



# HUNTSVILLE

The Star of Alabama

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: 20.m.

Meeting Type: City Council Regular Meeting

Meeting Date: 9/9/2021

Type of Action: Unanimous Consent, Approval/Action

Agenda Type: CITY COUNCIL

**Subject:**

Public hearing on an ordinance regarding a Private Subdivision: South Ridge at Jones Valley for approval by the City Council pursuant to Section 10.4.6 of the City of Huntsville Zoning Ordinance. (Planning)

**Account Number:**

**City Obligation Amount:**

**Total Project Budget:**

**Other Comments:**

Approval granted by the Planning Commission 8/24/2021.

**Grant Funded:**

**Grant Name - Resolution #:**

**Resolution #:**

**ATTACHMENTS:**

Description

☐ Ordinance

**ORDINANCE NO. 21-\_\_\_\_\_**

**WHEREAS**, SOUTH RIDGE VILLAGE, LLC, an Alabama limited liability company, (“Owner”) is the owner of the real property described in Exhibit “A”, attached hereto and incorporated herein by reference (which property is hereinafter referred to as “South Ridge at Jones Valley”); and

**WHEREAS**, Progress Bank & Trust, an Alabama banking corporation, is the mortgage holder of some or all of the property within South Ridge at Jones Valley (“Mortgage Holder”); and

**WHEREAS**, the Owner intend to subdivide and/or develop South Ridge at Jones Valley into lots or units for development, sale and/or lease; and may subdivide, resubdivide and/or develop South Ridge at Jones Valley in phases; and the Owners may add additional property to South Ridge at Jones Valley; and

**WHEREAS**, the Owner is desirous of developing South Ridge at Jones Valley as a private subdivision with certain infrastructure improvements, including without limitation rights-of-way, that will not be dedicated for public use but are to be privately owned, operated and maintained for the use and benefit of South Ridge at Jones Valley (“Private Improvements”), and with common areas for the common benefit, enjoyment and use of owners, occupants and guests of lands contained within South Ridge at Jones Valley (“Common Area”); and

**WHEREAS**, the Owner has submitted to the Planning Commission for the City of Huntsville, Alabama (“Planning Commission”) and the Planning Commission, subject to the approval of the City Council pursuant to Section 10.4 of the The Zoning Ordinance of the City of Huntsville, Alabama (“Zoning Ordinance”) governing private subdivisions, has approved the final subdivision plat (“Final Plat”) for South Ridge at Jones Valley; and

**WHEREAS**, South Ridge at Jones Valley has been submitted to the City Council for the City of Huntsville, Alabama, after a public hearing has been held thereon, for approval as a private subdivision in accordance with Section 10.4 of the Zoning Ordinance; and

**WHEREAS**, in accordance with Section 10.4.3 of the Zoning Ordinance and Ordinance No. 05-712, adopted by the City Council on September 8, 2005, the Owners must provide for the adequate maintenance of the Private Improvements and Common Area within South Ridge at Jones Valley; and

**WHEREAS**, in accordance with the aforementioned ordinances and in order to promote the public health, safety, morals and general welfare, the City is desirous of ensuring that the Common Area and the Private Improvements within South Ridge at Jones Valley, as now or hereafter constituted, enlarged, subdivided and/or resubdivided, will be continually and properly maintained without expenditure of municipal funds so as to prevent burdening the general taxpayers with the cost of said maintenance; and

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**WHEREAS**, the Owner has executed that certain Common Area/Private Improvements Maintenance Agreement dated as of August 23, 2021 (“Agreement”), which Agreement constitutes a covenant running with the land and subjects all the real property within South Ridge at Jones Valley, as now or hereafter constituted, enlarged, subdivided and/or resubdivided, to each of its agreements, covenants, provisions and terms, and which Agreement provides for the continual and proper maintenance of the Private Improvements and/or Common Area within South Ridge at Jones Valley, as now or hereafter constituted, enlarged, subdivided and/or resubdivided; and

**WHEREAS**, in accordance with Section 10.4 of the Zoning Ordinance, the City Council is desirous of approving South Ridge at Jones Valley as a private subdivision.

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

1. In view of and based upon each of the foregoing premises, which are hereby incorporated herein by reference, and in conformance with Section 10.4 of the Zoning Ordinance, the City Council for the City of Huntsville, Alabama hereby approves South Ridge at Jones Valley as a private subdivision conditioned as follows:

a. Each final subdivision plat of lands within South Ridge at Jones Valley, as now or hereafter constituted, enlarged, subdivided and/or resubdivided, shall contain a plat note suitable in form and content to the City Attorney, or his designee, incorporating by reference the Agreement.

b. Owners who hold an interest in the lands within South Ridge at Jones Valley solely as security for the performance or satisfaction of any obligation, including without limitation the Mortgage Holder, shall execute and acknowledged ratification on the face of each final subdivision plat, including without limitation the Final Plat, of the lands within South Ridge at Jones Valley, as now or hereafter constituted, enlarged, subdivided and/or resubdivided, so as to give full force and effect to the Agreement.

c. Each final subdivision plat of the lands within South Ridge at Jones Valley shall conform to the requirements set forth in Section 10.4 of the Zoning Ordinance, as may be amended from time to time, including without limitation all required notations thereon.

d. The Owner, its successors and assigns, shall not close a sale of and/or convey title to any, some or all of the lands within South Ridge at Jones Valley until such time as: (1) the final subdivision plats for the particular phase within which the lands to be conveyed are situated, including without limitation the Final Plat, have been approved by the Planning Commission and recorded in the Real Estate Records of the Office of the Probate Judge of Madison County, Alabama; and (2) the Agreement has been executed and recorded in the Real Estate Records of the Office of the Probate Judge of Madison County, Alabama. In the event conveyance of title of any property within South Ridge at Jones Valley occurs contrary to the

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foregoing conditions, then no building permit shall be issued for such property conveyed unless and until the owner(s) thereof, including without limitation any owners who hold an interest in said property as security for the performance or satisfaction of any obligation, have executed instruments suitable in form and content to the City Attorney, or his designee, curing the violation of said conditions.

2. The Mayor of the City of Huntsville, Alabama is hereby authorized, directed and empowered to execute on behalf of the City each final subdivision plat of the lands within South Ridge at Jones Valley, as now or hereafter constituted, enlarged, subdivided and/or resubdivided, including without limitation the Final Plat, and to enter into and execute on behalf of the City of Huntsville, Alabama, the Agreement and corresponding plat notes for each such final subdivision plat.

3. The Agreement, which shall constitute a covenant running with the land as to the real property within South Ridge at Jones Valley, as now or hereafter constituted, enlarged, subdivided and/or resubdivided, shall be recorded in the Real Estate Records of the Office of the Probate Judge of Madison County.

4. The City Clerk-Treasurer of the City of Huntsville, Alabama is hereby directed to permanently keep a copy of the Agreement on file in his Office.

**ADOPTED** this the 9th day of September, 2021.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the 9th day of September, 2021.

\_\_\_\_\_  
Mayor of the City of Huntsville, Alabama

## Exhibit A

### LEGAL DESCRIPTION

Being a tract of land situated in Section 21, Township 4 South, and Range 1 East of the Huntsville Meridian, Madison County, Alabama and being more particularly described as follows:

Commence at the purported Northeast Corner of Section 21, Township 4 South, Range 1 East, Madison County, Alabama; thence S54°30'10"W a distance of 2225.31 feet; thence S01°04'29"W a distance of 153.72 feet to the southerly right-of-way line of Ledges Drive, according to A Resubdivision of Public Right-Of-Way of Crest Park, First Addition, A Resubdivision of a Part of Lot 2 of the Ledges of Huntsville Mountain, A Resubdivision of Lots 1 & 2 of The Ledges of Huntsville Mountain as recorded in Plat Book 40, Page 31 in the Office of the Judge of Probate of Madison County, Alabama and being the Point of Beginning of the herein described tract; thence S00°47'32"W along the westerly line of Lot 1, according to A Resubdivision of Lot 1 of the Ledges of Huntsville Mountain, a Resubdivision of Lots 1 & 2 of the Ledges of Huntsville Mountain Recorded in P.B. 38, PGS. 47 & 48 as recorded in Plat Book 43, Pg 60 in the Office of the Judge of Probate of Madison County, Alabama a distance of 206.26 feet to a found concrete monument capped "CA0489 CSK"; thence S88°44'03"E along said westerly line of Lot 1 a distance 100.00 feet; thence S00°47'32"W (leaving said westerly line of Lot 1) a distance of 259.15 feet; thence N85°10'15"W a distance of 192.41 feet; thence N79°33'19"W a distance of 2165.77 feet; thence N23°34'25"W a distance of 579.72 feet; thence N12°19'45"E a distance of 457.97 feet to a point on a nontangential curve to the right having a radius of 788.83 feet, a delta angle of 5°45'51", a chord bearing of S83°50'03"E and a chord distance of 79.32 feet; thence along said southerly right-of-way line of Ledges Drive and along the arc of said curve a distance of 79.36 feet to a found 1/2 inch rebar capped "CK CA#0489"; thence S80°57'08"E along said southerly right-of-way line of Ledges Drive a distance of 362.32 feet to a point on a curve to the right having a radius of 512.96 feet, a delta angle of 22°51'35", a chord bearing of S69°31'20"E and a chord distance of 203.30 feet; thence along said southerly right-of-way line of Ledges Drive and along the arc of said curve a distance of 204.66 feet to a found 1/2 inch rebar capped "CK CA#0489"; thence S58°05'32"E along said southerly right-of-way line of Ledges Drive a distance of 95.82 feet to a found 1/2 inch rebar capped "CK CA#0489" being a point on a curve to the left having a radius of 878.47 feet, a delta angle of 14°00'11", a chord bearing of S65°05'37"E and a chord distance of 214.16 feet; thence along said southerly right-of-way line of Ledges Drive and along the arc of said curve a distance of 214.70 feet to a found 1/2 inch rebar capped "CK CA#0489"; thence S72°05'43"E along said southerly right-of-way line of Ledges Drive a distance of 142.65 feet to a found 1/2 inch rebar capped "CK CA#0489" being a point on a curve to the right having a radius of 1372.31 feet, a delta angle of 7°51'30", a chord bearing of S68°09'58"E and a chord distance of 188.07 feet; thence along said southerly right-of-way line of Ledges Drive and along the arc of said curve a distance of 188.22 feet to a

found 1/2 inch rebar capped "CK CA#0489"; thence  $S64^{\circ}14'12''E$  along said southerly right-of-way line of Ledges Drive a distance of 220.27 feet to a found 1/2 inch rebar capped "CK CA#0489"; thence  $S65^{\circ}52'17''E$  along said southerly right-of-way line of Ledges Drive a distance of 701.07 feet; thence  $S64^{\circ}14'13''E$  along said southerly right-of-way line of Ledges Drive a distance of 257.58 feet being a point on a curve to the left having a radius of 1131.56 feet, a delta angle of  $4^{\circ}21'39''$ , a chord bearing of  $S66^{\circ}25'03''E$  and a chord distance of 86.10 feet; thence along said southerly right-of-way line of Ledges Drive and along the arc of said curve a distance of 86.12 feet to the Point of Beginning;

Containing 1,858,217 square feet or 42.659 acres.











