

ORDINANCE NO. 287

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

WHEREAS, a certain petition signed by the property owners requesting territory therein described be annexed to the City of Pelham, 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 Pelham; and

WHEREAS, the 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 Pelham;

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

Section 1. That said Council hereby assents to the annexation of said territory to the City of Pelham, 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 11-42-43, 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 "City Boundary" of another municipality. Said territory is described as follows:

See Attached

Section 2. The City of Pelham hereby agrees to comply with those provisions of Act No. 604 enacted at the 1976 Regular Session of the Legislature of Alabama pertaining to the assumption and payment of an annexed fire district debt 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 preceding year.

Section 3. That the City Clerk shall file a certified copy of this ordinance containing an accurate description of said annexed territory 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 Pelham.

09/10/1996-29890
03:17 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
000 HCD 26.00

Inst # 1996-29890

Ken Maynard, a member of the City Council of the City of Pelham, moved that all rules which would prevent the immediate consideration of Ordinance No. 287, hereupon attached, be suspended and immediate consideration given to the passage of said Ordinance. Said motion was seconded by Willard Payne, a member, and upon a roll call vote was unanimously passed. The vote on said motion was as follows:

Bobby Hayes
Mayor

yes

Willard Payne
Council Member

yes

Connie LaBue
Council Member

Absent

Ken Maynard
Council Member

yes

Karyl Rice
Council Member

Absent

Jim Phillips
Council Member

yes

THEREUPON Ken Maynard, a member moved and Jim Phillips, a member seconded the move that said Ordinance be given vote. Said Ordinance passed by vote of all members of the Council present and the Mayor declared the same passed.

ADOPTED this the 9 day of Sept. 1996.

Bobby Hayes
Mayor

Ken Maynard
Council Member

Council Member

Willard C. Payne
Council Member

Jim Phillips
Council Member

Council Member

Seal

ATTEST

Cathy B. Bate City Clerk

SURVEY

(as located)

REVISED
DATE: JUNE 11, 1996

PARCEL I

Part of the SW 1/4 of Section 2 and part of the NW 1/4 of Section 11, all in Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

From the NW corner of said Section 11, run in an easterly direction along the north line of said Section for a distance of 1076.11 feet to an existing iron rebar set by Laurence D. Weygand and being on the NW right-of-way line of the CSX Railroad right-of-way being the point of beginning; thence turn an angle to the right of 136 degrees 24 minutes 45 seconds and run in a southwesterly direction along the northwest right-of-way line of said CSX Railroad right-of-way for a distance of 218.79 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 111 degrees 58 minutes 30 seconds and run in a northwesterly direction for a distance of 652.15 feet to an existing iron rebar set by Laurence D. Weygand and being on the southeast right-of-way line of Shelby County Highway #11; thence turn an angle to the right of 90 degrees and run in a northeasterly direction along said southeast right-of-way line of said Shelby County Highway #11 for a distance of 500.0 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 90 degrees and run in a southeasterly direction for a distance of 504.31 feet to an existing iron rebar set by Laurence D. Weygand and being on the northwest right-of-way line of said CSX Railroad right-of-way; thence turn an angle to the right of 68 degrees 01 minute 30 seconds and run in a southwesterly direction along the northwest right-of-way line of said CSX Railroad right-of-way for a distance of 247.68 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 43 degrees 35 minutes 15 seconds and run in a westerly direction for a distance of 72.52 feet, more or less, to the point of beginning.

**LEGAL DESCRIPTION
PARCEL III**

A 60' wide strip of property lying south and east of the following described line: Begin at the SW corner of the E 1/2 of the E 1/2 of section 16, Township 20 South, range 2 West; thence run North along the West boundary of the E 1/2 of the E 1/2 of said section a distance of 2810+/- feet to the Southeasterly row of the CSX Railway; thence run Northeasterly along said Southeasterly row a distance of 8150+/- feet to the Western boundary of Parcel II described above.

REVISED
DATE: JUNE 11, 1996

PARCEL I

Part of the SW 1/4 of Section 2 and part of the NW 1/4 of Section 11, all in Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

From the NW corner of said Section 11, run in an easterly direction along the north line of said Section for a distance of 1076.11 feet to an existing iron rebar set by Laurence D. Weygand and being on the NW right-of-way line of the CSX Railroad right-of-way being the point of beginning; thence turn an angle to the right of 136 degrees 24 minutes 45 seconds and run in a southwesterly direction along the northwest right-of-way line of said CSX Railroad right-of-way for a distance of 218.79 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 111 degrees 58 minutes 30 seconds and run in a northwesterly direction for a distance of 652.15 feet to an existing iron rebar set by Laurence D. Weygand and being on the southeast right-of-way line of Shelby County Highway #11; thence turn an angle to the right of 90 degrees and run in a northeasterly direction along said southeast right-of-way line of said Shelby County Highway #11 for a distance of 500.0 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 90 degrees and run in a southeasterly direction for a distance of 504.31 feet to an existing iron rebar set by Laurence D. Weygand and being on the northwest right-of-way line of said CSX Railroad right-of-way; thence turn an angle to the right of 68 degrees 01 minute 30 seconds and run in a southwesterly direction along the northwest right-of-way line of said CSX Railroad right-of-way for a distance of 247.68 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 43 degrees 35 minutes 15 seconds and run in a westerly direction for a distance of 72.52 feet, more or less, to the point of beginning.

PARCEL II

Part of the S 1/4 of Section 2 and part of the E 1/4 of Section 10, and part of Section 11, all in Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

From the NW corner of said Section 11 run in an easterly direction along the north line of said section for a distance of 1293.67 feet to an existing iron rebar being on the southeast right-of-way of the CSX Railroad right-of-way and being the point of beginning; thence continue in an easterly direction along last mentioned course for a distance of 72.52 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 136 degrees 24 minutes 45 seconds and run in a southwesterly direction along the southeast right-of-way line of the CSX Railroad right-of-way for a distance of 3041.89 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 48 degrees 14 minutes 36 seconds and run in a southerly direction for a distance of 2898.86 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 123 degrees 56 minutes 28 seconds and run in a northeasterly direction for a distance of 385.13 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 17 degrees 01 minute 49 seconds and run in a northeasterly direction for a distance of 285.34 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 26 degrees 57 minutes 57 seconds and run in a northeasterly direction for a distance of 144.28 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 29 degrees 11 minutes 29 seconds and run in a northeasterly direction for a distance of 149.90 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 40 degrees 16 minutes 59 seconds and run in a northeasterly direction for a distance of 118.46 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 36 degrees 15 minutes 59 seconds and run in a northeasterly direction for a distance of 271.33 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 23 degrees 39 minutes 37 seconds and run in a northeasterly direction for a distance of 261.20 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 24 degrees 56 minutes 39 seconds and run in a northeasterly direction for a distance of 106.90 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 40 degrees 38 minutes 14 seconds and run in a northeasterly direction for a distance of 200.34 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 25 degrees 22 minutes 21 seconds and run in a northeasterly direction for a distance of 394.45 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 30 degrees 32 minutes 31 seconds and run in an easterly direction for a distance of 107.07 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 64 degrees 10 minutes 06 seconds and run in a northeasterly direction for a distance of 107.02 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an

angle to the right of 31 degrees 36 minutes 31 seconds and run in a northeasterly direction for a distance of 644.66 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 20 degrees 34 minutes 13 seconds and run in a northeasterly direction for a distance of 214.15 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 55 degrees 16 minutes 16 seconds and run in an easterly direction for a distance of 118.0 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 44 degrees 23 minutes 07 seconds and run in a northeasterly direction for a distance of 328.82 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 21 degrees 00 minutes 26 seconds and run in a northeasterly direction for a distance of 168.86 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 16 degrees 42 minutes 09 seconds and run in a northeasterly direction for a distance of 535.84 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 15 degrees 03 minutes 45 seconds and run in a northeasterly direction for a distance of 165.53 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right of 19 degrees 37 minutes 18 seconds and run in a northeasterly direction for a distance of 180.80 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 26 degrees 40 minutes 28 seconds and run in a northeasterly direction for a distance of 755.25 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 85 degrees 59 minutes 21 seconds and run in a northwesterly direction for a distance of 349.51 feet to an existing iron pin set by Laurence D. Weygand; thence turn an angle to the right of 50 degrees 02 minutes 56 seconds and run in a northeasterly direction for a distance of 1400.0 feet to an existing iron pin set by Laurence D. Weygand; thence turn an angle to the left of 110 degrees 0 minutes and run in a westerly direction for a distance of 300.0 feet to an existing iron rebar; thence turn an angle to the right of 88 degrees 0 minutes 36 seconds and run in a northerly direction for a distance of 444.91 feet to an existing iron pin; thence turn an angle to the left of 87 degrees 21 minutes 33 seconds and run in a westerly direction for a distance of 305.58 feet to an existing iron pin; thence turn an angle to the left of 22 degrees 24 minutes 13 seconds and run in a southwesterly direction for a distance of 21.63 feet; thence turn an angle to the right of 21 degrees 27 minutes 45 seconds and run in a westerly direction for a distance of 251.28 feet to an existing iron pin; thence turn an angle to the left of 90 degrees and run in a southerly direction for a distance of 65.55 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the right (102 degrees 03 minutes 49 seconds to the chord) and run in a westerly direction along the arc of a curve (said curve being concave in a southerly direction and having a central angle of 12 degrees 34 minutes 10 seconds and a radius of 275.0 feet) for a distance of 60.33 feet to an existing iron rebar set by Laurence D. Weygand; thence run in a westerly direction along a line tangent to the end of said curve for a distance of 75.0 feet to the point of beginning of a new curve, said newest curve being concave in a southerly direction and having a central angle of 28 degrees 0 minutes and a radius of 200.0 feet; thence turn an angle to the left and run along the arc of said curve in a westerly and southwesterly direction for a distance of 97.74 feet to the point of ending of said curve; thence run in a southwesterly direction along a line tangent to the end of said curve for a distance of 85.0 feet to the point of beginning of another curve, said newest curve being concave in a northerly direction and having a central angle of 64 degrees 30 minutes and a radius of 225.0 feet; thence run in a southwesterly, westerly and northwesterly direction along the arc of said curve for a distance of 253.29 feet to the point of ending of said curve; thence run in a northwesterly direction along a line tangent to the end of said curve for a distance of 180.0 feet to the point of beginning of another curve, said curve being concave in a southerly direction and having a central angle of 37 degrees 30 minutes and a radius of 255.0 feet; thence turn an angle to the left and run along the arc of said curve for a distance of 166.90 feet to a point of reverse curve, said newest curve being concave in a northerly direction and having a central angle of 15 degrees 01 minute 18 seconds and a radius of 700.0 feet; thence run in a northwesterly direction along the arc of said curve for a distance of 183.52 feet to the point of ending of said curve; thence run in a northwesterly direction along a line tangent to the end of said curve for a distance of 100.0 feet to the point of beginning of a new curve, said newest curve being concave in a northeasterly direction and having a central angle of 44 degrees 30 minutes and a radius of 200.0 feet; thence turn an angle to the right and run in a northwesterly direction along the arc of said curve for a distance of 155.33 feet to the point of ending of said curve; thence run in a northwesterly direction along a line tangent to the end of said curve and along the west right-of-way line of Kendrick Road for a distance of 162.38 feet to an existing iron rebar set by Laurence D. Weygand and being on the southeast right-of-way line of the CSX Railroad right-of-way, said southeast right-of-way line of CSX Railroad right-of-way being in a curve and said curve being concave in a southeasterly direction and having a central angle of 3 degrees 55 minutes and a radius of 5679.58 feet; thence turn an angle to the left (105 degrees 47 minutes 55 seconds to the chord of said curve) and run in a southwesterly direction along the southeast right-of-way line of said CSX Railroad right-of-way for a distance of 388.26 feet to the end of said curve; thence run in a southwesterly direction along the southeast right-of-way of said CSX Railroad right-of-way and along a line tangent to the end of said curve for a distance of 490.38 feet to an existing iron rebar set by Laurence D. Weygand and being the point of beginning.

PAUL B. SHAW, JR., P.C.

ATTORNEY AT LAW

810 PARK PLACE TOWER
2001 PARK PLACE NORTH
BIRMINGHAM, ALABAMA 35203

(205) 322-2772 FACSIMILE (205) 322-2774

September 6, 1996

Ms. Donna Treslar
City Of Pelham
P.O. Box 1419
Pelham, AL 35124

Re: Petition For Annexation

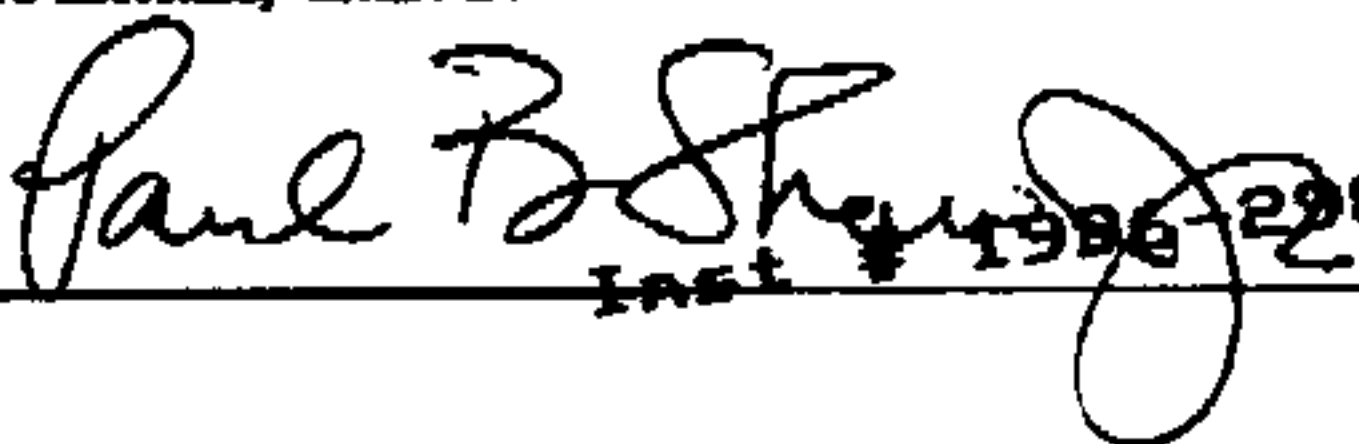
Dear Ms. Treslar,

Pursuant to our recent discussions, this will confirm that Double Mountain, L.L.C., a limited liability corporation registered in the state of Alabama, and its members, as owners of that certain real property located near Highway 11 in Shelby County, Alabama, which is more fully described in the attached Exhibit "A", request and petition that the City Of Pelham annex all that certain real property described in Exhibit "A", pursuant to Sections 11-42-20 through 11-42-24 Code of Alabama (1975).

Please submit this request and petition for consideration before the City Council of the City of Pelham.

Double Mountain, L.L.C.

By: Paul B. Shaw, Jr.,
As Undersigned Member of Double
Mountain, L.L.C.


Inst. # 1996-29890

09/10/1996-29890
03:17 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
008 MCD 26.00