


Recommended by: The Mayor and the Budget and Finance Committee
Submitted by: The City Attorney and the Department of Planning, Engineering and Permits

ORDINANCE NO. 04-77


20040811000452070 Pg 1/6 29.00
Shelby Cnty Judge of Probate, AL
08/11/2004 15:50:00 FILED/CERTIFIED

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

WHEREAS, a certain petition signed by **Ingram D. Tynes**, President of Tynes Development Corporation, as authorized agent for Morrow Partnership 119, LLP, being the owner of all of the land within the territory therein described and proposed to be annexed to 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 Birmingham; and,

WHEREAS, this Council has determined and found that the matters set forth and alleged in said petition are true, that said territory is contiguous to the corporate limits of the City of Birmingham, and that it is in the public interest that said property be annexed to the City of Birmingham to the extent that such territory lies closer to the present boundary line of the City of Birmingham than to the present boundary line of any other municipality;

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

Section 1. That said Council hereby assents to the annexation of said contiguous territory to the City of Birmingham, Alabama, and the corporate limits thereof are hereby extended and rearranged pursuant to the provisions of Chapter 42, Article 2, Code of Alabama 1975 (Sections 11-42-20 through 11-42-23, as amended) so as to embrace and include said contiguous territory, in addition to the territory already within its present corporate limits, within the corporate area of said City, which said territory, while it may be within police jurisdiction of another municipality, the new

boundary line does not lie at any point beyond the point which is equidistant between the old City boundary of the City of Birmingham and the present corporate boundary of any other municipality. Said territory is described in **Attachment A** hereto.

Section 2. Pursuant to the City's authority under the provisions of Chapter 42, Article 2, Code of Alabama 1975, (Sections 11-42-20 through 11-42-23, as amended), the annexation of the aforesaid property shall be subject to certain terms and conditions requested by the owner/petitioner as well as included in said owner's Petition for Annexation, which terms and conditions are hereby accepted and approved:

A. Said property as described in this ordinance shall be exempt for a period of eleven (11) years from the date of this ordinance from all of the non-educational portion of the ad valorem taxes on the property.

B. The annexation shall be contingent upon the owner/petitioner being able to de-annex all or a portion of the annexed land if said owner/petitioner is unable to obtain the desired zoning and utilities to the property; however, if the owner/petitioner has secured and obtained the extension of sewer services to the property or has secured a commitment to provide sanitary sewer services, the city shall not be obligated to de-annex the property.

C. In the event the petitioner, Tynes Development Corporation, or its assigns, does not close on the sale of the property within 365 days from the effective date of this annexation, the owner, Morrow Partnership 119, LLP, shall have the right to de-annex the property.

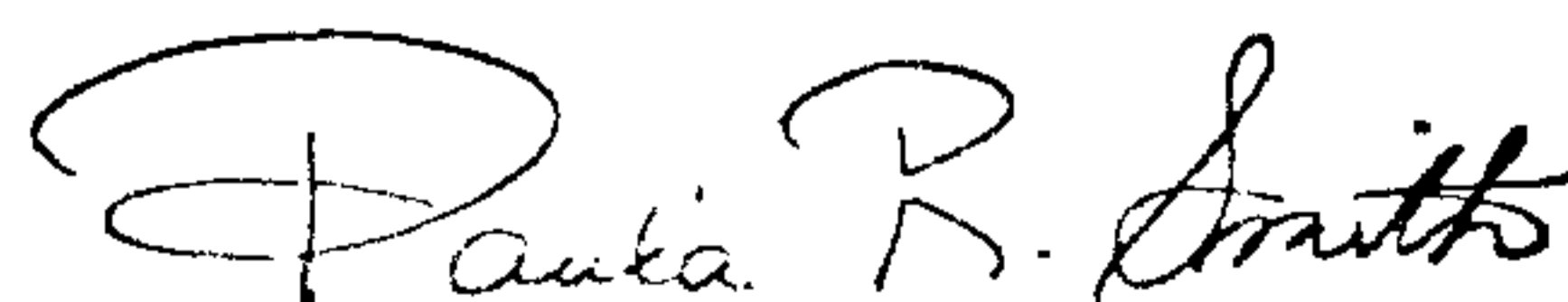
Section 3. The City of Birmingham hereby agrees to comply with those provisions of Act No. 604 enacted at the 1976 Regular Session of the Legislature of Alabama pertaining to the assumption and payment of a fire district's debt by the City, or the payment to said fire district by the City of an amount equal to six times the amount of dues that the portion of a fire district being annexed paid to said fire district during the year preceding the annexation of all or any portion thereof to the City of Birmingham.

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. That the City Clerk shall file a certified copy of this ordinance containing an accurate description of said annexed territory, together with a map of such 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 Birmingham.

ADOPTED BY THE
CITY COUNCIL OF
BIRMINGHAM ON
June 29, 2004

APPROVED BY THE
MAYOR
ON
July 7, 2004



CITY CLERK

ATTACHMENT A

PROPOSED ANNEXATION

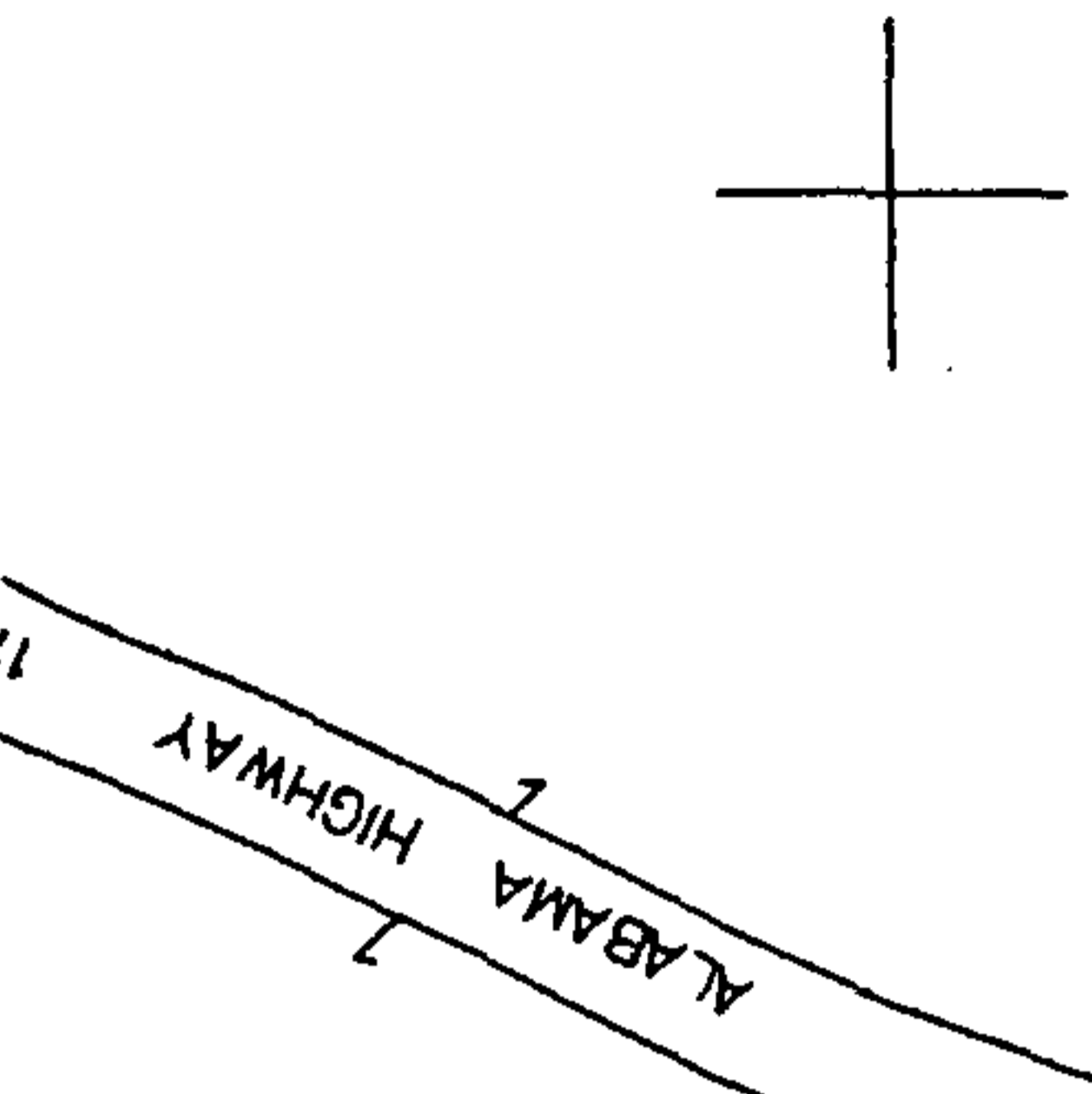
A portion of land situated in the NE 1/4 of Section 29, Township 18 South, Range 1 West, in Shelby County, Alabama, more particularly described as follows;

Begin at the NW corner of the SW 1/4 of the NE 1/4 of Section 29, Township 18 South, Range 1 West, also said point being on the present corporate boundary of the City of Birmingham; thence S 00°08'16" W along the West line of said 1/4-1/4 Section and said present corporate boundary of the City of Birmingham for a distance of 977.35 feet; thence N 89°28'38" E for a distance of 801.68 feet; thence N 23°29'34" E for a distance of 263.96 feet; thence N 25°18'29" E for a distance of 257.00 feet; thence S 62°28'26" E for a distance of 64.25 feet; thence N 25°26'44" E for a distance of 268.82 feet; thence S 63°25'09" E for a distance of 420.56 feet to the point of intersection with the NW right-of-way line of Alabama Highway No. 119 (Cahaba Valley Road); thence continue in a Southeasterly direction along a projection of the last described course 40 feet to the point of intersection with the centerline of said Alabama Highway No. 119; thence turn an angle to the left and run in a Northeasterly direction N 25°26'44" E along said centerline for a distance 330.01 feet; thence N 63°25'09" W for a distance of 40 feet to the point of intersection with the Northwest right-of-way line of said Alabama Highway No. 119; thence continue N 63°25'09" W for a distance of 420.56 feet to a point on the East line of the NW 1/4 of the NE 1/4 of Section 29 that is 3.56 feet North of the Southeast corner of said 1/4 - 1/4 Section; thence N 00°10'47" E along the East line of the NW 1/4 of the NE 1/4 of said Section 29 for a distance of 224.00 feet; thence S 89°14'22" W for a distance of 1329.14 feet to the West line of the NW 1/4 of the NE 1/4 of said Section 29; thence S 00°05'05" W along the West line of said 1/4-1/4 Section for a distance of 221.78 feet to the point of beginning.

The above described portion of land contains 34.18 Acres or 0.053 sq. mi., more or less, as shown on maps labeled Attachments B & C and kept on file in the Office of the City Clerk.

Address: undeveloped

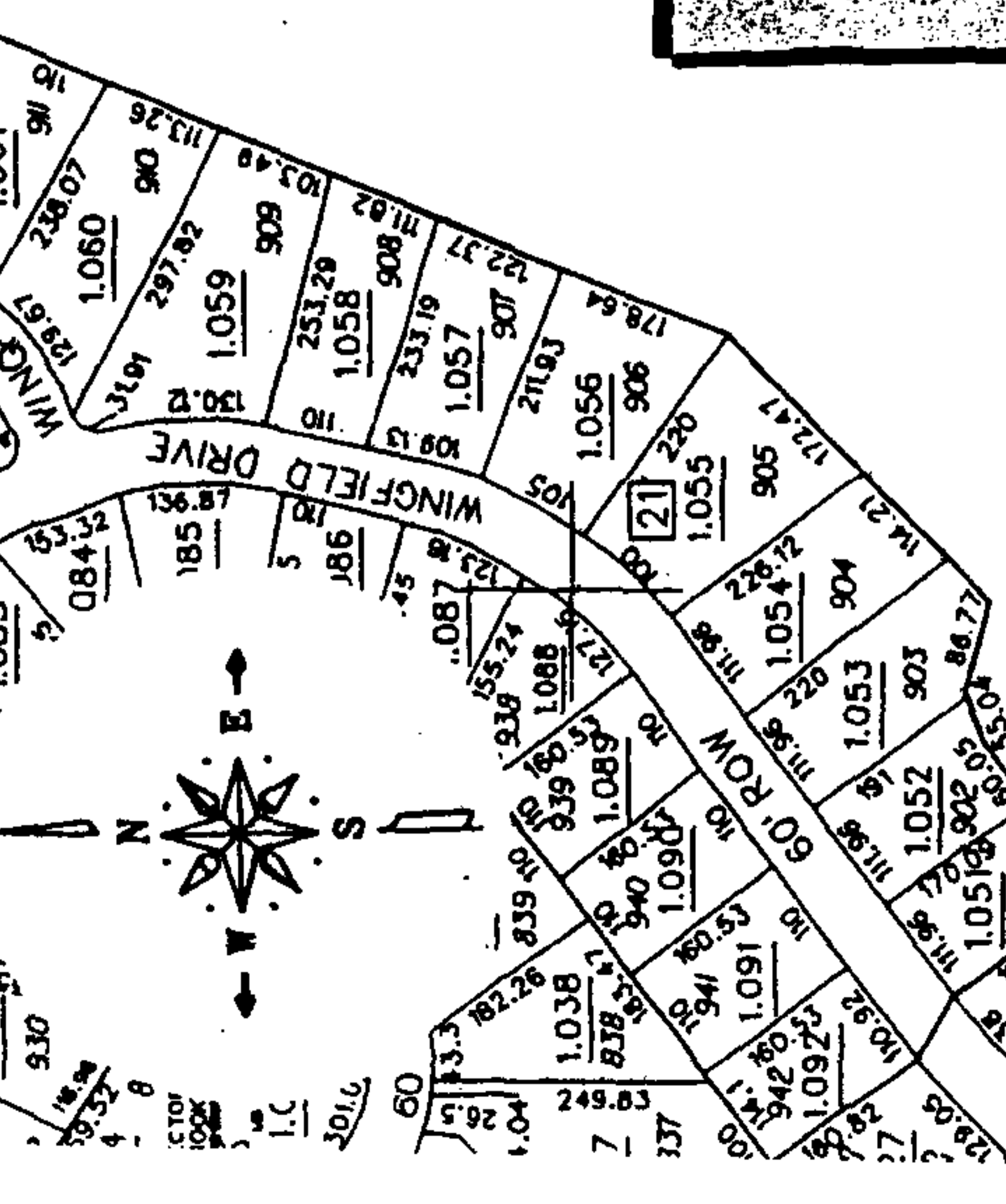
PID: 58-03-09-29-0-001-003.002



ALABAMA HIGHWAY 7

BIRMINGHAM WATER WORKS
CITY OF BIRMINGHAM
92 Ac(c)

BRANCH
BIRMINGHAM
NE 1/4



PROPOSED ANNEXATION
3.002
38 Ac(c)

LAKE
1
27.22 AC

LIMITS

4
16 Ac(c)

3.001

80' ROW

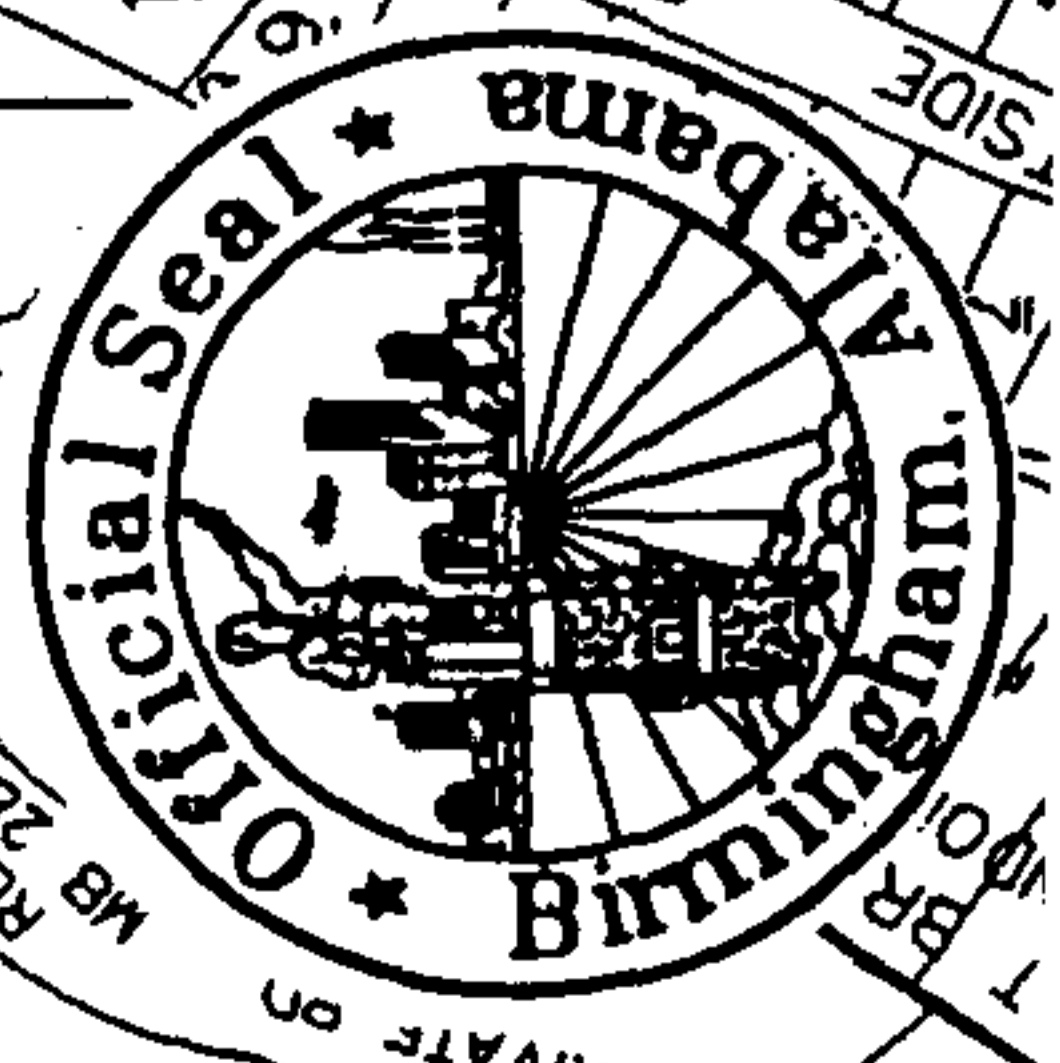
BROOK HIGHLAND COMMERCIAL NO. 3
MB. 23 PG. 91

SEC 29 TSP 18S R 1W
1.094
25.26 AC

CITY OF BIRMINGHAM

HIGHLAND DRIVE
BROOK HIGHLAND DRIVE 2
MB 12 PG 74 A & B

RESURVEY LOT 3
BROOK HIGHLAND COMMERCIAL NO. 3
MB. 26 PG. 41



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

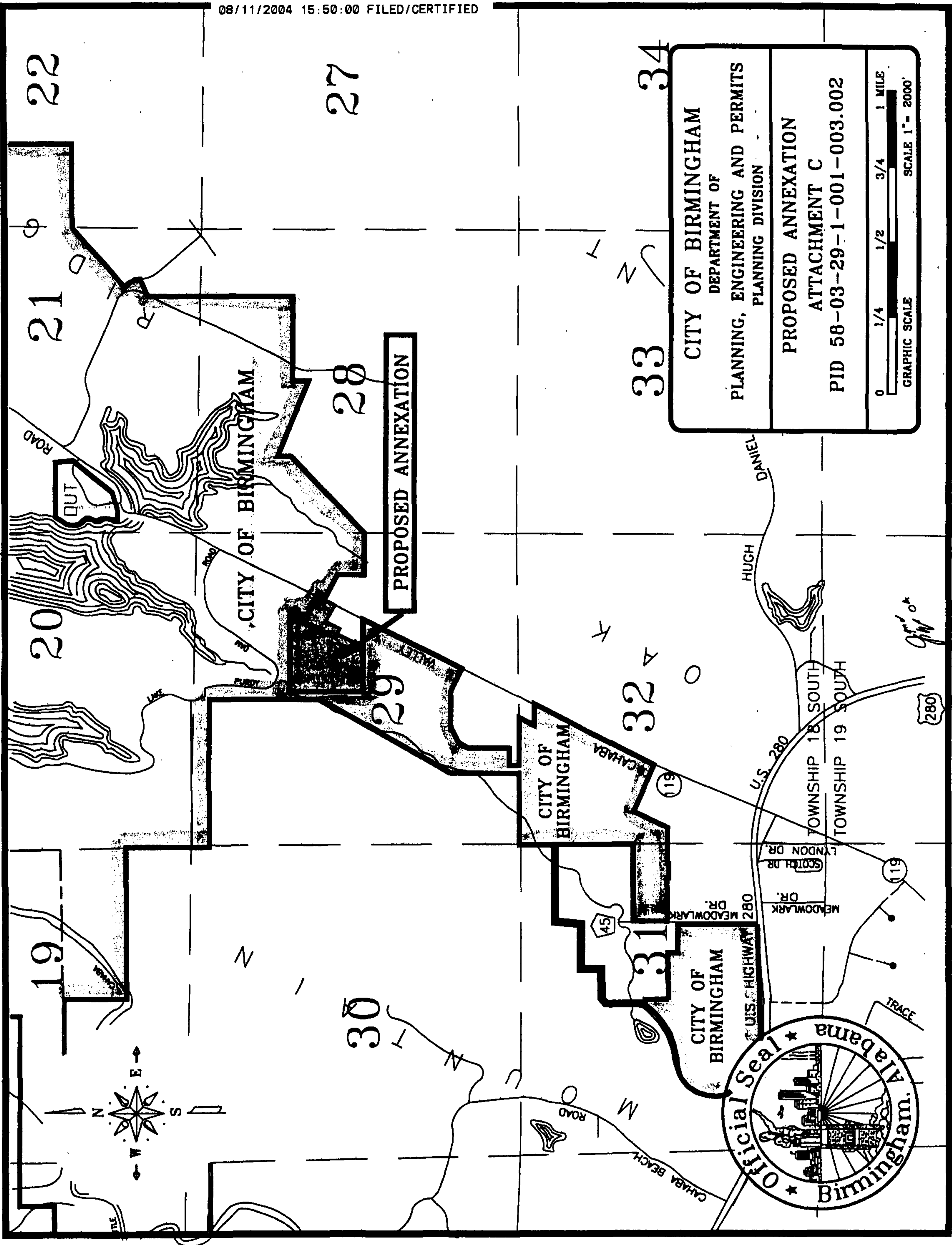
PROPOSED ANNEXATION
ATTACHMENT B

GRAPHIC SCALE
0 100 200 400
FEET
SCALE 1" = 200'

BRANCH
ZONE C

HARRIS CEMETERY

1.101
5 AC



PROPOSED ANNEXATION

CITY OF BIRMINGHAM DEPARTMENT OF PLANNING, ENGINEERING AND PERMITS PLANNING DIVISION
PROPOSED ANNEXATION ATTACHMENT C PID 58-03-29-1-001-003.002
0 1/4 1/2 3/4 1 MILE GRAPHIC SCALE SCALE 1" = 2000'

