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Shelby Cnty Judge of Probate, AL
10/14/2022 10:41:50 AM FILED/CERT

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

Submitted by: The City Attorney

ORDINANCE NO. 22-116

AN ORDINANCE TO ALTER, REARRANGE, AND EXTEND THE CORPORATE LIMITS OF THE CITY OF BIRMINGHAM, ALABAMA, SO AS TO EMBRACE AND INCLUDE WITHIN THE CORPORATE AREA OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY DESCRIBED HEREIN WHICH IS CONTIGUOUS TO SAID CITY BUT NOT LOCATED THEREIN PRIOR TO THIS ORDINANCE

WHEREAS, Hanna Family Partnership, Ltd., Omar Green Touchstone, William Andrew Newton, Anna Newton Kirby, and Kathryn Quinn Newton, being the owners of all of the land within the territory therein described, consisting of approximately 18.94 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 "Petition for Annexation to the City of Birmingham and Certificate of Ownership" signed by such owners, 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 further determined and found that the matters set forth and alleged in said petition are true, that said territory is contiguous to the corporate limits of the City of Birmingham, that all other legal requirements for annexing the Property pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama (1975) have been met,



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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.

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.

EXHIBIT A

**ANNEXATION LEGAL DESCRIPTION
SHELBY COUNTY, ALABAMA**

BEGIN AT A POINT AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, SAID POINT BEING A FOUND CAPPED WSECO; THENCE RUN SOUTH 88 DEGREES 20 MINUTES 29 SECONDS EAST FOR 657.36 FEET TO A FOUND 1" CRIMP; THENCE RUN SOUTH 00 DEGREES 13 MINUTES 52 SECONDS EAST FOR 222.85 FEET TO A FOUND CAPPED WSECO; THENCE RUN SOUTH 00 DEGREES 21 MINUTES 11 SECONDS EAST FOR 1119.76 FEET TO A SET IRON; THENCE RUN NORTH 88 DEGREES 17 MINUTES 48 SECONDS WEST FOR 167.97 FEET TO A FOUND 3" CAPPED PIPE; THENCE RUN NORTH 52 DEGREES 31 MINUTES 23 SECONDS WEST FOR 596.84 FEET TO A FOUND 1" REBAR; THENCE RUN SOUTH 37 DEGREES 17 MINUTES 44 SECONDS WEST FOR 210.73 FEET TO A FOUND CAPPED LDW LYING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 280; THENCE RUN NORTH 52 DEGREES 45 MINUTES 13 SECONDS WEST ALONG SAID ROAD RIGHT OF WAY FOR 120.22 FEET TO A SET CROSS; THENCE LEAVING SAID ROAD RIGHT OF WAY RUN NORTH 37 DEGREES 18 MINUTES 48 SECONDS EAST FOR 337.01 FEET TO A SET IRON; THENCE RUN NORTH 00 DEGREES 17 MINUTES 43 SECONDS WEST FOR 820.33 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 824,824.97 SQ. FT. OR 18.94 ACRES MORE OR LESS.

Adopted by the Council July 5, 2022 and Approved by the Mayor July 8, 2022



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



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STATE OF ALABAMA)
SHELBY COUNTY)

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

Hanna Family Partnership, Ltd., Omar Green Touchstone, William Andrew Newton, Anna Newton Kirby, and Kathryn Quinn Newton, being the owners of the real property shown on the attached map and made a part hereof and being more particularly described by metes and bounds below and made a part hereof (the "Property"), do 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.

Hanna Family Partnership, Ltd., Omar Green Touchstone, William Andrew Newton, Anna Newton Kirby, and Kathryn Quinn Newton do hereby certify that they are the sole owners of the Property, that there are no residents on the Property and the Property does not lie within the corporate limits of any other municipality. We further certify that all of the Property which lies within the police jurisdiction of both the annexing municipality and any other municipality is located closer to the annexing municipality than to the other municipality as required by Section 11-42-21, Code of Alabama (1975).

We do hereby request that the Birmingham City Council and the City Clerk give such notice, hold such hearings and adopt such ordinances and do all such things or acts required by law so that the corporate limits of the City of Birmingham shall be rearranged to include such territory.

This the 21st day of January, 2022.

[SIGNATURE PAGES OF PETITIONERS ATTACHED]



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January 21, 2022

Donald T. Wilborn
Planning Engineering and Permits
City of Birmingham
710 North 20th St/ Room 500
Birmingham, AL 35203

Dear Donald:

Please accept this letter as a formal request to have our property located at 4641 Highway 280 annexed into the city of Birmingham. The property sits in unincorporated Shelby County and can further be identified as Shelby County tax parcel #02 7 36 0 001 005. The property is currently under contract to Arlington Properties who has plans to develop an apartment community on the site. Arlington is requesting to have the property annexed and thus we are making the request on their behalf. They are currently taking the site through the rezoning process in the City of Birmingham on condition that the site is thereafter annexed into the City. Arlington has been headquartered in downtown Birmingham for 53 years. They are a proud corporate citizen of the City and prefer to develop this site within the City. As we understand it, Arlington and their contractors have built numerous developments in Birmingham. They are comfortable with the permitting and entitlement process in the City of Birmingham and are also comfortable with the City's inspection processes during construction. For these reasons, they prefer to develop the site in Birmingham.

If you have any questions, please do not hesitate to contact us.

Hanna Family Partnership, LLC

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Omar Green Touchstone

Anna Newton Kirby

Kathryn Quinn Newton



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Legal Description

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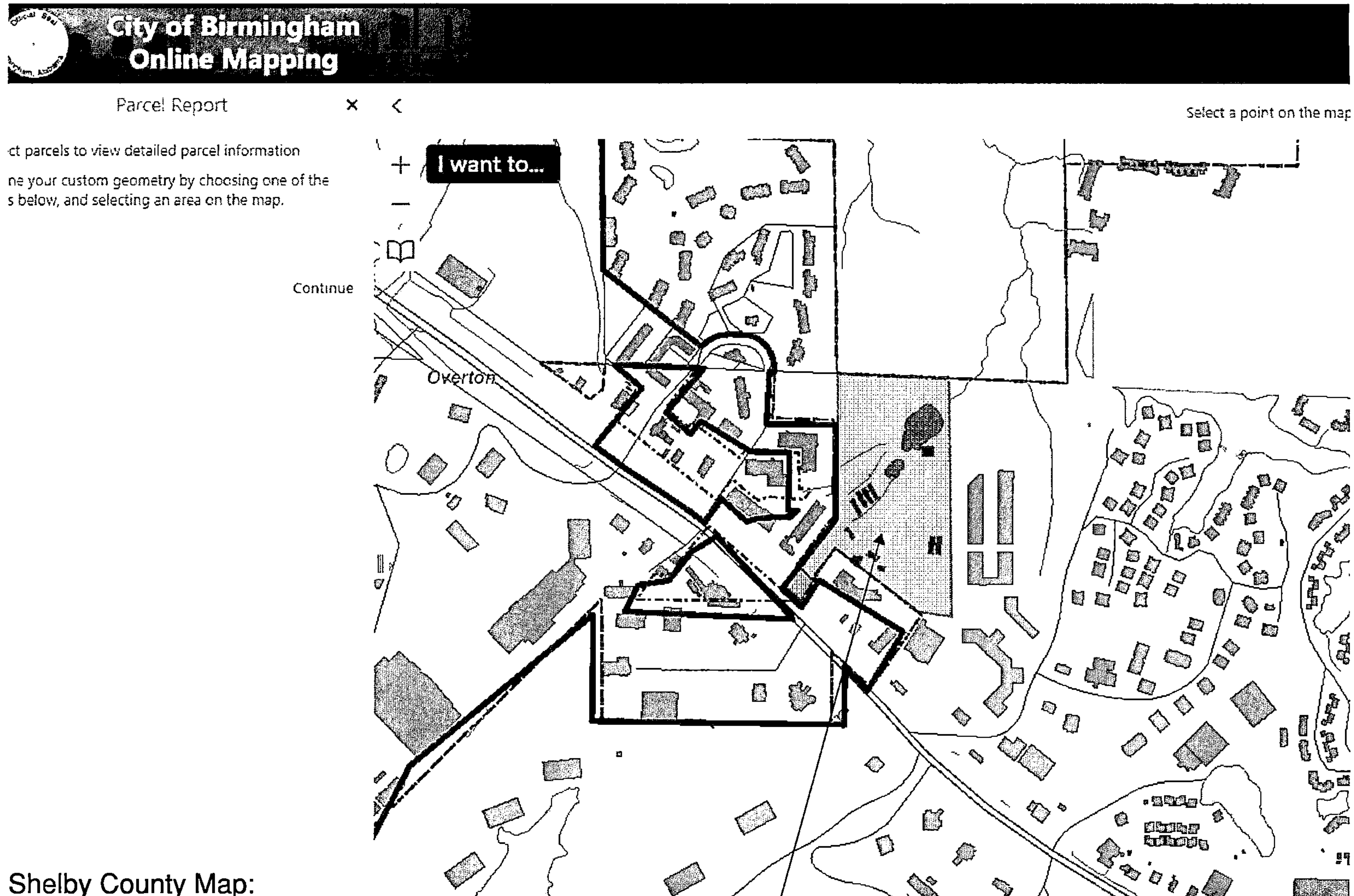


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Site Proximity to Birmingham

(Site touches Birmingham on three different sides)

City of Birmingham Map:



Shelby County Map:

