

ORDINANCE NO. 2006- 10

AN ORDINANCE TO ALTER AND REARRANGE THE BOUNDARY LINE OF THE CITY OF CENTER POINT, ALABAMA, SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS CERTAIN OTHER TERRITORY CONTIGUOUS TO SAID CITY

WHEREAS, this Council does hereby determine that matters set forth in that certain petition of:

STAG II BIRMINGHAM, LLC

wherein STAG II Birmingham, LLC ("STAG") as the owner of the property described therein and hereinafter described in this Ordinance, requested that said property be annexed to the City of Center Point are true, and that it is in the public interest that said property be annexed to the City of Center Point:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Center Point, Alabama as follows:

Section 1. Incorporation: That under the provisions of the Code of Alabama, 1975, 11-42-21, the corporate limits of the City of Center Point, Alabama be, and the same are altered and rearranged so as to include, in addition to the territory already within the corporate limits of said City, the territory described in Exhibit "A" attached hereto and made a part hereof (the "STAG Property"), which territory is contiguous to said City and not within the corporate limits of any other municipality.

Section 2. Right-of-Way Deed: Simultaneously with the submission of the Petition for Annexation by STAG, STAG has agreed to execute and deliver to the City a statutory warranty deed to all of its interest in an 80' wide part along the southeast side of the 100' wide abandoned railroad right-of-way contained within the STAG Property (the "STAG Deed"). Upon approval of the annexation of the STAG Property by the City Council of the City of Center Point, STAG has agreed that the STAG Deed shall be delivered to the City and recorded.

Section 3. The City has obtained or is in the process of obtaining deeds from all of the adjacent owners of the abandoned railroad right-of-way as necessary to acquire the 80 foot wide portion along the southeast side of the abandoned railroad right-of-way from Carson Road to Pinson Heights Road (the "Right-of-Way"). If the City is able to acquire said 80 foot wide portion of the Right-of-Way from Carson Road to Pinson Heights Road, the City agrees to construct a public road for industrial use along the Right-of-Way from Carson Road to Pinson Heights Road. The industrial public road shall be built in accordance with all governmental laws, regulations and standards as may be determined by the City of Center Point. In connection with the construction of the industrial public

road as set out herein, the City will give reasonable access to the owners of properties adjacent to the Right-of-Way and that access will be in accordance with all applicable governmental laws, standards and regulations.

Section 4. Tax and Business License Abatement: The City of Center Point hereby abates any and all real or personal ad valorem tax which may be imposed by the City with respect to the STAG Property set out in Exhibit A hereto and the STAG Property shall be and the same is hereby exempt from City ad valorem taxes for a period of 15 years from the date hereof. This ad valorem tax abatement and exemption is granted under the laws of the State of Alabama. This abatement shall only apply to ad valorem taxes which may be imposed by the City and shall not apply to any taxes or fees by any other governmental body or agency. The City also agrees that the business license fee to be charged to STAG by the City shall be determined in accordance with the following schedule:

Calendar years 2006 through 2010	\$0.00 (Abated) per year
Calendar years 2011 through 2015	\$7,500 per year for each of the 2 buildings currently constructed on the STAG Property
Calendar years 2016 through 2020	\$10,000 per year for each of the 2 buildings currently constructed on the STAG Property
Thereafter	Normal business license fee in accordance with the Center Point Business License Code

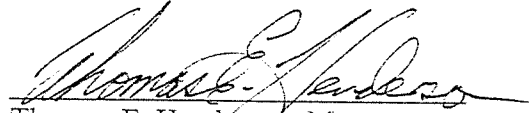
Section 5. Zoning: The zoning of the property described on Exhibit "A" attached hereto will convert to the most compatible City of Center Point zoning classification, the current classification being I-4.

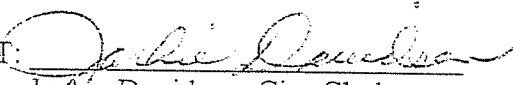
Section 6. Severability: If any part, section, or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding. If any part, section or subdivision of this ordinance or document, map, or petition to which it may refer shall be held unconstitutional or invalid as to any portion of the territories annexed herein, such holding shall not be construed to impair or invalidate the ordinance as to the territory not included in or affected by such holding.

Section 7. Publication: The City Clerk shall file a certified copy of the property described in Exhibit "A" attached hereto, and a certified copy of this ordinance with the Probate Judge of the county in which the property is located, and also cause a copy of this ordinance to be published in a newspaper of general circulation in the City of Center Point, or to be published by posting as provided by law.

Section 8 Repealer: All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Center Point, Alabama which are inconsistent with the provision of this ordinance are hereby expressly repealed.

Adopted this the 13th day of July, 2006.


Thomas E. Henderson, Mayor

ATTEST: 
Jackie Davidson, City Clerk

ANNEXATION
EXHIBIT A – TRACT 1

S.T.A.G. PROPERTY

A parcel of land in the East ½ of Section 11, Township 16 South, Range 2 West, Jefferson County, Alabama described as commencing at the NE corner of Section 11, Township 16 South, Range 2 West, said point being marked by a 2" cap pin; Thence run in a westerly direction along the north line of said Section 11 for 497.80 ft. to a point on the easterly right-of-way of the abandoned Birmingham Mineral Railroad Co. property, now known as the Chaney Railroad, said point being marked by a 2" iron pipe; Thence turn an interior angle of 125°40'42" and run in a southwesterly direction along said east right-of-way 1146.84 ft. to the point of beginning of the herein described property, said point being marked by a ½" rebar and cap; Thence angle right 90°00' for a distance of 50.00 ft.; thence angle left 90°00' continue southwesterly along railroad centerline for 1426.78 ft. to the point of intersection of said east right-of-way of the abandoned Chaney Railroad and the north line of Carson Road, Thence turn an interior angle of 86°10'00" and run in a southeasterly direction along the north line of said Carson Road for 53.49 ft.; Thence angle left 90°00' for a distance of 1426.78 ft. to the point of beginning.

ANNEXATION
EXHIBIT A - TRACT 2
S.T.A. G. PROPERTY

Property Description

A parcel of land located in the East 1/4 of Section 11, Township 16 South, Range 2 West described as commencing at the Northeast corner of Section 11, Township 16 South, Range 2 West, said point being marked by a 2" cap pin; thence run in a Westerly direction along the North line of said Section 11 497.8 ft. to a point on the Easterly right-of-way of the Birmingham Mineral Railroad Co. property, said point being marked by a 2" iron pipe; thence turn an interior angle of 125 degrees 40 minutes 42 seconds and run in a Southwesterly direction along said East right-of-way 1146.84 ft. to the point of beginning of the herein described property, said point being marked by a 2" rebar and cap; thence continue Southwesterly along said East right-of-way of Railroad 1426.78 ft. to the point of intersection of said East right-of-way of the Birmingham Mineral Railroad and the North line of Carson Road, said point being marked by a 1/2" rebar and cap; thence turn an interior angle of 88 degrees 10 minutes 00 seconds and run in a Southeasterly direction along the North line of said Carson Road 1388.91 ft. to the point of a curve to the right, said point being marked by a 1/2" rebar and cap; thence turn an interior angle of 185 degrees 09 minutes 10 seconds and run in a Southeasterly direction along said curve to the right a chord distance of 128.67 ft. to its intersection with the Western line of Alabama Highway No. 79, said point being marked by a 1/2" rebar and cap; thence turn an interior angle of 100 degrees 39 minutes 00 seconds and run along said Western right-of-way of said Highway No. 79 in a Northeasterly direction 102.44 ft., said point being marked by a 1/2" rebar and cap; thence run in a Northeasterly direction along the Western line of said Highway No. 79 918.5 ft. to the point of intersection of said Western line of Alabama Highway No. 79 and the Westerly line of the Old Pinson Highway, not in use, said point being marked by an 1/2" rebar and cap; thence run in a Northeasterly direction along and with said Westerly line of Old Pinson Highway 87.39 ft., said point being marked by a 1/2" rebar and cap; thence leaving said Westerly line turn an interior angle of 106 degrees 57 minutes 59 seconds and run in a Northwesterly direction 67.01 ft., said point being marked by a 1/2" rebar and cap; thence turn an interior angle of 239 degrees 06 minutes 31 seconds and run in a Northeasterly direction 459.85 ft., said point being marked by a 1/2" rebar and cap; thence turn an interior angle of 116 degrees 34 minutes 40 seconds and run in a Northwesterly direction 207.07 ft., said point being marked by a 1/2" rebar and cap; thence turn an interior angle of 88 degrees 42 minutes 35 seconds and run in a Southwesterly direction 42.08 ft., said point being marked by a 1/2" rebar and cap; thence turn an interior angle of 198 degrees 35 minutes 30 seconds and run in a Southwesterly direction 67.22 ft., said point being marked by a 1/2" rebar and cap; thence turn an interior angle of 197 degrees 12 minutes 25 seconds and run in a Southwesterly direction 71.49 ft., said point being marked by a 1/2" rebar and cap; thence turn an interior angle of 235 degrees 15 minutes 15 seconds and run in a Northwesterly direction 162.82 ft., said point being marked by a 1/2" rebar and cap; thence turn an interior angle of 90 degrees 04 minutes 15 seconds and run in a Southwesterly direction 23.0 ft., said point being marked by a 1/2" rebar and cap; thence turn an interior angle of 276 degrees 05 minutes 44 seconds and run in a Northwesterly direction 764.67 ft. to the point of beginning.

Together with beneficial interest in the following:

25 ft. Access easement to Pinson Valley Parkway

The centerline of 25 ft. access easement being located in the East 1/4 of Section 11, Township 16 South, Range 2 West being more particularly described as follows:

Commence at the Northeast corner of Section 11, Township 16 South, Range 2 West thence run in a Westerly direction along the North line of said Section 11 497.8 ft. to a point on the Easterly right-of-way of the Birmingham Mineral Railroad property; thence turn an interior angle of 125 degrees 40 minutes 42 seconds and run in a Southwesterly direction along said Easterly right-of-way 1146.84 ft.;

thence leaving said right-of-way turn an interior angle of 90 degrees 01 minutes 22 seconds and run in a Southeasterly direction 764.67 ft.; thence turn an interior angle of 89 degrees 54 minutes 16 seconds and run in a Northeasterly direction 29.0 ft.; thence turn an interior angle of 269 degrees 55 minutes 45 seconds and run in a Southeasterly direction 190.82 ft.; thence turn an interior angle of 124 degrees 44 minutes 45 seconds and run in a Northeasterly direction 71.49 ft.; thence turn an interior angle of 162 degrees 47 minutes 35 seconds and run in a Northeasterly direction 67.22 ft.; thence turn an interior angle of 161 degrees 24 minutes 30 seconds and run in a Northeasterly direction 42.8 ft.; thence turn an interior angle of 277 degrees 17 minutes 25 seconds and run in a Southeasterly direction 207.67 ft.; thence turn an interior angle of 249 degrees 25 minutes 20 seconds and run in a Southwesterly direction 459.86 ft.; thence turn an interior angle of 120 degrees 53 minutes 29 seconds and run in a Southeasterly direction 67.01 ft. to a point on the West line of the Old Pinson Highway; thence turn an interior angle of 75 degrees 02 minutes 01 seconds and run in a Northeasterly direction along the Westerly line of said Old Pinson Highway 25.0 ft. to the point of beginning of the herein described centerline of 25 ft. access easement; thence leaving said Old Highway deflect left 50 degrees 56 minutes 09 seconds and run 40.5 ft. along said centerline; thence deflect right 26 degrees 18 minutes 00 seconds and run 76.74 ft. along said centerline; thence deflect right 10 degrees 07 minutes 32 seconds and run 375.0 ft. along said centerline, said point being the end of above stated 25 ft. access easement together with 50' curb cut turn out.

Situated in Jefferson County, Alabama.