

31-230

STATE OF ALABAMA)

COUNTY OF SHELBY)

AMENDED PETITION

We, the undersigned, all being qualified electors residing within the boundaries of the proposed district to be known as DUNNAVANT FIRE DISTRICT, said proposed district being more particularly described as follows:

Begin at the SW corner of Section 23, Township 17 South, Range 1 East, Shelby County, Alabama, and run in a Northeasterly direction along the diagonal line of said Section 23 to the Northeast corner thereof; thence run in an Easterly direction along the North boundary of Section 24, Township 17 South, Range 1 East, to the Northeast corner of said Section 24; thence run in a Southerly direction along the East boundaries of Sections 24 and 25, Township 17 South, Range 1 East, and along the East boundary of Section 36 of said Township and Range to the intersection of the said East boundary of said Section 36 with the crest of Double Oak Mountain, also known as Coosa Mountain, as the said crest presently exists in its current contour and altitude, such point of intersection being approximately 4,100 feet South of the Northeast corner of said Section 36; thence turn right and run in a Southwesterly direction along the crest of said Double Oak Mountain, as the crest currently exists, to the intersection of said course with the Southwest right-of-way line of State Highway No. 25; thence run in a Southwesterly direction along the West boundary of said Highway No. 25 to the point of intersection of said right-of-way line with the mid or center line of the unpaved dirt road commonly known as the Old Jeep Trail; thence run in a Southwesterly direction along the center line of Old Jeep Trail to the crest, as it now exists, of Double Oak Mountain; thence continue in a Southwesterly direction along the crest of Double Oak Mountain to the point of intersection of said course with the South boundary of Section 19, Township 18 South, Range 1 East; thence turn right and run along the South boundary of said Section 19 to the Northeast corner of Section 25, Township 18 South, Range 1 West; thence run in a Westerly direction along the North boundary of said Section 25 to a point on said North boundary 700 feet East of the Northwest corner of said Section 25; thence turn right and run in a Northerly direction parallel with the West boundaries of Section 25, 24 and 13, Township 18 South, Range 1 West, to a

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point the North boundary of said Section 13 located 700 feet East of the Northwest corner of said Section 13; thence turn right and run in an Easterly direction along the North boundary of said Section 13 a distance of 1,940 feet, more or less, to a point located approximately in the center of the North boundary of said Section 13, which point is on the line of demarcation between Shelby County and Jefferson County; thence turn left and run along the line of demarcation of said Counties to the point of beginning. All of the hereinabove described land lies entirely within Shelby County, Alabama, and none lies within any municipality, or within any existing fire fighting and emergency medical services district.

Less and except: that part of Sec. 13, T18S, R1W lying South and Southeast of Hwy 41. All of Sec. 24, T18S, R1W. The Southwest diagonal half of the Southwest quarter of Sec. 18, T18S, R1E. The Northwest diagonal half of Sec. 19, T18S, R1E.

Acting under the authority of and in pursuance of the provisions of Act No., 62, Acts of Alabama, 1977, First Special Session, as amended on July 18, 1979, by Act No. 79-369, Acts of Alabama, and as further amended on May 28, 1992, by Act No. 82-663, Acts of Alabama, hereby file this Petition, and respectfully request the Probate Judge of Shelby County, Alabama, to call an election in accordance with the provisions of said Act No. 62, as so amended, on the following questions:

1. Shall there be created for the above described area a District for fighting fires?

2. Shall the following schedule of service charges for establishing and maintaining the District, as provided for establishing and maintaining the District, as provided for by Section 12 of said Act No. 62, as last amended, be applied within the District:

A. Subject to the hereinbelow stated limitation on smaller, vacant parcels of land, a service charge of \$50.00 per taxable year, (which year shall commence on the first day of

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October and end on the last day of September of each consecutive year hereafter), shall be levied upon and collected from each person owning non-commercial property within the District, with co-ownership or joint ownership of such property being considered on ownership, provided that the total of such parcels do not exceed 100 acres, with an additional \$25.00 annual charge being due from each property owner (or owners) for each tract, or fractional part thereof, in excess of 100 acres, provided, however, that the total amount of such charges shall not exceed the sum of \$250.00 per annum to any one ownership of such non-commercial property, regardless of the total acreage owned. Any parcel of land of any size, not exceeding 100 acres, occupied by the owner or owners thereof as his, her or their residence, or on which a dwelling house, mobile home, or other structure suitable for human habitation is maintained for a total period in excess of three months during any taxable year, as hereinabove defined, shall be subject to the above stated charge of \$50.00 per taxable year. If the tract on which said dwelling house, or other structure, as hereinabove specified, exceeds 100 acres, the owner or owners thereof shall owe an additional charge of \$25.00 for each 100 acre tract, or fractional part thereof, in excess of 100 acres, to the maximum amount of \$250.00 as hereinabove provided.

Each separate ownership actually occupied by the owner or owners thereof as his or their legal residence in any condominium building located within the District shall be considered non-commercial property subject to the annual fee of \$50.00.

Each apartment in any residential apartment house located within the District shall be considered non-commercial property subject to the annual fee of \$50.00.

Mobile homes and house trailers occupied by the property owner or owners, or by

members of his, her or their immediate family shall be classified as non-commercial property subject to the service charge of \$50.00 per taxable year.

The owner or owners of the realty upon which any mobile home or house trailer is located and rented to or occupied by any person, firm or corporation not a member of the immediate family of the owner or owners of the realty upon which such mobile home or house trailer is located shall pay \$50.00 per taxable year, for each mobile home or house trailer located on the realty, regardless of the ownership of the mobile home or house trailer, the said service charge being a charge directly upon the realty itself, and constituting a lien upon the realty, as hereinabove provided.

BOOK 93 388 B. A service charge of four cents (\$.04) per square foot, but in no event less than \$50.00 per taxable year, shall be levied upon any and all buildings, structures and enclosures used for commercial purposes within the District. Commercial structures shall include stores, restaurants, service stations, automobile repair garages and shops, greenhouses, nurseries, office buildings, research centers, manufacturing and assembly plants, sales offices, boat landings, airports, night clubs, dance parlors, warehouses, cabinet shops, printing shops, quarries, and all other premises not occupied by the property owner for strictly residential purposes only. In those cases in which the living quarters of the property shall be considered commercial property, but a service charge of only \$50.00 per year shall be applied to that portion of said premises actually used and occupied for residential purposes, with the remainder of such structure being subject to the commercial service charge hereinabove set forth.

All churches, schools and non-profit organizations, including all supportive structures

on continuous land areas, shall be subject to a service charge of \$50.00 , any structures which serve as residences for faculty, ministers or managers.

OTHER CHARGES:

C. An amount equal to one-twelfth (1/12) of the annual fee, times the remaining number of months to the end of the next fiscal year calculated to the next highest even dollar for any new service to be added. Service charges for new construction shall commence when a structure is roofed in.

D. No fee or service charge shall be assessed for entering appeal. Once a request for appeal has been filed, the Trustees shall notify and obtain agreement from the user of the services, as to a mutually satisfactory date for the appeal hearing, not sooner than ten (10) days from the date of reaching such agreement. An appeal must be requested within thirty (30) days of the original billing for the service. The Trustee' decision shall be final.

E. A late fee of \$15.00 shall be added to all service charges not paid within three months of the date of billing for such charges.

F. The property owner shall be liable for all costs involved in enforcing collection, including a reasonable attorney's fee, and under foreclosure proceedings would be liable for interest at maximum legal rates in the event the property owner should pay off the debt within three years and recover possession. After three years, all rights of the property owner in the property would be extinguished.

G. Failure to pay charges subject to a Late Payment Fee shall empower the Trustees to establish liens against the property, and continuing disregard for demands for payment will result in the establishment of foreclosure proceedings.

H. So long as any Federal Government financing of the District is in force, attempts to improperly evade the payment of established rate charges may cause the Trustees to request the Federal Government to institute charges for fraud against the land owner.

I. Unless the District is notified of another address for mailing purposes, bills delivered to the property shall be deemed to have been delivered to the owner of the property, whether or not the owner provides mailboxes for the receipt of such mail.

J. The Board of Trustees shall have the right, exercisable after a hearing, but in their sole discretion, to waive current charges if any property owner is found to be indigent, in the opinion of the Trustees.

5. The service charges specified in Paragraph 4a and b above and as my henceforth be amended in accordance with the provisions of Act No. 62, Acts of Alabama, 1977, First Special Session, and as amended on July 18, 1979, by Act No. 79-369, Acts of Alabama, and as again amended on May 28, 1982, by Act No. 82-663, Acts of Alabama, shall be a personal obligation of the owner or owners of the property served by the system, and shall constitute a lien against said property in favor of the District, which lien shall be enforceable by sale thereof in the same manner in which the foreclosure of a municipal assessment for public improvements is authorized.

6. The property and income of the District, all bonds issued by the District, the income from such bonds, conveyances by or to the District, and leases, mortgages and deeds of trust by or to the District shall be exempt from all taxation in the State of Alabama, including specifically the tax imposed by Section 40-21-82 of the Code of Alabama 1975, as

amended. The District shall be exempt from all taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities that a district in. The District shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document.

7. The hereinbelow named Interim Trustees hereby certify that all revenues derived from the above and foregoing service charges, if any, hereafter imposed, shall be used for the interest and maturities on all outstanding debts of the District and for the purchase, procuring and maintenance of additional firefighting equipment and facilities so as to best serve the needs of the District.

8. Shall the following named individuals be elected as Interim Trustees of the District to serve until an election can be held in accordance with the applicable provisions of Act No. 62, Acts of Alabama, 1977, First Special Session, as amended on July 18, 1979, by Act No. 79-369, Acts of Alabama, and as again amended on May 28, 1982, by Act No. 82-663, Acts of Alabama:

J. GLENN BELL, MARY FAYE HARRIS, JERRY JOE HARRIS, SHERRY GAIL GULLEDGE, and HAROLD C. DUCKETT.

Upon the approval of this Petition in the manner provided by law, we pray that the DUNNAVANT FIRE DISTRICT shall constitute a public corporation, with all and the same powers set forth in Section 11 of Act No. 62, Acts of Alabama, 1977, First Special Session, as amended on July 18, 1979, by Act No. 79-369, Acts of Alabama, and as further

amended on May 28, 1982, by Act No. 82-663, Acts of Alabama, including the power to employ agents, servants and attorneys to perform its duties and purposes.

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The affairs and business of the District shall be managed by a Board of Trustees consisting of five members who shall be elected by the qualified electors of the District. Such election shall be held at the same time and conducted by the same election officials as regular general county elections. No person shall be elected to said Board unless he is a person who is a qualified elector residing within the boundaries of the proposed District. Nominations to the Board shall be made in accordance with the provisions of Section 10 of said Act No. 62, as amended on July 18, 1979, by Act No. 79-369, Acts of Alabama, and as further amended on May 28, 1982, by Act No. 82-663, Acts of Alabama. Election shall be for a term of four years provided, however, that to stagger the terms, Place No. 1 and place No. 2 shall be elected for a term of four years, in the first election held after said first amendment became effective on July 18, 1979.

In the event of a vacancy on the Board of Trustees, the same shall be filled by the majority vote of the remaining membership of the Board of Trustees, and such election shall be for the unexpired term of the member causing the vacancy.

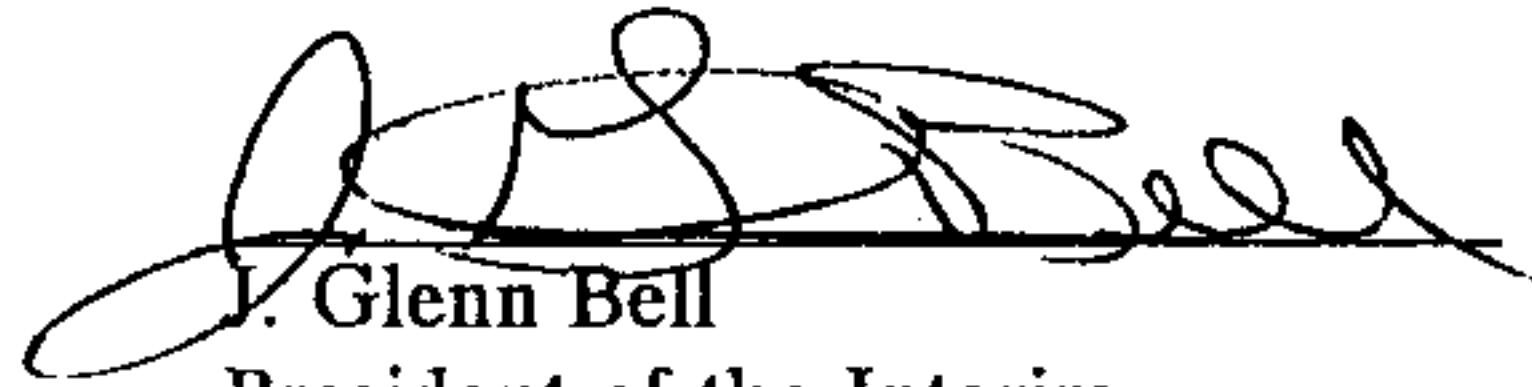
The Board of Trustees shall elect annually from its own number a President and a Secretary. The members of the Board of Trustees shall not be entitled to any compensation for their services; but they shall be entitled to reimbursement for all reasonable expenses incurred by them in the performance of their duties.

The above named J. Glenn Bell shall serve as President and the above named Mary Faye Harris shall serve as Secretary of the Board of Trustees of the District until their

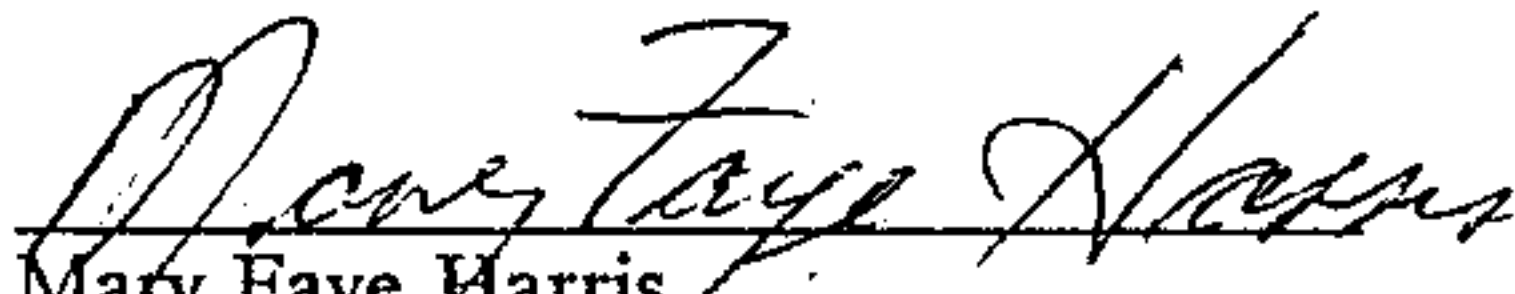
successors are duly elected in accordance with Section 10 of Act No. 62, as amended on July 18, 1979, by Act No. 79-369, Acts of Alabama, and as further amended on May 28, 1982, by Act No. 82-663, Acts of Alabama.

We respectfully request that this honorable Court shall grant such other and different relief as provided for by the terms of said Act No. 62, as amended on July 18, 1979, by Act No. 79-369, Acts of Alabama, and as further amended on May 28, 1982, by Act No. 82-663, acts of Alabama, and as may be appropriate in this matter.

IN WITNESS WHEREOF the said J. Glenn bell has hereunto set his hand and seal as President of the Interim Board of Trustees of the District, the said Mary Faye Harris, has hereunto set his hand and seal as Secretary of said Board, and the undersigned persons, being more than 100 in number, whoa are qualified electors residing within the boundaries of the proposed District as hereinabove defined, and whose signatures are presented on the attached Exhibit "A", consisting of pages number 1 through 6, both inclusive, and which Exhibit is expressly made a part hereof by reference thereto, join herein.


J. Glenn Bell
President of the Interim
Board of Trustees

Attest:


Mary Faye Harris
Secretary of the Interim
Board of Trustees

STATE OF Alabama)

COUNTY OF SHELBY)

Before me, the undersigned, a Notary Public in and for said County in said State, personally appeared J. Glenn Bell as President of the Interim Board of Trustees of the Dunnavant Fire District and Mary Faye Harris, as Secretary of said Board, who are known to me, and who, being first duly sworn, depose and say as follows: That they have personal knowledge of the facts set forth in the above and foregoing Petition; that said facts are true and correct; that they signed said Petition voluntarily in their respective capacity as said Officers, being duly authorized so to sign; and that the attached Exhibit "A" contains the valid signatures of more than 100 qualified electors residing within the boundaries of the proposed District.

Given under my hand and seal on this the 27th day of January, 1993.

Melanie Sanford Barreis
Notary Public

My Commission Expires:

MY COMMISSION EXPIRES MAY 24, 1994

Filed this 4 day of Feb 1993
THOMAS A. SNOWDEN JR.
Judge of Probate

Inst # 1995-19749

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