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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



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Shelby Cnty Judge of Probate, AL
09/21/2021 10:03:55 AM FILED/CERT

ORDINANCE NO. 21-149

**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, consisting of approximately 0.58 acres of land located in unincorporated Shelby County, Alabama (hereinafter referred to as the “Property”), filed with the City Clerk of the City of Birmingham a certain written “Sixth Petition for Annexation to the City of Birmingham and Certificate of Ownership” signed by such owner, together with a map of said Property showing its relationship to the corporate limits 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.



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Adopted by the Council September 14, 2021 and Approved by the Mayor September 15, 2021



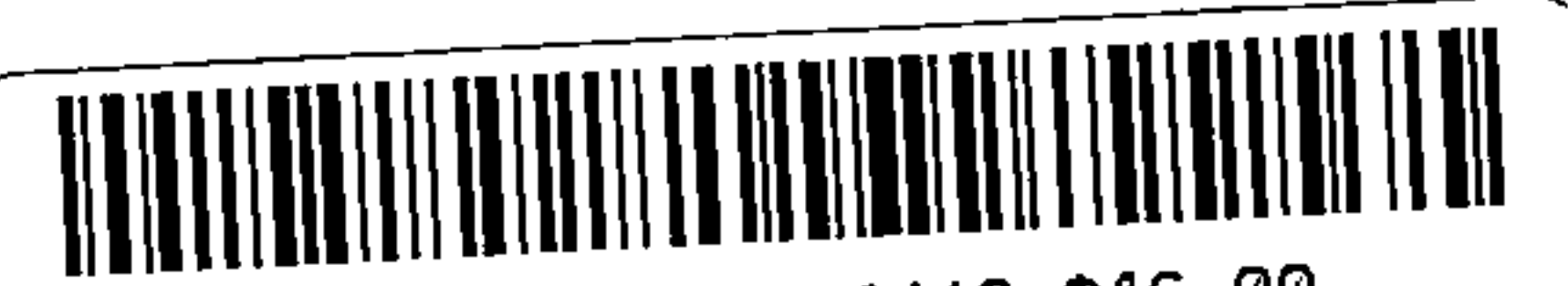
A CERTIFIED COPY
Lee Frazier, City Clerk
Birmingham, AL
Lee Frazier

EXHIBIT A

ANNEXATION 6 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 35.02 feet to the POINT OF BEGINNING; thence run along last described course for a distance of 4.79 feet; thence run North 64 degrees 00 minutes 06 seconds West for a distance of 19.45 feet; thence run North 30 degrees 53 minutes 32 seconds East for a distance of 1054.42 feet; thence run South 57 degrees 14 minutes 33 seconds East for a distance of 24.00 feet; thence run South 30 degrees 53 minutes 32 seconds West for a distance of 1053.31 feet to the POINT OF BEGINNING. Said parcel contains 25,261 square feet or 0.58 acres more or less.



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STATE OF ALABAMA)
SHELBY COUNTY)

**SIXTH 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 (i) 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 and (ii) all previous petitions for annexation submitted by or on behalf of the owner of the Property to the City Council of the City of Birmingham for its consideration and approval shall have been approved by the City Council of the City of Birmingham and all ordinances adopted by the City Council in connection with its approval of previous petitions shall have been published in the manner required by law such that the boundary of the Property is contiguous to the corporate limits of the City of Birmingham.

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 and the Property does not lie within the corporate limits of any other municipality. At the time of the meeting of the City Council of the City of Birmingham for its consideration of this Petition held after satisfaction of the contingencies stated in this Petition, the Property will be contiguous to the corporate limits of the City of Birmingham and 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, will be 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. Therefore, this Petition and the annexation contemplated hereby are subject to and contingent upon (i) approval by the City Council of the City of Birmingham of the requested pre-annexation zoning of the Property and (ii) approval by the City Council of the City of Birmingham of all previous petitions for annexation submitted by or on behalf of the owner of the Property to the City Council of the City of Birmingham for its consideration and approval and publication of all approved ordinances in the manner required by law such that the boundary of the Property is contiguous to the corporate limits of the City of Birmingham. 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 and previous petitions for annexation have been approved by the City Council and all appropriate ordinances have been published. 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.



Dated as of the ____ day of _____, 2021.

ABBEY-GREYSTONE, LLC

**By: Abbey Residential, LLC
Its Manager**

By: 
**J. Frank Barefield, Jr.
Its Member and President**

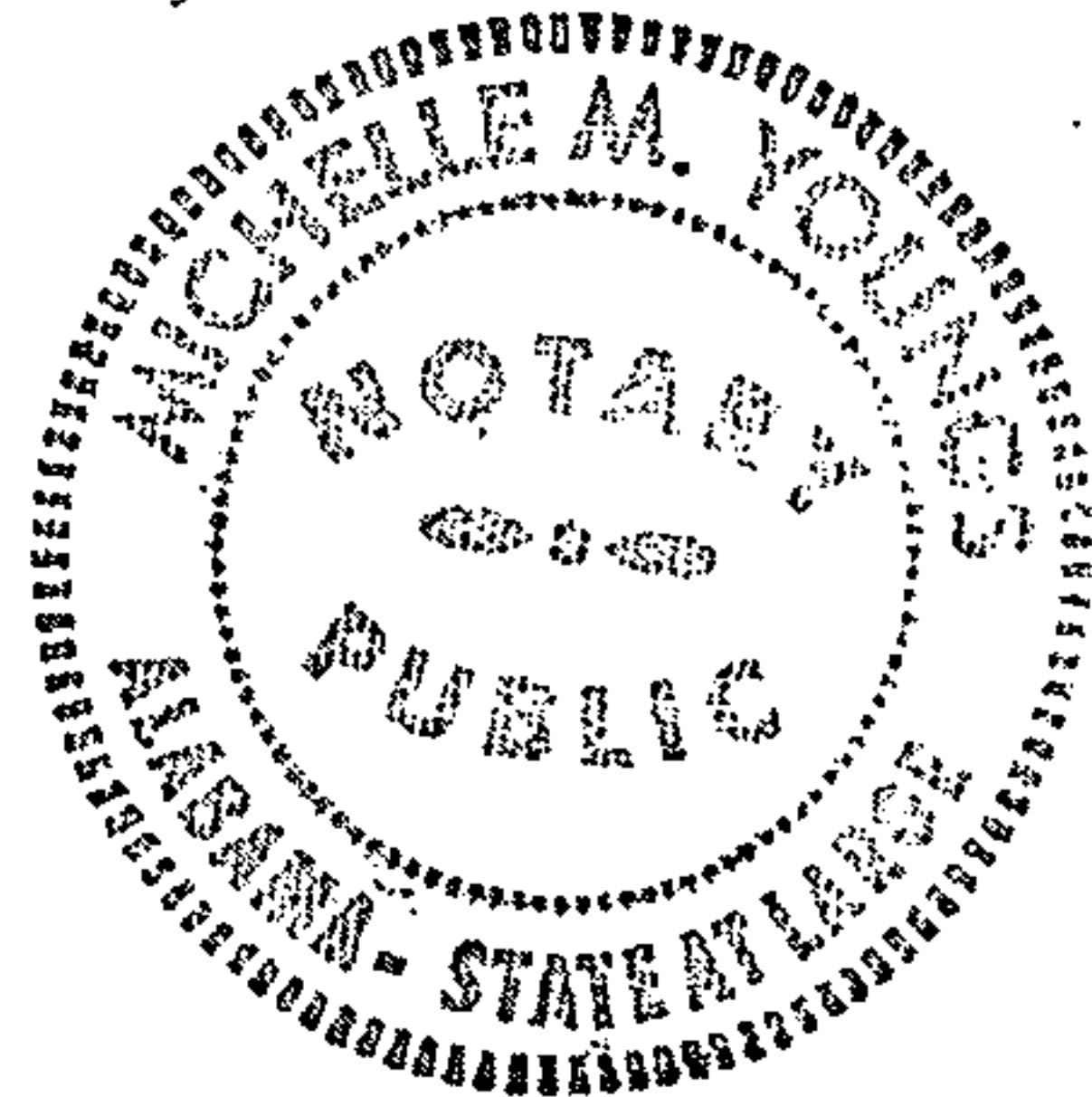
STATE OF ALABAMA)

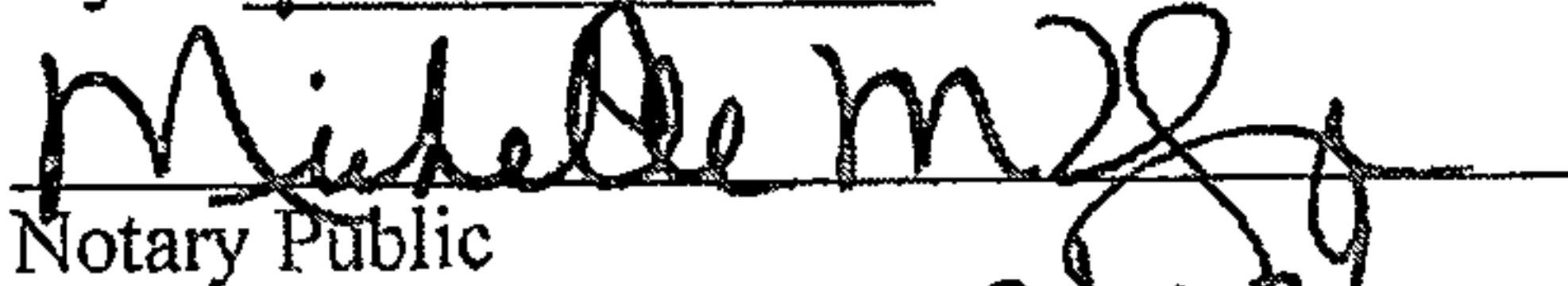
JEFFERSON COUNTY)

I, the undersigned, Notary Public, in and for said county in said state, hereby certify that J. Frank Barefield, Jr., whose name as Member and President of Abbey-Residential, LLC, an Alabama limited liability company, the Manager of Abbey-Greystone, LLC, an Alabama 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 officer and with full authority, executed the same voluntarily for and as the act of Abbey Residential, LLC as Manager of Abbey-Greystone, LLC.

Given under my hand and official seal this 18th day of May, 2021.

{SEAL}



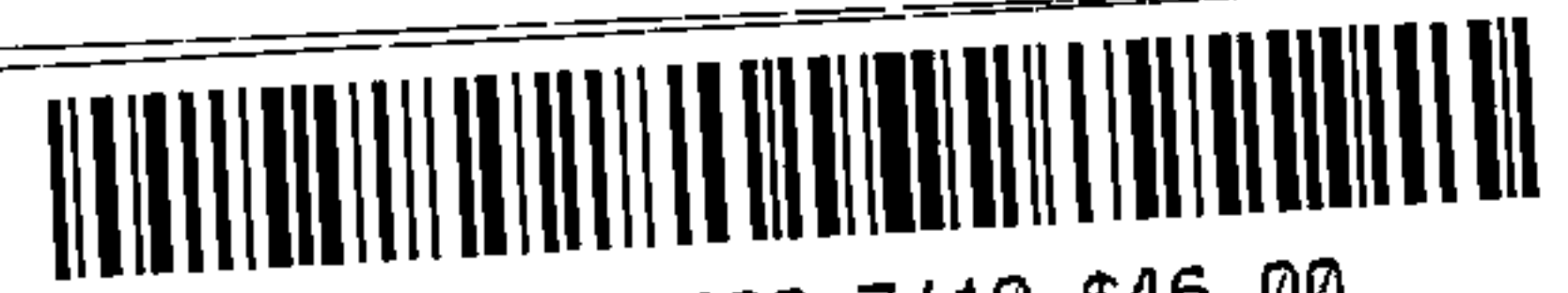

Notary Public
My Commission Expires: 2/28/2024



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EXHIBIT 1

(Map)



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EXHIBIT 2

ANNEXATION 6 LEGAL DESCRIPTION SHELBY COUNTY, ALABAMA

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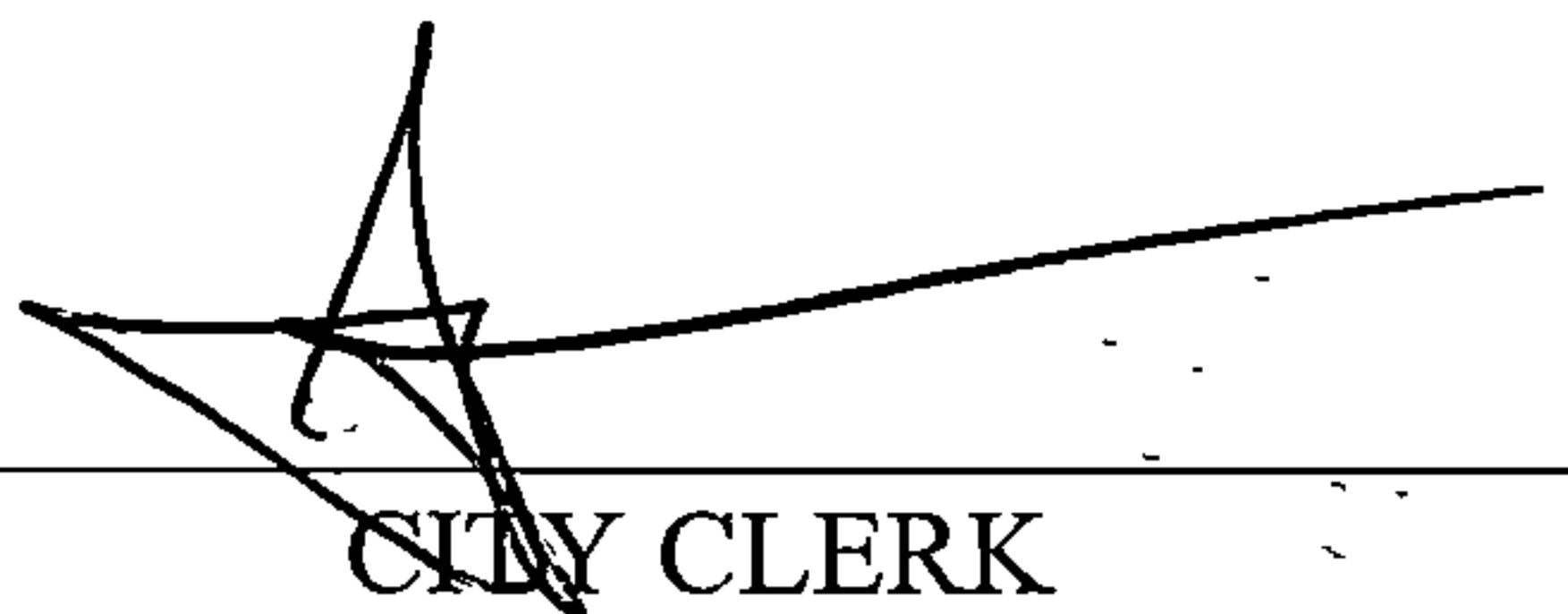
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STATE OF ALABAMA)

JEFFERSON COUNTY)

I, Lee Frazier, City Clerk of the City of Birmingham do hereby certify that the attached Sixth 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, September 8, 2021.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Birmingham, this the 14th day of September 2021.


CITY CLERK



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