

ORDINANCE NO. 431


20070809000373150 1/10 \$38.00
Shelby Cnty Judge of Probate, AL
08/09/2007 09:51:31AM FILED/CERT

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

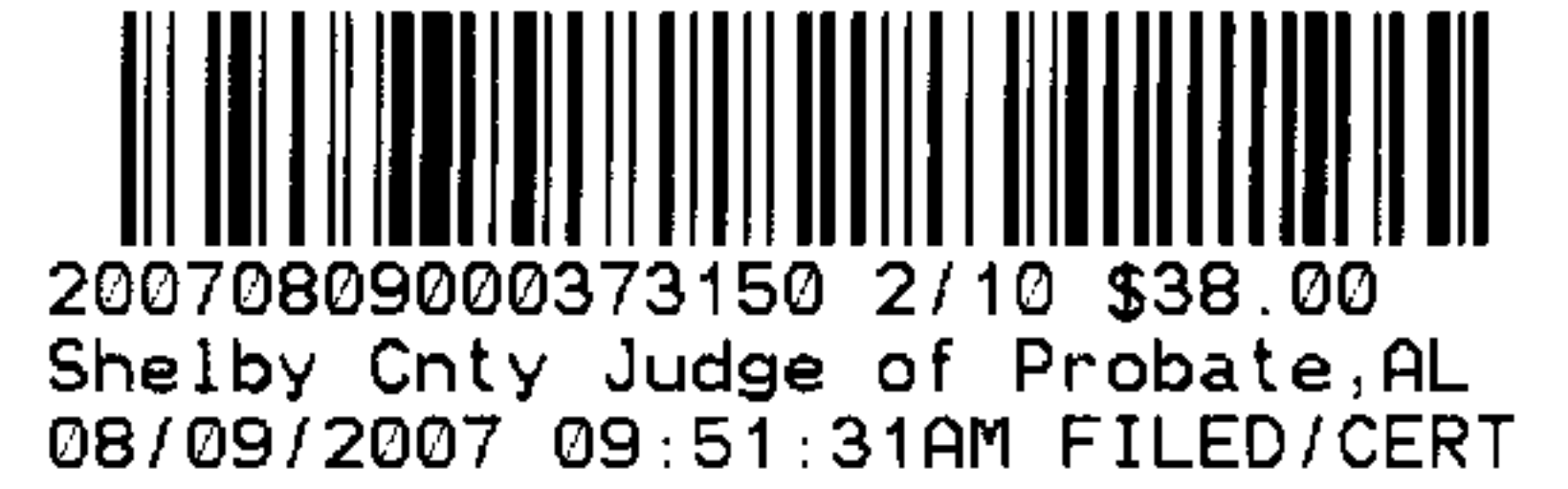
Section 2. The City of Pelham hereby agrees to comply with those provisions of Act No. 604 enacted at the 1976 Regular Session of the Legislature of Alabama pertaining to the assumption and payment of an annexed fire district debt or the payment to said fire district of an amount equal to six times the 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 accordance with state law.

Robert Sullivan, a member of the City Council of the City of Pelham, moved that all rules which would prevent the immediate consideration of Ordinance No. 431 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:

Karyl Rice
President of the Council

yes



Willard Payne
Council Member

yes

Rosemary Metcalf
Council Member

yes

Mike Dickens
Council Member

yes

Bob Sullivan
Council Member

yes

THEREUPON Willard Payne, a member moved and Rosemary Metcalf, a member seconded the motion that said Ordinance be given vote. Said Ordinance passed by vote of all members of the Council present and the Council President declared the same passed.

ADOPTED this 6th day of August 2007.

Karyl D. Rice
President of the City Council

Rosemary Metcalf
Council Member

Willard C. Payne
Council Member

Michael J. Sullivan
Council Member

Robert D. Sullivan
Council Member

Seal

ATTEST

Donna Greelan
City Clerk

APPROVED

Bobby Hayes
Mayor

POSTING AFFIDAVIT

I, the undersigned, Clerk of the City Council of the City of Pelham, Alabama, do hereby certify that the above and foregoing ORDINANCE 431 was duly ordained, adopted, and passed by the City Council of the City of Pelham, Alabama at its regular meeting on the 6th day of August 2007 and duly published by posting an exact copy thereof on the 6th day of August 2007 at three public places within the city, including the City Hall, City Park and Library, all being public places in the City of Pelham, Alabama.

Donna Greelan
City Clerk

Seal

**SAC, LLC
C & A ENTERPRISES, LLC
1100 EAST PARK DRIVE
SUITE 400
BIRMINGHAM, AL. 35235**


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July 12, 2007

**City of Pelham
Attn: Ms. Marsha Yates
3162 Pelham Parkway
Pelham, AL 35124**

RE: Annexation of Roadway Property

Dear Ms. Yates:

Enclosed is the information you requested per your Annexation Check List:

- 1. Map and descriptions of property enclosed.**
- 2. Property Owners are SAC, LLC and C & A Enterprises, LLC**
- 3. There are no single-family dwellings on this property. It is vacant land.**
- 4. Reason for the annexation is to construct a road from Highway 52 to Highway 11.**

For clarification we are referring to the Property as the Monroe Property and Pardue Property. Also, enclosed is a copy of all the agreements, including the Smith Property, which is already in the City of Pelham. In these agreements you will see that we have the authority to dedicate this road to the City of Pelham.

If you have any further questions, please call Jack McDuffie at 205-266-4403.

Kindest Regards,



**Eugene K. Cole
Managing Member
SAC, LLC
C & A Enterprises, LLC**

EKC/fs

Enclosures

MONROE PROPERTY

EXHIBIT A

Grantor's Property



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PARCEL ONE:

A tract of land situated in the south 1/2 of the northwest 1/4 and the north 1/2 of the southwest 1/4 of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follow:

Commence at the northwest corner of Section 30, Township 20 South, Range 2 West; thence run southerly along the west section line of Section 30 1309.15 feet; thence left 89°41'02" easterly 659.86 feet; thence right 89°43'13" southerly 350.75 feet; thence right 90°11'06" westerly 199.79 feet; thence left 90°03'55" southerly 393.51 feet to the point of beginning; thence left 90°09'22" easterly 518.27 feet; thence right 91°14'32" southerly 576.75 feet; thence left 91°46'50" easterly 536.17 feet to the westerly right-of-way line of Shelby County Highway No. 11; thence right 125°59'39" southwesterly along right-of-way 976.52 feet to the northerly right-of-way of the Seaboard Coastline Railroad; thence right 77°18'34" northwesterly along railroad right-of-way 518.90 feet; thence right 67°23'28" northerly 1166.23 feet to the point of beginning.

PARCEL TWO:

A tract of land located in Section 30, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the northwest corner of Section 30, Township 20 South, Range 2 West; thence run southerly along the west section line of Section 30 1309.15 feet; thence left 89°41'02" easterly 659.86 feet to the point of beginning; thence an interior angle left of 90°16'47" southerly 350.62 feet; thence right 90°21'43" westerly 200.01 feet; thence left 90°20'25" southerly 100.00 feet; thence left 89°35'35" easterly 524.10 feet; thence left 89°09'03" northerly 452.78 feet; thence left 91°12'50" westerly 333.62 feet to the point of beginning.



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EXHIBIT B

Roadway Property

PARCEL ONE:

A tract of land situated in the north 1/2 of the southwest 1/4 of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama being more particularly described as follows:

Commence at the northwest corner of said Section 30 and thence run south $00^{\circ}04'46''$ east along the west line of said Section for 1,308.78 feet; thence run south $89^{\circ}52'41''$ east for 1,088.82 feet; thence run south $00^{\circ}07'19''$ west for 1,318.37 feet to the point of beginning of the tract of land herein described and the point of beginning of a non tangent curve to the left, of which the radius point lies north $55^{\circ}24'48''$ east, a radial distance of 470.00 feet; thence run southeasterly along said curve, through a central angle of $20^{\circ}03'16''$, a distance of 164.51 feet; thence run south $54^{\circ}38'28''$ east for 152.47 feet to the point of beginning of a curve to the left, having a radius of 25.00 feet and a central angle of $90^{\circ}00'51''$; thence run easterly along said curve, a distance of 39.28 feet to a point on the northwesterly right-of-way of Shelby County Road #11; thence run south $35^{\circ}20'40''$ west along said road right-of-way for 110.00 feet to the point of beginning of a non tangent curve to the left, of which the radius point lies north $54^{\circ}39'20''$ west, a radial distance of 25.00 feet; thence run northerly along said curve, through a central angle of $89^{\circ}59'09''$, a distance of 39.26 feet; thence run north $54^{\circ}38'28''$ west for 152.50 feet to the point of beginning of a curve to the right, having a radius of 530.00 feet and a central angle of $24^{\circ}20'12''$; thence run northwesterly along said curve for 225.12 feet; thence run north $89^{\circ}28'53''$ east for 70.65 feet to the point of beginning.

PARCEL TWO:

A tract of land situated in the northwest 1/4 of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follow:

Commence at the northwest corner of said Section 30 and run south $00^{\circ}04'46''$ east along the west line of said Section for 1,308.78 feet; thence run south $89^{\circ}52'41''$ east for 963.88 feet; thence run south $01^{\circ}08'45''$ west for 743.44 feet to the point of beginning of the tract of land herein described; thence continue south $01^{\circ}08'45''$ west for 298.01 feet to the point of beginning of a curve to the left, having a radius of 530.00 feet and a central angle of $19^{\circ}22'12''$; thence run southerly along said curve for 179.18 feet; thence run north $01^{\circ}08'45''$ east for 474.45 feet; thence run south $89^{\circ}53'01''$ west for 30.01 feet to the point of beginning.

PARCEL THREE:

A tract of land situated in the northwest 1/4 of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the northwest corner of said Section 30 and thence run south $00^{\circ}04'46''$ east along the west line of said Section for 1,308.78 feet; thence run south $89^{\circ}52'41''$ east for 963.88 feet to the point of beginning of the tract of land herein described; thence continue south $89^{\circ}52'41''$ east for 30.00 feet; thence run south $01^{\circ}08'45''$ west for 449.14 feet; thence run south $89^{\circ}53'18''$ west for 30.01 feet; thence run north $01^{\circ}08'45''$ east for 449.27 feet to the point of beginning.

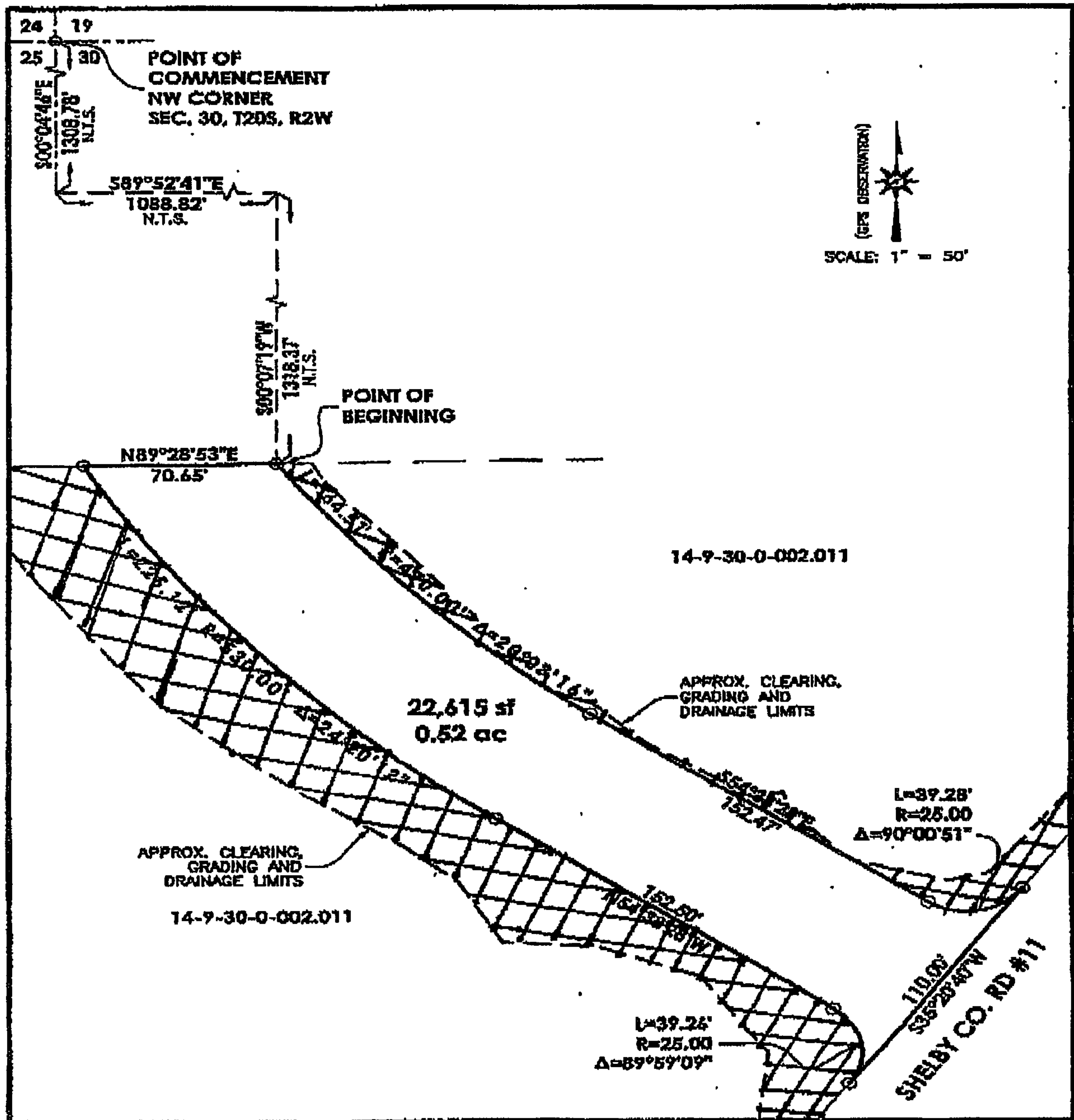


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EXHIBIT C
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**General Location of
Clearing and Grading Easement, Slope Easement, and Drainage Easement**

PARCEL 1



D:\2005 PROJECTS\31919gc - Antrey Cave Hwy 52\dwg\HWY 52.dwg

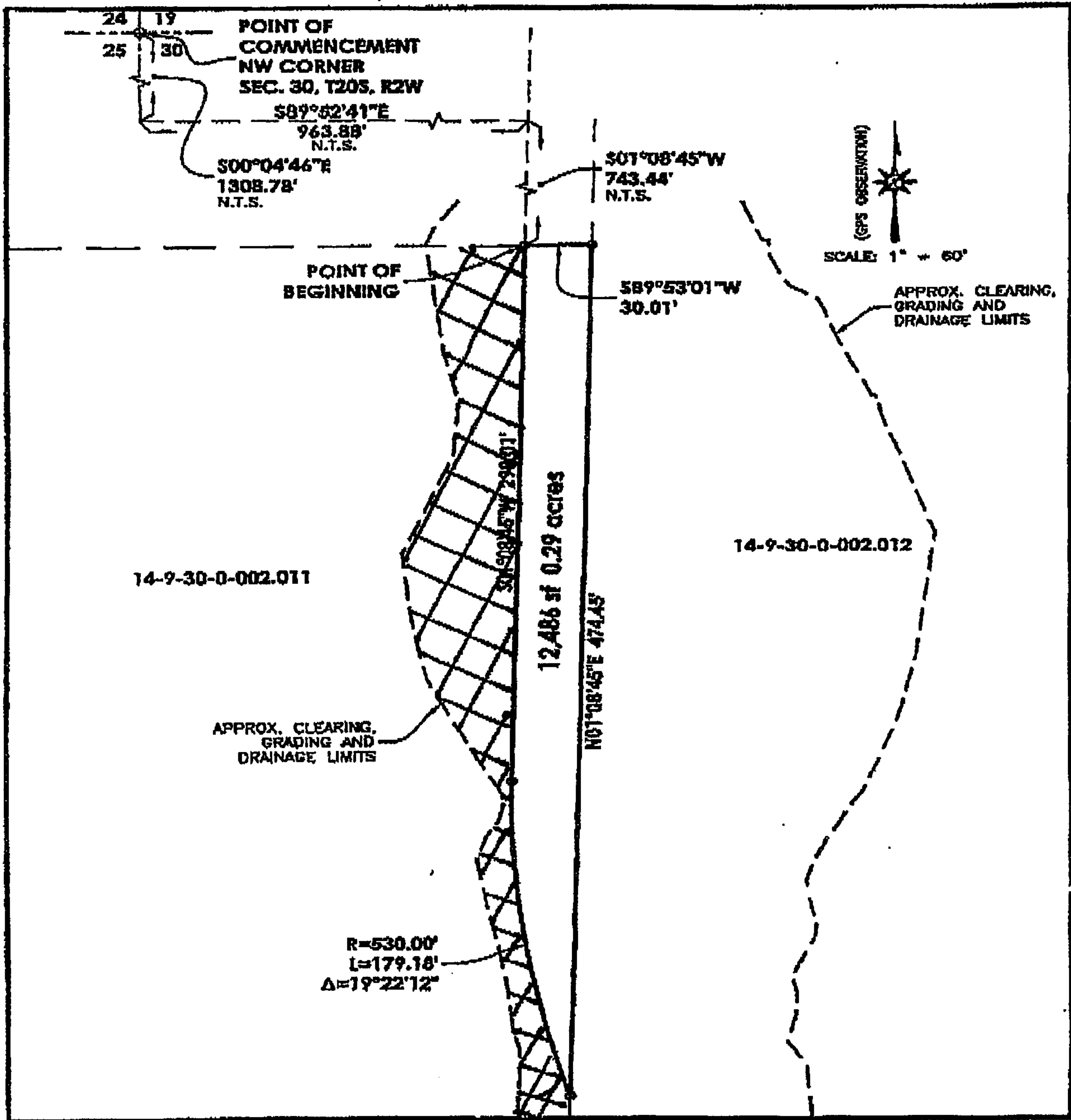


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**General Location of
Clearing and Grading Easement, Slope Easement, and Drainage Easement**

PARCEL 2



G:\2005 PROJECTS\J1819ga - Arroyo Cove Hwy 52\dwg\HWY 52.dwg

PARDUE PROPERTY

EXHIBIT A

Grantors' Property



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Commence at the northwest corner of Section 30, Township 20 South, Range 2 West; thence run along the west line of said section a distance of 1309.75 feet; thence turn left 89°50'17" and run a distance of 993.49 feet to the point of beginning; thence continue east a distance of 1440.39 feet to the northwesterly right-of-way line of Shelby County Highway #11; thence turn right 121°06'50" and run along said right-of-way a distance of 1612.31 feet; thence turn right 50°56'38" and run a distance of 536.01 feet; thence turn right 90°56'42" and run a distance of 1320.00 feet to the point of beginning.

EXHIBIT B

Roadway Property



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A tract of land situated in the northwest 1/4 of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

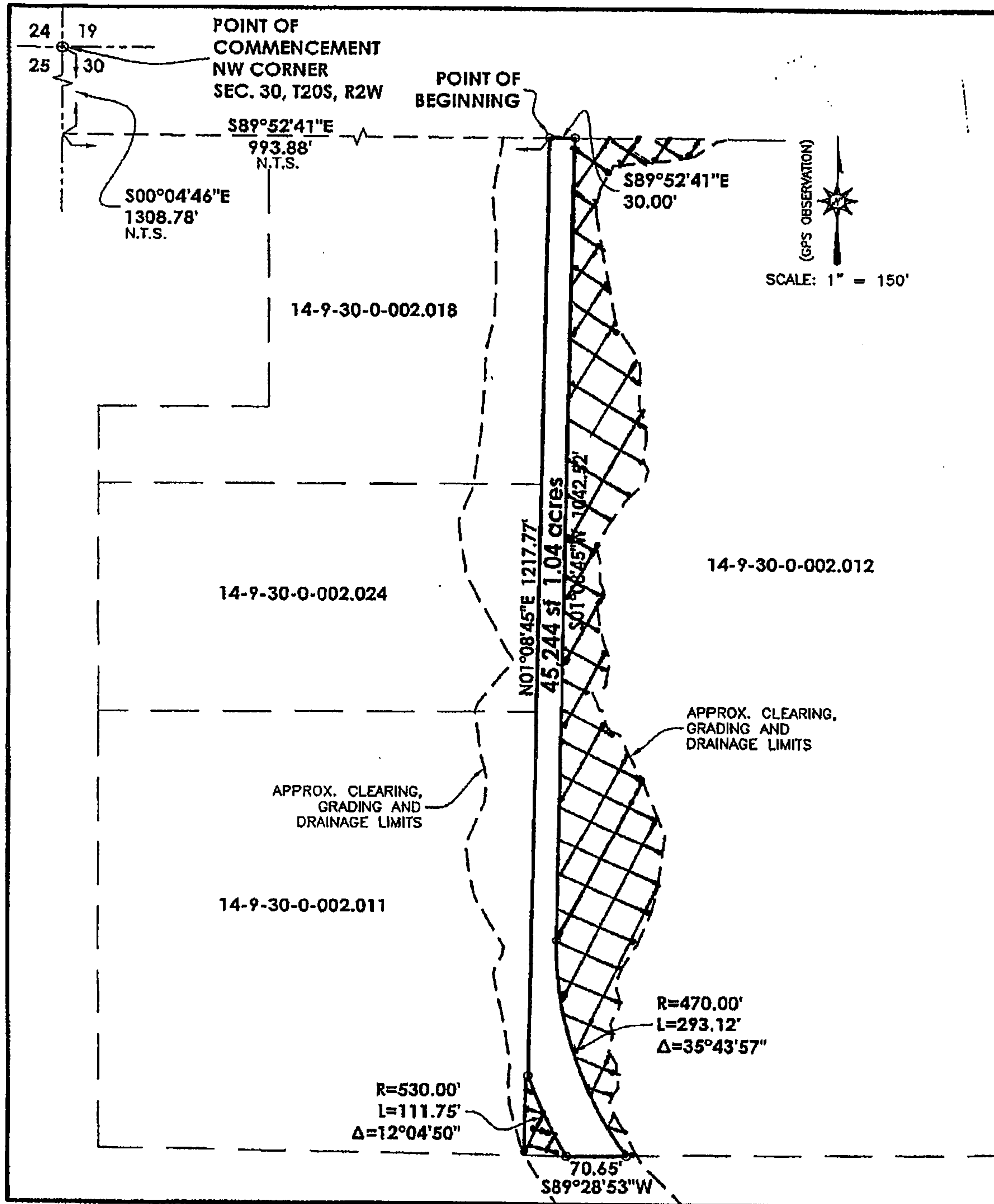
Commence at the northwest corner of said Section 30 and run south $00^{\circ}04'46''$ east along the west line of said Section for 1308.78 feet; thence run south $89^{\circ}52'41''$ east for 993.88 feet to the point of beginning of the tract of land herein described; thence continue south $89^{\circ}52'41''$ east for 30.00 feet; thence run south $01^{\circ}08'45''$ west for 1042.52 feet to the point of beginning of a curve to the left, having a radius of 470.00 feet and a central angle of $35^{\circ}43'57''$; thence run southerly along said curve for 293.12 feet; thence run south $89^{\circ}28'53''$ west for 70.65 feet to the point of beginning of a non tangent curve to the right, of which the radius point lies north $59^{\circ}41'44''$ east, a radial distance of 530.00 feet; thence run northwesterly along said curve, through a central angle of $12^{\circ}04'50''$, for a distance of 111.75 feet; thence run north $01^{\circ}08'45''$ east for 1217.77 feet to the point of beginning.



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EXHIBIT C

General Location of Clearing and Grading Easement, Slope Easement, and Drainage Easement



G:\2005 PROJECTS\31919gc - Awtray Cove Hwy 52\dwg\HWY 52.dwg