

**IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA**

IN RE:

CITY OF BIRMINGHAM  
DEANNEXATION  
(RESOLUTION NO. 2032-02)

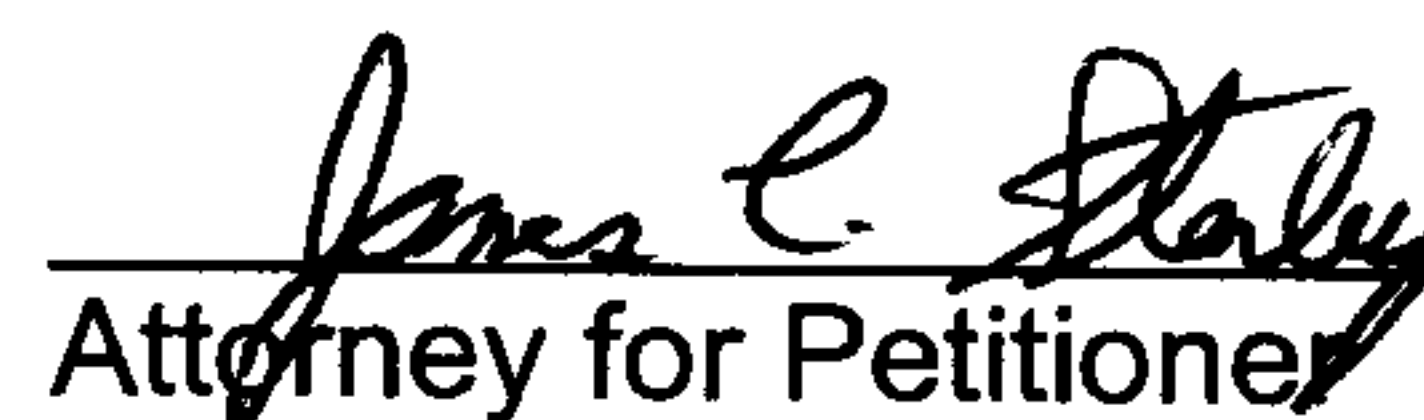
CASE NO. PR-2003-000579

**PETITION FOR DEANNEXATION  
OF CERTAIN TERRITORY**

Comes now Bernard Kincaid, Mayor of the City of Birmingham, and files herewith:

- A. A copy of Resolution No. 2032-02 of the Council of the City of Birmingham which was duly adopted by the said Council on December 10, 2002, and approved by him as Mayor of said City on December 17, 2002.
- B. Mayor's Certificate as required by Section 11-42-201, Code of Alabama 1975.
- C. Waivers of Hearings and Consents to the deannexation executed by all residents of the territory proposed to be deannexed.

WHEREFORE, the said Bernard Kincaid, as Mayor of the City of Birmingham, hereby petitions the Court to enter an order pursuant to the provisions of Section 11-42-203, Code of Alabama 1975, excluding the territory described in said Resolution No. 2032-02 from the corporate boundaries of the City of Birmingham.

  
Attorney for Petitioner

Of Counsel  
James C. Stanley  
Assistant City Attorney  
600 City Hall  
710 20th Street North  
Birmingham, AL 35203  
(205) 254-2369

RESOLUTION NO. 2032-02

**BE IT RESOLVED** by the Council of the City of Birmingham that the Council find and determine, and it does hereby find and determine, that the public health and public good of the City of Birmingham require that the territory described in "*Attachment A*" hereto a 13 acre, more or less, tract of land owned by the Greystone Development Company, L.L.C. and located southeast of Cahaba Valley Road, (Alabama Hwy, 119), annexed to the City of Birmingham on February 24, 1986 and June 3, 1986, Ordinances 86-36 and 86-104, respectively, shall be de-annexed from the territory within the corporate limits of the City of Birmingham pursuant to the provisions of Article 7, Chapter 42, Title 11, Code of Alabama 1975, and that the boundaries of the City of Birmingham shall be re-established so as to exclude the territory described in "*Attachment A*" hereto.

**BE IT FURTHER RESOLVED** by the Council of the City of Birmingham that there be filed with the Judge of Probate of Shelby County, Alabama, a copy of this resolution, certified by the Mayor, and with a map or plat showing the territory to be excluded from the said corporate limits and the names of all qualified voters residing in the territory to be so excluded in order that such proceedings and notices as are necessary may be undertaken pursuant to the provisions of said Article 7 of said Code as aforesaid.

ADOPTED BY THE  
CITY COUNCIL OF  
BIRMINGHAM

December 10, 2002

APPROVED BY THE  
MAYOR  
ON

December 17, 2002

*Paul R. Smith*

CITY CLERK

## ATTACHMENT A

### PROPOSED DEANNEXATION

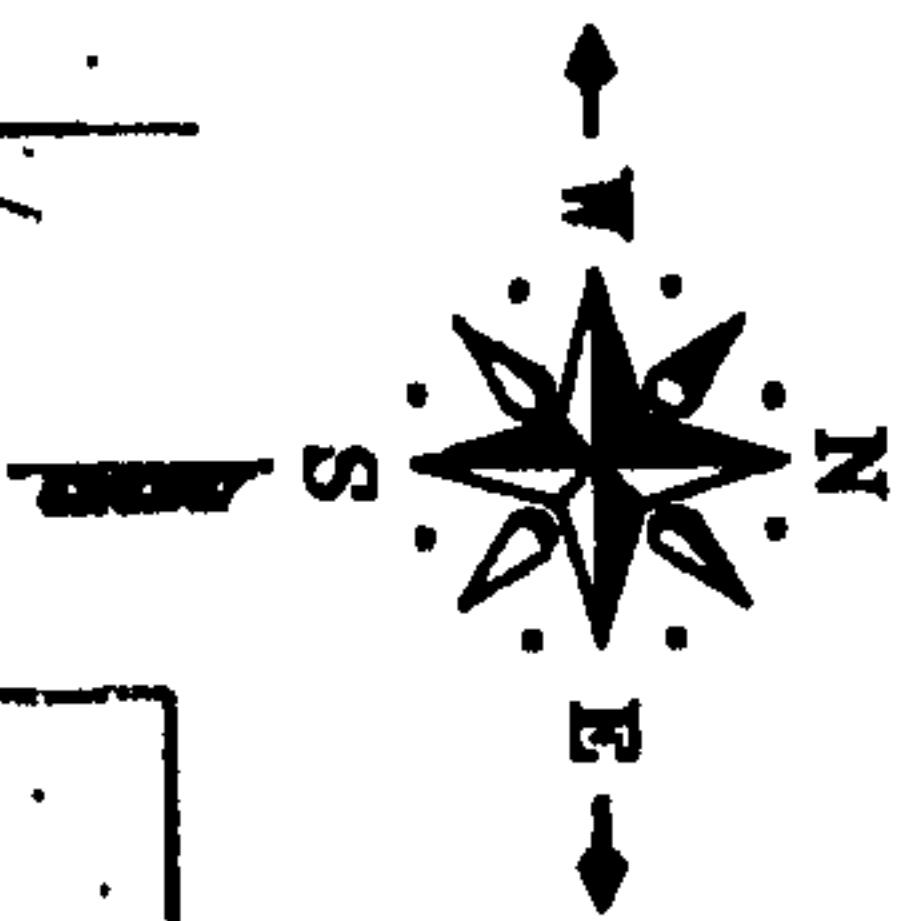
#### Parcel F

The Southwest diagonal one half of the Southeast  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$  of Section 15, Township 18 South, Range 1 West, Shelby County, Alabama:

Less and except a parcel of land situated in the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 15, Township 18 South, Range 1 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Southeast corner of said  $\frac{1}{4}$ - $\frac{1}{4}$  section and run thence West (assumed) along the South line thereof 659.60 feet to the point of beginning of the property herein described; thence continue along the last described course 659.32 feet; thence run North 00 degrees, 30 minutes, 20 seconds East 554.10 feet; thence run North 89 degrees, 58 minutes, 20 seconds East 384.71 feet; thence run South 25 degrees, 57 minutes, 00 seconds East 616.36 feet to the point of beginning.





PROPOSED ANNEXATION  
PARCEL C

PARCEL D

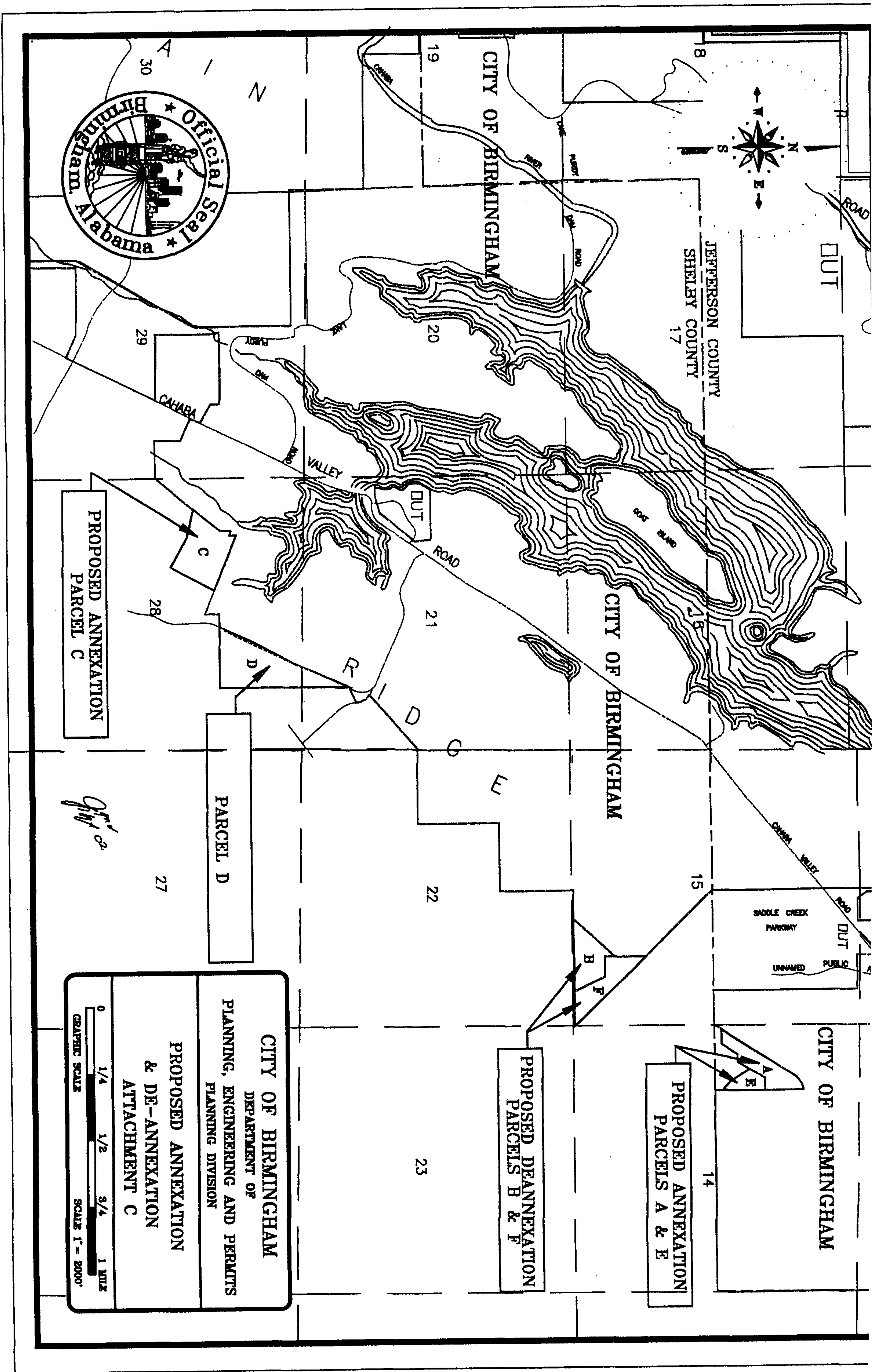
PROPOSED DEANNEXATION  
PARCELS B & F

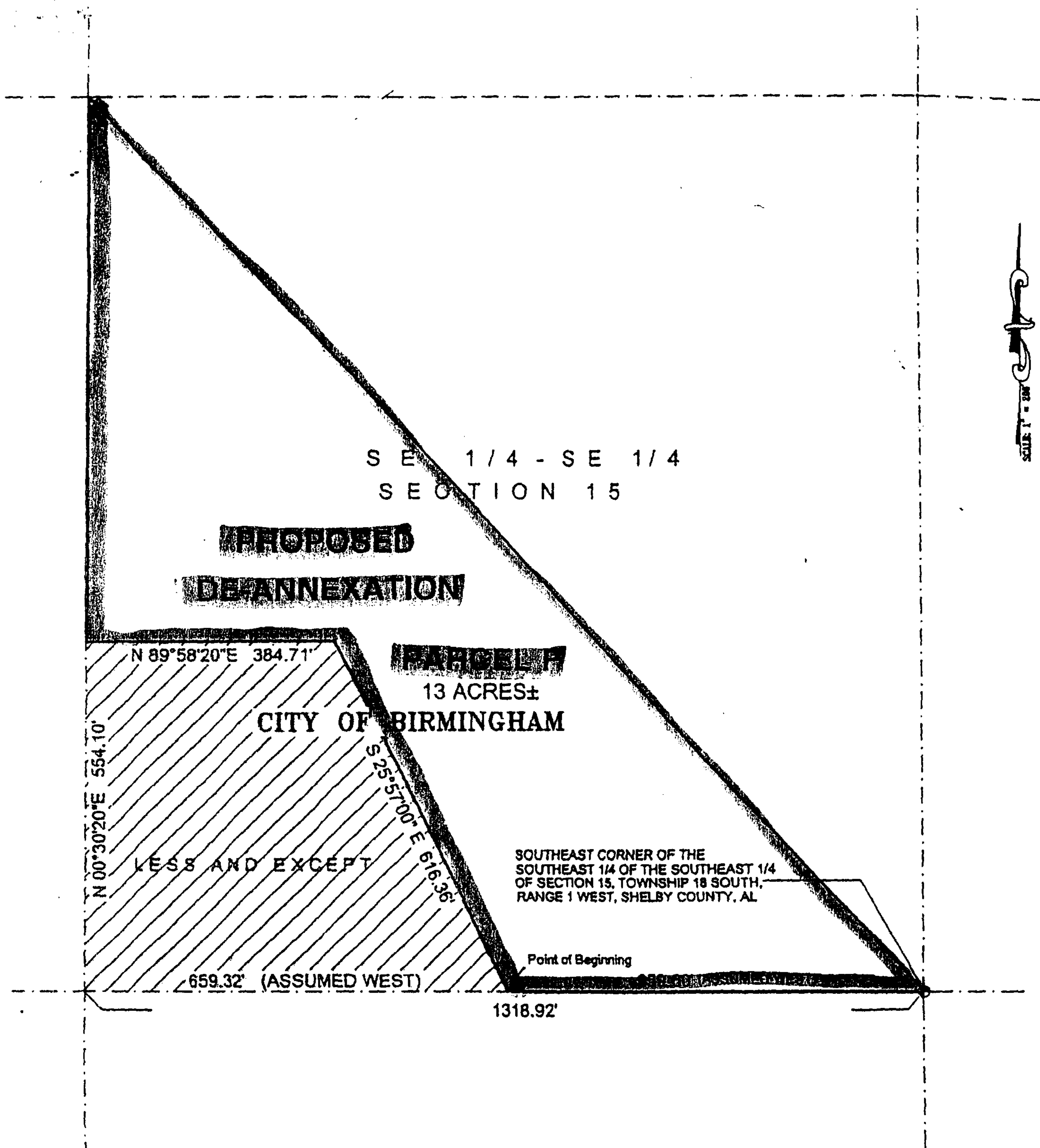
PROPOSED ANNEXATION  
PARCELS A & E

CITY OF BIRMINGHAM  
DEPARTMENT OF  
PLANNING, ENGINEERING AND PERMITS  
PLANNING DIVISION

PROPOSED ANNEXATION  
& DE-ANNEXATION  
ATTACHMENT C

0 1/4 1/2 3/4 1 MILE  
GRAPHIC SCALE SCALE 1" = 2000'





#### LEGAL DESCRIPTION

The Southwest diagonal one half of the Southeast 1/4 of Southeast 1/4 of Section 15, Township 18 South, Range 1 West, Shelby County, Alabama:

Less and except a parcel of land situated in the Southeast 1/4 of the Southeast 1/4 of Section 15, Township 18 South, Range 1 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Southeast corner of said 1/4 - 1/4 section and run thence West (assumed) along the South line thereof 659.60 feet to the point of beginning of the property herein described; thence continue along the last described course 659.32 feet; thence run North 00 degrees, 30 minutes, 20 seconds East 554.10 feet; thence run North 89 degrees, 58 minutes, 20 seconds East 384.71 feet; thence run South 25 degrees, 57 minutes, 00 seconds East 616.36 feet to the point of beginning.



**IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA**

IN RE:

CITY OF BIRMINGHAM  
DEANNEXATION  
(RESOLUTION NO. 2032-02)

CASE NO. PR-2003-000579


**MAYOR'S CERTIFICATE PURSUANT TO  
SECTION 11-42-201, CODE OF ALABAMA 1975**

I, Bernard Kincaid, Mayor of the City of Birmingham, do hereby certify that the attached Resolution No. 2032-02, to exclude from the boundaries of City of Birmingham the territory described in Attachment A thereto, was duly adopted by the Council of the City of Birmingham on December 10, 2002, and approved by the undersigned as Mayor on December 17, 2002, and that the map attached thereto correctly defines the corporate limits of the City of Birmingham excluding the territory to be deannexed under said resolution, and that there are no qualified electors residing on the territory proposed to be excluded from the corporate limits of the City of Birmingham, as certified by the following non-resident owner of the property:

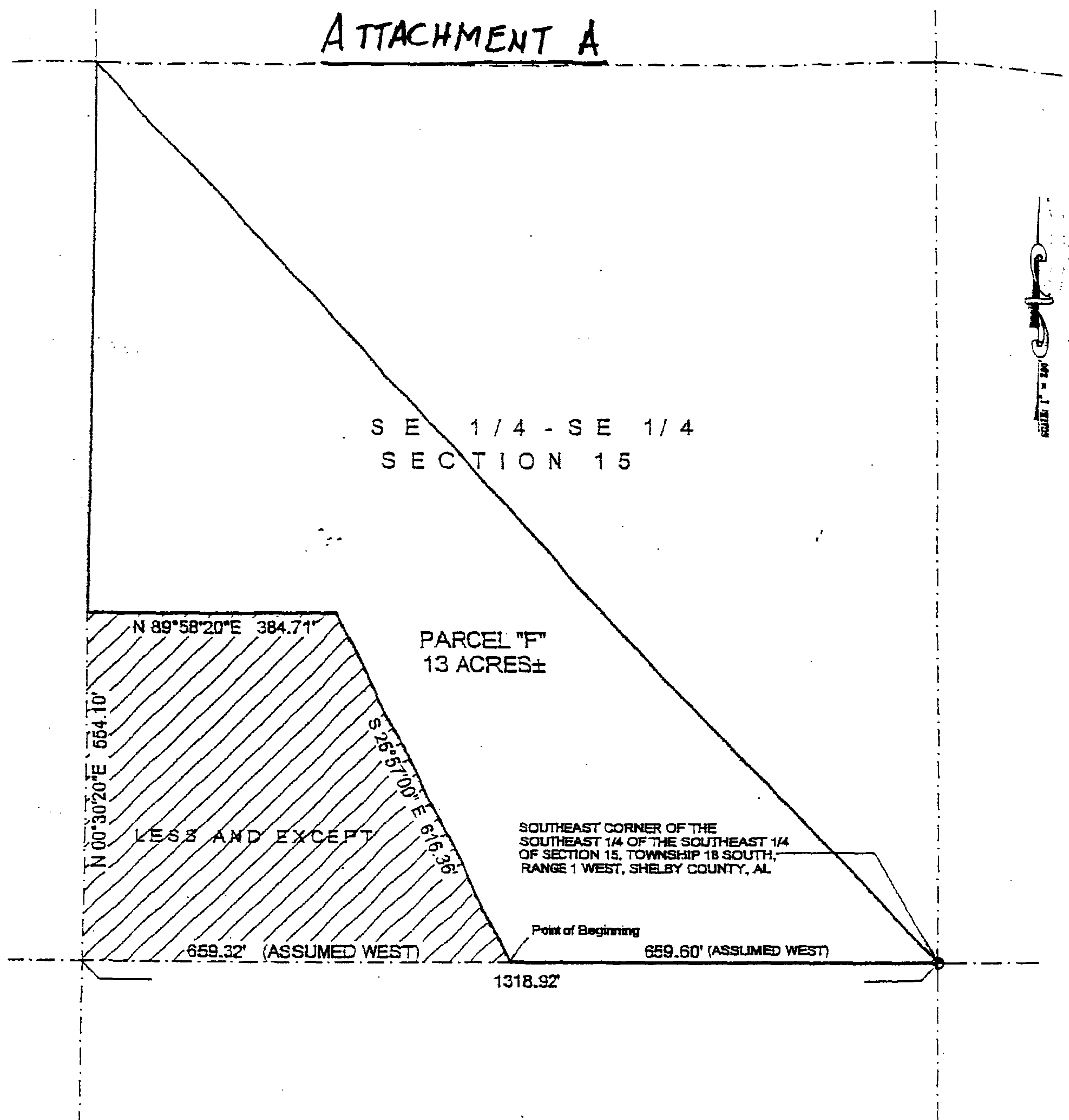
Greystone Development Company, LLC  
3595 Grandview Parkway, Suite 400  
Birmingham, Alabama 35243

Petition is hereby made to the Probate Judge of Jefferson County to enter an order under the provisions of Article 7, Chapter 42, Title 11, Code of Alabama (1975), to deannex the described property by establishing the boundaries of the City of Birmingham to exclude the same so as to remove the territory described in Attachment A to the said resolution from the effects of the grant of any and all tax exemptions and abatements provided by the City of Birmingham.

Certified this 29<sup>th</sup> day of October, 2003.

  
BERNARD KINCAID  
Mayor of the City of Birmingham

# ATTACHMENT A



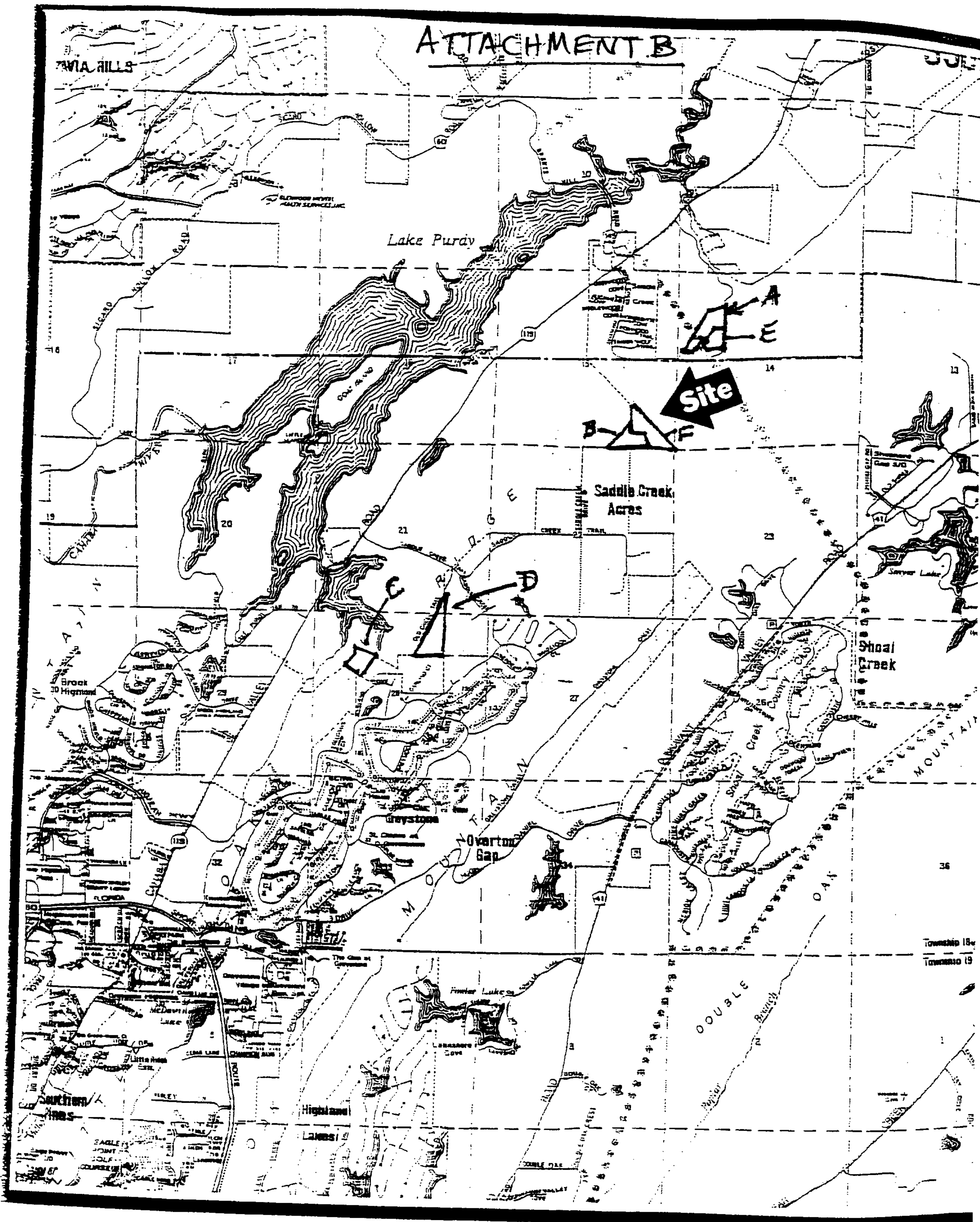
## LEGAL DESCRIPTION

The Southwest diagonal one half of the Southeast  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$  of Section 15, Township 18 South, Range 1 West, Shelby County, Alabama:

Less and except a parcel of land situated in the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 15, Township 18 South, Range 1 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Southeast corner of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section and run thence West (assumed) along the South line thereof 659.60 feet to the point of beginning of the property herein described; thence continue along the last described course 659.32 feet; thence run North 00 degrees, 30 minutes, 20 seconds East 554.10 feet; thence run North 89 degrees, 58 minutes, 20 seconds East 384.71 feet; thence run South 25 degrees, 57 minutes, 00 seconds East 616.36 feet to the point of beginning.





Location Map



IN RE: ) IN THE PROBATE COURT OF  
 ) SHELBY COUNTY, ALABAMA  
CITY OF BIRMINGHAM DEANNEXATION )  
(RESOLUTION NO. 2032-02 ) CASE NO. \_\_\_\_\_

WAIVER AND CONSENT OF PROPERTY OWNERS  
TO DEANNEXATION OF TERRITORY

The undersigned property owners, who are the non-resident owners of all of the real property situated in the territory described in Attachment A hereto, do hereby certify that the property is vacant and undeveloped and that there are no electors residing thereon.

As the owners of said property we do hereby consent to the deannexation of said territory by the City of Birmingham, and waive all rights to any and all hearings before the Probate Court of Shelby County, Alabama, and consent to the entering of an Order by said Probate Court to accomplish such deannexation of the said territory described in said Attachment A hereto.

Greystone Development Company, LLC

3595 Grandview Parkway, Suite 400  
Birmingham, Alabama 35243

By: Daniel Realty Corporation, Its Manager

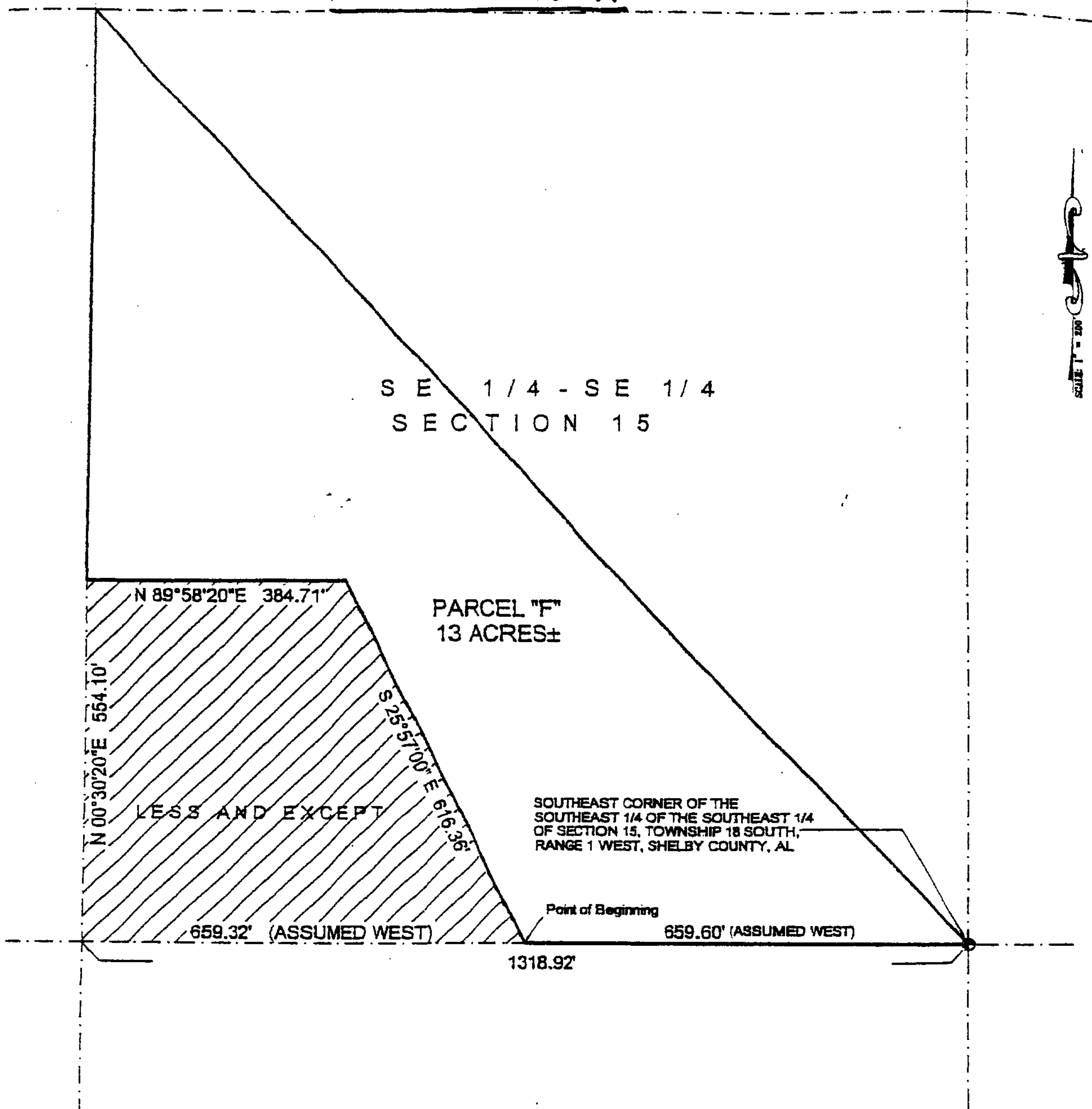
By: Christopher G. Dan  
Its: Sr Vice President

STATE OF ALABAMA )  
JEFFERSON COUNTY )

Sworn to and subscribed before me on this the 11<sup>th</sup> day of June, 2003.

Debbie D. Stephens  
NOTARY PUBLIC  
My Commission Expires: April 10, 2006

# ATTACHMENT A



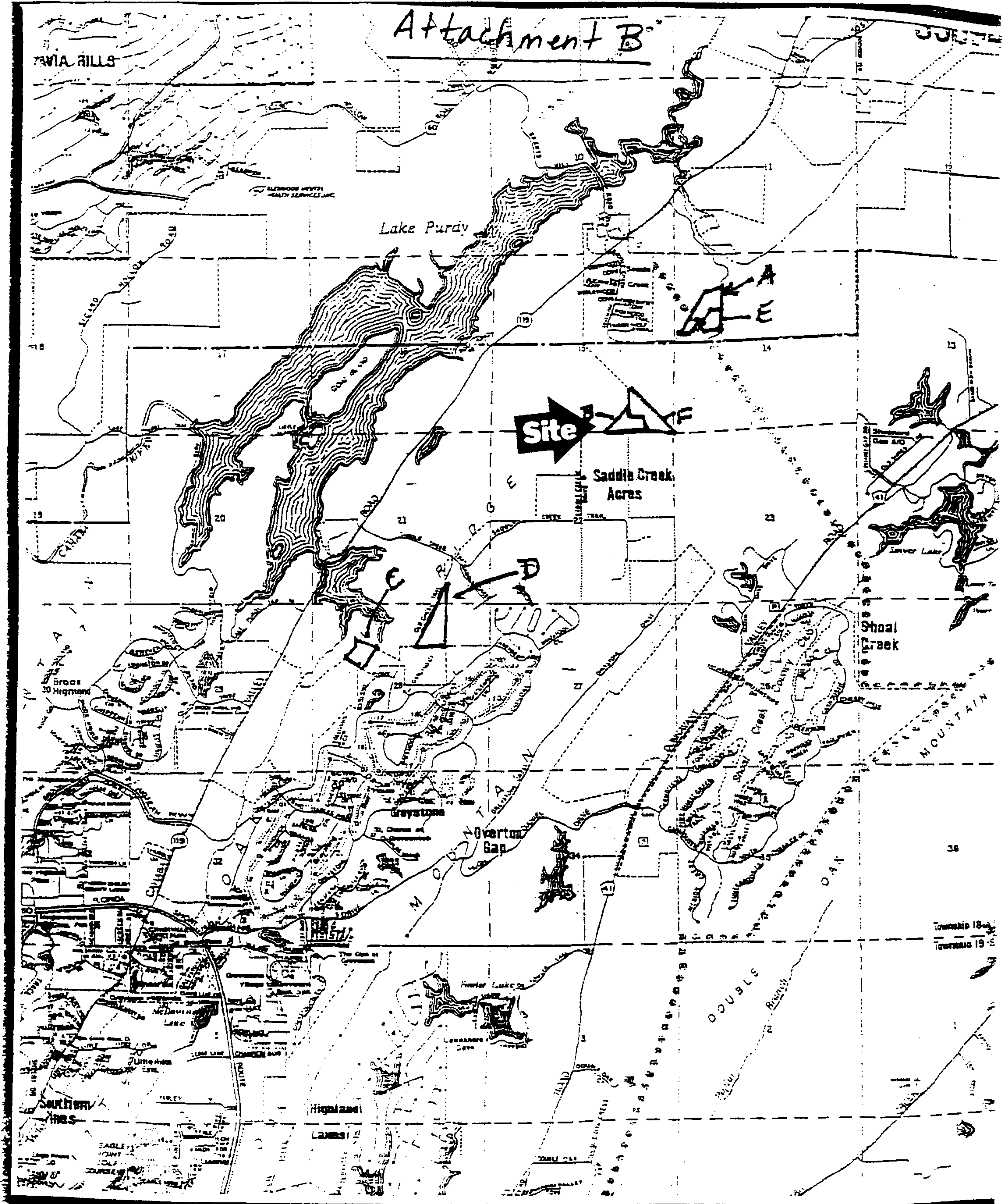
## LEGAL DESCRIPTION

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Commence at the Southeast corner of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section and run thence West (assumed) along the South line thereof 659.60 feet to the point of beginning of the property herein described; thence continue along the last described course 659.32 feet; thence run North 00 degrees, 30 minutes, 20 seconds East 554.10 feet; thence run North 89 degrees, 58 minutes, 20 seconds East 384.71 feet; thence run South 25 degrees, 57 minutes, 00 seconds East 616.36 feet to the point of beginning.

# Attachment B



Location Map



**IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA**

IN RE:

CITY OF BIRMINGHAM  
DEANNEXATION  
(RESOLUTION NO. 2032-02)

)  
)  
)  
)  
)

CASE NO. PR-2003-000579

**ORDER OF DEANNEXATION**

It appearing to the Court that on December 10, 2002, the Council of the City of Birmingham adopted Resolution No. 2032-02, approved by the Mayor of said City on December 17, 2002, to exclude or deannex from the territory within the corporate limits of the City of Birmingham under the provisions of Article 7, Chapter 42, Title 11, Code of Alabama 1975, the real property situated in Shelby County, Alabama, described in Attachment A hereto, and shown on the maps attached hereto as Attachments A and B.

It further appearing to the Court that Bernard Kincaid, Mayor of the City of Birmingham, has certified a copy of said Resolution No. 2032-02, together with maps of the territory proposed to be deannexed showing the territory's relationship to the boundaries of the City of Birmingham, and has certified, as provided by Section 11-42-201, Code of Alabama 1975, that there are no resident electors residing thereon and Greystone Development Company, LLC, who are the owners of the territory described in said Resolution 2031-02 and shown by the maps (Attachments A and B), have waived hearings and consented to the deannexation of proposed territory thus described and shown by the said maps.

Mayor Bernard Kincaid, Mayor of Birmingham, has petitioned the Court to enter an

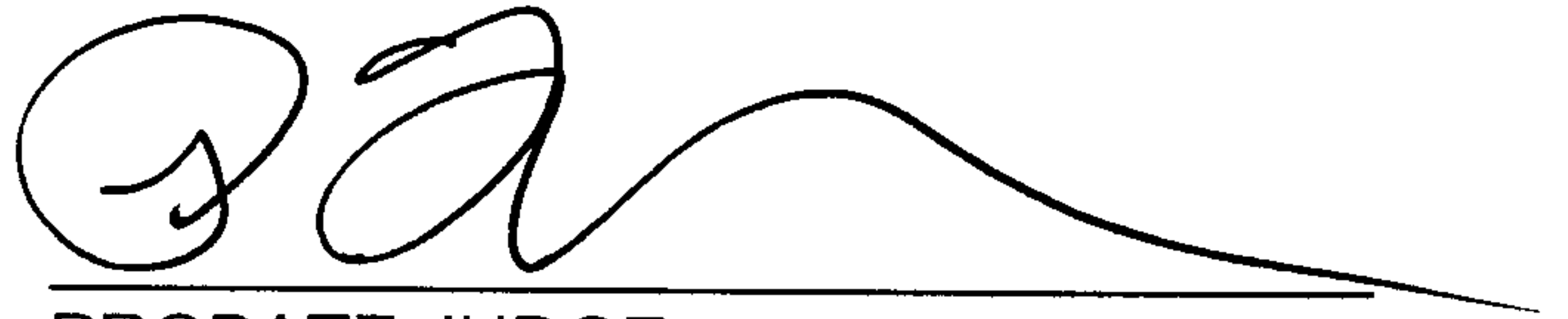
order reducing the boundaries of the City of Birmingham so as to omit therefrom by deannexation the property described in Attachment A to this order.

It further appearing to the Court that because of the waivers of hearing by the non-resident owners of said territory, no notice or hearing as provided for by Section 11-42-202 of the aforesaid Title 11 is required in the premises.

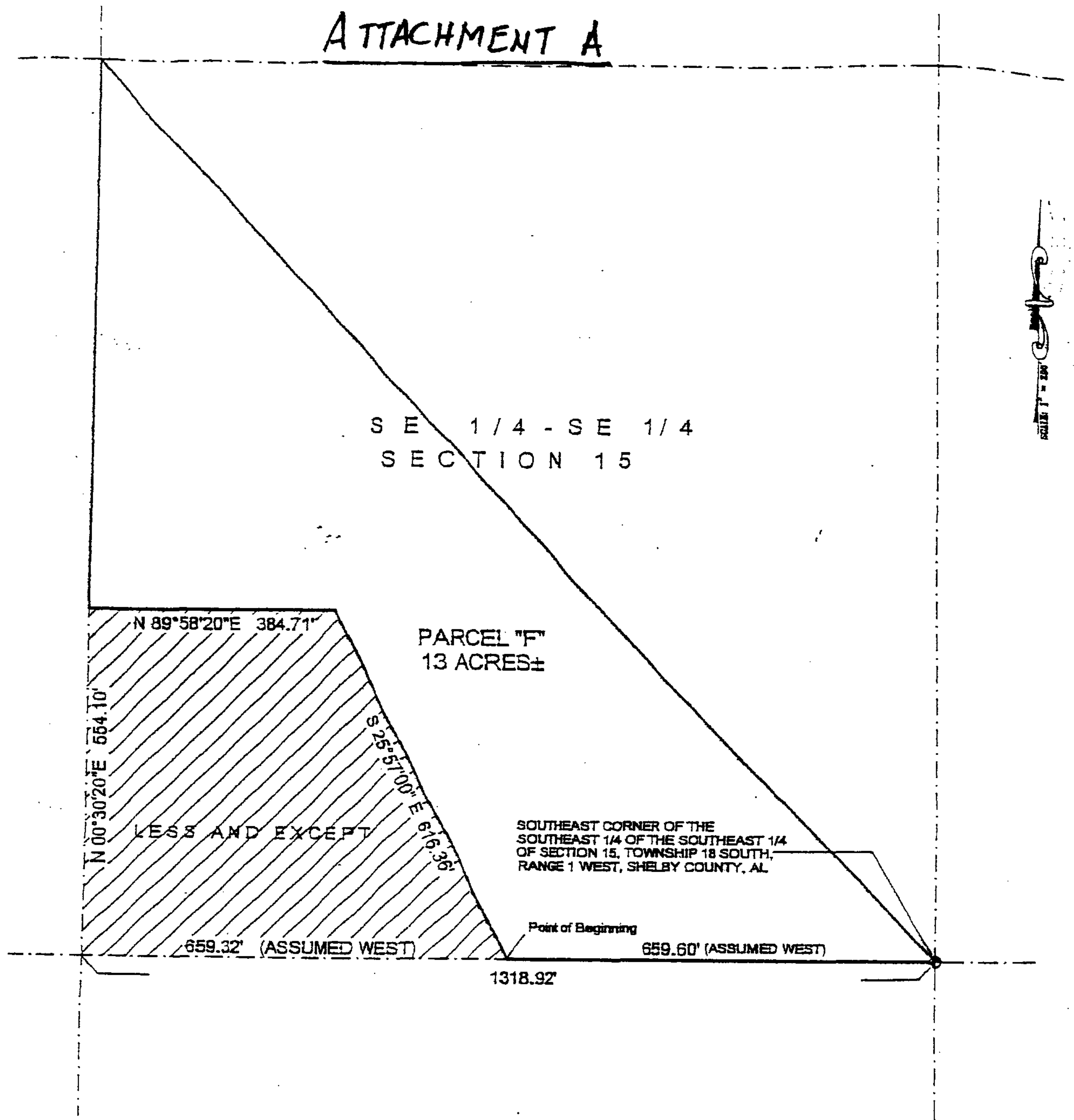
It is, therefore, ORDERED, ADJUDGED and DECREED, pursuant to the provisions of Section 11-42-203, Code of Alabama 1975, that all of the territory and property described in Attachment A, and shown by the maps attached hereto as Attachments A and B, is hereby excluded from the corporate limits of the City of Birmingham.

A copy of this order shall be filed of record in this court and recorded in the Office of the Probate Judge of Shelby County, Alabama.

Done this the 31 day of October, 2003.

  
\_\_\_\_\_  
PROBATE JUDGE

# ATTACHMENT A



## LEGAL DESCRIPTION

The Southwest diagonal one half of the Southeast 1/4 of Southeast 1/4 of Section 15, Township 18 South, Range 1 West, Shelby County, Alabama:

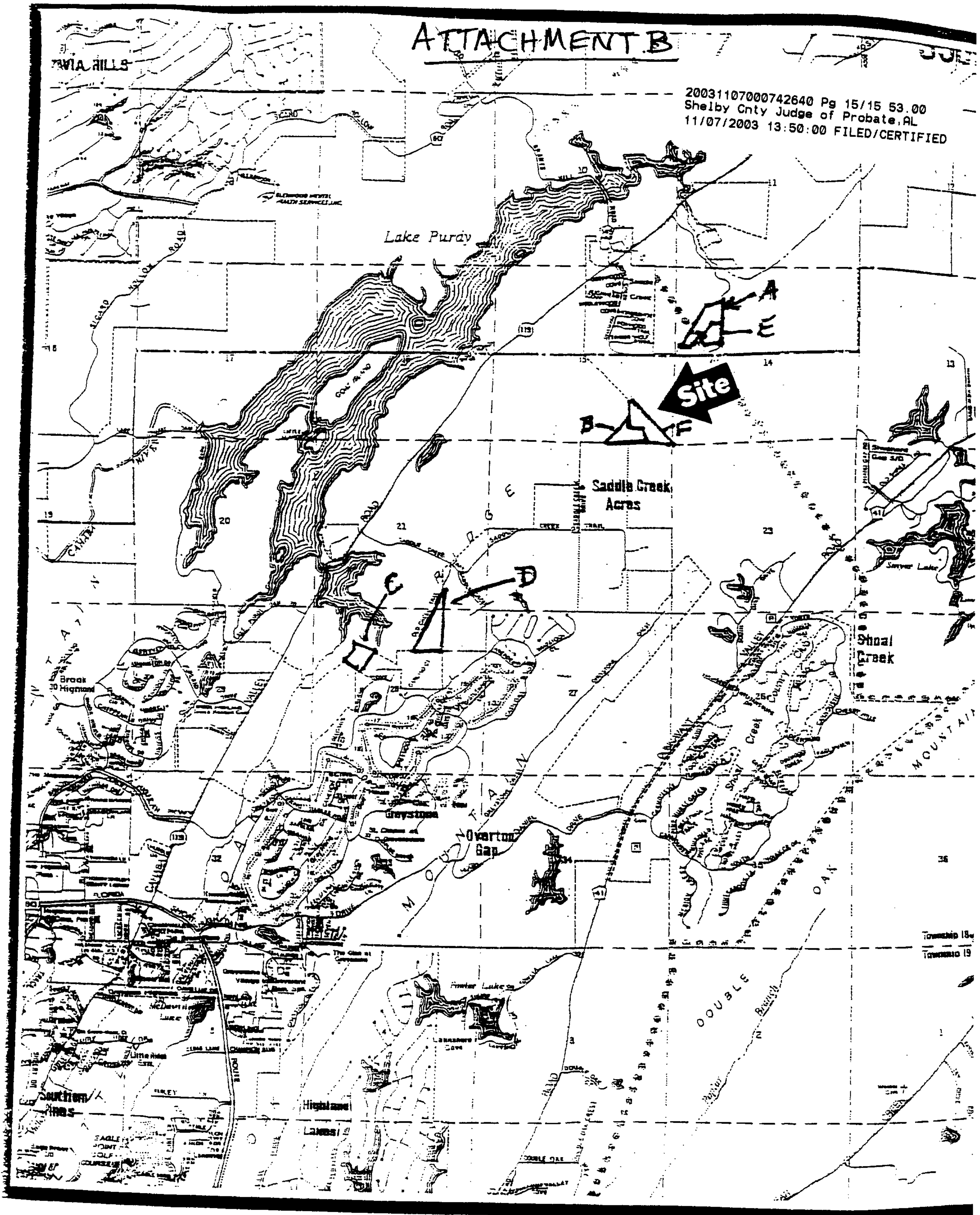
Less and except a parcel of land situated in the Southeast 1/4 of the Southeast 1/4 of Section 15, Township 18 South, Range 1 West, Shelby County, Alabama, more particularly described as follows:

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# ATTACHMENT B

20031107000742640 Pg 15/15 53.00  
Shelby Cnty Judge of Probate, AL  
11/07/2003 13:50:00 FILED/CERTIFIED



Location Map