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Shelby Cnty Judge of Probate, AL
08/16/2021 09:23:39 AM FILED/CERT

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Recommended by: The Mayor, the Planning and Zoning Committee, the
Administration Committee and the Director of Planning,
Engineering and Permits

Submitted by: The City Attorney

ORDINANCE NO. 21-116

**AN ORDINANCE ASSENTING TO THE ANNEXATION OF TERRITORY
CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BIRMINGHAM
PURSUANT TO SECTIONS 11-42-20 THROUGH 11-42-24
CODE OF ALABAMA (1975)**

WHEREAS, Abbey-Greystone, LLC, an Alabama limited liability company, being the sole owner of all of the land within the territory herein described (hereinafter referred to as the "Property"), filed a certain written petition signed by such owner, together with a map of said Property showing its relationship to the corporate limits of the City of Birmingham, with the City Clerk of the City of Birmingham requesting that the Property be annexed into the City of Birmingham; and

WHEREAS, the Property is described in **Exhibit A** attached to this Ordinance and incorporated herein by reference; and

WHEREAS, the City Council of the City of Birmingham has found and determined that the Property is contiguous to the present corporate limits of the City of Birmingham and does not lie within the corporate limits of any other municipality and that, while the police jurisdictions of the City of Birmingham and the City of Hoover, Alabama overlap where the Property is located, the Property to be annexed does not lie at any point beyond the point which is equidistant between the



corporate limits of the City of Birmingham and the present corporate limits of any other municipality having overlapping police jurisdiction; and

WHEREAS, the City Council of the City of Birmingham has further determined and found that the matters set forth and alleged in said petition are true, that all legal requirements for annexing the Property pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama (1975) have been met, and that it is in the public interest that said Property, which does not extend beyond the point that is equidistant between the corporate limits of the City of Birmingham and the present corporate limits of any other municipality having overlapping police jurisdiction, be annexed into the City of Birmingham.

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

Section 1. The City Council finds and declares that it is necessary and proper, in the public interest, and in the best interests of the citizens of the City of Birmingham, and the citizens of the affected area, to annex the Property described in this Ordinance into the City of Birmingham.

Section 2. That the City Council hereby assents to the annexation of said contiguous Property into the City of Birmingham, Alabama, and the corporate limits thereof are hereby extended and rearranged pursuant to the provisions of Title 11, Chapter 42, Article 2 of the Code of Alabama (1975) (Sections 11-42-20 through 11-42-24, as amended) so as to embrace and include said contiguous Property, in addition to the territory already within its present corporate limits, within the corporate limits of the City.

Section 3. This Ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Shelby County, Alabama.



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Section 4. The Property described in this Ordinance shall become a part of the corporate limits of the City of Birmingham, Alabama, upon publication of this Ordinance in the manner required by law.

Section 5. 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.

Adopted by the Council August 10, 2021 and Approved by the Mayor August 10, 2021



A CERTIFIED COPY
Lee Frazier, City Clerk
Birmingham, AL
Lee Frazier



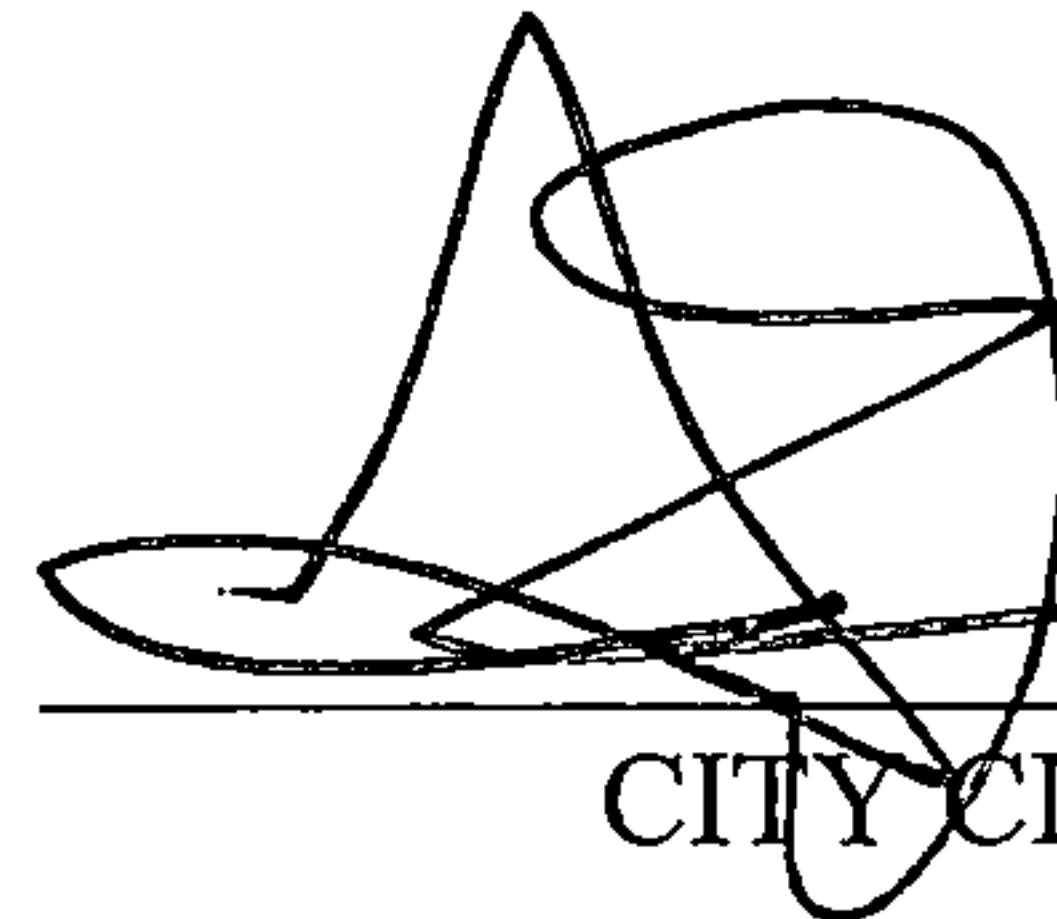
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STATE OF ALABAMA)

JEFFERSON COUNTY)

I, Lee Frazier, City Clerk of the City of Birmingham do hereby certify that the attached First Petition for Annexation to the City of Birmingham and Certificate of Ownership, signed by J. Frank Barefield, Jr., Member and President of Abbey-Greystone, LLC was filed with the City of Birmingham, Alabama on Wednesday, August 4, 2021.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Birmingham, this the 10th day of August 2021.



CITY CLERK



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STATE OF ALABAMA)
SHELBY COUNTY)

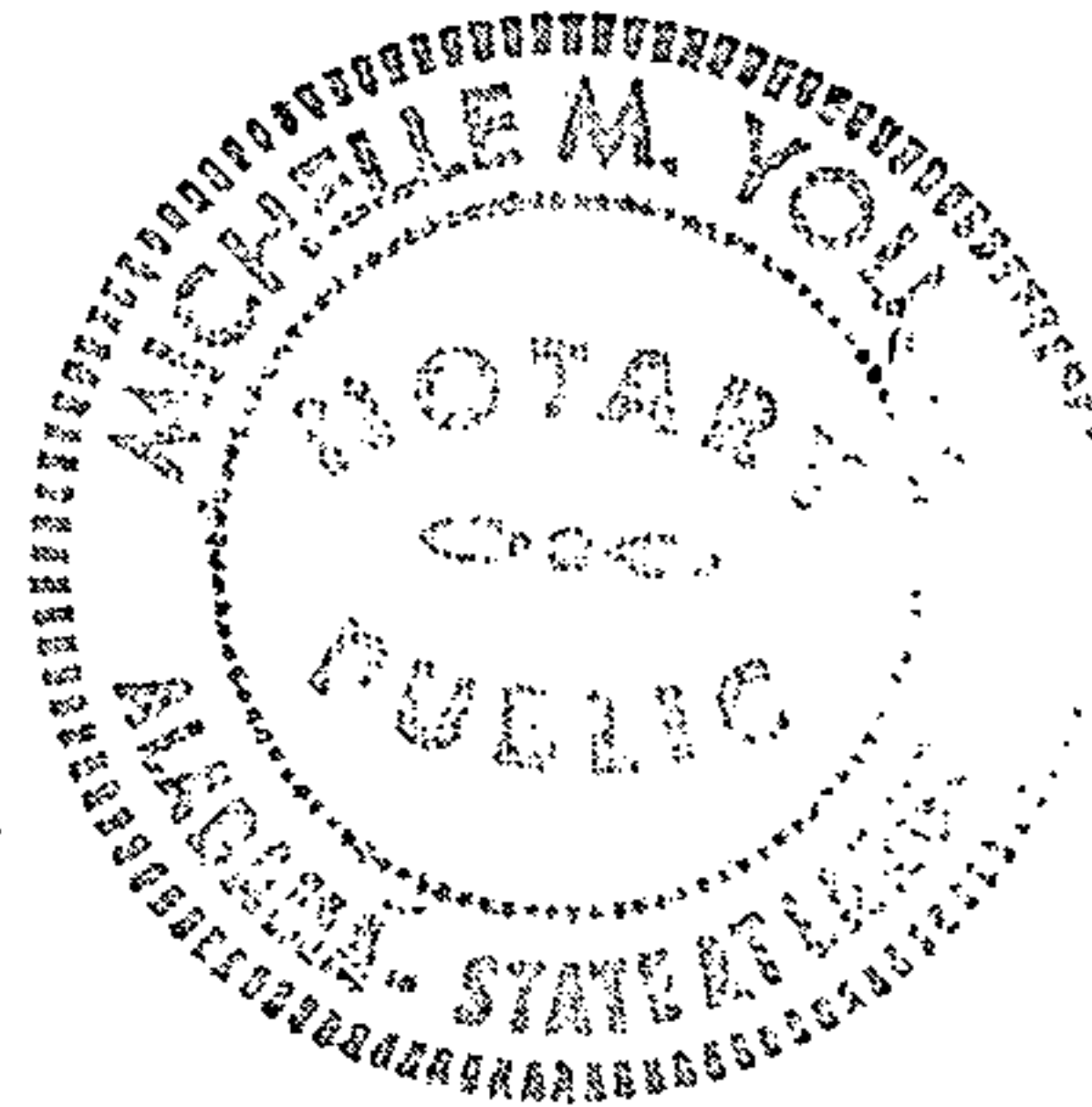
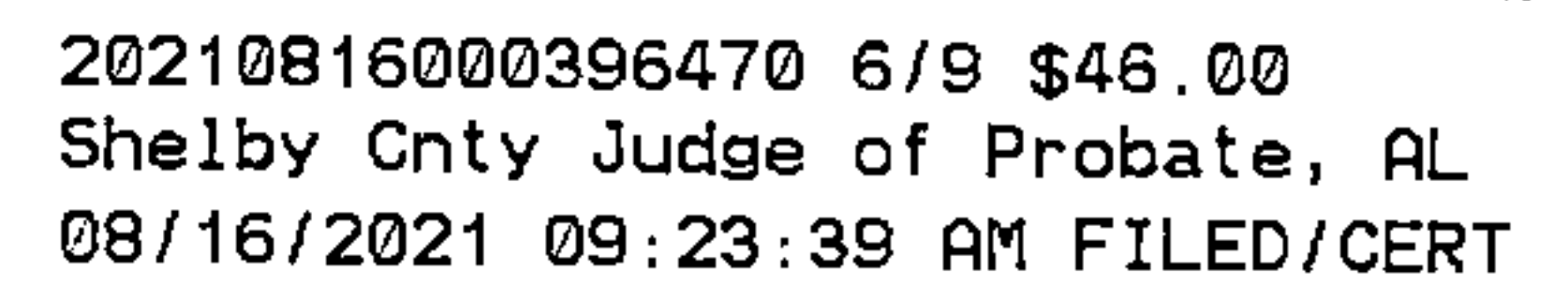
FIRST PETITION FOR ANNEXATION TO THE CITY OF BIRMINGHAM
AND CERTIFICATE OF OWNERSHIP

Abbey-Greystone, LLC, an Alabama limited liability company, as the sole owner of the real property shown on the map marked **Exhibit 1** attached hereto and made a part hereof and being more particularly described by metes and bounds on **Exhibit 2** attached hereto and made a part hereof (the "Property"), does hereby petition the City Council of the City of Birmingham, Alabama, a municipal corporation, under authority of Sections 11-42-20 through 11-42-24, Code of Alabama (1975), to annex the Property to the City of Birmingham by rearranging and extending the corporate limits of the City of Birmingham to include the Property. This petition and the annexation contemplated hereby are contingent upon and shall not be approved or become effective unless and until the pre-annexation zoning of the Property as requested by or on behalf of the undersigned owner shall have been approved by the City Council of the City of Birmingham and otherwise in compliance with all applicable laws and ordinances.

Abbey-Greystone, LLC does hereby certify that it is the sole owner of the Property and further certifies that there are no residents on the Property, the Property is contiguous to the corporate limits of the City of Birmingham, the Property does not lie within the corporate limits of any other municipality, and that all of the Property which lies within the police jurisdiction of both the City of Birmingham, as the annexing municipality, and the City of Hoover, is located closer to the City of Birmingham than to the City of Hoover as required by Section 11-42-21, Code of Alabama (1975).

This Petition is made as part of and in connection with the pending application for the pre-annexation zoning of the Property and is, therefore, subject to and contingent upon the approval by the City Council of the City of Birmingham of the requested pre-annexation zoning of the Property. Accordingly, we hereby request that the hearing on this Petition before the Birmingham City Council be set on a date subsequent to the date upon which the requested zoning is approved by the City Council. Subject to the foregoing, the undersigned does hereby request that the City Council adopt such ordinances and do all such things or acts as is required by law so that the corporate limits of the City of Birmingham shall be rearranged so as to include such territory.

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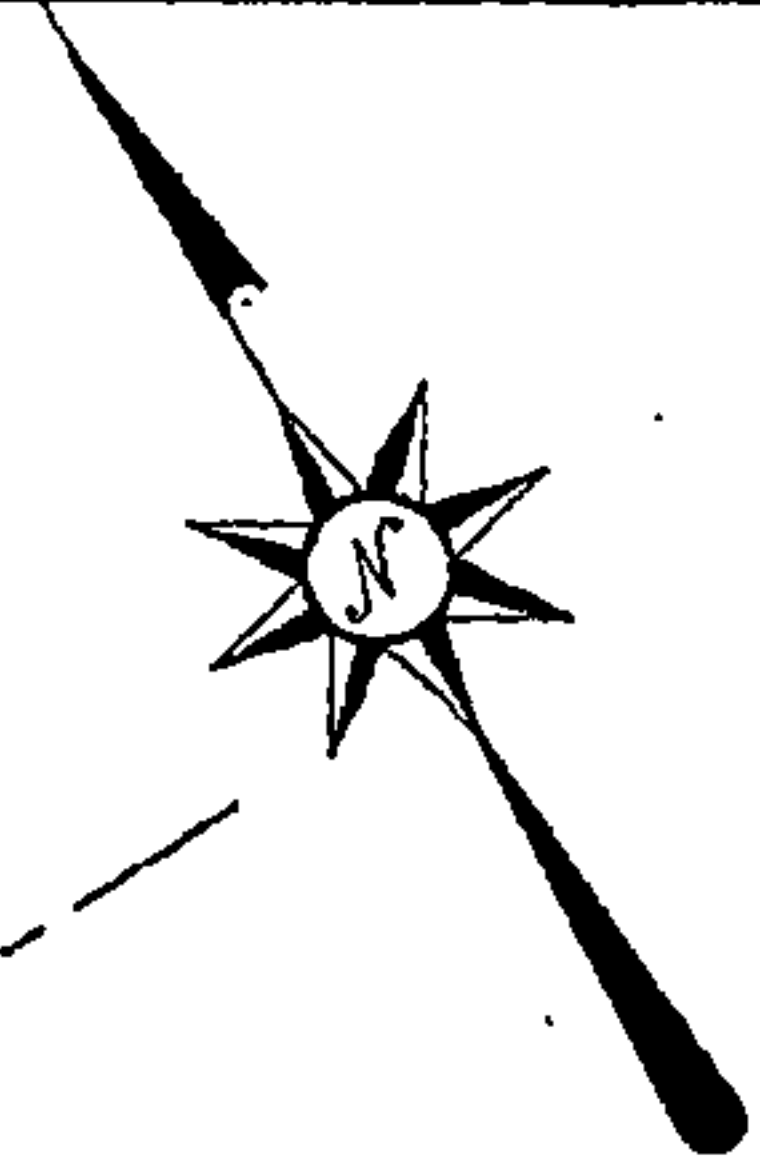


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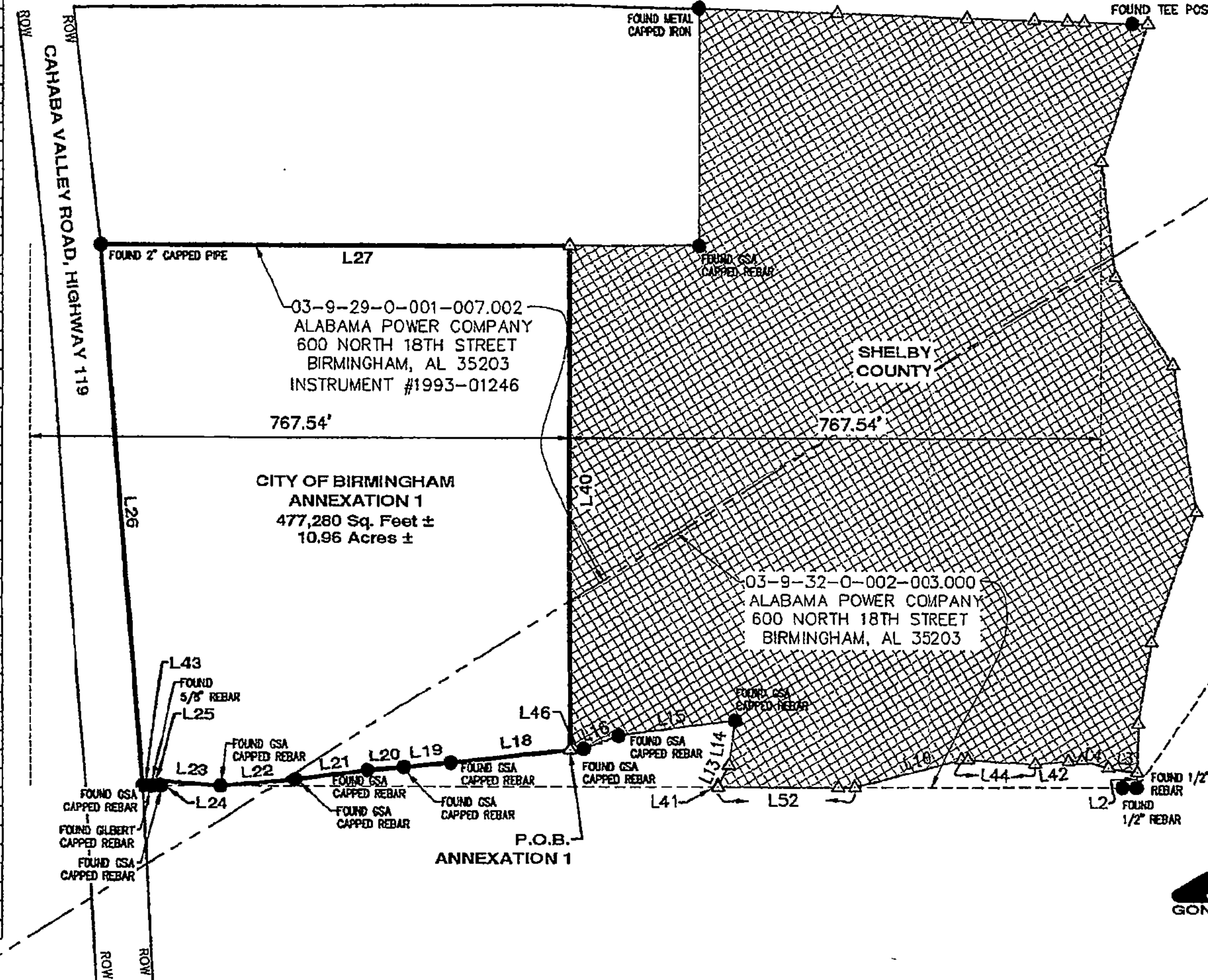
EXHIBIT 1

(Map)

ANNEXATION EXHIBIT MAP



LINE	BEARING	DISTANCE
L1	S 65°35'09" W	1590.40'
L2	N 32°28'07" E	21.24'
L3	N 49°58'41" W	41.73'
L4	N 42°59'04" W	39.81'
L5	N 64°00'06" W	19.45'
L6	N 64°00'06" W	48.15'
L7	N 64°00'06" W	0.50'
L8	N 55°30'47" W	95.63'
L9	N 55°30'47" W	9.68'
L10	N 73°10'09" W	163.38'
L11	N 59°06'28" W	23.73'
L12	N 59°06'28" W	171.05'
L13	N 58°44'21" E	33.50'
L14	N 39°02'53" E	64.44'
L15	N 66°27'13" W	169.61'
L16	N 79°32'49" W	53.67'
L17	N 79°31'51" W	53.67'
L18	N 65°13'47" W	169.93'
L19	N 65°12'16" W	66.19'
L20	N 64°11'24" W	52.12'
L21	N 66°19'26" W	106.35'
L22	N 64°04'52" W	106.87'
L23	N 54°24'05" W	83.92'
L24	S 30°53'32" W	6.89'
L25	N 59°06'28" W	10.66'
L26	N 26°30'02" E	771.17'
L27	S 59°09'47" E	666.99'
L28	S 59°09'47" E	186.84'
L29	N 30°49'55" E	339.27'
L30	S 57°14'33" E	197.39'
L31	S 57°14'33" E	191.99'
L32	S 57°14'33" E	95.99'
L33	S 57°14'33" E	48.00'
L34	S 57°14'33" E	24.00'
L35	S 30°53'32" W	1053.31'
L36	N 30°53'32" E	1054.42'
L37	S 30°53'32" W	1060.08'
L38	N 30°53'32" E	1057.26'
L39	N 30°53'32" E	1102.59'
L40	S 30°53'32" W	717.17'
L41	N 19°00'42" E	1.45'
L42	N 64°00'06" W	68.10'
L43	N 59°02'16" W	14.97'
L44	N 55°30'47" W	105.32'
L45	N 42°59'04" W	32.53'
L46	N 65°13'47" W	18.80'
L47	N 64°00'06" W	67.60'
L48	N 42°59'04" W	35.02'
L49	N 42°59'04" W	4.79'
L50	N 59°06'28" W	2.54'
L51	N 65°13'05" W	18.80'
L52	N 59°06'28" W	194.79'



LEGEND	
● IPF	IRON PIN FOUND
● IPS	IRON PIN SET (5/8" REBAR w/CAP)
△	CALCULATED POINT
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING

GSA
GONZALEZ - STRENGTH & ASSOCIATES, INC.
 ENGINEERING, LAND PLANNING, & SURVEYING
 1500 WOODS OF RIVERCHASE DRIVE - SUITE 200
 HOOVER, ALABAMA 35226
 PHONE: (205) 942-2406
 FAX: (205) 942-0003
 www.Gonzalez-Strength.com

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EXHIBIT 2

ANNEXATION 1 LEGAL DESCRIPTION SHELBY COUNTY, ALABAMA

A parcel of land situated in part of the South half of Section 29, Township 18 South, Range 1 West and part of the North half of Section 32, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of said Section 32; thence run South 65 degrees 35 minutes 09 seconds West for a distance of 1590.40 feet to a found ½" rebar; thence run North 32 degrees 28 minutes 07 seconds East for a distance of 21.24 feet; thence run North 49 degrees 58 minutes 41 seconds West for a distance of 41.73 feet; thence run North 42 degrees 59 minutes 04 seconds West for a distance of 39.81 feet; thence run North 64 degrees 00 minutes 06 seconds West for a distance of 68.10 feet; thence run North 55 degrees 30 minutes 47 seconds West for a distance of 105.32 feet; thence run North 73 degrees 10 minutes 09 seconds West for a distance of 163.38 feet; thence run North 59 degrees 06 minutes 28 seconds West for a distance of 194.79 feet; thence run North 19 degrees 00 minutes 42 seconds East for a distance of 1.45 feet; thence run North 58 degrees 44 minutes 21 seconds East for a distance of 33.50 feet; thence run North 39 degrees 02 minutes 53 seconds East for a distance of 64.44 feet; thence run North 66 degrees 27 minutes 13 seconds West for a distance of 169.61 feet; thence run North 79 degrees 32 minutes 49 seconds West for a distance of 53.67 feet to a found GSA capped rebar; thence run North 65 degrees 13 minutes 47 seconds West for a distance of 18.80 feet to the POINT OF BEGINNING; thence run along last described course for a distance of 169.93 feet to a found 5/8" capped rebar stamped GSA; thence run North 65 degrees 12 minutes 16 seconds West for a distance of 66.19 feet to a found 5/8" capped rebar stamped GSA; thence run North 64 degrees 11 minutes 24 seconds West for a distance of 52.12 feet to a found 5/8" capped rebar stamped GSA; thence run North 66 degrees 19 minutes 26 seconds West for a distance of 106.35 feet to a found 5/8" capped rebar stamped GSA; thence run North 64 degrees 04 minutes 52 seconds West for a distance of 106.87 feet to a found 5/8" capped rebar stamped GSA; thence run North 54 degrees 24 minutes 05 seconds West for a distance of 83.92 feet to a found 5/8" capped rebar stamped GSA; thence run South 30 degrees 53 minutes 32 seconds West for a distance of 6.89 feet to a found 5/8" capped rebar stamped GSA; thence run North 59 degrees 06 minutes 28 seconds West for a distance of 10.66 feet to a found 5/8" rebar; thence run North 59 degrees 02 minutes 16 seconds West for a distance of 14.97 feet to a found 5/8" capped rebar stamped GSA, said point being a point on the Easternmost right of way line of Cahaba Valley Road, Highway 119; thence run North 26 degrees 30 minutes 02 seconds East along said right of way for a distance of 771.17 feet to a found 2" capped pipe; thence leaving said right of way, run South 59 degrees 09 minutes 47 seconds East for a distance of 666.99 feet; thence run South 30 degrees 53 minutes 32 seconds West for a distance of 717.17 feet to the POINT OF BEGINNING. Said parcel contains 477,280 square feet or 10.96 acres more or less.