

STATE OF ALABAMA

COUNTY OF CHAMBERS

**ORDINANCE NO. 2019-01\_\_**

**AN ORDINANCE ASSENTING TO ANNEXATION OF PROPERTY**

WHEREAS, a petition has been filed by The East Alabama Water, Sewer and Fire Protection District, a public utility entity organized pursuant to the provisions of Section 11-89-1, et seq. of the Code of Alabama. 1975, as amended, seeking to have certain real property annexed into the City of Valley, Alabama pursuant to the provisions of Section 11-42-21 of the Code of Alabama. 1975, as amended. It appears that the real property sought to be annexed is contiguous with the present City limits of Valley, Alabama, and the property does not lie within the corporate limits or police jurisdiction of any other municipality and that the petition is in proper form. Therefore, as required by the provisions of Section 11-42-21 of the Code of Alabama. 1975, as amended, it is hereby,

ORDAINED by the City Council of Valley, Alabama as follows:

1. That the petition of The East Alabama Water, Sewer and Fire Protection District seeking to annex the hereinafter described real property into the City of Valley, Alabama is hereby assented to, and upon publication of this Ordinance, the corporate limits of the City of Valley, Alabama shall be extended to and embrace the following described real property:

**PARCEL 1:**

Fire Station# 3:

Commencing at the Southeast Corner of Lot 3, Block One, Fairfax Mill Village; said point being the POINT OF BEGINNING; from said POINT OF BEGINNING along the Northwesterly margin of Kirk Street South 77 degrees 40 minutes 33 seconds West, a distance of 500.08 feet to a point on the Northeasterly margin of LaFayette

Street; thence along said Northeasterly margin North 52 degrees II minutes 42 seconds West, a distance of 86.15 feet; continue North 52 degrees II minutes 42 seconds West, a distance of 167.00 feet; continue North 51 degrees 30 minutes 42 seconds West, a distance of 112.35 feet; continue North 36 degrees 39 minutes 42 seconds West, a distance of 38.00 feet; continue North 19 degrees 29 minutes 57 seconds West, a distance of 40.48 feet to a point on the Easterly margin of Fairfax Boulevard; thence along said Easterly margin North 05 degrees 43 minutes 20 seconds East, a distance of 99.71 feet; continue North 20 degrees 05 minutes 52 seconds East, a distance of 99.98 feet; continue North 36 degrees 15 minutes 19 seconds East, a distance of 100.00 feet; continue North 45 degrees 12 minutes 56 seconds East, a distance of 127.10 feet; thence a curve to the right having a radius of 108.53 feet, an arc length of 180.46 feet, a chord distance of 160.38 feet and bearing South 86 degrees 56 minutes 23 seconds East to a point on the Southwesterly margin of River Road; thence along said Southwesterly margin South 39 degrees 24 minutes 30 seconds East, a distance of 239.22 feet; continue South 39 degrees 31 minutes 43 seconds East, a distance of 192.90 feet; continue South 39 degrees 17 minutes 42 seconds East, a distance of 119.00 feet; continue South 43 degrees 11 minutes 45 seconds East, a distance of 159.12 feet to the POINT OF BEGINNING; said described tract containing 7.262 acres, more or less.

## **PARCEL II:**

Commencing at the Southeast Comer of Lot 3, Block One, Fairfax Mill Village; thence South 05 degrees 46 minutes 14 seconds West, a distance of 57.86 feet to a point at the intersection of the Southeasterly margin of Kirk Street and the Northwesterly margin of Lanier Street; said point being the POINT OF BEGINNING; from said POINT OF BEGINNING along the Northwesterly margin of Lanier Street South 33 degrees 59 minutes 33 seconds West, a distance of 334.88 feet to a point on the Northeasterly margin of LaFayette Street; thence along said Northwesterly margin North 52 degrees 17 minutes 24 seconds West, a distance of 301.78 feet to a point on the Southeasterly margin of Kirk Street; thence along said Southeasterly margin North 77 degrees 40 minutes 33 seconds East, a distance of 436.02 feet to the POINT OF BEGINNING; said described tract containing 1.158 acres, more or less.

The above-described Parcel I and Parcel II are more particularly shown on a plat of survey prepared by B. Shawn Gray, Alabama Registered Land Surveyor No. 25217, dated June 19, 2015.

The above-described parcels are conveyed as subject to all easements, rights of way, and restrictions of record in the Office of the Judge of Probate of Chambers County, Alabama.

The above-described parcels are conveyed as subject to those certain exceptions more particularly set out in that certain deed, marked as Exhibit "B", recorded in Document Number 2010-1397, in the Office of the Judge of Probate of Chambers County, Alabama.

The above-described property referred to herein as Parcel I and Parcel II was conveyed by Curtis C. Wellborn to The East Alabama Water, Sewer and Fire Protection District by deed dated July 30, 2015 and being recorded at Document# 2015-2696 in the Office of the Judge of Probate of Chambers County, Alabama.

**PARCEL III:**

Commencing at the Southeast Corner of Lot 3, Block 1, of Fairfax Mill Village, said point being the POINT OF BEGINNING; from said POINT OF BEGINNING South 05 degrees 46 minutes 14 seconds West, a distance of 57.86 feet; thence South 77 degrees 40 minutes 33 seconds West, a distance of 436.02 feet to a point along the right of way of LaFayette Street; thence along said right of way North 52 degrees 17 minutes 24 seconds West, a distance of 71.76 feet; thence leaving said right of way North 77 degrees 40 minutes 33 seconds East, a distance of 500.08 feet to the POINT OF BEGINNING; said described tract containing 0.591 acres, more or less, said tract containing 0.591 acres, more or less.

The above-described property is more fully shown on the survey entitled, "Boundary Survey for East Alabama Water Sewer & Fire" dated April 20, 2016 and being prepared by B. Shawn Gray, AL Registered Land Surveyor No. 25217.

SUBJECT TO: All utility easements held by any municipalities or other governmental entities and any and all other easements, licenses, rights-of-way, rights by prescription, or rights heretofore granted to or obtained by others in and to said real property.

The above-described property referred to herein as Parcel III is known as Kirk Street in an industrial park of Chambers County near the former Fairfax Mill facility. The Chambers County Commission assented to the vacation of Kirk Street pursuant to its Resolution No. 06-06-16 and being recorded at Document# 2016-2182 in the Office of the Judge of Probate of Chambers County, Alabama.

**PARCEL IV:**

Commencing at the Southeast Corner of Lot 3, Block 1, Fairfax Mill Village; thence along the Westerly margin of Kirk Street (vacated); South 77 degrees 40 minutes 33 seconds West, a distance of 500.08 feet to the Northerly margin of LaFayette Street (60 foot right-of-way) and the POINT OF BEGINNING; from said POINT OF

BEGINNING along said Northerly margin of LaFayette Street South 52 degrees 17 minutes 24 seconds East, a distance of 71.76 feet; thence South 52 degrees 17 minutes 24 seconds East, a distance of 301.78 feet to the Westerly margin of Lanier Street (50 foot right-of-way); thence across LaFayette Street South 34 degrees 48 minutes 19 seconds West, a distance of 60.09 feet to the Southerly margin of LaFayette Street (60 foot right-of-way); thence along said Southerly margin North 52 degrees 07 minutes 05 seconds West, a distance of 781.98 feet to the Easterly margin of Fairfax Boulevard; thence across LaFayette Street North 40 degrees 25 minutes 08 seconds East, a distance of 69.93 feet to the Northerly margin of LaFayette Street (60 foot right-of-way); thence along said Northerly margin South 36 degrees 39 minutes 42 seconds East, a distance of 38.00 feet; continue South 51 degrees 30 minutes 42 seconds East, a distance of 112.35 feet; continue South 52 degrees 11 minutes 42 seconds East, a distance of 167.00 feet; continue South 52 degrees 11 minutes 42 seconds East, a distance of 86.15 feet to the POINT OF BEGINNING; said described tract containing 1.063 acres, more or less.

The above-described property is more fully shown on the survey titled, "Boundary Survey for East Alabama Water Sewer & Fire", dated October 13, 2017, prepared by B. Shawn Gray, AL Registered Land Surveyor No. 25217.

The East Alabama Water, Sewer and Fire Protection District and EAC Enterprises, LLC, doing business as Adams Group, petitioned the Chambers County Commission to vacate a portion of LaFayette Street, herein referenced as Parcel IV. Pursuant to the Chambers County Commission's Resolution No. 12-18-17, said above-described portion of LaFayette Street was vacated. Said Resolution No. 12-18-17 is recorded at Document# 2017-5027 in the Office of the Judge of Probate of Chambers County, Alabama. Pursuant to the Resolution of the Chambers County Commission, The East Alabama Water, Sewer and Fire Protection District became the owner to the midline of the northern portion of said LaFayette Street and EAC Enterprises, LLC, doing business as Adams Group, became the owner to the midline of the southern portion of said LaFayette Street.

EAC Enterprises, LLC, doing business as Adams Group, then conveyed all its right, title, and interest in the vacated portion of LaFayette Street to The East Alabama Water, Sewer and Fire Protection District by deed dated January 19, 2018 and being recorded at Document# 2018-235 in the Office of the Judge of Probate of Chambers County, Alabama.

#### **PARCEL V:**

Pumping Station:

Begin at the point where the Eastern margin of the right-of-way of Lanier Street intersects the Southern margin of the right-of-way of Boulevard as shown on the

Village Property Map, Fairfax Mill Division, West Point Manufacturing Company, prepared by Clarence J. White, Jr., dated August 1, 1953, and recorded in Plat Book 3, Page 27, in the Office of the Judge of Probate of Chambers County, Alabama; thence North 24 degrees 16 minutes East 102.6 feet to the POINT OF BEGINNING; from this POINT OF BEGINNING, thence North 8 degrees 30 minutes West 35.0 feet to a point for a corner; thence North 28 degrees 38 minutes East 18.85 feet to a point for a corner; thence North 81 degrees 30 minutes East 93.63 feet to a point for a corner; thence South 8 degrees 30 minutes East 50.0 feet to a point for a corner; thence South 81 degrees 30 minutes West 105.0 feet to the POINT OF BEGINNING, all as shown on a certain plat of survey marked "Plat No. 2" which is made a part hereof by reference. Said property is located in the Southeast Quarter of Section 24, Township 21 North, Range 28 East, Chambers County, Alabama, and contains 0.119 acre.

The above-described property is referenced as Tract No. 2 in the deed dated November 28, 1972 from West Point- Pepperell, Inc. to the East Alabama Water, Sewer and Fire Protection District, recorded in Deed Volume 193, Page 114, in the Office of the Judge of Probate of Chambers County, Alabama.

SUBJECT TO: All utility easements held by any municipalities or other governmental entities and any and all other easements, licenses, rights-of-way, rights by prescription, or rights heretofore granted to or obtained by others in and to said real property.

It is further ORDAINED that this Ordinance be published as required by law and that the City Clerk promptly proceed to file an accurate description of the real property annexed with the Judge of Probate of Chambers County, Alabama as required by the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended.

ADOPTED by the Mayor and City Council of the City of Valley, Alabama on this the 11th day of February 2019.

CITY OF VALLEY, ALABAMA

ATTEST:

Kathy Snowden, City Clerk

By: \_\_\_\_\_  
Leonard Riley, Mayor