

RESOLUTION NUMBER 3824

A RESOLUTION ESTABLISHING GUIDELINES AND PROCEDURES FOR ANNEXATION TO THE CORPORATE LIMITS OF THE CITY OF VESTAVIA HILLS, ALABAMA; REPEALING RESOLUTION 3667.

WHEREAS, the City of Vestavia Hills provides emergency services and public work services to its citizens, the cost of which is funded through city revenues; and

WHEREAS, some subdivision construction and development outside the city does not conform to city development standards and building codes; and

WHEREAS, annexation of properties developed and built outside the city and subsequently brought into the city often results in the acquisition of inferior roadways and deficient drainage structures which require city expenditures for maintenance and improvement; and

WHEREAS, individual owners or property which are located outside the boundaries of the corporate limits of the City of Vestavia Hills city frequently desire annexation to receive city emergency and public works services and access to Vestavia Hills City Schools.

NOW, THEREFORE, BE IT RESOLVED, that the City of Vestavia Hills may consider annexation of individual properties and/or subdivisions outside the corporate limits, subject to the following:

1. The streets and all drainage structures shall be in substantial compliance with city regulations and building codes and in good condition at the time of the annexation of a development.
2. Individual households may be annexed provided the home assesses by the Jefferson or Shelby County Tax Assessor at a minimum market value of \$250,000 or above. This threshold will be adjusted by the Vestavia Hills Finance Department to reflect the "median" average tax assessed value of all single-family residences property in the City at the completion of each new County assessment.
3. On streets where fewer than 100% of the individual properties lie within the limits of the City of Vestavia Hills, it is preferred that the entire street petition for annexation at one time so that additional gaps in the city limits are not created.
4. Fire dues pursuant to Act #604 of the State of Alabama Legislature and any other assessments due on the subject property at the time of annexation shall be the responsibility of the property owner, and sufficient documentation of payment shall be proved to the City of Vestavia Hills.
5. A non-refundable administrative fee of \$100.00 shall be payable to the City of Vestavia Hills. Furthermore, voluntary contributions are established by the City of Vestavia Hills to offset the costs associated with the annexation and immediate implementation of appropriate city services. These voluntary contributions are refundable to the petitioner(s) should the request be denied or withdrawn. The voluntary contributions include an application fee equal to one half of one percent (0.005) of the county assessed market value of the

property and any improvements thereon at the time of application subject to a minimum contribution of \$1,000.00, plus an amount calculated on a prorated basis that approximates the municipal and school ad valorem taxes. Fees are assessed per housing unit or unimproved parcel.

6. Immediately upon annexation of property, the owner must file for rezoning to the most comparable zoning classification of the current county zoning classification and must bear all costs associated with said rezoning.
7. If the City Engineer is of the opinion that a Phase I and/or Phase II environmental study is necessary to verify that the property is free and clear of all hazardous waste, then in such event, the City may require that the owner or applicant shall furnish said studies at the sole cost of said owner or applicant.
8. The City Council of Vestavia Hills may waive one or more of these conditions, when it is in the public interest, in considering any proposed annexation.
9. A petitioner's satisfaction of any or all of the conditions set forth in this resolution is not a guarantee of an approval for the annexation of subject property. Approval of any annexation request under the terms of this resolution lies solely under the jurisdiction of the City Council of Vestavia Hills.

Note that no forms will be attached to or considered a part of the revised resolution.

APPROVED this the 18th day of February, 2008.

David Carrington
Council President

ATTEST:

Rebecca Leavings
Admin. Analyst

APPROVED BY:

Charles A. McCallum
Mayor

INSTRUCTIONS FOR ANNEXATION

LEGAL BASIS:

Method of annexing territory to all municipalities in counties of the state having a population of 600,000 or more inhabitants according to the last or any subsequent Federal Census, Act #32, Special Session of 1964 Alabama Legislature.

Section 1. This Act shall apply only to municipalities in counties of the state having a population of 600,000 or more inhabitants according to the last or any subsequent Federal census.

Section 2. Whenever all of the owners of property contiguous to the city limits of any such municipality and not within the corporate limits of another municipality shall file a written petition with the City Clerk of such municipality signed by all of the owners of said property asking that their property be annexed to said municipality and the governing body of the municipality adopts an ordinance assenting to the annexation of said property to the municipality, the corporate limits of such municipality shall be rearranged to include the territory.

Section 3. The petition required by this Act shall contain a description of the territory proposed to be annexed and the signatures of all owners of the territory described. The petition shall also contain a certificate signed by one of the said owners before a notary public that the said petition contains the signatures of all the owners of the described territory.

Section 4. The said petition shall be published one time in a newspaper of general circulation in the county together with a notice that on a day certain but not less than 90 days from the date of such publication, the governing body of such municipality will consider the adoption of an ordinance annexing such territory to the municipality. On the date set in such public notice the governing body of the municipality shall hold a public hearing to determine the truth of the matters set forth in writing with the City Clerk prior to such hearing and whether or not it is in public interest that said property be annexed. If the governing body of such municipality shall determine that said property shall be annexed to the municipality, it shall adopt an ordinance annexing said territory and a certified copy of the ordinance and a certified copy of the petition shall be filed with the Probate Judge of the county in which the annexed property lies.

After the expiration of 90 days from the date of publication of said ordinance, the territory shall become a part of the corporate area of such municipality and such action of the governing body of the municipality shall not be subject to attack or impeachment in any court after one year from the effective date of such ordinance.

INSTRUCTIONS:

1. Use the attached forms.
2. Date petition prior to first signatures.
3. Petition must be signed by all property owners in area subject to annexation. NOTE: Owners of property means “the person in whose name the property is assessed for ad valorem tax purposes in the absence of proof to the contrary.”
4. Both husband and wife should sign the petition. Property owners who are not married should indicate their marital status.
5. Property owned by corporations should be signed for by a qualified officer of the corporation and the signature should be attested.
6. The area to be considered for annexation must actually be contiguous to the corporate limits of the municipality.
7. **LEGAL DESCRIPTION** - The petition must contain an accurate description of the property to be annexed. Accurate description means a legal description - such a description that would enable anyone to locate exactly the “ground” encompassed. (Page 3 of the petition, usually metes and bounds).
8. **MAP ATTACHED** -
 - (a) Map showing the property and its relationship to the corporate limits of the city.
 - (b) If there is a structure located on the property attach a map showing its location on the property.
9. Petition must be notarized.
10. Lot #, Block #, and survey should be placed on petition (page 3).
11. School form should be filled out.
12. County zoning must be supplied.
13. Car tag numbers for all cars owned by those requesting annexation should be supplied.

In consideration of the acceptance of this petition for annexation to the corporate limits of the City of Vestavia Hills, Alabama, the undersigned applicant-property owner expressly agrees to comply completely with Act #604 enacted by the Legislature of Alabama, August 25, 1976, by furnishing to the City of Vestavia Hills prior to the vote of the Ordinance annexing property described above, written evidence that all requirements of Act #604 have been met by applicant. Applicant further agrees to indemnify and hold the City of Vestavia Hills, Alabama, a municipal

corporation, harmless from any and all claims against it arising out of this annexation petition, pursuant to Act #604.

Written evidence showing compliance of Act #604 may be:

- A. A statement from the fire district stating that the applicant has paid an amount of money equal to six (6) times the amount of the dues that the owner of the property being annexed paid to the fire district the year preceding the filing of the annexation petition; or
- B. A canceled check reflecting payment to the fire district in the amount described in paragraph (A) above.
- C. A statement from the fire district stating that no amount pursuant to Act #604 is owned by the applicant.
- D. The applicant must file an application requesting rezoning to the closest comparable zoning classification to its current county classification. The applicant is responsible for all costs associated with the costs of rezoning including, but not limited to the cost of notification and the cost of publication.

STATE OF ALABAMA

_____ **COUNTY**

**PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA**

Date of Petition: _____

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in _____ County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

EXHIBIT "A"

LOT: _____

BLOCK: _____

SURVEY: _____

RECORDED IN MAP BOOK _____, PAGE _____ IN THE
PROBATE OFFICE OF _____ COUNTY, ALABAMA.

COUNTY ZONING: _____

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS):

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

_____ Lot ____ Block ____ Survey _____

_____ Lot ____ Block ____ Survey _____

_____ Lot ____ Block ____ Survey _____

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

_____ **COUNTY**

_____ being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

Signature of Certifier

Subscribed and sworn before me this the ____ day of _____, 20____.

Notary Public

My commission expires: _____

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

**1204 Montgomery Highway
Vestavia Hills AL 35216**

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____

Resolution: Date: _____ Number: _____

Overnight Ordinance: Date: _____ Number: _____

90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): _____

Address: _____

City: _____ State: _____ Zip: _____

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.					
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes". _____

EXHIBIT "C"

CITY OF VESTAVIA HILLS
Department Review of Proposed Annexation
(To Be completed by City Staff)

The following properties have requested to be annexed into the City. Please review this request and then forward it to the next department on the list as soon as is reasonably possible. Please forward completed form to the City Clerk's office not later than 5:00 PM on Thursday, _____.

Location: _____

Engineering: Date: _____ Initials: _____

Comments: _____

Police Department: Date: _____ Initials: _____

Comments: _____

Fire Department: Date: _____ Initials: _____

Comments: _____

Public Works: Date: _____ Initials: _____

Comments: _____

EXHIBIT "D"

**ANNEXATION RECOMMENDATION
FROM
VESTAVIA HILLS ANNEXATION COMMITTEE**
(To Be completed by the Annexation Committee)

Date: _____

Petitioner: _____

Property Address/Location: _____

The Annexation Committee of the City of Vestavia Hills recommends the
_____ of the above request for annexation for the
following reason(s):

Approval

- _____ Contiguous to the city limits
- _____ Fills in gap in city limits
- _____ Compatible land use with existing land use in area
- _____ Will provide acceptable development opportunity
- _____ Expands commercial tax base
- _____ Will provide additional jobs
- _____ Streets and drainage system are in substantial compliance
- _____ No hazardous debris or materials noted
- _____ Other _____

Comment: _____

Disapproval

- _____ Not contiguous
- _____ Incompatible land use with existing land use in area
- _____ Commercial use potentially harmful
- _____ Other _____

Comment: _____

Chairman

Exhibit "E"
(to be completed by the clerk's office)

Assessed value of home by _____ County Tax Assessor:

Anticipated date of annexation: _____

Number of months before placed on tax roll: _____

Estimated annexation contribution: \$ _____

City portion (20.55 mils) \$ _____

School Portion (28.75 mils)* \$ _____

**(residential properties only)*