Linda Crump
City Clerk

**PETITION FOR ANNEXATION
TO THE CITY OF HOOVER, ALABAMA**

The undersigned landowner (the "Petitioner") does hereby petition and request that the City Council of the City of Hoover, a municipal corporation of the State of Alabama (the "City"), adopt and enact an ordinance annexing all that certain real property described herein into the City of Hoover, Alabama, pursuant to Chapter 42, Article 2, Code of Alabama (1975), Sections 11-42-20 through 11-42-24.

In support of this Petition for Annexation, the Petitioner states the following:

1. The real property which the Petitioner requests be annexed into the City is that certain real property located in Jefferson and Shelby Counties, Alabama, described in Exhibit A attached hereto and made a part hereof (the "Annexation Property");

2. A map of the Annexation Property, showing its relationship to the corporate limits of the City, is attached hereto as Exhibit B and made a part hereof (the "Annexation Map");

3. The Annexation Property is contiguous to the existing municipal limits of the City and does not lie within the corporate limits of any other municipality;

4. Although the Annexation Property may lie within the existing police jurisdiction of another municipality, the boundary of the Annexation Property does not extend at any point beyond a line which is equidistant between the existing limits of the City and the existing corporate limits of any other municipality;

5. The Petitioner, the owner of one hundred percent (100%) of the Annexation Property, is the sole and exclusive owner of the Annexation Property described in Exhibit A;

6. This Petition for Annexation contains the signatures of all of the owners of the Annexation Property;

7. The Petitioner undersigned hereby expressly assents to the annexation of the Annexation Property into the municipal limits of the City, and hereby expressly requests that the City annex the Annexation

BOOK 279 PAGE 603

PHASE 10

Property by rearranging and extending its municipal boundaries to include the Annexation Property.

This Petition is made as of the ____ day of _____, 1990, although actually executed by the undersigned on the dates indicated on the notary certificate set forth below.

INVERNESS POINT HOMEOWNERS' ASSOCIATION, INC., an Alabama non-profit corporation

By: A.M. Taylor
Its PRESIDENT

ATTEST:

By: [Signature]
Its SECRETARY

METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation

By: V. W. Turner
Its Vice President

ATTEST:

By: Christine H. Malzusse
Its Assistant Secretary

STATE OF Alabama)
Shelby COUNTY)

I, Carlynn C. Goff, a Notary Public in and for said County in said State, hereby certify that A.M. Taylor, whose name as PRESIDENT of the Inverness Point Homeowners' Association, an Alabama non-profit corporation, is signed to the foregoing Petition for Annexation and who is known to me, acknowledged before me on this day that, being fully informed of the contents of the Petition, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

PHASE 10

Given under my hand this 31st day of January, 1990.

Carlton C. Juff
Notary Public
My Commission Expires: _____

My Commission Expires March 23, 1990

STATE OF Georgia)
DeKalb COUNTY)

I, Sandra R. Nauman, a Notary Public in and for said County in said State, hereby certify that Victor W. Turner, whose name as Vice President of the Metropolitan Life Insurance Company, a New York corporation, is signed to the foregoing Petition for Annexation and who is known to me, acknowledged before me on this day that, being fully informed of the contents of the Petition, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 24th day of January, 1990.

Sandra R. Nauman
Notary Public
My Commission Expires: _____

Notary Public, Georgia State at Large
My Commission Expires Feb. 10, 1990

ACKNOWLEDGEMENT OF FILING

I, Linda Crump, the City Clerk of the City of Hoover, Alabama, hereby acknowledge receipt of the above and foregoing Petition for Annexation to the City of Hoover, Alabama, at 7:30 p.m., on this 14th day of Feb, 1990.

Linda Crump
City Clerk
City of Hoover, Alabama

EXHIBIT "A"

PHASE X

Commence at the Southeast Corner of Section 35, Township 18 South, Range 2 West; thence run north 0 degrees 43 minutes 29 seconds east along the east line of said Section 35 for a distance of 3362.28 feet; thence run north 0 degrees 47 minutes 09 seconds east along the east line of said Section 35 for a distance of 525.00 feet to the point of beginning; thence run north 0 degrees 47 minutes 09 seconds east for a distance of 31.18 feet; thence run north 45 degrees 11 minutes 27 seconds west for a distance of 41.31 feet; thence run south 72 degrees 49 minutes 15 seconds west for a distance of 50.54 feet; thence run south 46 degrees 19 minutes 50 seconds west for a distance of 1744.29 feet; thence run south 27 degrees 04 minutes 33 seconds west for a distance of 2943.44 feet; thence run north 87 degrees 30 minutes 54 seconds west parallel with and 7.04 feet south of the north line of Section 2, Township 19 South, Range 2 West for a distance of 28.07 feet; thence run north 0 degrees 13 minutes 14 seconds east parallel with and 10.94 feet west of the east line of the southwest one-quarter of Section 35, Township 18 South, Range 2 West for a distance of 2651.87 feet; thence run north 87 degrees 53 minutes 27 seconds west parallel with the north line of the southwest one-quarter of said Section 35 for a distance of 634.35 feet; thence run south 7 degrees 59 minutes 58 seconds east along the centerline of the Cahaba River for a distance of 30.14 feet; thence run south 87 degrees 53 minutes 27 seconds east parallel with the north line of the southwest one-quarter of said Section 35 for a distance of 619.09 feet; thence run south 0 degrees 13 minutes 14 seconds west parallel with and 21.88 feet west of the east line of the southwest one-quarter of said Section 35 for a distance of 2629.15 feet; thence run south 87 degrees 30 minutes 54 seconds east parallel with and 14.07 feet south of the north line of Section 2, Township 19 South, Range 2 West for a distance of 56.14 feet; thence run north 27 degrees 04 minutes 33 seconds east for a distance of 2939.41 feet; thence run north 46 degrees 19 minutes 50 seconds east for a distance of 1696.97 feet; thence run south 89 degrees 12 minutes 51 seconds east for a distance of 96.16 feet to the point of beginning.

BOOK 279 PAGE 607

CLERK'S CERTIFICATE

I herby certify that the attached is a true and correct copy of a petition(s) presented to the City Council of the City of Hoover by persons whose name(s) appear thereon, requesting that their property be annexed to the City of Hoover.


City Clerk

NOT TO SCALE

BOOK 279 PAGE 608

JEFFERSON COUNTY
SHELBY COUNTY

10.94'
10.94'

7.03'
7.04'

18.75'
18.75'

18.75'
18.75'

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

90 FEB 20 PM 3:23

Thomas A. Browder, Jr.
JUDGE OF PROBATE

| | |
|------------------|-------|
| 1. Deed Tax | |
| 2. Mtg. Tax | |
| 3. Recording Fee | 27.50 |
| 4. Indexing Fee | 3.00 |
| 5. No Tax Fee | 1.00 |
| 6. Certified Fee | |
| Total | 37.50 |

T 18 S R 2 W
T 19 S R 2 W

35 36
2 1

EXHIBIT "B" PHASE X

PROPOSED ANNEXATION AREA
HOOVER CITY LIMITS
BIRMINGHAM CITY LIMITS