

COX BROTHERS PROPERTY
Ronald Cox - President
258 Cox Lane
Alabaster, Alabama 35007
663-0338

April 16, 1997

City of Alabaster
Steven K. Rauch
127 First Street North
P O Box 277
Alabaster, Alabama 35007

Re: De-annexation

Dear Mr. Rauch:

Upon a visit to Alabaster City Hall today I spoke with Mr. Jimmy Gould regarding a letter we had written on November 25, 1996 regarding de-annexation of the Cox Brothers' Properties. Mr. Gould informed me that he was unable to locate that letter and would get back with me concerning this issue. Since the whereabouts of that letter seem to be unknown, I am attaching a copy of our letter of request for de-annexation dated November 25, 1996, with this letter.

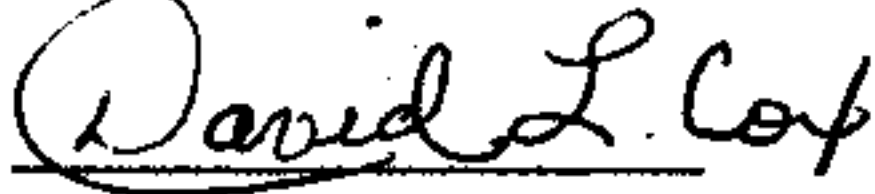
Let me reiterate the intent of our previous letter and this letter is to inform the City of Alabaster that due to the City's inability to meet the zoning requirements that were agreed upon in Section 2 of the attached Ordinance, that the Ordinance became null and void. As stated in our letter of November 25, 1996, as of December 2, 1996, we officially withdrew from the City of Alabaster and returned to our existing status before June 20, 1996, of unzoned county property.

We asked for a written response in our previous letter but never received one. That may be due to the fact that the letter cannot be located. At any rate, we would appreciate a written response at this time, within the next 30 days simply as a matter of record.

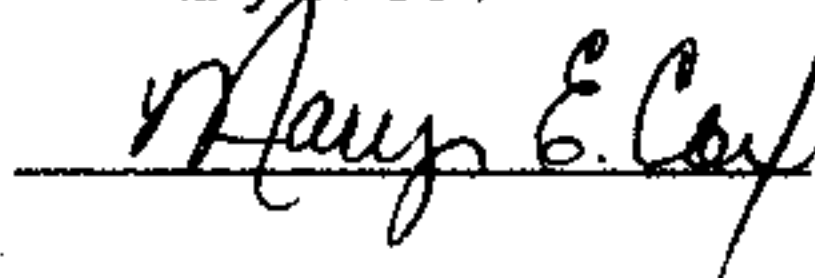
We appreciate the time you have spent working with us and look forward to your letter of response. If we can ever be of any assistance to you please don't hesitate to call on us.

Sincerely,

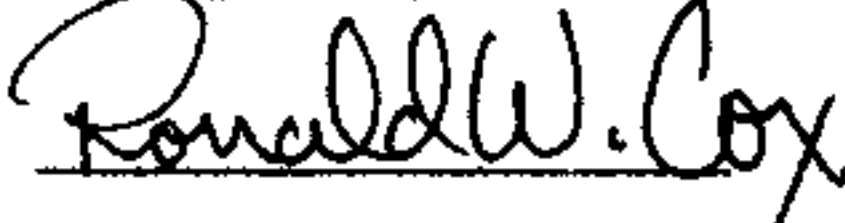
David L. Cox



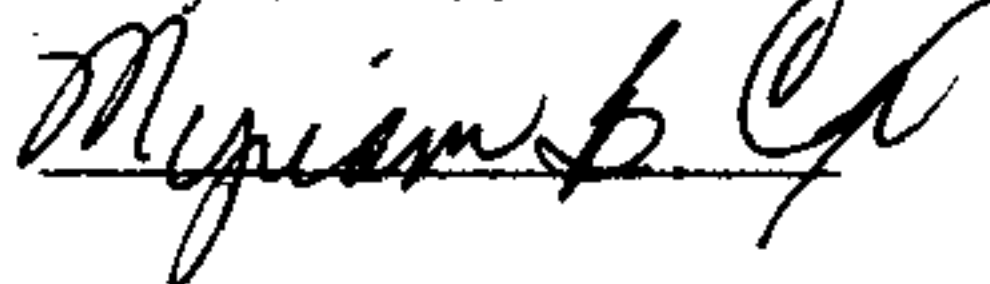
Mary E. Cox



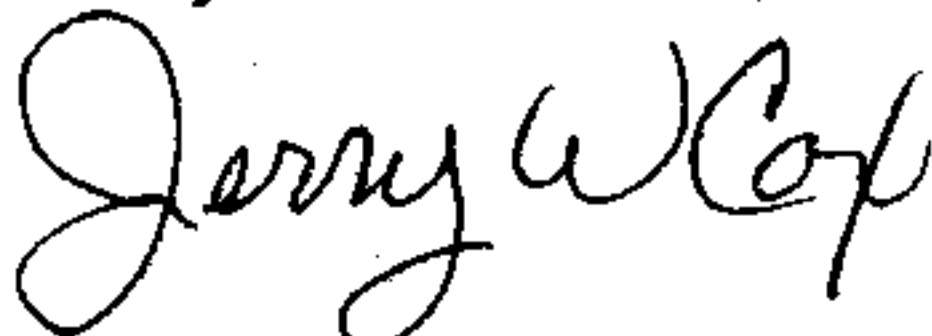
Ronald W. Cox



Myriam B. Cox



Jerry W. Cox



N. Dale Cox



Inst # 1997-21037

07/07/1997-21037
09:47 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
009 MCD 28.50

APR 18 1997

COX BROTHERS PROPERTY

Ronald Cox - President

258 Cox Lane

Alabaster, Alabama 35007

663-0338

November 25, 1996

City of Alabaster

Steven K. Rauch

127 First Street North

P O Box 277

Alabaster, Alabama 35007

Re: De-annexation

Dear Mr. Rauch:

On June 20, 1996, the attached Ordinance was adopted and passed to annex our property into the city of Alabaster as per our request. Section 2 of this ordinance describes the conditions of zoning we requested to be met or else the Ordinance became null and void.

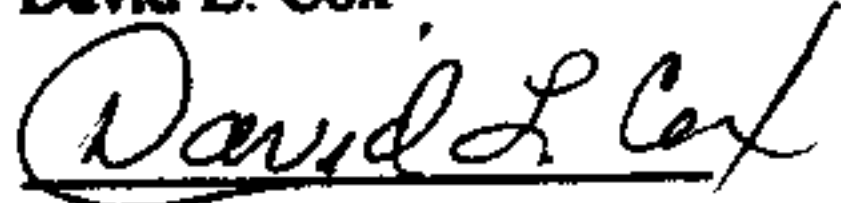
Due to the fact that the City of Alabaster has failed to meet the zoning requirements that were agreed upon in the attached said Ordinance, we feel that being in the city of Alabaster is no longer in our best interest.

As of December 2, 1996, we officially withdraw from the City of Alabaster, at which time we will return to our existing status before June 20, 1996, of unzoned county property. You will find the necessary signatures for this request below.

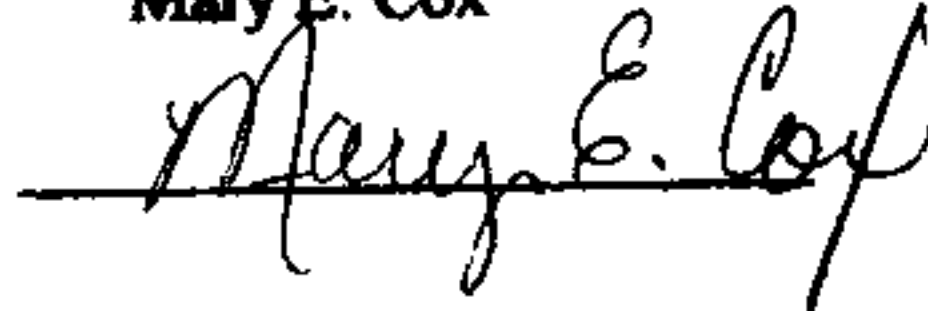
We appreciate your prompt assistance in this matter with written response.

Sincerely,

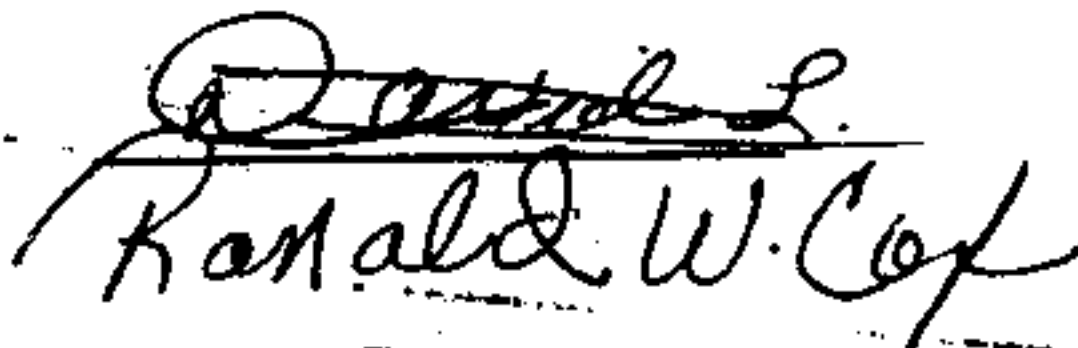
David L. Cox



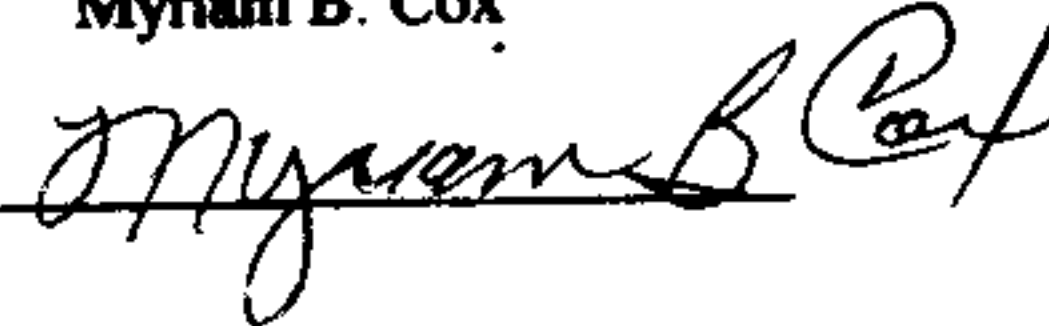
Mary E. Cox



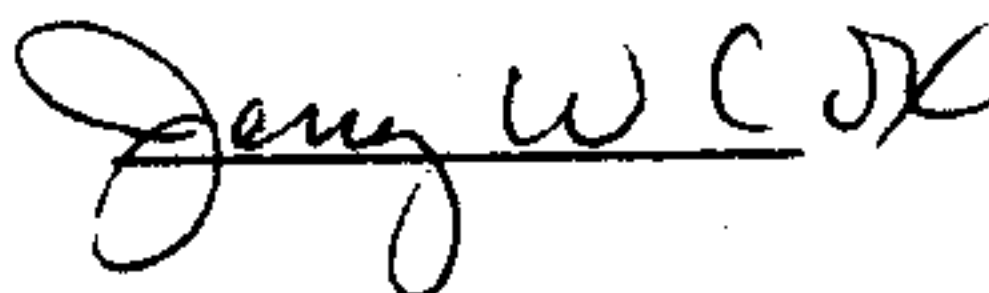
Ronald W. Cox



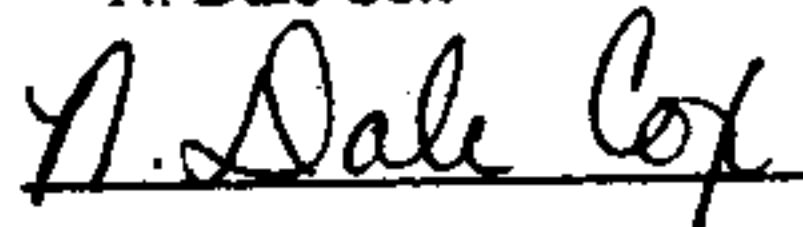
Myriam B. Cox



Jerry W. Cox



N. Dale Cox



NDC

Councilmember Frances Glaze introduced the following Ordinance:

ORDINANCE NO. 96-407

WHEREAS, on the 15th day of May, 1996, Ronald Cox, Miriam Cox, David Cox, Mary Cox, Jerry Cox, and Dale Cox filed a petition with the City Clerk of the City of Alabaster, Alabama, as required by §§ 11-42-20 and 11-42-21, Code of Alabama 1975, as amended, petitioning and requesting that the property hereinafter described be annexed to the municipality of the City of Alabaster, Alabama, which petition contained an accurate description of the property proposed to be annexed together with a map of the said property showing its relationship to the corporate limits of the City of Alabaster, Alabama, and the signatures of the owners of the property described were signed thereto;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, ALABAMA, AS FOLLOWS:

1. That the City of Alabaster, Alabama, does adopt this Ordinance assenting to the annexation of the following described property to the municipality of the City of Alabaster:

Commence at the Northeast corner of the NW¼ of Section 15, Township 21 South, Range 3 West; thence South 0° 00' 54" East, along the east ¼-¼ line a distance of 80.79 feet to a point on the south right-of-way line of Shelby County Highway No. 26; thence North 86° 34' 13" West along said right-of-way a distance of 178.26 feet to a point on the Alabaster City Limit line and the point of beginning; thence continuing along the last described course a distance of 385.22 feet to a point; thence South 0° 10' 20" West a distance of 633.03 feet to a point; thence North 87° 17' 29" West a distance of 200.00 feet to a point; thence

Inst # 1996-25307

#105.00

MAY-15-1996 08:44

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South 0° 11' 23" East a distance of 660.00 feet to a point; thence North 87° 14' 38" West a distance of 399.40 feet to a point; thence South 2° 14' 38" East a distance of 1336.33 feet to a point; thence South 88° 42' 46" East a distance of 1109.54 feet to a point; thence North 0° 00' 54" West a distance of 1318.25 feet to a point; thence North 89° 00' 52" West a distance of 184.67 feet to a point; thence North 0° 17' 06" East a distance of 1280.14 feet to the point of beginning.

2. That the corporate limits of the City of Alabaster, Alabama, be extended and rearranged so as to embrace and include such property, and such property shall become a part of the corporate area of such municipality upon the date of publication or posting of this Ordinance, as provided for in the Code of Alabama as cited above and upon the meeting of the following condition: that a portion of the property as described on attached exhibit A be zoned B-3, that a portion of the property as described on exhibit B be zoned A-1, and that the remainder of the property as described on exhibit C be zoned R-PG(1). Provided, that should the condition not be met, this Ordinance shall be null and void.

3. That the City Clerk be and she is hereby authorized and directed to file a copy of this Ordinance, including an accurate description of the property being annexed, together with a map of the said property showing its relationship to the corporate limits of the City of Alabaster, Alabama, to which said property is being annexed in the office of the Judge of Probate of Shelby County, Alabama.

4. That the Zoning Map of the City of Alabaster, Alabama, and any other official maps or surveys of the City shall be amended to reflect the annexation of the above-described property, and that a

copy of this Ordinance be transmitted to the City Planning Commission and the Zoning Administrator.

5. That this property is temporarily zoned MR as provided in the Zoning Ordinance of the City of Alabaster, Alabama.

6. That this property is part of election Ward 7.

This ordinance was adopted and passed by the City Council of the City of Alabaster, Alabama, this the 20th day of June, 1996.

CITY OF ALABASTER, ALABAMA

by Steven K. Rauch
President

Attest:

Marsha Massey
Clerk

Approved:

Paul Little
Mayor
ANNEX. ORD

**Minutes of the Alabaster City Council Meeting
Alabaster, Alabama
June 19, 1997**

A regular meeting of the Alabaster City Council was held in the Municipal Annex on June 19, 1997 at 7:00 P.M., and there were present at said meeting Councilmembers: . . .

Present: Bobby Harris, Bill Derryberry, Rebecca Langley, Harmon Acker, David Sprouse, Denny Rother and Council President John Sarris.

Absent:

Employees attending were: Frank Matherson, Sewer Dept.; Chief Cochran, Fire Dept.; Rebecca Posey, Revenue; Mike Kent and Keith Blanton, Bldg. Dept.; Jimmy Gould and Diana Pool, Admn.; Bill Justice, City Attorney; Jack Zuiderhoek, Public Works Dept.; Andrea Jones, Personnel; Lt. Frank Page, Police Dept.; and Eddy Bentley, Buildings and Land Maintenance Dept.

MEETING OPENING

The meeting was opened with a prayer offered by Jimmy Gould and was followed by the Pledge of Allegiance.

Bill Derryberry made a motion to approve the minutes of the June 5, 1997, meeting as written. David Sprouse seconded. Voting - Ayes: All ayes. Nays: None. Motion carried.

MAYOR'S COMMENTS

Mayor Rauch made a request that Council allocate funds to hire Wayne Booth to update our zoning map and keep it updated by having it installed on his computer system. **Councilman Acker made a motion to hire Wayne Booth for said project.** Councilwoman Langley seconded. Voting - Ayes: All ayes. Nays: None. Motion carried.

Mayor Rauch asked Council to allocate funds for Captain Matherson and Lt. Lash of Alabaster Fire & Rescue to travel to Phoenix, Arizona. Mayor Rauch advised they will ride along with the Phoenix Fire Department and will stay at one of their stations, but they will need airfare. **Councilwoman Langley made a motion to allow said expense.** Councilman Sprouse seconded. Voting - Ayes: All ayes. Nays: None. Motion carried.

Mayor Rauch appointed Bryan Hart, 347 Hillwood Circle to the Alabaster Beautification Board.

Mayor Rauch presented Council with an update of the City's financial status and made said reports a part of the minutes.

OLD BUSINESS

1. **A Public Hearing on A RE-ZONING REQUEST ON THE DOLLAR PROPERTY, 270 +/- ACRES OFF KENT DAIRY ROAD AND COUNTY HWY. 17, FROM A-1 TO R-2 AND R-1 FOR 25 LOTS AROUND THE LAKE** - Mr. Joe McKay spoke in favor of said development. Mr. McKay stated for the record that there will be sidewalks in said development and upon having 250 lots platted, he insured a second entrance will be installed. Susan McGee, 120 Grande View Lane spoke in favor of said development. David Frings, 2122 Diane Circle asked about water and sewer availability and if Mr. McKay has considered utilizing any of the property on Highway 26 for retail/commercial development to help with the tax base to pay for the services these residents would use. Council President John Sarris advised according to the map Mr. McKay has very little property facing Hwy. 26. Mr. McKay said there is already a water line to the property but regarding the taps, he will have to go before the Water Board. Mark Bacher, 177 Grande View Lane had concerns about the impact on traffic and schools. Rick Walters, 148 Bluegrass Drive stated this was not sent to Council from Planning & Zoning with a unanimous vote. After a lengthy discussion, Councilman Derryberry made a motion to approve said re-zoning request with sidewalks in said development and

a second entrance to be installed upon 250 homes platted or before. Councilwoman Langley seconded. Voting - Ayes: Bobby Harris, David Sprouse, Harmon Acker, Bill Derryberry, Rebecca Langley, and Council President John Sarris. Nays: Denny Rother. Motion carried.

2. **Public Hearing on A DE-ANNEXATION REQUEST ON THE COX FAMILY PROPERTY(4.74 ACRES B-3, 15.53 ACRES A-1, AND 28.50 ACRES RPG) OFF KENT DAIRY ROAD** - Council President John Sarris advised that the Cox family has written a letter of request to de-annex due to contingencies on zoning not being met, which were in their original annexation request. Harriett Meeks, 122 Jasmine Drive spoke in favor of said request. Rick Walters, 148 Bluegrass Drive asked if the Cox family is in the City or not at this time and can they do what they want with the property if denied. Mike Kent responded that they are not in the City at this time, due to the original ordinance stating it would be void if their zoning request was not met. Bill Justice stated that is correct. Councilwoman Langley made a motion to de-annex said property. Councilman Rother seconded. Voting - Ayes: David Sprouse, Harmon Acker, Bill Derryberry, Rebecca Langley, Dennis Rother, Bobby Harris, and Council President John Sarris. Nays: None. Motion carried.

3. **A Public Hearing on A RE-ZONING REQUEST OF APPROXIMATELY 9 ACRES AT THE ENTRANCE OF WEATHERLY SUBDIVISION (WEST SIDE OF CLUB DRIVE AND SIMMSVILLE ROAD), FROM B-3 TO R-3** - Bob Sinclair and Jack Harrison, Weatherly Lands spoke in favor of said item and presented a drawing of the 19th Sector of Weatherly, 31 lots planned for said area. The following individuals spoke in favor of said development - Danny Alldredge, 104 Selwyn Abbey; Alan Hester, 104 Tintern Abbey; Ms. Nicholas, 208 Broadmoor Abbey; Jack Price, 358 Wixford Trace; Jim Tuggle, 100 Bell Circle; Robbie Autery, 158 Belvedere Place; Eugene Angle, 235 Chandler Lane; Greg Street, 133 Glen Abbey; and David Frings, 2122 Diane Circle. Harriett Meeks, 177 Jasmine Drive asked why no one is questioning this development like they did Mr. McKay's project. Councilman Derryberry responded that the original request for a commercial development on this property had strong resistance from the residents in the area because they wanted this developed as residential. Ms. Meeks stated she is not against residential, however she is against the high density. After a lengthy discussion, Councilman Acker made a motion to approve said request. Councilwoman Langley seconded. Voting - Ayes: Harmon Acker, Bill Derryberry, Rebecca Langley, Dennis Rother, Bobby Harris, David Sprouse, and Council President John Sarris. Nays: None. Motion carried.

4. **A Public Hearing on A RE-ZONING REQUEST OF APPROXIMATELY 1 ACRE AT 1366 SIMMSVILLE ROAD (CARL WATTS GARAGE), FROM R-2 TO B-3** - Mr. Carl Watts spoke in favor of said request stating this property is next door to his mother and there is an existing shop on said property and nothing is going to change about the property as far as anything new being added except for a new shop possibly. Mr. Watts said he started his own business there but cannot get a business license due to not having a commercial address. Councilman Rother made a motion to approve said re-zoning request. Councilman Harris seconded. Voting - Ayes: Bill Derryberry, Rebecca Langley, Dennis Rother, Bobby Harris, David Sprouse, Harmon Acker, and Council President John Sarris. Nays: None. Motion carried.

5. **A Public Hearing on A RE-ZONING REQUEST OF APPROXIMATELY 12 ACRES ON FULTON SPRINGS ROAD AND ADJACENT TO I-65, OWNED BY DOW, WIDEMAN, LAWACZECK & CHILDS (FRANKLIN AUTOMOTIVE), FROM R-3 TO B-3** - Mr. Frank Hall, Franklin Automotive spoke in favor of said re-zoning request. Mr. Hall stated he runs a clean, reputable new and used Volvo automotive parts business. Susan McGee, 120 Grande View Lane spoke in favor of said request. Mr. Raymond, 708 Olde Towne Circle asked what side of I-65. Mr. Hall advised the west side of I-65. Mike Carden, 232 PortSouth Lane said he drives by Mr. Hall's other business location every day and he operates a good clean business. Councilman Acker made a motion to approve said request. Councilman Harris seconded. Mayor Rauch asked if all acreage would be used for the automotive business and not sold off after the zoning is changed.

Bobby Harris left the Council Chamber at 8:23 P.M.

Mr. Hall advised that he hopes to expand his warehouse later on as his business grows. Voting - Ayes: Rebecca Langley, Dennis Rother, David Sprouse, Harmon Acker, Bill Derryberry, and Council President John Sarris. Nays: None. Motion carried.

6. **A Public Hearing on RE-ZONING HIGHWAY 31 FROM THE NORTH CITY LIMITS SOUTH TO I-65, FROM B-3 TO C-3** - Gladys Harper had concerns about how this would effect her property. Bill Justice advised this would not have any effect on her home unless she changes it to a business. The following individuals spoke in favor of said item - Rick Walters, 148 Bluegrass Drive; Tommy Ryals, 127 Big Oak Drive; and David Frings, 2122 Diane Circle. Linda Moore, 847 Shady Oak Lane asked if the C-3 zoning addresses liquor license. Council President John Sarris advised the C-3 zoning only addresses the zoning regulations. Mike Kent advised we are looking into a Central Business District due to existing businesses on main street not meeting the C-3 or the B-3 zoning on the setbacks or lot size requirements. Phillip Seales, 621 Forest Hills Road spoke against said item. Harriett Meeks, 122 Jasmine Drive spoke in favor of said item. Councilwoman Langley made a motion to table said item and send back to the Planning & Zoning Commission for further study. Motion failed due to lack of second. Councilman Rother made a motion to approve said zoning with addressing the concerns of existing businesses. Councilman Acker seconded. Voting - Ayes: Dennis Rother, David Sprouse, Harmon Acker, Bill Derryberry, Rebecca Langley, and Council President John Sarris. Nays: None. Motion carried.

7. **A Public Hearing on AN OFF PREMISES RETAIL TABLE WINE AND OFF PREMISES RETAIL BEER LICENSE APPLICATION FOR MEDICAL CENTER TEXACO, 718 1ST STREET NORTH** - Andrew Allison, owner of Medical Center Texaco advised that he was not allowed to use Shelby Medical Center Texaco as the name. Mr. Allison spoke in favor of said item. Andrew Raymond, 708 Olde Towne Circle and Susan McGee, 120 Grande View Lane spoke in favor of said item. Linda Moore, 847 Shady Oak Lane and Bob Moore, 847 Shady Oak Lane spoke against said item. Councilman Sprouse made a motion to approve said request. Councilman Rother seconded. Voting - Ayes: David Sprouse, Rebecca Langley, Bill Derryberry, Dennis Rother and Council President John Sarris. Nays: Harmon Acker. Motion carried.

NEW BUSINESS

1. **Set a Public Hearing on AN ORDINANCE TO ADOPT RULES OF COUNCIL PROCEDURE** - Councilwoman Langley made a motion to set said public hearing on July 17th. Councilman Derryberry seconded. Voting - Ayes: All ayes. Nays: None. Motion carried.

2. **Gardner Property** - Councilman Derryberry explained the City has been approached about purchasing approximately 5 acres and a home behind the depot. Councilman Derryberry stated he feels that \$7,000.00 per acre totaling \$35,000.00 and \$40,000.00 for the home, making a grand total of \$75,000.00 is agreeable with the family involved if the Council approves. Councilman Derryberry made a motion to allocate \$75,000.00 out of our Park & Recreation Funds from the proceeds of the school property sale with the house to be used for the elderly or the Park & Recreation Department. Councilman Rother seconded. Voting - Ayes: Harmon Acker, Bill Derryberry, Rebecca Langley, Dennis Rother, David Sprouse, and Council President John Sarris. Nays: None. Motion carried.

3. **North Shelby Chamber Map** - After a brief discussion, Councilwoman Langley made a motion to expend \$260.10 for said item. Councilman Sprouse seconded. Voting - Ayes: Bill Derryberry, Rebecca Langley, Dennis Rother, David Sprouse, Harmon Acker, and Council President John Sarris. Nays: None. Motion carried.

COUNCIL COMMENTS

Councilman Rother said he thought we were currently having a cost study done on our Sewer Plant, but have not had a formal vote of the Council to allocate funds for a Cost Accountant. Mayor Rauch advised he will try to get a name and dollar amount from someone by the next meeting of the Council.

Councilwoman Langley left the Council Chamber at 9:08 P.M.

Councilman Rother said he has concerns regarding drainage in Weatherly. Mayor Rauch advised he would get with Charles Tucker and look into these concerns.

AUDIENCE COMMENTS

Harriett Meeks, 122 Jasmine Drive said we should make sure we get a survey of the Gardner

Property before we purchase it. Councilman Derryberry advised that one does not purchase property without all items Ms. Meeks is concerned about.

Bill Justice thanked the Council for his attendance at the Land Planning and Zoning Seminar held a couple of weeks ago. Mr. Justice said it appears that we are close to resolving the two council positions that have been before the Supreme Court, so he feels it is a good time to renew his resignation that he submitted back in September.

Harold Moore, 1336 1st Avenue West said he is concerned about the wheel chair ramps on main street.

Herbert Spann thanked the Council for his drainage problem getting resolved.

There being no further questions or comments, the meeting adjourned at 9:25 P.M..



Marsha Massey
City Clerk/Treasurer

Inst # 1997-21037

07/07/1997-21037
09:47 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
009 MCD 28.50