

Mayor Roy introduced the following Ordinance:

ORDINANCE NO. 2007-10

WHEREAS, on or about the 15th day of February 2007, Chemical Lime Company of Alabama, Inc. filed a petition with the City Clerk of the City of Calera, 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 Calera, 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 Calera, Alabama, and the signature of the owner of the property described were signed thereto;

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

1. That the City of Calera, Alabama does adopt this Ordinance assenting to the annexation of the property owned by the above referenced property owner, as described in:

Exhibit A

to the municipality of the City of Calera, Alabama.

2. That the corporate limits of the City of Calera, 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.

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 Calera, 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 Calera, 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.

Council Member Phillips moved that unanimous consent of the Council be given for the immediate action upon said Ordinance. Council Member Montgomery seconded said motion and upon roll call vote the results were:

AYES: Roy, Bradshaw, Davis, Montgomery, Phillips, Roberson

NAYS: None

The Mayor declared said motion carried and unanimous consent given.


Council Member Davis moved that Ordinance No. 2007-10 be adopted, which motion was seconded by Council Member Roberson and upon roll call vote the results were as follows:


AYES: Roy, Bradshaw, Davis, Montgomery, Phillips, Roberson

NAYS: None

Adopted this 19th day of February 2007.

Mayor Roy declared Ordinance No. 2007-10 adopted.


Linda Steele, City Clerk


George W. Roy, Mayor

State of Alabama)
)
Shelby County)

City of Calera

Date 2-15-2007

**PETITION FOR ANNEXATION OF TERRITORY TO THE CORPORATE
LIMITS OF THE CITY OF CALERA, ALABAMA**

**TO THE MAYOR AND CITY COUNCIL OF THE CITY OF CALERA,
ALABAMA:**

The undersigned Chemical Lime Company of Alabama, Inc. (hereinafter "Petitioner/Owner"), owner of the real property more particularly described in **Exhibit A**, attached hereto and incorporated into this Petition for Annexation by reference as though set fully out herein, does hereby petition the governing body of the City of Calera, Alabama (hereinafter the "City"), to pass all resolutions and ordinances, and to do all things required by law to be done by said governing body to effect the incorporation into the corporate limits of said City of Calera, Alabama, of all the territory and area lying within the boundaries of the area proposed to be annexed, which said property is described in **Exhibit A**.

In support of this petition, the undersigned respectfully represents and shows as follows:

I. PETITIONER/OWNER

Petitioner/Owner is the owner of the real estate and improvements described in **Exhibit A**.

II. LEGAL DESCRIPTION

The real property sought to be annexed and more particularly described in **Exhibit A** is located in unincorporated Shelby County, Alabama, and is commonly referred to as the "Montevallo Plant Property."

III. MAP

The Montevallo Plant Property sought to be annexed, and more particularly described in **Exhibit A** of this petition, is contiguous to the corporate limits of the City and does not lie within the corporate limits of any other municipality. A map of said property is attached hereto as **Exhibit B** and incorporated into this petition by reference as though set out fully herein.

IV. METHOD OF ANNEXING TERRITORY

It is respectfully requested that the real property described in **Exhibit A** and **Exhibit B** be annexed pursuant to, and in accordance with, Title 11-42-21 of the Code of Alabama, 1975.

V. CONDITIONS OF ANNEXATION

The undersigned Petitioner/Owner seeks annexation of the real property described in **Exhibit A** to the corporate boundary of the City subject to the conditions set forth in the Annexation Agreement between the City and Petitioner/Owner which was recently approved by resolution of the City's council in its meeting of February 5, 2007 (hereinafter "Annexation Agreement").

Petitioner/Owner acknowledges that the City is not obligated to grant any of the petitions and approvals set hereinabove and that the City cannot approve any of said conditions in regard to the real property described in **Exhibit A** until the annexation of said property has occurred and appropriate petitions have been filed and appropriate hearings, where applicable, have been held. Accordingly, it is a material part of this Petition for Annexation that the Petitioner/Owner reserve unto itself, and that the City agrees that the Petitioner/Owner shall have, the right to de-annex all, or any part thereof, of the real property described in **Exhibit A** in accordance with the terms of the Annexation Agreement.

VI. PAYMENT OF FIRE DUES

Ala. Act No. 62 adopted by the Alabama Legislature on June 14, 1977 (as amended by 1999 Ala. Act No. 99-245) provides, among other things, that if a portion of a fire district located in Shelby County is annexed to a municipal corporation, then in such event, an amount equal to six times the amount of fire dues that the portion being annexed paid to the fire district for the preceding year must be paid to the Shelby County fire district as a condition precedent to any such annexation. The real property described in **Exhibit A** is not located in a fire district. Rather, said real property is located in the police jurisdiction of the City and fire and emergency services are provided for said property by the City. Therefore, no such dues are due and payable to the Shelby County fire district prior to annexation in order to comply with Act. No. 62 (as amended by 1999 Ala. Act No. 99-245).

IN WITNESS WHEREOF, the Petitioner has hereunto set its hand and seal on
this the 14th day of February, 2007.

WITNESS:

Bryan Hancock

PETITIONER/OWNER:

**CHEMICAL LIME COMPANY OF
ALABAMA, INC.**

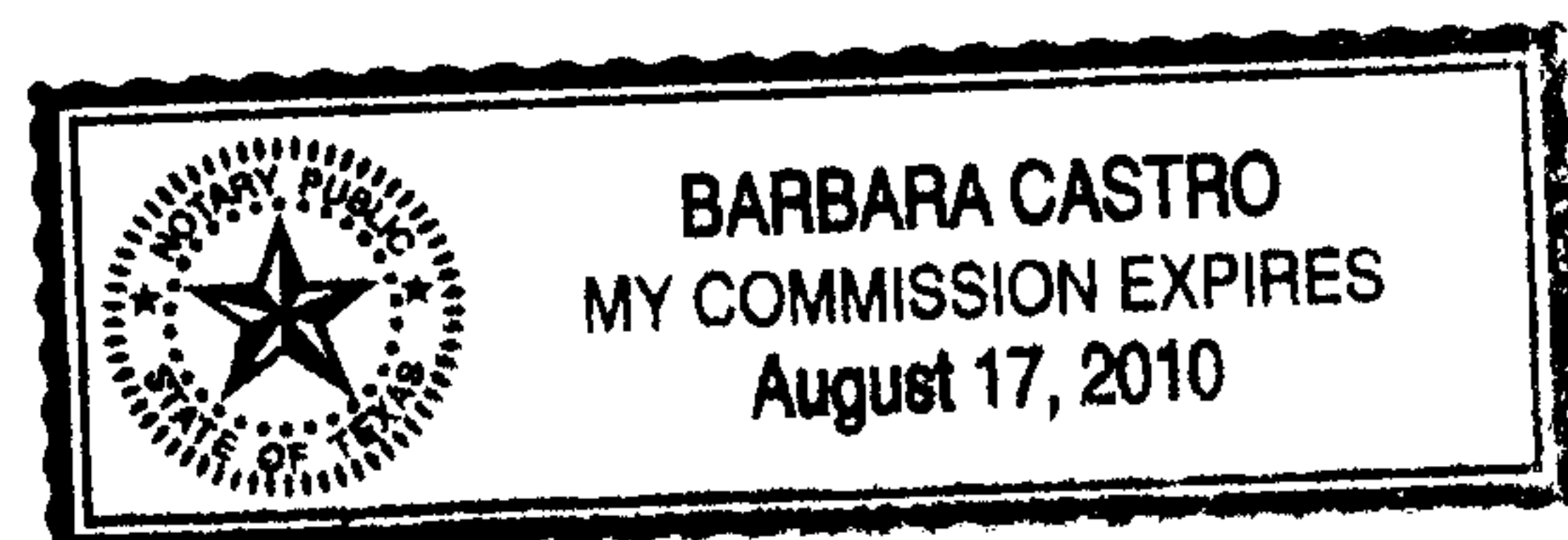
By: Jim Kelley
Jim Kelley
Its: Vice President of Mining and
Exploration

STATE OF Texas)
)
Tarrant COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Jim Kelley, whose name as Vice President of Mining and Exploration of **CHEMICAL LIME COMPANY OF ALABAMA, INC.**, an Alabama corporation, is signed to the foregoing Petition for Annexation, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Petition for Annexation, (s)he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, and that the contents of the petition are true and correct.

Given under my hand and official seal, this the 14th day of February, 2007.

[NOTARIAL SEAL]



Barbara Castro
Notary Public

My Commission Expires: 8/17/10



20070326000135600 6/13 \$48.00
Shelby Cnty Judge of Probate, AL
03/26/2007 03:04:22PM FILED/CERT

EXHIBIT A

Legal Description of Montevallo Plant Property

Legal description begins on the following page.

Legal Description of Montevallo Plant Property

Parcel I:

A parcel of land situated in the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 5, Township 24 North, Range 13 East, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 5, Township 24 North, Range 13 East, said point being the POINT OF BEGINNING; thence run North 89 degrees 43 minutes 46 seconds West along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section a distance of 1395.24 feet to the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence North 1 degree 22 minutes 00 seconds East a distance of 1328.83 feet; thence North 89 degrees 34 minutes 28 seconds East along the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section a distance of 778.04 feet; thence South 4 degrees 25 minutes 12 seconds East a distance of 338.06 feet; thence South 85 degrees 03 minutes 23 seconds East a distance of 505.57 feet; thence South 3 degrees 19 minutes 28 seconds East a distance of 961.82 feet to the POINT OF BEGINNING; being situated in Shelby County, Alabama. Less rights of way or easements, less three (3) acres in the Northeast corner thereof owned by Monroe Carlton, and less and except the following: Commence at the Northeast corner of Section 5, Township 24 North, Range 13 East, Shelby County, Alabama, thence run South along the East line of said Section 5 a distance of 1526.37 feet to the centerline of the Southern Railroad; thence turn an angle of 90 degrees 12 minutes 00 seconds to the right and run along the centerline of said Railroad a distance of 983.80 feet; thence turn an angle of 67 degrees 30 minutes 00 seconds to the left and run a distance of 1562.53 feet to the POINT OF BEGINNING; thence turn an angle of 26 degrees 16 minutes 40 seconds to the left and run a distance of 112.22 feet; thence turn an angle of 75 degrees 07 minutes 40 seconds to the left and run a distance of 349.04 feet; thence turn an angle of 104 degrees 52 minutes 20 seconds to the left and run a distance of 112.22 feet; thence turn an angle of 75 degrees 07 minutes 40 seconds to the left and run a distance of 349.04 feet to the POINT OF BEGINNING; being situated in the Southeast $\frac{1}{4}$ of Section 5, Township 24 North, Range 13 East, Shelby County, Alabama.

Parcel II:

The Southwest $\frac{1}{4}$ and part of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, all in Section 5, Township 24 North, Range 13 East, Shelby County, Alabama, and more particularly described as follows:

Begin at the Southwest corner of the Northwest $\frac{1}{4}$, Section 5, Township 24 North, Range 13 East, Shelby County, Alabama; thence run East along

the South line of the Northwest $\frac{1}{4}$, a distance of 2760.00 feet to the Southeast corner of the Northwest $\frac{1}{4}$; thence turn an angle of 91 degrees 08 minutes 23 seconds to the left and run North along the East line of the Northwest $\frac{1}{4}$ a distance of 817.57 feet; thence turn an angle of 93 degrees 13 minutes 46 seconds to the left and run a distance of 210.0 feet; thence turn an angle of 93 degrees 13 minutes 46 seconds to the right and run a distance of 210.0 feet to the South right of way line of Alabama State Highway #25; thence turn an angle of 93 degrees 13 minutes 46 seconds to the left and run along said right of way line a distance of 2528.83 feet to the West line of Section 5; thence turn an angle of 85 degrees 01 minutes 29 seconds to the left and run South along the West line of Section 5 a distance of 818.74 feet to the POINT OF BEGINNING and the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and West 4.50 acres of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, all in Section 5, Township 24 North, Range 13 East, Shelby County, Alabama.

Parcel III:

The South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, all in Section 6, Township 24 North, Range 13 East, Shelby County, Alabama, and more particularly described as follows:

Begin at the Southeast corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, thence run North along the East line of Section 6 a distance of 818.74 feet to the South right of way line of Alabama State Highway #25; thence turn an angle of 94 degrees 58 minutes 31 seconds to the left and run along said Highway right of way a distance of 518.97 feet; thence turn an angle of 90 degrees 43 minutes 25 seconds to the left and run a distance of 20.00 feet; thence turn an angle of 90 degrees 43 minutes 25 seconds to the right and run a distance of 45.00 feet; thence turn an angle of 90 degrees 45 minutes 26 seconds to the left and run a distance of 476.46 feet; thence turn an angle of 90 degrees 18 minutes 01 seconds to the right and run a distance of 798.21 feet to the west line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence turn an angle of 84 degrees 54 minutes 04 seconds to the left and run a distance of 229.36 feet to the Southwest corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence turn an angle of 90 degrees 56 minutes 34 seconds to the left and run East along the South line a distance of 1305.76 feet to the POINT OF BEGINNING. All situated in Section 6, Township 24 North, Range 13 East, Shelby County, Alabama.


Part IV:

A strip of land extending 20 feet on either side of the hereinafter described line:

Commencing at the Northeast corner of Section 6, Township 24 North, Range 13 East, Shelby County, Alabama, being marked by a 2 inch iron pipe; thence South 3 degrees 03 minutes West along the East boundary of Section 6 a distance of 356.98 feet to a point in the center line of the Southern Railway known as station 7122+31.33 according to the Southern Railway System's survey maps; thence Southeasterly along center line of said railway along a 1 degree curve to the right a distance of 41.33 feet to a point on the center line of said railway known as station 7121+90 according to said Southern Railway System's survey maps; thence Southeasterly along a 15 degree curve to the right a distance of 254.0 feet to the point of intersection with the South right of way line of the Southern Railway Company's main line track which is the POINT OF BEGINNING of the line herein described; thence continue Southeasterly and Southwesterly along said 15 degree curve to the right a distance of 380.38 feet; thence South 12 degrees 09 minutes West a distance of 346.42 feet; thence Southeasterly along a 10 degree curve to the left a distance of 158.67 feet; thence South 3 degrees 43 minutes East a distance of 382.67 feet to the point of intersection with the North right of way line of Alabama Highway #25 to the POINT OF ENDING.

All of the above-described parcels of land I – IV being situated in Shelby County, Alabama.

EXHIBIT B


20070326000135600 10/13 \$48.00
Shelby Cnty Judge of Probate, AL
03/26/2007 03:04:22PM FILED/CERT

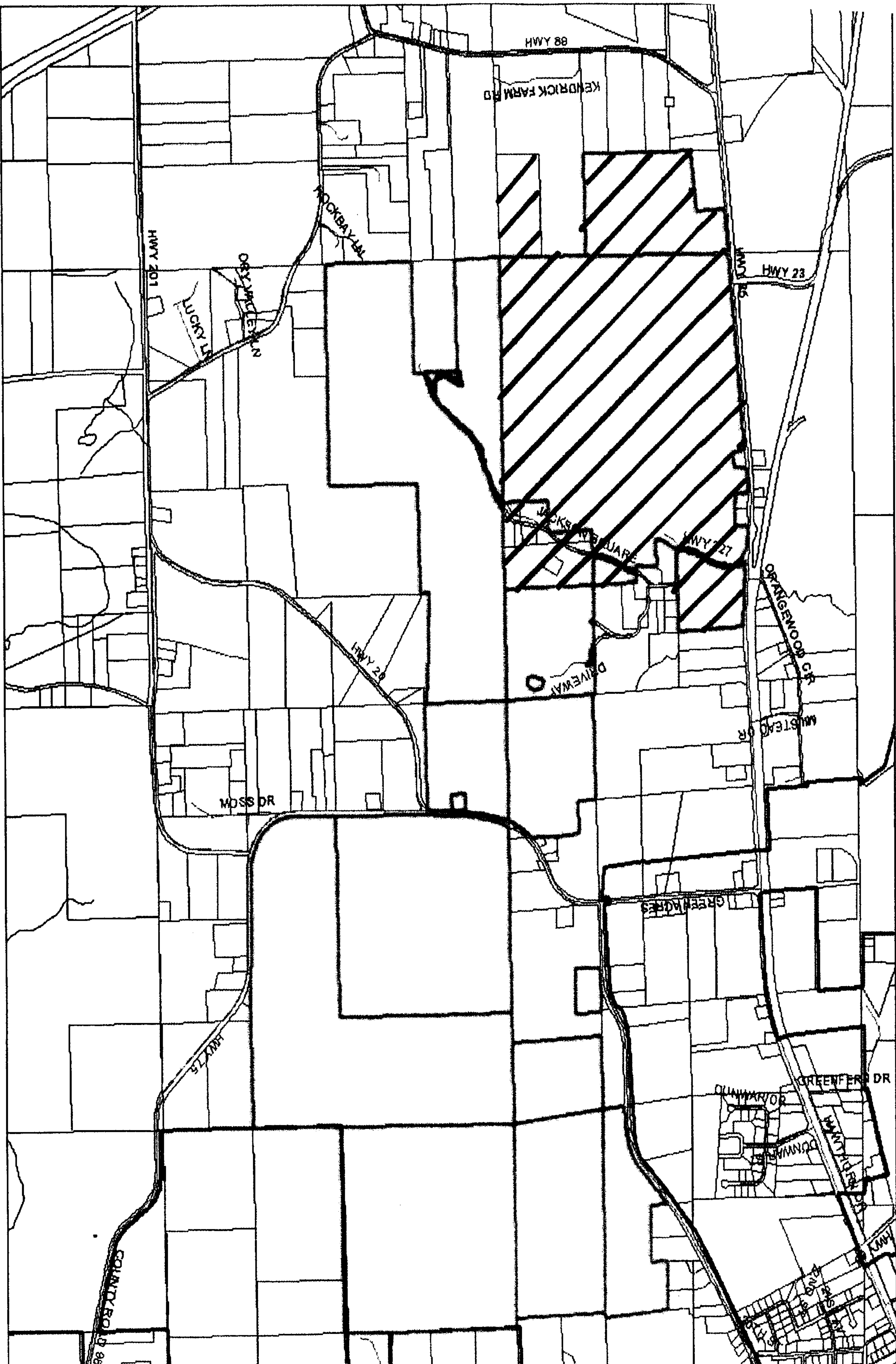
Map of Montevallo Plant Property

See map attached hereto.



20070326000135600 11/13 \$48.00
Shelby Cnty Judge of Probate, AL
03/26/2007 03:04:22PM FILED/CERT

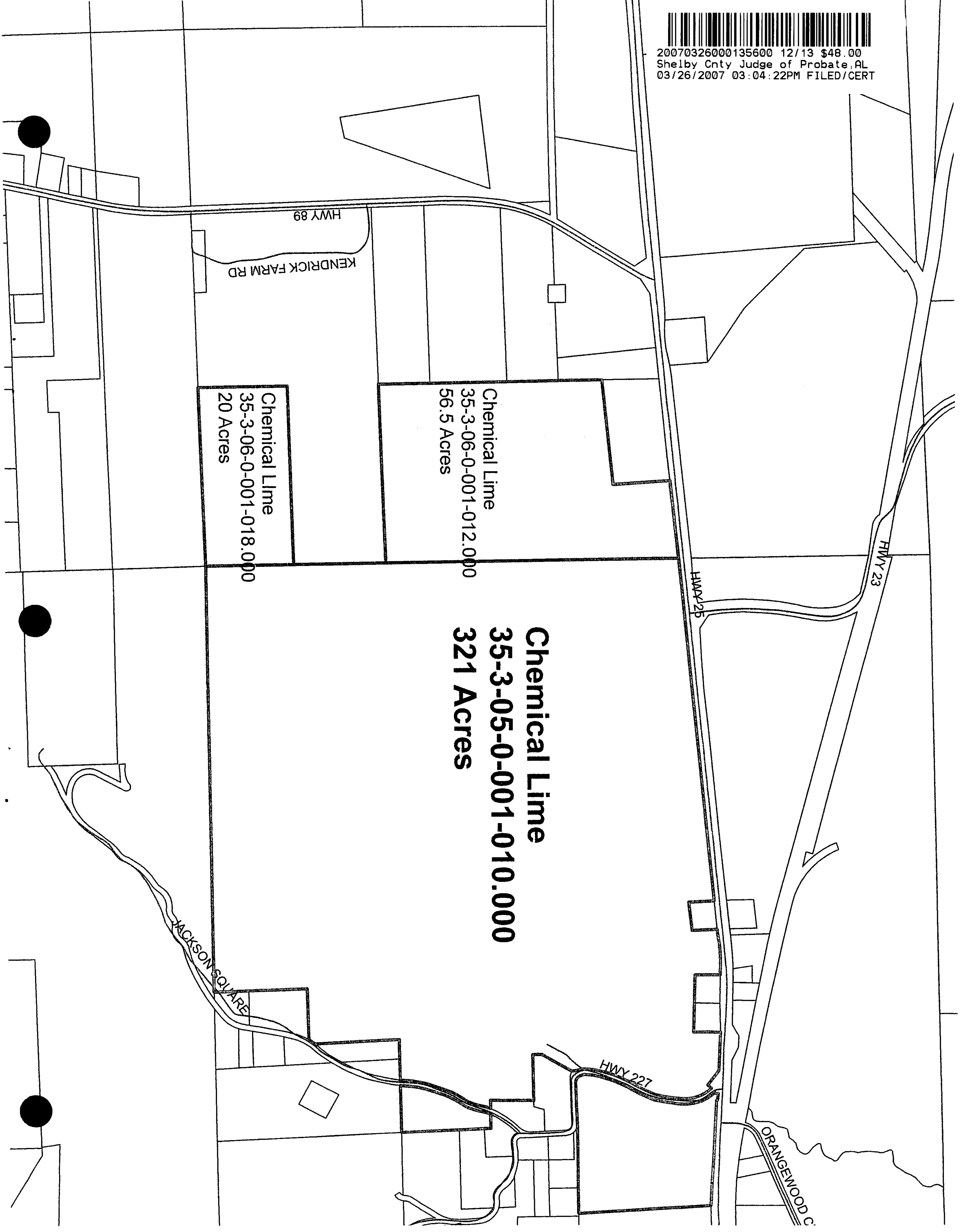
Exhibit B Attachment Map of Montevallo Plant Property



- Corporate limits of City of Calera shown in dark blue on map above.
- Recently annexed Montevallo Extension Property shown outlined in light blue on map above
- Montevallo Plant Property proposed to be annexed shown cross-hatched in red on map above.



20070326000135600 12/13 \$48.00
Shelby Cnty Judge of Probate, AL
03/26/2007 03:04:22PM FILED/CERT



CERTIFICATION OF POSTING

I, Linda Steele, City Clerk of the City of Calera, Alabama do hereby certify that the foregoing Ordinance is a true and correct copy of the Ordinance adopted by the City Council of the City of Calera, Alabama on the 19th day of February 2007, as the same appears in the official record of minutes of the City of Calera Council meeting.

Given under my hand this 19th day of February 2007.

Linda Steele
Linda Steele, City Clerk

I, Linda Steele, City Clerk of the City of Calera, Alabama do hereby certify that the foregoing Ordinance was duly posted at the following locations:

Calera City Hall
Calera Post Office
Calera Public Library
Associated Foods

Linda Steele
Linda Steele, City Clerk

02/20/2007
Date Posted