



HUNTSVILLE

The Star of Alabama

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: 21.a.

Meeting Type: City Council Regular Meeting

Meeting Date: 8/26/2021

Type of Action: Introduction

Agenda Type: CITY COUNCIL

Subject:

Introduction of an ordinance annexing 17.73 acres of land lying on the north side of Cherry Tree Road and east of Hawkins Lane.
(Planning)

Account Number:

City Obligation Amount:

Total Project Budget:

Other Comments:

Grant Funded:

Grant Name - Resolution #:

Resolution #:

ATTACHMENTS:

Description

- ☐ Wilson Cove Annexation
- ☐ Wilson Cove Annexation Ordinance
- ☐ Wilson Cove Annexation Map

ORDINANCE NO. 21-

WHEREAS, Lost Boys Land II, LLC, by Rene L. Fortin and Morris L. Scherlis as its Managers, being the owner, as the term is defined by Section 11-42-20, Code of Alabama 1975, of all the property or territory hereinafter particularly described (which property or territory is hereinafter referred to as “the Property”), filed with the City Clerk-Treasurer of the City of Huntsville, Alabama, a signed and written petition requesting that the Property be annexed to the City of Huntsville, Alabama, which petition is on file with the City Clerk-Treasurer of the City of Huntsville, Alabama; and

WHEREAS, said petition contained the signature of the owner of the Property, and filed together with said petition was a map showing the relationship of the Property to the corporate limits of the City of Huntsville, Alabama, which map is attached hereto and incorporated herein by reference; and

WHEREAS, the Property is contiguous to the present city limits of the City of Huntsville, Alabama, and the Property does not lie within the corporate limits or police jurisdiction of any other municipality; and

WHEREAS, the City Council of the City of Huntsville, Alabama, has determined that it is necessary and proper and in the public interest that the Property be brought within the corporate limits of the City of Huntsville, Alabama, and has further determined that all legal requirements for annexing the Property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama 1975.

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

1. That the City Council of the City of Huntsville, Alabama hereby finds that it is necessary and proper and in the public interest that the Property be brought within the corporate limits of the City of Huntsville, Alabama, and assents to the annexation of the Property to the City of Huntsville, Alabama;

2. That the corporate limits of the City of Huntsville, Alabama, be, and the same are hereby extended and rearranged so as to embrace and include the Property, which is particularly described as follows:

All that part of the William Wilson Reservation located in Section 33, Township 04 South, Range 02 East of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at the Southeast Corner of said William Wilson Reservation; said point is also described as being South 88 Degrees 27 Minutes 03 Seconds West, 3491.98 feet from the Southeast Corner of said Section 33; thence from the Point of Beginning, North 79 Degrees 00 Minutes 00 Seconds West, 495.00 feet to a point; thence North 07 Degrees 40 Minutes 00 Seconds East, 502.70 feet to a point; thence North 06 Degrees 55 Minutes 00 Seconds East, 600.00 feet to the Point of True Beginning; thence from the Point of True Beginning, North 79 Degrees 00 Minutes 00 Seconds West, 474.19 feet to a point; thence North 07 Degrees 20 Minutes 07 Seconds East, 186.61 feet to a point; thence North 06 Degrees 16 Minutes 14 Seconds East, 693.94 feet to a point; thence North 07 Degrees 47 Minutes 57 Seconds East, 665.67 feet to a point;

thence South 80 Degrees 33 Minutes 58 Seconds East, 29.54 feet to a point; thence South 84 Degrees 01 Minutes 54 Seconds East, 477.23 feet to a point; thence South 08 Degrees 18 Minutes 31 Seconds West, 699.62 feet to a point; thence South 08 Degrees 14 Minutes 23 Seconds West, 887.28 feet back to the Point of True Beginning and containing 17.73 Acres, more or less.

3. That this ordinance shall be published as provided by law, and become effective upon its publication as required by law.

4. That the Mayor and City Clerk-Treasurer of the City of Huntsville, Alabama, are hereby authorized, requested, and directed for and on behalf of the governing body of the City to file a description of the property or territory herein annexed in the Office of the Judge of Probate of Madison County, Alabama.

ADOPTED this the _____ day of _____, 2021.

President of the City Council of
the City of Huntsville, Alabama.

APPROVED this the _____ day of _____, 2021.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
)
COUNTY OF MADISON)

**PETITION FOR ANNEXATION TO THE CITY OF
HUNTSVILLE, ALABAMA, PURSUANT TO SECTIONS 11-42-20 THROUGH
11-42-24 INCLUSIVE, CODE OF ALA. 1975 (AS AMENDED)**

**TO: The City Clerk-Treasurer of the City of Huntsville, Alabama, and the
 City Council of the City of Huntsville, Alabama**

**FROM: Lost Boys Land II, LLC, by Rene L. Fortin and Morris L. Scherlis as
 its Managers (hereinafter referred to as “the petitioner”)**

A. The Petitioner do hereby sign and file with the City Clerk-Treasurer of the City of Huntsville, Alabama, this written petition requesting that the real property or territory hereinafter described, which real property or territory is hereinafter referred to as “the Property”, be annexed to the City of Huntsville, Alabama, under the authority of and pursuant to Sections 11-42-20 through 11-42-24 of the Code of Alabama 1975; and in support thereof do hereby certify as follows:

1. That the Petitioner is the owner of the Property, as the term “owner” is defined by Section 11-42-20, Code of Alabama 1975.
2. That the Property is situated in **Madison County, Alabama**, and is accurately described on the attached Exhibit “A”, which exhibit is incorporated herein by reference.
3. That the Petitioner has the right and authority to make and file this petition for annexation.
4. That the Property is contiguous to the existing corporate limits of the City of Huntsville, Alabama.
5. That the Property does not lie within the corporate limits or police jurisdiction of any other municipality.
6. That the Petitioner has attached hereto as Exhibit “B”, which exhibit is incorporated herein by reference, and filed herewith a map of the Property showing its relationship to the corporate limits of the City of Huntsville, Alabama, which said map is further identified as being entitled "Wilson Cove Property to be Annexed."

B. This petition may be signed in any number of counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same petition.

THE FOREGOING CONSIDERED, we, the Petitioner hereby petition and request that the City Council of the City of Huntsville, Alabama, adopt an ordinance assenting to the annexation of the Property to the City of Huntsville, Alabama, all in accordance with the statutes herein provided.

IN WITNESS WHEREOF, we, the undersigned Petitioner have hereunto subscribed our names as of the 16th day of August, 2021.

PETITIONER:

Lost Boys Land II, LLC

Signature: _____


Rene L. Fortin

Signature: _____


Morris L. Scherlis

As its: Managers

STATE OF ALABAMA)
)
COUNTY OF MADISON)

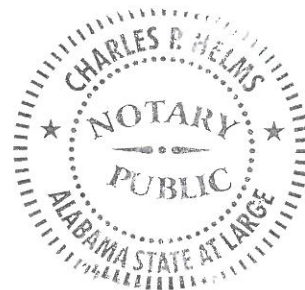
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Rene L. Fortin, whose name is signed to the foregoing annexation petition and who are known to me, acknowledged before me on this date that, being informed of the contents of said petition, he executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal of office, this the 16th day of August, 2021.



NOTARY PUBLIC (SEAL)

Expiration Date: 10/07/2023



STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Morris L. Scherlis, whose name is signed to the foregoing annexation petition and who are known to me, acknowledged before me on this date that, being informed of the contents of said petition, he executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal of office, this the 16th day of August, 2021.



NOTARY PUBLIC (SEAL)

Expiration Date: 10/07/2023

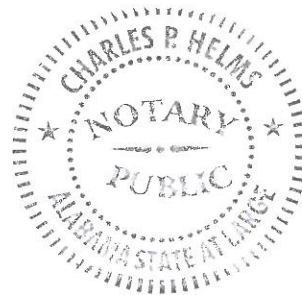
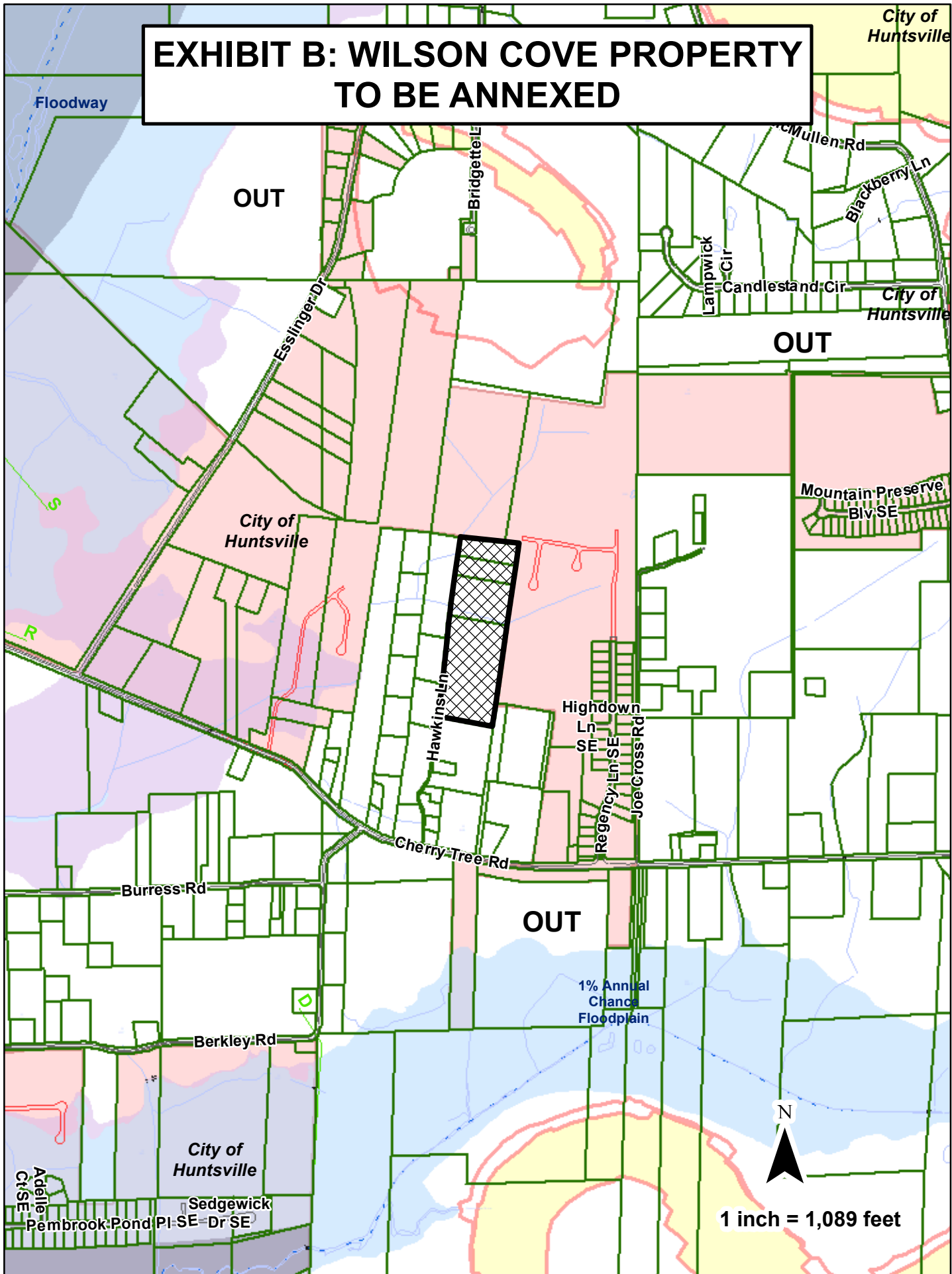


Exhibit "A"
(Legal Description of the Property)

All that part of the William Wilson Reservation located in Section 33, Township 04 South, Range 02 East of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at the Southeast Corner of said William Wilson Reservation; said point is also described as being South 88 Degrees 27 Minutes 03 Seconds West, 3491.98 feet from the Southeast Corner of said Section 33; thence from the Point of Beginning, North 79 Degrees 00 Minutes 00 Seconds West, 495.00 feet to a point; thence North 07 Degrees 40 Minutes 00 Seconds East, 502.70 feet to a point; thence North 06 Degrees 55 Minutes 00 Seconds East, 600.00 feet to the Point of True Beginning; thence from the Point of True Beginning, North 79 Degrees 00 Minutes 00 Seconds West, 474.19 feet to a point; thence North 07 Degrees 20 Minutes 07 Seconds East, 186.61 feet to a point; thence North 06 Degrees 16 Minutes 14 Seconds East, 693.94 feet to a point; thence North 07 Degrees 47 Minutes 57 Seconds East, 665.67 feet to a point; thence South 80 Degrees 33 Minutes 58 Seconds East, 29.54 feet to a point; thence South 84 Degrees 01 Minutes 54 Seconds East, 477.23 feet to a point; thence South 08 Degrees 18 Minutes 31 Seconds West, 699.62 feet to a point; thence South 08 Degrees 14 Minutes 23 Seconds West, 887.28 feet back to the Point of True Beginning and containing 17.73 Acres, more or less.

EXHIBIT B: WILSON COVE PROPERTY TO BE ANNEXED



ANNEXATION SUMMARY: WILSON COVE

August 13, 2021

PETITIONER: Lost Boys Land II, LLC, by Rene L. Fortin and Morris L. Scherlis
 as its Managers

LOCATION: On the north side of Cherry Tree Road and east of Hawkins Lane

 Township 4 South, Range 2 East, Sections 33

ACREAGE: 17.73 acres

REASON FOR
REQUEST: City Services

ANNEXATION GUIDELINES: WILSON COVE

1. Annexations that would fill in or make more regular the existing corporate limits should be strongly encouraged.

WOULD CONTINUE ONGOING ANNEXATIONS IN THIS AREA

2. The remaining tax islands should be annexed when ownership changes and redevelopment occurs....

NOT A TAX ISLAND

3. Annexations of land in subdivisions....

NOT PART OF A SUBDIVISION

4. Corridors are discouraged....

NOT A CORRIDOR

5. Point-to-point annexations should be discouraged....

NOT A POINT-TO-POINT CONNECTION

6. Owners living on land expected to be annexed within the ninety-day period preceding a municipal election....

NO MUNICIPAL ELECTION AT TIME OF ANNEXATION

7. Land which is known to be contaminated should not be annexed until such danger has been mitigated.

NO KNOWN CONTAMINATION

8. The annexation of land that would contribute to the city's economic development through an increase in taxes....

RESIDENTIAL LAND

9. The city should require petitions for annexation referenda to satisfy additional conditions....

NOT A REFERENDA

10. City planners will explain to all annexation petitioners the policies under which services are provided.

POLICY STATEMENT SIGNED BY OWNERS; COPY ATTACHED

STATEMENT REGARDING PROVISION OF CITY SERVICES TO NEWLY ANNEXED LANDS

City services will be provided to all newly annexed lands according to the same policies that already govern in Huntsville. This means that Huntsville police and fire departments will respond to calls; garbage and trash will be collected by city sanitation; and school children will attend city rather than county schools. Transportation for students attending the city schools will be the responsibility of their parents. All applicable city ordinances will be enforced including the implementation of zoning regulations. Please note that the National agency that established the rating schedule for fire insurance premiums (ISO) assigns a higher rate to property that is over 5 road miles from their responding fire station and/or over 1000 feet from a fire hydrant.


Water service is provided by Huntsville Utilities; however if the annexed land is already served by another water authority, the existing situation should be expected to continue until such time as development pressure or legal agreements between water authorities makes it feasible or possible for Huntsville Utilities to assume control of the water lines or extend new mains. The cost of main extensions usually are borne by the property owner.

Likewise, it has long been city policy to expand sanitary sewer service on a cost benefit basis. This policy applies to all land within the city regardless of its annexation date. In addition, the city has adopted a capital improvement plan to guide investment in infrastructure. In order for an area to be considered for road construction, drainage improvements, recreational or community facilities, new fire stations, or sanitary sewer extension, the area must be in the city and then must be prioritized according to need. Newly annexed land will be accorded the same consideration as other city lands.

Lastly, it is important to understand that those autonomous boards, agencies and utilities that have authority over the delivery of specific public services set their own policies and procedures.

* * * * *

I have read the above statement governing the delivery of city services to lands annexed into the city of Huntsville, and I agree to these conditions as they may pertain to any of my lands that are annexed.

Petitioner	<u></u>	Date	<u>7/15/21</u>
For:	<u>Lost Boys Land II, LLC</u>	As its:	<u>Manager</u>
Petitioner	_____	Date	_____
For:	_____	As its:	_____