

This Ordinance was adopted at the July 5, 2023, City Council meeting.

ORDINANCE NO. 639-2023

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

WHEREAS, on the 10th day of March, 2023, Anthem Development, LLC, being the owner of the parcel of real property hereinafter described, acting by and through its manager Geoffrey A. Lane, 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 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.

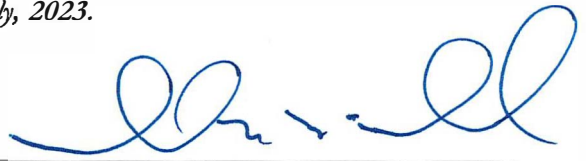
SECTION 4. Severability Clause.

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 5th day of July, 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, Geoffrey A. Lane, acting in my capacity as President of ANTHEM DEVELOPMENT, LLC, an Alabama limited liability company (hereinafter referred to as the Petitioner), which is the owner of the hereinafter described property, does 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 it 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 and zoning the said property as B-3.

IN WITNESS WHEREOF, the undersigned Petitioner has caused this instrument to be executed by its duly authorized representative on this the 10th day of March, 2023.

ANTHEM DEVELOPMENT, LLC



GEOFFREY A. LANE, As Manager

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Richard E. Davis a Notary Public, in and for said County in said State, hereby certify that GEOFFREY A. LANE, whose name as Manager of ANTHEM DEVELOPMENT, LLC, an Alabama limited liability company, 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, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this the 10th day of March, 2023.

Richard E. Davis
NOTARY PUBLIC
My Commission Expires: 7/19/2026

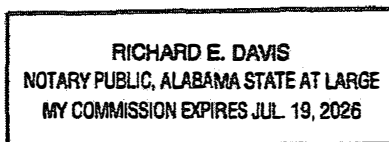


EXHIBIT A

From the Northeast corner of Section 18, Township 4 South, range 3 East, run thence West 1625 feet to the West Right of Way of Highway 31, thence Southwest along said right of way 3375 feet, for the Point of Beginning, thence continue Southwest 567.3 feet, thence West 470 feet, thence North 564 feet, thence East 533 feet to the Point of Beginning, containing 6.4 acres more or less. Known as Parcel

#33-04-18-0-000-002.003

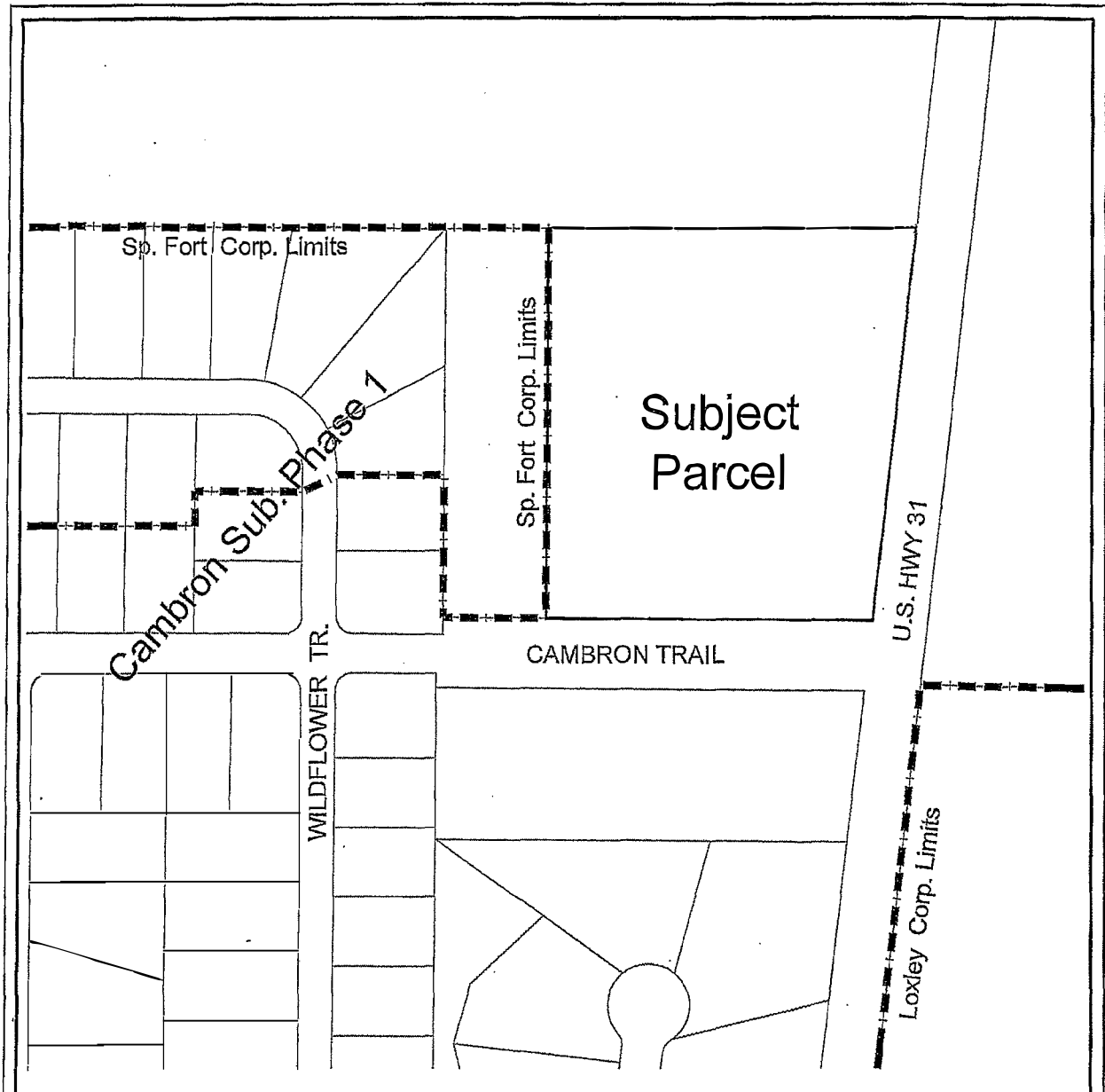


Exhibit "B"
to
Annexation Petition