

ORDINANCE NO. 17-2339

An ordinance to alter, rearrange and extend the corporate limits of the City of Hoover, Alabama, so as to embrace and include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous to said City.

WHEREAS, a petition signed by W. L. Silver, United States Steel Corporation and John N. Hughey, P. R. Wilborn, LLC requesting that certain territory described therein be annexed to the City of Hoover, and

WHEREAS, there is attached to the said petition a map of said territory showing its relationship to the corporate limits of the City; and

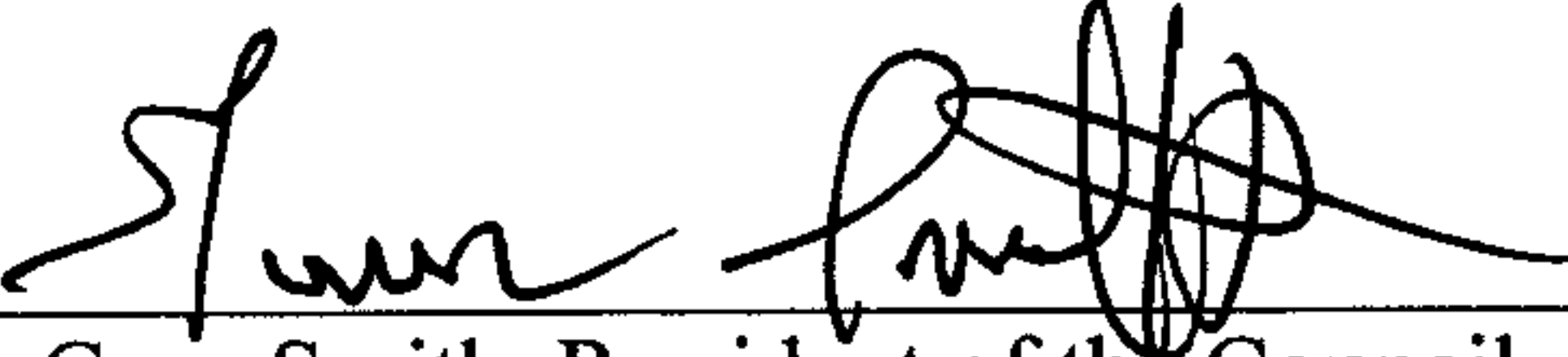
WHEREAS, this Council has determined and found that the matters set forth and alleged in the said petition are true and that it is in the public interest that said property be annexed into the City of Hoover;

NOW, THEREFORE, be it ordained by the Council of the City of Hoover as follows:

SECTION 1: That said Council hereby assents to the annexation of said territory to the City of Hoover, Alabama, and the corporate limits of the City of Hoover 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 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 municipal boundaries of another municipality and does not lie at any point more than one-half the distance between the present corporate limits or municipal boundaries of another municipality and does not lie at any point more than one-half the distance between the present corporate limits and the corporate limits of any other municipality. Said properties are described in **Exhibit "A"** attached hereto and made a part hereof.

SECTION 2: 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 a newspaper of general circulation in the City of Hoover.


ADOPTED this the 19th day of June, 2017.


Mr. Gene Smith, President of the Council

APPROVED BY:


Mayor Frank V. Brocato

ATTESTED:


City Clerk Margie Handley



20171005000362810 1/13 \$51.00
Shelby Cnty Judge of Probate, AL
10/05/2017 08:42:05 AM FILED/CERT


EXHIBIT A


Flemming Annexation Phase I

A parcel of land situated in the East 1/2 of Section 4 and the Northwest 1/4 of Section 3, all in Township 20 South, Range 3 West, Shelby County Alabama, being more particularly described as follows:

BEGIN at a 3" capped pipe at the Northwest corner of Section 3, Township 20 South, Range 3 West, Shelby County Alabama, and run in an Easterly direction along the North-line of said Section for a distance of 2374.15 feet; thence turn an interior angle to the left of 90 degrees 28 minutes 42 seconds and run in a Southerly direction for a distance of 95.73 feet; thence turn an angle to the right of 69 degrees 50 minutes 21 seconds and run in a Southwesterly direction for a distance of 754.87 feet; thence turn an angle to the left of 02 degrees 57 minutes 21 seconds and run in a Southwesterly direction for a distance of 739.31 feet; thence turn an angle to the right of 14 degrees 35 minutes 44 seconds and run in a Southwesterly direction for a distance of 980.68 feet to the West-line of said Section 3; thence continue along the previously described course for a distance of 439.16 feet; thence turn an angle to the left of 75 degrees 24 minutes 47 seconds and run in a Southwesterly direction for a distance of 1760.56 feet to the South-line of the Northeast 1/4 of Section 4, Township 20 South, Range 3 West, Shelby County Alabama; thence leaving said South-line, turn an angle to the right of 23 degrees 54 minutes 05 seconds and run in a Southwesterly direction for a distance of 428.72 feet; thence turn an angle to the right of 17 degrees 05 minutes 19 seconds and run in a Southwesterly direction for a distance of 353.72 feet; thence turn an angle to the right of 26 degrees 56 minutes 40 seconds and run in a Southwesterly direction for a distance of 547.04 feet to a point on the Northeasterly boundary of the property deeded to P.R. Wilborn, LLC as recorded in Instrument number 20160226000058740, in the Office of the Judge of Probate, Shelby County, Alabama, said boundary being the Southwesterly boundary of an Alabama Power Company transmission lines right-of-way; thence turn an angle to the right of 03 degrees 29 minutes 47 seconds and run in a Southwesterly direction for a distance of 969.67 feet to the West-line of the Southeast 1/4 of said Section 4; thence turn an angle to the right of 101 degrees 07 minutes 22 seconds and run in a Northerly direction along said West-line for a distance of 984.98 feet to the Northwest corner of the Southeast 1/4 of said section; thence run in an Easterly direction along the North-line of said 1/4 section for a distance of 1312.61 feet to the Southwest corner of the East 1/2 of the Northeast 1/4 of said Section 4; thence leaving said North-line, turn an angle to the left of 91 degrees 34 minutes 50 seconds and run in a Northerly direction along the West-line of the East 1/2 of the Northeast 1/4 of said Section 4 for a distance of 2634.67 feet to the North-line of said section; thence turn an angle to the right of 91 degrees 42 minutes 33 seconds and run in an Easterly direction along said North-line for a distance of 1318.08 feet to the POINT OF BEGINNING.


Said parcel containing 117 acres, more or less.


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CERTIFICATION

I, Margie Handley, City Clerk for the City of Hoover, Alabama, hereby certify that **Ordinance No. 17-2339** was adopted by the City Council of the City of Hoover, Alabama on the 19th day of June, 2017, and advertised in accordance with state law.


Margie Handley
City Clerk

PETITION FOR ANNEXATION TO THE
CITY OF HOOVER, ALABAMA

RECEIVED
APR 17 2017
CITY OF HOOVER

To the Honorable Mayor and City Council of the City of Hoover, Alabama:

The undersigned, UNITED STATES STEEL CORPORATION, a Delaware corporation ("USS"), and P.R. WILBORN, LLC, a Delaware limited liability company ("PR Wilborn"; and together with USS, collectively, "Petitioners"), hereby petition and request that the CITY OF HOOVER, ALABAMA, an Alabama municipal corporation (the "City"), annex the hereinafter described real property pursuant to, and subject to, the Code of Alabama (1975) §§ 11-42-21 and 11-52-85.

R E C I T A L S:

WHEREAS, USS is the fee simple owner of that certain real property (the "Flemming Farms I Property") containing approximately 199 acres, more or less, which is more particularly described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, PR Wilborn is the fee simple owner of that certain real property (the "Flemming Farms II Property") containing approximately 36 acres, more or less, which is more particularly described in Exhibit B attached hereto and incorporated herein by reference; and

WHEREAS, the Flemming Farms I Property and the Flemming Farms II Property (collectively, the "Property") are situated wholly within Shelby County, Alabama and are contiguous to the existing corporate limits of the City as shown in Exhibit C attached hereto and incorporated herein by reference; and

WHEREAS, as a condition to the annexation of the Property, the Petitioners desire the Property be zoned Planned Residential (PR-1) under The Trace Crossings Planned Unit Development Zoning Application dated September 21, 1987 (and approved by the City in Ordinance No. 87-664), as amended by First Amendment thereto dated January, 1991 (and approved by the City in Ordinance No. 90-978), Second Amendment thereto dated April, 1991 (and approved by the City in Ordinance Nos. 91-1007 and 91-1008), Third Amendment thereto dated July, 1993 (and approved by the City in Ordinance No. 93-1134), Fourth Amendment thereto dated March, 1997 (and approved by the City in Ordinance No. 96-1530, and Zoning Case Z-1196-34), Fifth Amendment thereto adopted by the City Council on July 6, 1998, Sixth Amendment thereto adopted by the City Council on June 7, 1999, Seventh Amendment thereto adopted by the City Council on March 18, 2002 pursuant to Ordinance No. 02-1879, Eighth Amendment thereto dated June 16, 2006 (approved by City Council on July 2, 2007), Ninth Amendment thereto dated May 19, 2008 (approved by City Council on August 18, 2008) and Tenth Amendment thereto dated February 18, 2013 (approved by City Council on April 15, 2013)(collectively, the "PUD Plan").



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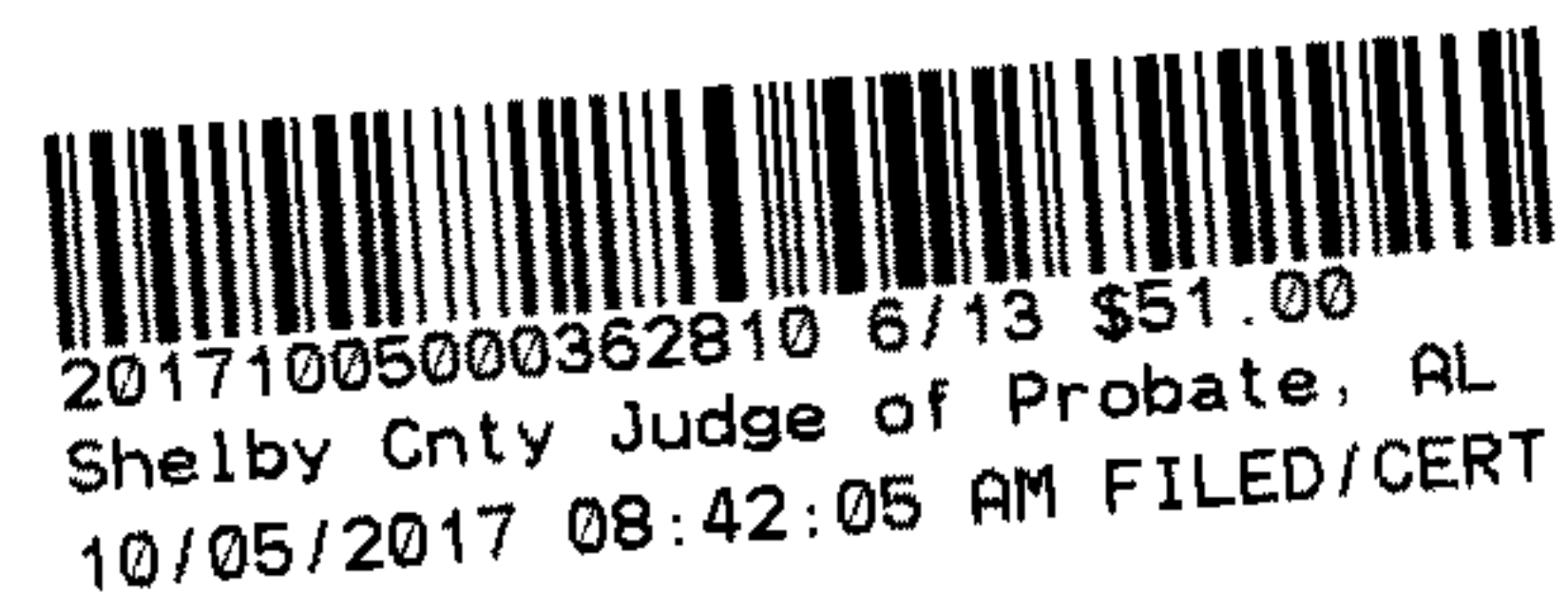
WHEREAS, pursuant to *Ala. Code* (1975), § 11-52-85 (1975), a municipality may pre-zone property proposed for annexation prior to the effective date of annexation. Based on that statute, Petitioners have contemporaneously herewith requested that the City pre-zone the Property as part of the PUD Plan pursuant to the Eleventh Amendment to Trace Crossings Planned Unit Development Zoning Application filed contemporaneously herewith with the City (the "11th Amendment").

WHEREAS, the City has determined that the annexation of the Property and the development of the Property in accordance with the 11th Amendment will be beneficial to the City and its residents and will enhance and promote the general welfare of the citizens of the City.

WHEREAS, Petitioners request that the Honorable Mayor and City Council of the City do all things necessary and requisite under the laws of the State of Alabama in connection with the annexation herein requested and accept the annexation of the Property on the terms and conditions hereinafter set forth.

NOW THEREFORE, Petitioners do hereby petition the City to annex the Property into the municipal limits of the City of Hoover, Alabama subject to (i) the transfer of density allocation set forth in the 11th Amendment and (ii) the City zoning the Property as Planned Residential (PR-1) as part of the PUD Plan pursuant to the 11th Amendment. If, for any reason, the 11th Amendment is not approved by the City within 180 days from the date hereof, then any annexation action taken by the City with respect to the Property shall be deemed null and void and all of the terms and provisions of this Agreement shall thereafter be deemed to have been revoked, rescinded and otherwise withdrawn by Petitioners and shall no longer be binding upon Petitioners.

[Signatures on the following pages.]



IN WITNESS WHEREOF, Petitioners have caused this Petition of Annexation to be executed as of this the 17 day of April, 2017.

PETITIONER:

UNITED STATES STEEL CORPORATION, a
Delaware corporation

By: W.L. Silver, III
Printed Name: W.L. Silver, III
Title: Director

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, Beverly L. Swain, a Notary Public in and for said County, in said State, hereby certify that W.L. Silver whose name as Director of United States Steel Corporation, a Delaware corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 17 day of April, 2017.



Beverly L. Swain
Notary Public
My Commission Expires: 7/30/19

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PETITIONER:

P. R. WILBORN, LLC, a Delaware limited liability company

By: John W. Hughey
Printed Name: John W. Hughey
Title: Manager

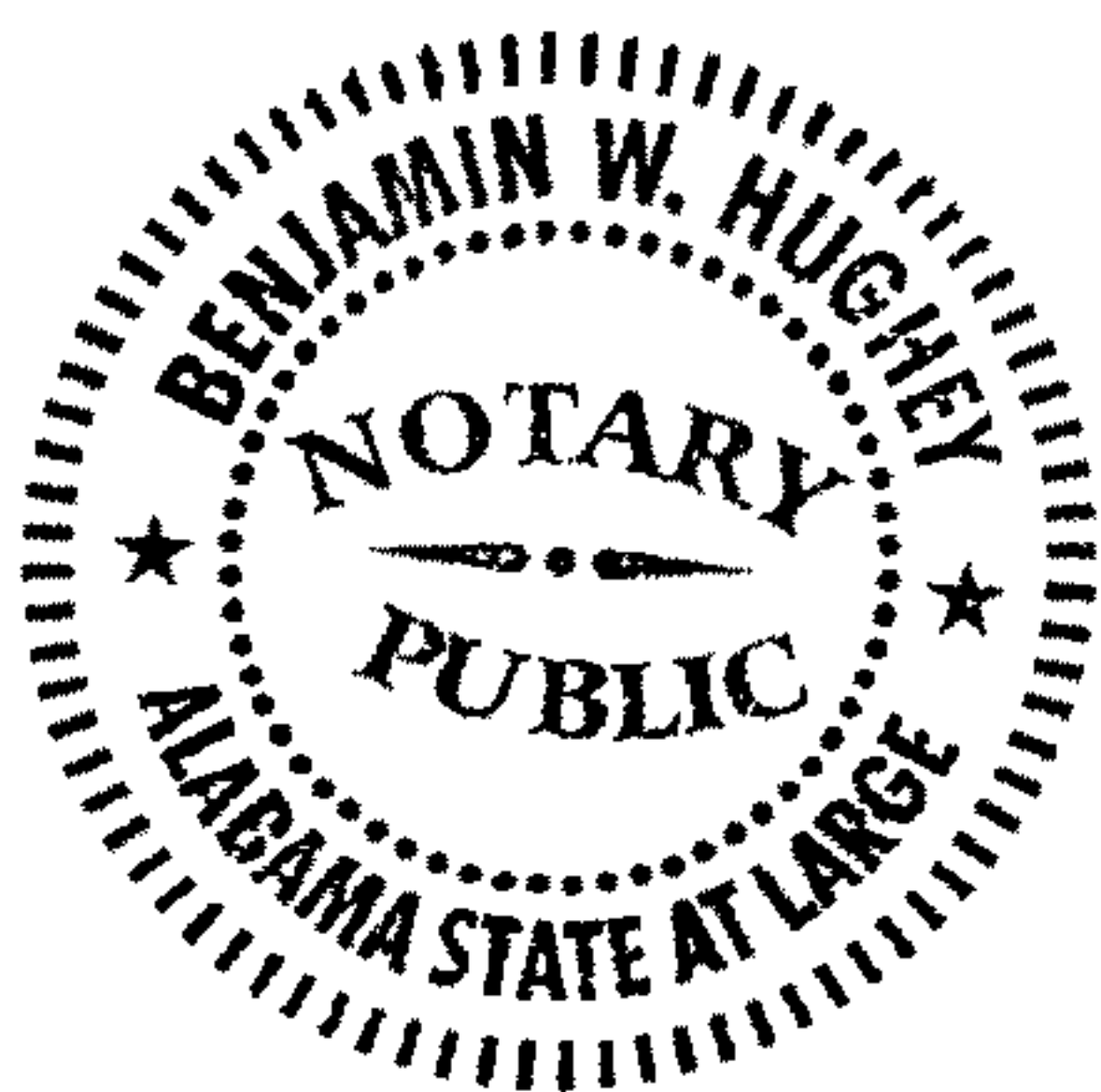
STATE OF ALABAMA)

COUNTY OF MADISON)

I, Benjamin W. Hughey, a Notary Public in and for said County, in said State, hereby certify that John Hughey whose name as Manager of P.R. Wilborn, LLC, a Delaware limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 17 day of April, 2017.

[SEAL]



Benjamin W. Hughey
Notary Public
My Commission Expires: 5-7-17

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Shelby Cnty Judge of Probate, AL
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EXHIBIT A

LEGAL DESCRIPTION OF FLEMMING FARMS I PROPERTY

A parcel of land situated in East 1/2 of Section 4, the Northwest 1/4 of Section 3, Township 20 South, Range 3 West, Shelby County Alabama, and the Southwest 1/4 of Section 34, Township 19 South, Range 3 West, Jefferson County, Alabama, being more particularly described as follows:

BEGIN at a 3" capped pipe at the Northwest corner of Section 3, Township 20 South, Range 3 West, Shelby County Alabama, and run in an Easterly direction along the North-line of said Section for a distance of 1313.76 feet; thence leaving said North-line, turn an interior angle to the left of 270°58'42" and run in a Northerly direction for a distance of 1320.00 feet; thence turn an interior angle to the left of 90°0'0" and run in an Easterly direction for a distance of 190.00 feet; thence turn an interior angle to the left of 141°0'0" and run in a Southeasterly direction for a distance of 685.00 feet; thence turn an interior angle to the left of 151°30'0" and run in a Southeasterly direction for a distance of 885.00 feet; thence turn an interior angle to the left of 157°0'0" and run in a Southerly direction for a distance of 281 feet, more or less to the centerline of the Cahaba River according to Exhibit A as recorded in Instrument number 20060307000106830, in the Office of the Judge of Probate, Shelby County Alabama; thence run in a Southwesterly direction along the centerline of the Cahaba River for a distance of 1774 feet, more or less to the South-line of the Northwest 1/4 of the Northwest 1/4 of said Section 3; thence leaving said centerline of the Cahaba River, run in a Westerly direction along said South-line for a distance of 973 feet, more or less to a point on the West-line of said Section, said point being a 3" capped pipe; thence turn an interior angle to the left of 271°40'52" and run in a Southerly direction along said West-line for a distance of 1372 feet, more or less to the centerline of the Cahaba River; thence leaving said West-line, run in a Southwesterly direction along the centerline of the Cahaba River for a distance of 1914 feet, more or less to the Northeasterly boundary of property deeded to P.R. Wilborn, LLC as recorded in Instrument number 20160226000058740, in the Office of the Judge of Probate, Shelby County, Alabama, said boundary being the Southwesterly boundary of an Alabama Power Company transmission lines right-of-way; thence leaving said centerline, run in a Northwesterly direction along said deed boundary for a distance of 1678 feet, more or less to the North-line of the Southeast 1/4 of Section 4, Township 20 South, Range 3 West, Shelby County Alabama; thence turn an interior angle to the left of 54°07'09" and run in an Easterly direction along said North-line for a distance of 894.34 feet to the Southwest corner of the East 1/2 of the Northeast 1/4 of said Section 4; thence leaving said North-line, turn an interior angle to the left of 271°34'50" and run in a Northerly direction along the West-line of the East 1/2 of the Northeast 1/4 of said Section 4 for a distance of 2634.67 feet to the North-line of said section; thence turn an interior angle to the left of 88°17'27" and run in an Easterly direction along said North-line for a distance of 1318.08 to the POINT OF BEGINNING.

Said parcel containing 199 acres, more or less.

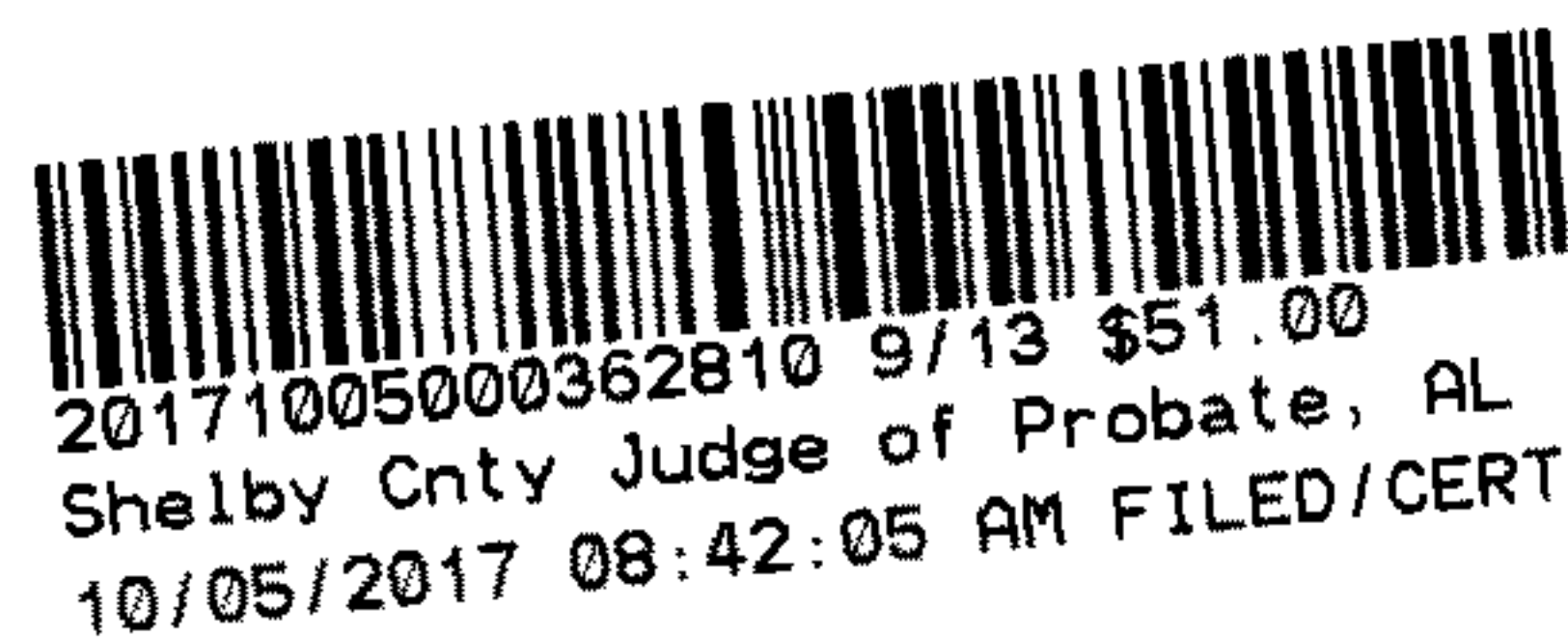


EXHIBIT B

LEGAL DESCRIPTION OF FLEMMING FARMS II PROPERTY

A parcel of land situated in Southeast 1/4 of Section 4, Range 3 West, Shelby County Alabama, being more particularly described as follows:

COMMENCE at a 3" capped pipe at the Northeast corner of Section 4, Township 20 South, Range 3 West, Shelby County Alabama, and run in a Westerly direction along the North-line of said section for a distance of 1318.08 feet to the Northwest corner of the East 1/2 of the Northeast 1/4 said section; thence leaving said North-line, turn an angle to the right of 88°17'27" and run in a Southerly direction along the West-line of the East 1/2 of said 1/4 section for a distance of 2634.67 feet to the Southwest corner of the East 1/2 of said 1/4 section; thence leaving said West-line, turn an angle to the right of 271°34'50" and run in a Westerly direction along the North-line of the Southeast 1/4 of said section for a distance of 894.34 feet to the point of intersection of said North-line and the Northeasterly boundary of property deeded to P.R. Wilborn, LLC as recorded in Instrument number 20160226000058740, in the Office of the Judge of Probate, Shelby County, Alabama, said boundary being the Southwesterly boundary of an Alabama Power Company transmission lines right-of-way, said point being the POINT OF BEGINNING; thence turn an interior angle to the left of 125°50'22" and run in a Southeasterly direction along said right-of-way for a distance of 1678 feet, more or less to the centerline of the Cahaba River, thence leaving said right-of-way, run in a Southwesterly direction along said centerline of the Cahaba River for a distance of 1435 feet, more or less to the West-line of the Southeast 1/4 of said section; thence leaving said centerline of the Cahaba River, run in a Northerly direction along said West-line for a distance of 1821 feet, more or less to the Northwest corner of the Southeast 1/4 of said section; thence run in an Easterly direction along the North-line of said 1/4 section for a distance of 418.27 feet to the POINT OF BEGINNING.

Said parcel containing 36 acres, more or less.

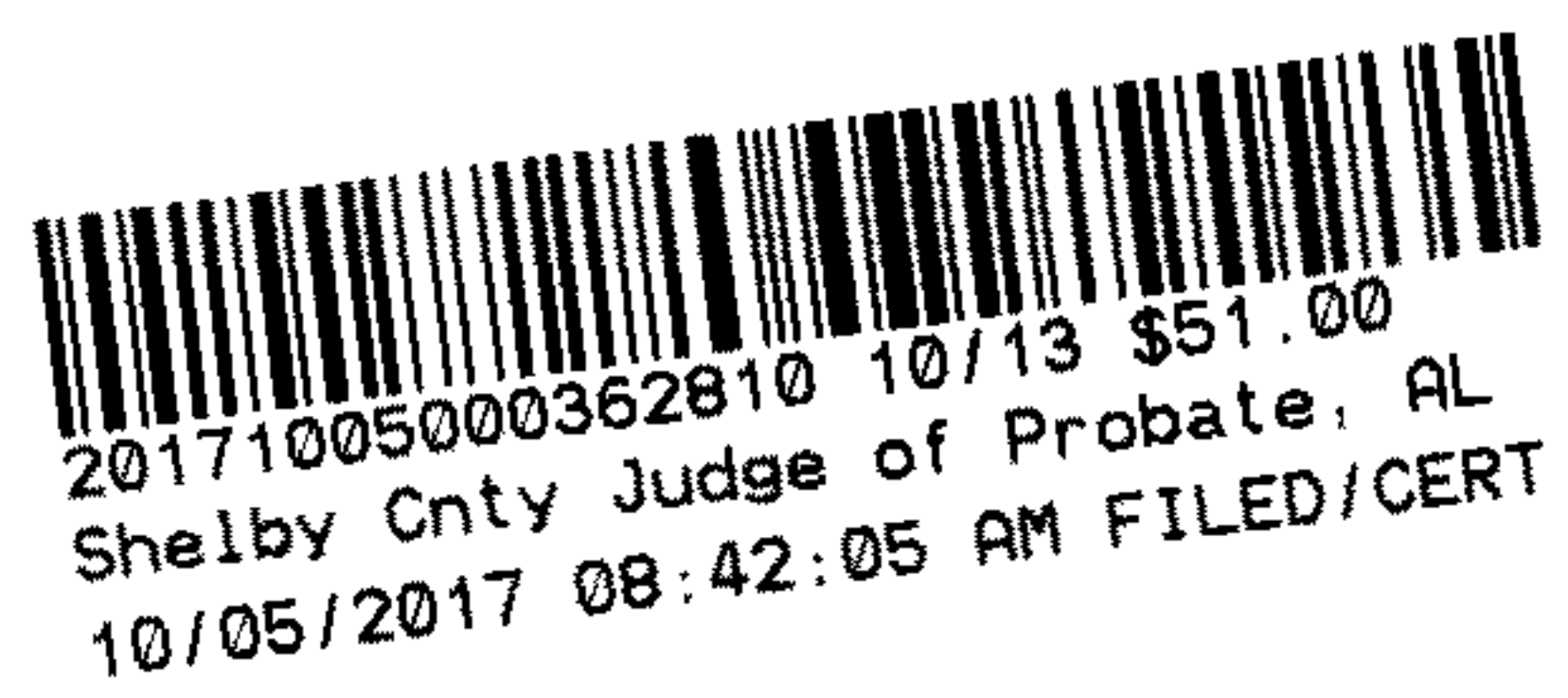
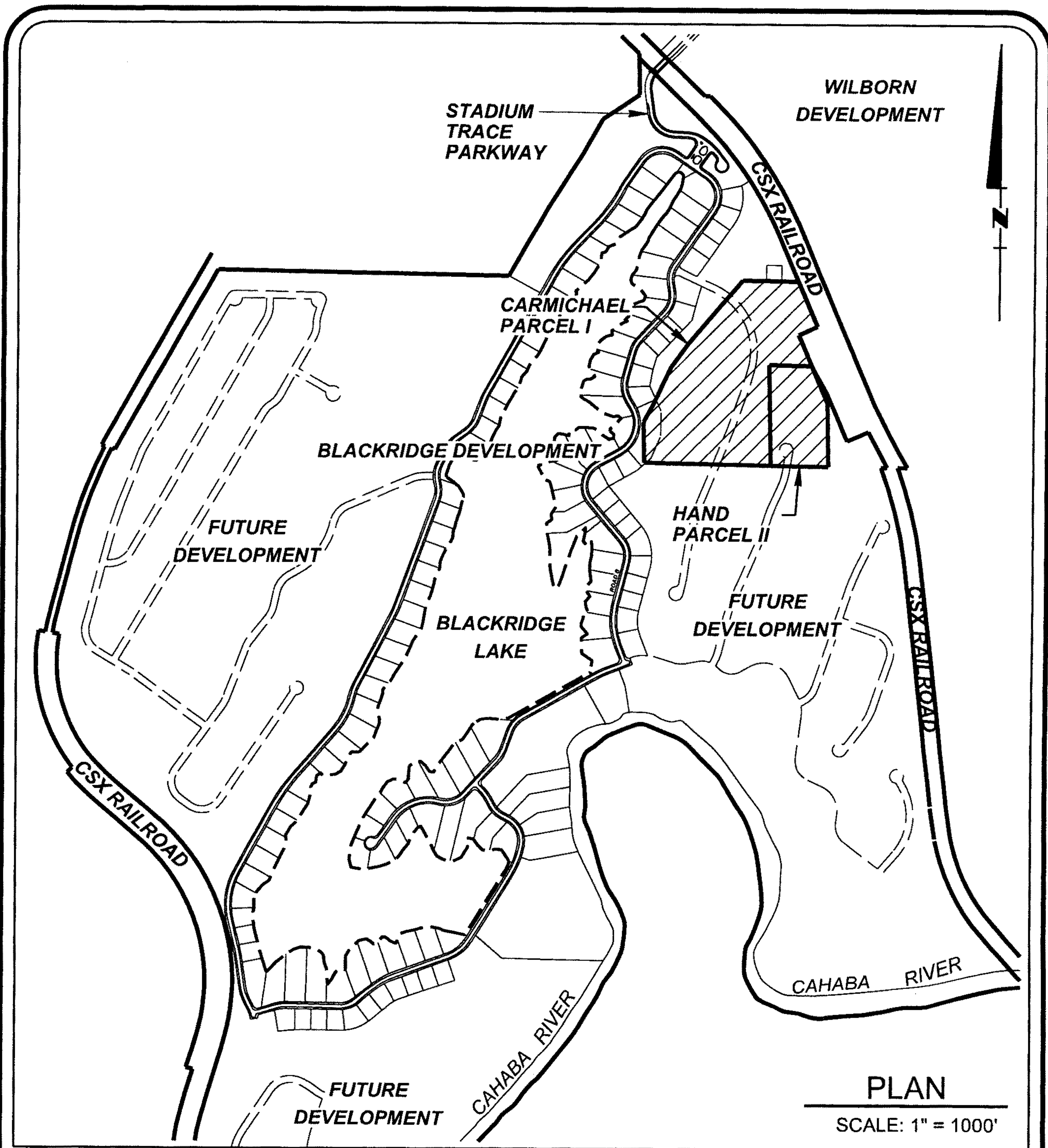


Exhibit C

VICINITY MAP OF FLEMMING FARMS PROPERTY



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Alabama Engineering Company, Inc.

2 Office Park Circle, Suite 11

Birmingham, Alabama 35223

Phone (205) 803-2161

Fax (205) 803-2162

Carmichael & Hand Vicinity Map


04/14/2017




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CERTIFICATION

I, Margie Handley, City Clerk for the City of Hoover, Alabama, hereby certify the attached to be a true and correct copy of a petition(s) presented to the City Council of the City of Hoover by persons whose name(s) appear thereon, requesting that their property be annexed into the City of Hoover.


Margie Handley
City Clerk


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