

ORDINANCE NO. 623-2023

AN ORDINANCE ANNEXING CERTAIN PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF SPANISH FORT, ALABAMA

WHEREAS, on the 16th day of December 2022, Carrel E. Cometti, Jr, being the owner of the parcel of real property hereinafter described, acting by and through his Attorney-in-Fact, Ailey Cometti, filed with the City Clerk of the City of Spanish Fort a petition requesting that said property be annexed into the corporate limits of the City of Spanish Fort; and

WHEREAS, said petition contained a description of the subject property, the signature of the owner of the subject property by and through his attorney-in-fact and a map of the subject property showing its relationship to the corporate limits of the City of Spanish Fort; and

WHEREAS, the City Council has determined that said property is contiguous to the corporate limits of the City of Spanish Fort and does not lie within the corporate limits of any other municipality; and

WHEREAS, the City Council of the City of Spanish Fort has determined that it is in the best interest of the City that the property described in Section 1 hereof be annexed into the corporate limits of the City of Spanish Fort, and that all of the requirements of Ala. Code §11-42-20 through §11-42-24 (1975), as amended, have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Consent to Annexation.

The City Council of the City of Spanish Fort, Alabama, hereby assents to the annexation of the property described below into the corporate limits of the City of Spanish Fort. The boundary lines and corporate limits of the City of Spanish Fort are hereby altered, extended and rearranged so as to embrace and include the additional property as described in Exhibit A and as depicted in Exhibit B of the petition filed by the owner of the property which is attached hereto as Exhibit 1 and incorporated by reference as though set forth fully herein.

SECTION 2. Filing in Probate Court.

The City Clerk of the City of Spanish Fort is hereby directed to file a copy of this Ordinance, which includes a description of the subject property, in the Office of the Judge of Probate of Baldwin County, Alabama, as required by Ala. Code §11-42-21 (1975), as amended.

SECTION 3. Repealer Clause.

Any ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION 4. Severability Clause.

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.

SECTION 5. Effective Date.

This Ordinance shall become effective immediately upon its adoption or as otherwise required by state law.

ADOPTED AND APPROVED this _____ *day of* _____, 2023.

Michael M. McMillan
Mayor

ATTEST:

Rebecca A. Gaines
City Clerk

Exhibit 1

PETITION FOR ANNEXATION OF CERTAIN PROPERTY INTO
THE CORPORATE LIMITS OF THE CITY OF SPANISH FORT, ALABAMA

TO THE CITY OF SPANISH FORT, ALABAMA:

I, Carrel E. Cometti, Jr., the owner of the hereinafter described property, acting by and through my Attorney-in-Fact, Ailey Cometti, do hereby file with the City Clerk of the City of Spanish Fort, Alabama, this written petition asking and requesting that the property hereinafter described be annexed into the corporate limits of the City of Spanish Fort in accordance with Ala. Code §§11-42-20 through 11-42-24 (1975), as amended. As grounds for said petition, the undersigned Petitioner submits and shows the following:

1. The property made the subject of this petition and request for annexation to the City of Spanish Fort is described in Exhibit A which is attached hereto and incorporated by reference as though set forth fully herein.

2. A map of the property described in Exhibit A showing its relationship to the corporate limits of the City of Spanish Fort is attached hereto as Exhibit B and incorporated by reference as though set forth fully herein.

3. The undersigned Petitioner hereby certifies that he is the sole owner of the property made the subject of this petition and request for annexation.

4. The undersigned Petitioner hereby represents and certifies that the property described in Exhibit A is contiguous to the corporate limits of the City of Spanish Fort and said property does not lie within the corporate limits of any other municipality. In addition, the undersigned Petitioner represents and certifies that either (1) all of the property described in Exhibit A does not lie within the police jurisdiction of any other municipality, or (2) in the event any portion of the said property lies within the police jurisdiction of another municipality, the Petitioner hereby represents and certifies that all of the subject property is located closer to the corporate limits of the City of Spanish Fort than to any other municipality and satisfies the requirements for annexation as set forth in Ala. Code §11-42-21 (1975), as amended.

The Petitioner does hereby request that the City Council of the City of Spanish Fort adopt an ordinance assenting to the annexation of the above-described property into the corporate limits of the City of Spanish Fort.

IN WITNESS WHEREOF, the undersigned Petitioner has caused this instrument to be executed by his duly authorized Attorney-in-Fact on this the 16 day of December, 2022.

CARREL E. COMETTI, JR., Principal

BY: Ailey Cometti
AILEY COMETTI, as Attorney-in-Fact for
Carrel E. Cometti, Jr., Principal

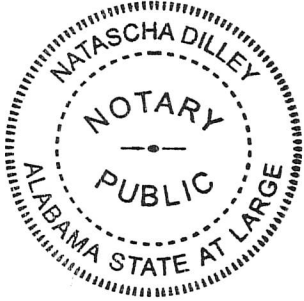
Date: 12-16-2022

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, Natascha Dilley, a Notary Public, in and for said County in said State, hereby certify that AILEY COMETTI, whose name as attorney-in-fact for CARREL E. COMETTI, JR., principal, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she, in such capacity and with full authority, executed the same voluntarily on the day the same bears date on behalf of said CARREL E. COMETTI, JR.

Given under my hand and seal this 16 day of December, 2022.



Natascha Dilley
Notary Public, Baldwin County, Alabama
My Commission Expires: 23 March 2026

EXHIBIT A

LEGAL DESCRIPTION:

From an angle iron at the Southwest corner of the Southeast quarter of Section 22. Township 4 South, Range 2 East, Baldwin County, Alabama, run thence North 89° 45' 33" East, 1300.28 feet; thence run North 00° 34' 57" East, 54.93 feet to a point on the North right of way line of U.S. Highway No. 31, thence run North 89° 43' 38" East, along said North right of way line, 208.66; thence run North 00° 34' 57" East, 218.64 feet to an iron pin for a Point of Beginning: thence continue North 00° 34' 57" East, 423.86 feet to an elbow iron pipe; thence run South 88° 26' 59" West, 208.78 feet; thence run North 00° 34' 57" East, 35.11 feet to an iron pin; thence run North 00° 45' 10" East, 181.76 feet to an iron pin; thence run North 89° 43' 49" East, 211.50 feet to an iron pin; thence run North 00° 45' 10" East, 208.71 feet to an iron pin; thence run North 89° 43' 49" East, 448.70 feet to an iron pin; thence run South 00° 00' 16" West, 403.26 feet to an iron pin; thence run South 89° 43' 37" West, 219.24 feet to an iron pin; thence run South 00° 00' 12" West, 220.01 feet to an iron pin; thence run South 00° 02' 26" East, 219.35 feet to an iron pin; thence run South 89° 14' 55" West, 242.17 feet to the Point of Beginning. Tract contains 7.64 acres. more or less.

EXHIBIT B

