

ORDINANCE NO. 2008- 02

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:

Freshwater Land Trust
By: Brian R. Rushing
706 Sunny Lane Drive

wherein the owners 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, which territory is contiguous to said City and not within the corporate limits of any other municipality.

Section 2. 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 E-2.


Section 3. 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 4. 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 5 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 14th day of February, 2008.


Thomas E. Henderson, Mayor

ATTEST: 
Jackie Davidson, City Clerk

ANNEXATION PETITION

TO: THE CITY OF CENTER POINT, ALABAMA, a municipal corporation

Comes now the undersigned, being all of the owners of the property described on Exhibit "A" attached hereto, which said property described is located and contained within an area contiguous to the corporate limits of the City of Center Point, Alabama, which said property does not lie within the corporate limits of any other municipality. We further certify that all of the said property which lies within the police jurisdiction of both the City of Center Point and another municipality is located closer to the City of Center Point than to the other municipality as required by 11-42-21, Code of Alabama 1975. We request that the property described on Exhibit "A" attached hereto be annexed to the said City of Center Point, Alabama, and further request the city council of the City of Center Point, Alabama to adopt an ordinance assenting to the annexation of said property to the City of Center Point, Alabama so as to embrace said property and further providing that said property shall become a part of the corporate area of the City of Center Point, Alabama, upon the date of publication of said ordinance

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 zoning classification being E2.

Your petitioners would further show that Exhibit "A" contains an accurate legal description of the property or territory proposed to be annexed, and that attached hereto and marked Exhibit "B" is a map of said territory showing its relationship to the limits of the City of Center Point, Alabama, and that the signatures of all the owners of the property sought to be annexed are affixed to the petition.

FRESHWATER LAND TRUST
Property Owner/Company Name

BRIAN R. RUSHING
Property Owner Authorized Agent

706 SUNNY LANE DR
Property Address

12-20-3-002-016-000
Tax Parcel I.D. No.

NA
Total Number of Occupants
Ethnic

Background: African American ____, Asian ____, Caucasian ____, Hispanic ____, Other ____

Brian R. Rushing
2/11/2008

Vacant Property
Occupants 18 yrs of age & older

EXHIBIT "A"

JEFFERSON County, Alabama, to-wit:

Commence at the SE corner of Section 19, Township 16 South, Range 1 West, Jefferson County, Alabama and run in a northerly direction along the east line of said Section 19 a distance of 900.42 feet to a point; thence turn a deflection angle of $90^{\circ}05'00''$ to the right and run in a easterly direction a distance of 1.13 feet to the point of beginning; thence turn a deflection angle of $180^{\circ}00'00''$ and run in a westerly direction along the south line of the property surveyed a distance of 965.49 feet to a point on the southeasterly right-of-way line of Five Mile Creek; thence turn an interior angle of $64^{\circ}30'00''$ and run to the right in a northeasterly direction along the southeasterly right-of-way line of Five Mile Creek a distance of 208.51 feet to the PC of a curve; thence continue in a northeasterly direction along the arc of a curve to the right with a radius of 616.54 feet and a central angle of $7^{\circ}24'44''$ a distance of 79.76 feet to the PT of said curve; thence continue in a northeasterly direction along the southeasterly right-of-way line of Five Mile Creek and along the projection of the tangent to the last described curve a distance of 391.78 feet to the PC of a curve; thence continue in a northeasterly direction along the southeasterly right-of-way line of Five Mile Creek and along the arc of curve to the right with a radius of 933.80 and a central angle of $11^{\circ}00'00''$ a distance of 179.28 feet to the PT of said curve; thence continue in a northeasterly direction along the southeasterly right-of-way line of Five Mile Creek and the projection to the tangent of the last described curve a distance of 193.00 feet to the PC of a curve; thence continue in a northeasterly direction along the southeasterly right-of-way line of Five Mile Creek and along the arc of a curve to the right with a radius of 383.22 feet and a central angle of $31^{\circ}30'00''$ a distance of 210.69 feet to the PT of said curve; thence continue in a northeasterly direction along the right-of-way line of Five Mile Creek and the projection of the tangent to the last described curve a distance of 418.41 feet to a point; thence turn an interior angle of $75^{\circ}23'32''$ and run to the right in a southerly direction a distance of 356.12 feet to a point; thence turn an interior angle of $90^{\circ}21'35''$ and run to the right in a westerly direction a distance of 206.60 feet to a point; thence turn an interior angle of $269^{\circ}45'00''$ and run to the left in a southerly direction a distance of 719.10 feet to the point of beginning; containing 16.53 acres, more or less.

Being a part of the SE $\frac{1}{4}$ of Section 19, Township 16 South, Range 1 West and the SW $\frac{1}{4}$ of Section 20, Township 16 South, Range 1 West.

TO HAVE AND TO HOLD to the said



JEFFERSON COUNTY, ALABAMA GIS



This map has been prepared by Jefferson County Information Technology, GIS Division. Any use of this map shall be at the sole risk of the person or entity using it. Jefferson County makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This product shall be accepted, AS IS, WITH ALL FAULTS. Any person, entity, or company that makes use of this product shall hold harmless Jefferson, its elected officials, employees and agents from and against any claim, damage, loss, action, cause of action, or liability arising from the use of this GIS product.

CERTIFICATION

I, Jackie Davidson, City Clerk of the City of Center Point, Alabama do hereby
Certify that the following is a true and correct copy of Ordinance Number 2008-02
of the City of Center Point, Alabama, adopted on February 14, 2008,
and posted in the following places:

Center Point City Hall


Center Point Fire District – Station 1

United States Post Office – Center Point Branch

Wal Mart Neighborhood Market

on February 20, 2008, and effective five days thereafter.

Given under my hand and seal this 20th day of February,
2008.



Jackie Davidson, City Clerk
City of Center Point