

ORDINANCE NO. 624-2023

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

WHEREAS, on the 16th day of December, 2022, Perry A. Lee and Royce Lee, acting by and through their Attorney-in-Fact, Ailey Cometti, being the owners of the parcel of real property hereinafter described, 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 owners of the subject property by and through their 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 owners 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adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.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:

We, Perry A. Lee and Royce Lee, acting by and through our Attorney-in-Fact, Ailey Cometti, being the owners of the hereinafter described property, 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 Petitioners submit 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 Petitioners hereby certify that they are the sole owners of the property made the subject of this petition and request for annexation.

4. The undersigned Petitioners hereby represent and certify 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 Petitioners represent and certify 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 Petitioners hereby represent and certify 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 Petitioners do 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 Petitioners have caused this instrument to be executed by their duly authorized Attorney-in-Fact on this the 16th day of December, 2022.

PERRY A. LEE, Principal

BY: Ailey Cometti
AILEY COMETTI, as Attorney-in-Fact for
Perry A. Lee, Principal

Date: 12-16-2022

ROYCE LEE, Principal

BY: Ailey Cometti
AILEY COMETTI, as Attorney-in-Fact for
Royce Lee, Principal

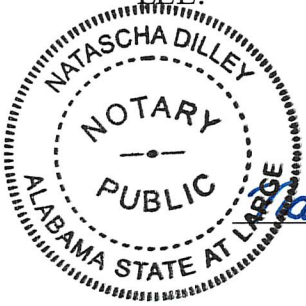
Date: 12-16-2022

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 PERRY A. LEE, 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 PERRY A. LEE.

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



Natascha Dilley

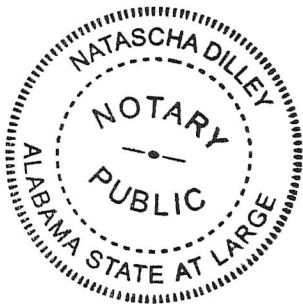
Notary Public, Baldwin County, Alabama
My Commission Expires: 23 March 2026

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 ROYCE LEE, 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 ROYCE LEE.

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

Commencing at 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 $89^{\circ}45'33''$ East, 1300.28 feet to a point; Thence run North $00^{\circ}34'57''$ East, 124.57 feet to a Capped Rebar on the North right-of-way line of U.S. Highway No. 31 for the POINT OF BEGINNING; Thence continue North $00^{\circ}34'57''$ East, 147.26 feet to a point that is 1.0 feet West of a 1 inch Open Top Pipe marker; Thence run North $89^{\circ}14'55''$ East, 208.69 feet to a Capped Rebar in an Asphalt Drive known as "Cometti Lane"; Thence run South $00^{\circ}34'57''$ West, 149.32 feet to a Capped Rebar on the North right-of-way line of said U.S. Highway No. 31; Thence run South $89^{\circ}48'51''$ West along said right-of-way line 208.65 feet to the POINT OF BEGINNING. Said Parcel of land contains 0.71 Acres, more or less. SUBJECT TO a 20 foot wide Ingress & Egress Easement over and across the Eastern 20 feet thereof, in use as part of Cometti Lane.

EXHIBIT B

