

**Vestavia Hills
City Council Agenda
November 10, 2014
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Taneisha Tucker
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Financial Reports – Melvin Turner III, Finance Director
9. Approval of Minutes – October 27, 2014 (Regular Meeting)

Old Business

10. Resolution Number 4647 – A Resolution Vacating Right-Of-Way Known as Eastwood Circle

New Business

11. Resolution Number 4654 - A Resolution Accepting A Bid For A Police Motorcycle
12. Resolution Number 4656 - A Resolution Approving A Conceptual Master Development Plan For Patchwork Farms
13. Resolution Number 4657 – A Resolution Approving Disclosure Controls And Procedures And Certain Related Matters
14. Resolution Number 4658 - A Resolution Accepting A Bid For Street Repair And Resurfacing

New Business (Requesting Unanimous Consent)

15. Resolution Number 4659 – A Resolution To Name The Street Ridge Dell Circle
16. Resolution Number 4660 – A Resolution To Name The Street Vesthaven Circle

First Reading (No Action Taken At This Meeting)

17. Ordinance Number 2524-A – An Ordinance Amending Ordinance Number 2425 To Correct A Legal Description For The Property Annexed To The City Of Vestavia Hills Located At 2429 Dolly Ridge Road; Lila P. Williams, Owner.
18. Ordinance Number 2546 – Annexation – 90-Day Final – 3633 Dabney Drive; Lot 37, Altadena Forest Estates, 2nd Sector; William H. Jenkins, Owner
19. Ordinance Number 2541 – Rezoning – 3633 Dabney Drive; Lot 37, Altadena Forest Estates, 2nd Sector; Rezone From Jefferson County E-2 To Vestavia Hills R-1; William H. Jenkins, Owner
20. Ordinance Number 2547 – Annexation – 90-Day Final – 4624 Old Looney Mill Road; Eric And Meredith Mann, Owners
21. Ordinance Number 2542 – Rezoning – 4624 Old Looney Mill Road; Rezone From Jefferson County E-2 To Vestavia Hills R-1; Eric And Meredith Mann, Owners
22. Ordinance Number 2548 – Annexation – 90-Day Final – 1512 Oak Leaf Trail; Lot 12, Gresham Woods; Nicholas Elkhoury, Owner
23. Ordinance Number 2543 – Rezoning – 1512 Oak Leaf Trail; Lot 12, Gresham Woods Subdivision; Rezone From Jefferson County E-2 To Vestavia Hills R-1; Nicholas Elkhoury, Owner
24. Ordinance Number 2539 – Rezoning – 3136 Ranger Road; Lots 7 & 8, Block 6, Glass 3rd Addition To New Merkle, Rezone From Vestavia Hills R-4 To Vestavia Hills R-9 (Planned Residential); Patricia Hanna, Owner
25. Ordinance Number 2540 – Rezoning – 3125 Blue Lake Drive, Lot 31, Topfield Subdivision; Rezone From Vestavia Hills R-1 (Residential District) To Vestavia Hills O-1 (Office District), Lorraine Hollis, Owner
26. Citizens Comments
27. Executive Session
28. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

OCTOBER 27, 2014

The City Council of Vestavia Hills met in regular session on this date at 5:00 PM. The Mayor called the meeting to order and the City Clerk called the roll with the following:

MEMBERS PRESENT:

Mayor Alberto C. Zaragoza, Jr.
Steve Ammons, Mayor Pro-Tem
George Pierce
John Henley
Jim Sharp

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Rebecca Leavings, City Clerk
Melvin Turner, Finance Director
George Sawaya, Deputy Treasurer
Dan Rary, Police Chief
Tim Holcomb, Deputy Police Chief
Jim St. John, Fire Chief
Marvin Greene, Deputy Fire Chief

Invocation was given by Brad Blount followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION, CANDIDATES

- Suzanne Childers, candidate for Jefferson County District Court Judge Place Number 1, introduced herself and asked for support for the November general election.
- Shanta Owens, candidate for Jefferson County District Judge Place Number 2, introduced herself and asked for support for the November general election.
- Steve Ammons stated that he is running for Jefferson County Tax Collector and asked for support in the November general election.

CITY MANAGER REPORT

- Mr. Downes stated that the City closed the sale of the former Library property to allow construction of an America's First Federal Credit Union. The proceeds from this sale will be used for incentives for a retail development on the former Pizza Hut/Ruby Tuesday site which should also close soon.
- Several stakeholders will begin strategic planning for the Park and Recreation Department beginning with a public meeting tomorrow at 1 p.m. in order to discuss the ideas from a recent retreat.

COUNCILOR REPORTS

- Mr. Pierce welcomed Paul Sumner and Ann Hamiter from the Chamber of Commerce and invited everyone to the annual Viva Vestavia at Hollywood Pools and Spa next Thursday evening.
- Mr. Ammons announced an upcoming vacancy on the Vestavia Hills Park and Recreation Board. The 5-year appointment begins in January. The City Council will begin to accept applications for the appointment tomorrow at 9:00 a.m. in the City Clerk's office or online. Deadline for applications is December 10, 2014 at 5 p.m.
- Mayor Zaragoza announced an upcoming vacancy on the Vestavia Hills Library Board. The 4-year appointment begins in January. The City Council will begin to accept applications for the appointment tomorrow at 9:00 a.m. in the City Clerk's office or online. Deadline for applications is December 10, 2014 at 5 p.m.

APPROVAL OF MINUTES

The minutes of October 13, 2014 (Work Session), October 13, 2014 (Regular Meeting), and October 16, 2014 (Work Session) were presented for approval.

MOTION Motion to dispense with the reading of the minutes of the meeting of October 13, 2014 (Work Session) and October 13, 2014 (Regular Meeting) and approve them as presented was by Mr. Pierce and second by Mr. Henley. Roll call vote as follows:

| | |
|----------------------|------------------|
| Mr. Pierce – yes | Mr. Henley – yes |
| Mr. Sharp – yes | Mr. Ammons – yes |
| Mayor Zaragoza – yes | motion carried. |

MOTION Motion to dispense with the reading of the minutes of the meeting of October 16, 2014 (Work Session) and approve them as presented was by Mr. Pierce and second by Mr. Henley. Roll call vote as follows:

| | |
|-----------------------|------------------------|
| Mr. Pierce – yes | Mr. Henley – yes |
| Mr. Sharp – abstained | Mr. Ammons – abstained |
| Mayor Zaragoza – yes | motion carried. |

OLD BUSINESS

RESOLUTION NUMBER 4652

Resolution Number 4652 - A Resolution Reappointing Tommy Spina As Municipal Court Judge For The City Of Vestavia Hills Municipal Court

MOTION Motion to approve Resolution Number 4652 was by Mr. Ammons and second was by Mr. Henley.

The Mayor stated that the Council is required to reappoint the Municipal Judge every two years. Mr. Spina is present today for that appointment.

There begin no further discussion, the Mayor called for the question. Roll call vote as follows:

| | |
|----------------------|------------------|
| Mr. Pierce – yes | Mr. Henley – yes |
| Mr. Sharp – yes | Mr. Ammons – yes |
| Mayor Zaragoza – yes | motion carried. |

Judge Spina addressed the Council and thanked them for the privilege of running the City's Municipal Court in this appointment. He thanked his staff and the Police Department for the work they do and the support they offer the courts.

NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)

MOTION Motion for unanimous consent for the immediate consideration and action on Ordinance Number 2538 was by Mr. Ammons. Second was by Mr. Sharp. Roll call vote as follows:

| | |
|----------------------|------------------|
| Mr. Pierce – yes | Mr. Henley – yes |
| Mr. Sharp – yes | Mr. Ammons – yes |
| Mayor Zaragoza – yes | motion carried. |

ORDINANCE NUMBER 2538

Ordinance Number 2538 – An Ordinance Amending Ordinance Number 2530 – Authorizing And Directing The Mayor And City Manager To Execute And Deliver The First Amendment To The Purchase And Sale Agreement By And Between The City Of Vestavia Hills And Daniel Realty Company For Property Located In The Patchwork Farms PUD, Vestavia Hills Alabama (*public hearing*)

MOTION Motion to approve Ordinance Number 2538 was by Mr. Pierce and second was by Mr. Sharp.

Mr. Downes stated that this Ordinance amends a previously approved Ordinance for the sale of property at Patchwork Farms by the City to Daniel Realty. He explained the terms of the amended agreement and stated that they anticipate the sale closing in December.

Mr. Ammons thanked Doug Neil and Mr. Downes for the speed of bringing this development to a close and the quality of the anticipated development.

Mr. Pierce also thanked Northport for the redesign of their building which will greatly enhance the project.

Mr. Neil agreed that Northport has been a strategic partner in the development.

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, he closed the floor and asked for the question.

Roll call vote as follows:

| | |
|----------------------|------------------|
| Mr. Pierce – yes | Mr. Henley – yes |
| Mr. Sharp – yes | Mr. Ammons – yes |
| Mayor Zaragoza – yes | motion carried. |

FIRST READING (NO ACTION TO BE TAKEN AT THIS MEETING)

The Mayor stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council's next regularly scheduled meeting on November 10, 2014 at 5 PM.

- Resolution Number 4647 – A Resolution Vacating Right-Of-Way Known as Eastwood Circle

CITIZENS COMMENTS

None.

MOTION Motion to adjourn was by Mr. Pierce and second was by Mr. Henley. Meeting adjourned at 5:35 PM.

Alberto C. Zaragoza, Jr.
Mayor

Attested by:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4647

**A RESOLUTION APPROVING AND ASSENTING
TO A DECLARATION OF VACATION**

WITNESSETH THESE RECITALS

WHEREAS, A Declaration signed by the owners of all the lands abutting the following described Eastwood Circle right-of-way situated in the City of Vestavia Hills, Jefferson County, Alabama, vacating said Eastwood Circle right-of-way, has been duly presented to the City Council of the City of Vestavia Hills, Alabama, for assent and approval of said governing body; and

WHEREAS, a copy of said Declaration with map attached is marked as “Exhibit A”, attached hereto and incorporated into this Resolution by reference as though set out fully herein; and

WHEREAS, said vacation will not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property; and

WHEREAS, the Eastwood Circle right-of-way above referred to is commonly referred to as “Eastwood Circle right-of-way” and is more particularly described as follows:

A parcel of land situated in the Southwest one-quarter of Section 19, Township 18 South, Range 2 West Jefferson County, Alabama, said parcel being all of the Public right of way known as Eastwood Circle as shown on the Fourth Addition to Beacon Hill as recorded in Plat Book 38, Page 3 in the Office of the judge of Probate Jefferson County, Alabama, and being more particularly described as follows:

Begin at the Northern-most corner of Lot 12 according to the Fourth Addition to Beacon Hill as recorded in Map Book 38, Page 3 in the Office of the Judge of Probate Jefferson County, Alabama, said point being the intersection of the Southern-most right of way of Eastwood Circle with the Eastern-most right of way of U.S. Highway 31 (Montgomery Highway); thence leaving said Highway 31 right of way run South 66 degrees 32 minutes 44 seconds East along said Eastwood Circle right of way and

along the Northeast line of Lots 11 and 12 in said subdivision for a distance of 91.21 feet to the point of beginning of a curve turning to the left, said curve having a radius of 539.21 feet, a central angle of 09 degrees 33 minutes 00 seconds, a chord bearing of South 71 degrees 19 minutes 14 seconds East, and a chord length of 89.77 feet; thence run along the arc of said curve, along said right of way, and along the Northeast line of Lots 10, and 11 in said subdivision for a distance of 89.87 feet to the point of beginning of a reverse curve turning to the right, said curve having a radius of 15.00 feet, a central angle of 45 degrees 34 minutes 09 seconds, a chord bearing of South 53 degrees 18 minutes 39 seconds East, and a chord length of 11.62 feet; thence run along the arc of said curve, along said right of way, and along the Northeast line of said Lot 10 for a distance of 11.93 feet to the point of beginning of a reverse curve turning to the left, said curve having a radius of 35.00 feet, a central angle of 271 degrees 08 minutes 46 seconds, a chord bearing of North 13 degrees 54 minutes 03 seconds East, a chord length of 49.00 feet; thence run along the arc of said curve, along said right of way, and along Lots 8, 9, and 10 in said Subdivision for a distance of 165.63 feet to the point of beginning of a reverse curve turning to the right, said curve having a radius of 15.00 feet, a central angle of 45 degrees 34 minutes 39 seconds, a chord bearing of South 81 degrees 06 minutes 59 seconds West, and a chord length of 11.62 feet; thence run along the arc of said curve, along said right of way, and along the Southeast line of Lot 8 in said Subdivision for a distance of 11.93 feet to the point of beginning of a compound curve turning to the right, said curve having a radius of 499.21 feet, a central angle of 09 degrees 32 minutes 58 seconds, a chord bearing of North 71 degrees 19 minutes 13 seconds West, a chord length of 83.11 feet; thence run along the arc of said curve, along said right of way, and along the Southeast line of said Lot 8 for a distance of 83.20 feet; thence run North 66 degrees 32 minutes 44 seconds West along said right of way, and along the Southwest line of Lots 4 and 8 in said Subdivision for a distance of 91.21 feet, said point being the intersection of said Eastwood Circle right of way with the afore mentioned Eastern-most right of way of U.S. Highway 31; thence run South 23 degrees 27 minutes 16 seconds West along said Highway 31 right of way for a distance of 40.00 feet to the point of beginning. Said right of way contains 11,079 square feet or 0.25 acres more or less.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the vacation of the hereinabove described Eastwood Circle right-of-way is assented to and approved and the same is hereby vacated pursuant to the provision of Section 23-4-20 of the Code of Alabama, 1975.

RESOLVED, DONE AND ORDERED, on this the 10th day of
November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION

I, the undersigned qualified acting Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true copy of a Resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 10th day of November, 2014, and that such Resolution is of record in the Minute Book of the City at page _____ thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk

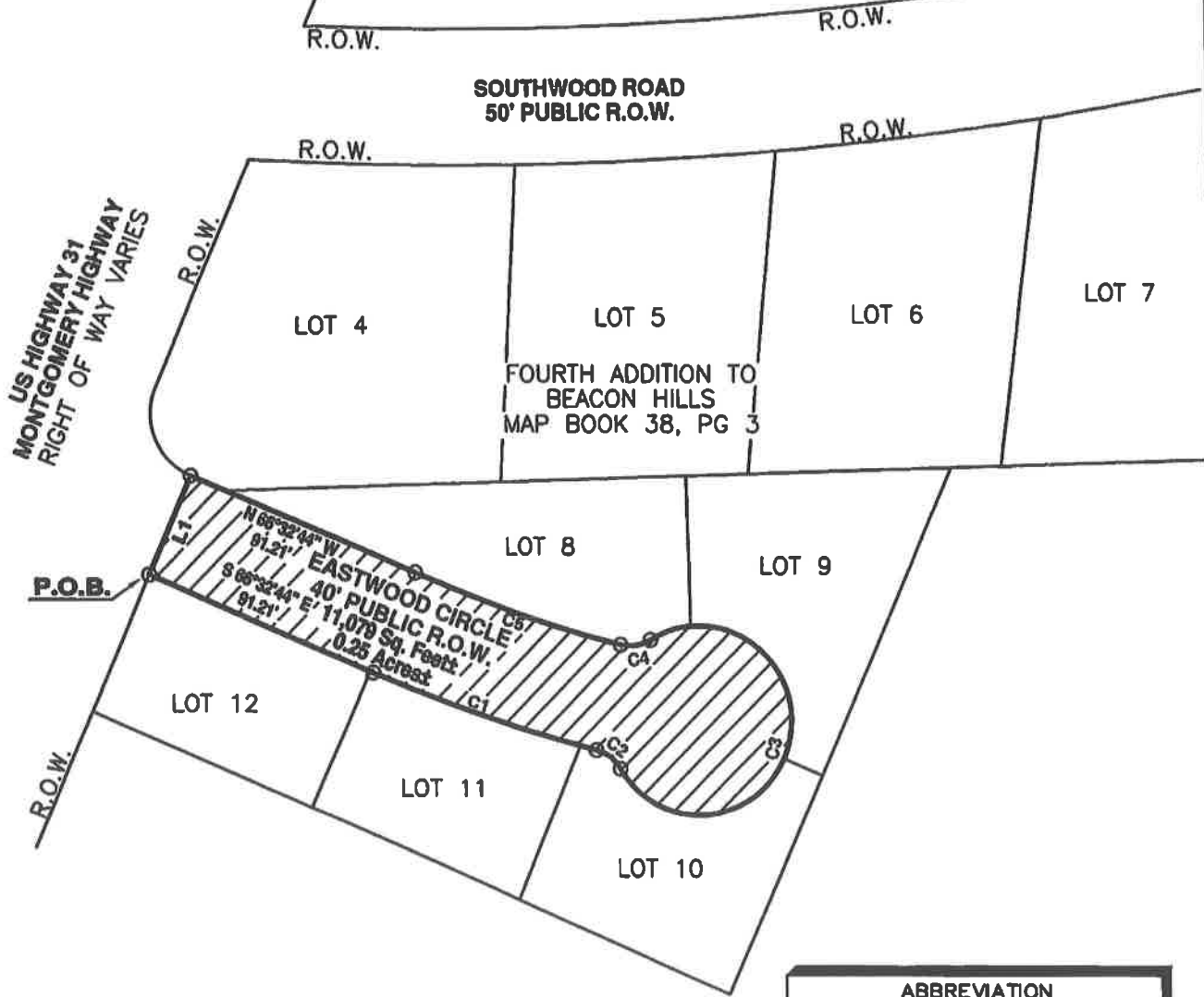
EXHIBIT MAP RIGHT OF WAY VACATION

SW 1/4 OF SECTION 19, TOWNSHIP 18 SOUTH, RANGE 2 WEST
JEFFERSON COUNTY, ALABAMA



CURVE TABLE

| CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|-------------|---------------|--------------|
| C1 | 89.87' | 539.21' | 9°33'00" | S 71°19'14" E | 89.77' |
| C2 | 11.93' | 15.00' | 45°34'09" | S 53°18'39" E | 11.62' |
| C3 | 165.63' | 35.00' | 271°08'46" | N 13°54'03" E | 49.00' |
| C4 | 11.93' | 15.00' | 45°34'39" | S 81°06'59" W | 11.62' |
| C5 | 83.20' | 499.21' | 9°32'58" | N 71°19'13" W | 83.11' |



US HIGHWAY 31
MONTGOMERY HIGHWAY
RIGHT OF WAY VARIES

P.O.B.

R.O.W.

LINE TABLE

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 23°27'16" W | 40.00' |

| ABBREVIATION | |
|--------------|-----------------------|
| P.O.C. | POINT OF COMMENCEMENT |
| P.O.B. | POINT OF BEGINNING |

GSA
GONZALEZ - STRENGTH & ASSOCIATES, INC.
ENGINEERING, LAND PLANNING, & SURVEYING
3175 PARKWAY LAKE DRIVE
MOODY, ALABAMA 36509
PHONE: (205) 942-8430
FAX: (205) 942-8033
www.Gonzales-Strength.com



THE BIRMINGHAM
WATER WORKS BOARD

September 15, 2014

#618

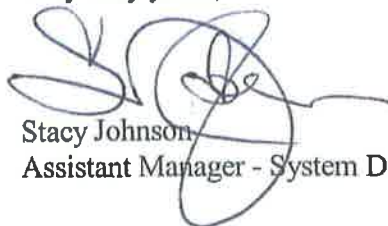
City of Vestavia Hills
ATTENTION: Rebecca Leavings
513 Montgomery Hwy
Vestavia Hills, AL 35216

Dear Ms. Leavings:

You may present this letter to interested parties as evidence that The Water Works Board of the City of Birmingham has no existing facilities within Eastwood Circle, situated in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, Township 18 South, Range 2W, located in the City of Vestavia Hills, Alabama. Therefore, the Water Board has no objection to the vacation of said public right-of-way.

Should you have questions or need additional information, please feel free to contact Ms. Antris Betts (205) 244-4262 or you may contact Ms. Betts via email at antris.betts@bwwb.org.

Very truly yours,



Stacy Johnson
Assistant Manager - System Development

AB/ja

D.P. 439-3&4

I:\emp JA\2014\Water Avail Letters\Betts\City of Vestavia Ltr of Vacate Eastwood Circle 9 15 14.doc

Rebecca Leavings

From: Mixon, Richard <mixonr@jccal.org>
Sent: Wednesday, September 10, 2014 4:18 PM
To: Rebecca Leavings
Cc: Kemp, Emily; Askew, Woodrow; Pennington, Richard
Subject: Eastwood Circle vacation

Ms. Rebecca Leavings

City of Vestavia Hills

Date: September 10, 2014

Re: vacation of Eastwood Circle road right of way

Ms. Leavings:

This responds to your letter regarding the above referenced vacation of road right of way. Environmental Services Department records indicate that no County maintained sanitary sewers exist within said right of way. Based on the aforementioned, the Environmental Services Department has no objection to the vacation of said right of way insofar as sanitary sewers are concerned.

Sincerely,

Richard Mixon

Plans Review

Jefferson County Environmental Services Department

2 Industrial Park Drive
Pelham, Alabama 35124



September 18, 2014

Rebecca Leavings
City of Vestavia Hills
513 Montgomery Highway
Birmingham, Alabama 35216

Proposed vacation of public right of way, referred to as a portion of Eastwood Circle, located in the SW ¼ of Section 19, Township 18 South, Range 2 West, Jefferson County, Alabama.

Dear Ms. Leavings:

Alabama Power Company will offer no objections to the proposed vacation of the road easement, so long as an exception is made that Alabama Power Company's rights are protected. The total right of way for APCo is 30 feet total, 15 feet on both sides of center line, plus anchors, for any overhead lines, and 10 feet total, 5 feet on both sides of center line, for any underground facilities that may be in place, within this easement area.

Should the need arise for the company to extend additional facilities from any existing lines, Alabama Power Company will acquire the necessary rights of way from the owner of record date.

I trust this letter is sufficient for your needs but if not, please call me at (205)226-1754.

Sincerely,

Dean Fritz
Corporate Real Estate



October 8, 2014

City of Vestavia Hills

Rebecca Leavings (City Clerk)

513 Montgomery Highway

Vestavia Hills, AL 35216

RE: Vacation of Eastwood Circle

Dear Mrs. Leavings,

Charter Communications does not have an objection to you vacating the portion of right of way Eastwood Circle as requested on the attached maps. If you have any questions please feel free to contact me at (205) 824-5618 or (205) 356-0765

Sincerely,

Charter Communications

A handwritten signature in black ink that reads "Jeff Edwards".

Jeff Edwards

Construction Coordinator

RESOLUTION NUMBER 4654

A RESOLUTION ACCEPTING A BID FOR A POLICE MOTORCYCLE

WHEREAS, on November 3, 2014 at 10:00 a.m. the City of Vestavia Hills publicly read aloud bids submitted for a police motorcycle; and

WHEREAS, a detail of said bids is marked as Exhibit A and attached and incorporated in this Resolution Number 4654 as though written fully therein; and

WHEREAS, the Deputy Police Chief has reviewed the bids and recommended acceptance of the bid submitted by Cool Springs Power Sports as detailed in Exhibit B; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to follow the recommendation of the Deputy Police Chief and accept said bid as detailed above.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. The bid submitted by Cool Springs Power Sports as detailed in Exhibit A attached and recommended by the Deputy Police Chief is hereby accepted; and
2. This Resolution Number 4654 shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 10th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

Exhibit A

BID SUMMARY

BID-2014-12

BID: Police Motorcycle

BID OPENED: August 3, 2010
10:00 AM

PEOPLE PRESENT FOR BID OPENING

1. Rebecca Leavings, City Clerk
2. Tim Holcomb, Deputy Chief, Police Department
3. Joel Gaston, VHPD

BIDDERS:

| | | |
|----|----------------------------|-----------|
| 1. | Meridian Cycles | 24,400.00 |
| | Alternate: | 28,550.00 |
| 2. | Smith's Sport Cycles, Inc. | 22,061.00 |
| | Alternate: | 25,842.00 |
| 3. | Cool Springs Power Sports | 20,398.00 |
| | Alternate: | 21,094.00 |
| 4. | Custom Performance, Inc. | 23,493.00 |
| | Alternate: | 27,493.00 |

Rebecca Leavings

From: Tim Holcomb
Sent: Tuesday, November 04, 2014 1:03 PM
To: Rebecca Leavings
Cc: Danny Rary
Subject: Motorcycle Bid

Becky,

We are recommending that we accept the low bid from Cool Springs Honda in Franklin TN.

Could you place this on the next available Council Agenda?

Thanks,

Tim

Deputy Chief Tim Holcomb
Vestavia Hills Police Department
513 Montgomery Highway
Vestavia Hills, AL 35216
Office- (205)978-0111



RESOLUTION NUMBER 4656

A RESOLUTION APPROVING A CONCEPTUAL MASTER DEVELOPMENT PLAN FOR PATCHWORK FARMS

WHEREAS, the Vestavia Hills Board of Education owns a parcel in the Patchwork Farms PUD consisting of 22 +/- acres known as the “school parcel;” and

WHEREAS, the City of Vestavia Hills owns various parcels in the Patchwork Farms PUD; and

WHEREAS, the City of Vestavia Hills along with the cooperation of the Vestavia Hills Board of Education has entered into certain purchase and sale agreements to sell the vacant properties in Patchwork Farms for certain uses including, but not limited to, a skilled nursing facility, a senior living resort, residential, and other office/retail uses; and

WHEREAS, a provision within these agreements requires the approval of a Conceptual Master Development Plan to be submitted by the master developer, Daniel Realty, a copy of which is marked as “Exhibit A,” attached to and incorporated into this Resolution Number 4656; and

WHEREAS, the Mayor and City Council have reviewed the attached proposed Conceptual Master Development Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. The attached Conceptual Master Development Plan is hereby approved pursuant to the terms and provisions of certain purchase and sale agreements for properties in Patchwork Farms; and
2. This Resolution Number 4656 is effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 10th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

MASTER PLAN



VESTAVIA
HILLS

A Life Above

DANIEL CORPORATION
3660 GRANDVIEW PARKWAY
BIRMINGHAM, ALABAMA 35243



PATCHWORK FARMS
VESTAVIA HILLS, ALABAMA

Daniel Corporation, working on behalf of the City of Vestavia Hills and the Vestavia Hills Board of Education, is pleased to present for consideration this Master Plan in conjunction with the proposed development of Patchwork Farms Planned Unit Development.



1. STATEMENT OF DEVELOPMENT OBJECTIVES

Consistent with the vision and objectives of the Patchwork Farms Charrette and the economic development objectives of the City of Vestavia Hills, Alabama, Patchwork Farms has been designed and planned around the following concepts:

- To create a unique destination on 82+/- Acres in Vestavia Hills that enhances the long-term value of the project for the City, its Board of Education, and its Citizens as a whole.
- To deliver a mixed-use, master-planned development designed to engage the community by providing a vibrant and inspired place to live, work, play, shop, and dine.
- To provide a lasting tribute to the vision of the City's leaders through the development of a community oriented, pedestrian scale project that employs timeless architecture, quality design, lush green spaces, and pedestrian friendly thoroughfares.
- To leverage the locational advantages, demographics, and regional demand generators to create a village scale development capable of seamlessly integrating into the daily lives of the community.

When completed, Patchwork Farms will provide a unique destination serving to attract a mixture of retail, dining, residential, and commercial uses that will increase the available revenue base the City utilizes to support community services and schools. The 82+/- acre property is ideally suited to accommodate this diversity of uses when comprehensively planned in accordance with the Planned Unit Development Zoning Classification established pursuant to the City Code. Accordingly, the Patchwork Farms Plan has been conceived in accordance with the following planning objectives:

- To advance the vision for Patchwork Farms as contemplated by the Patchwork Farms Charrette by (i) creating a mixture of retail,

commercial, institutional, residential, and recreational uses that will contribute to the vitality of the City of Vestavia Hills as a whole, (ii) providing opportunities for recreation and community activity, (iii) providing infrastructure to support contemplated development, and (iv) enhancing the shopping, dining, and entertainment choices in the City.

- To reinforce the character and vision for Patchwork Farms as a pedestrian friendly, community oriented destination, while incorporating flexibility in design and operation that is critical to attract and maintain a strong core of retail, restaurant, and commercial tenants.
- To cultivate a family-friendly environment through amenities such as green spaces, walking trails, sidewalks, and plazas that will encourage and invite leisurely strolls, dining, shopping, and community activities.
- To design, construct, and operate Patchwork Farms in a manner that is appropriate for its surroundings and that attempts to minimize the impacts on adjacent neighborhoods by focusing on transitions between uses, setbacks, topography, vegetation, screening, and green space.
- To reinforce the positive image that is enjoyed by City of Vestavia Hills, by emphasizing architectural quality, providing attractive and pedestrian oriented streetscapes, and by maintaining rich landscaping and green space.
- To provide for efficient traffic circulation within Patchwork Farms by introducing street, infrastructure, and parking improvements focused on convenience, accessibility, and ease of movement.
- To minimize disruptions to the community through the efficient sequencing and scheduling of construction activity intended to minimize the time necessary for project delivery.
- To employ the efficient and economical arrangement of buildings, lots, uses, circulation, and supporting infrastructure than would otherwise be feasible under the traditional zoning classifications.



2. EXISTING CONDITIONS

AREA MAP



The base zoning districts for Patchwork Farms Parcels are reflected in the attached Exhibits and provide as follows:

| Land Use District | Gross Acreage (approximate) |
|------------------------------|-----------------------------|
| Planned Single Family (PR-1) | 3.09 Acres |
| Planned Business (PB)* | 78.79 Acres |
| Total | 82.46 Acres |

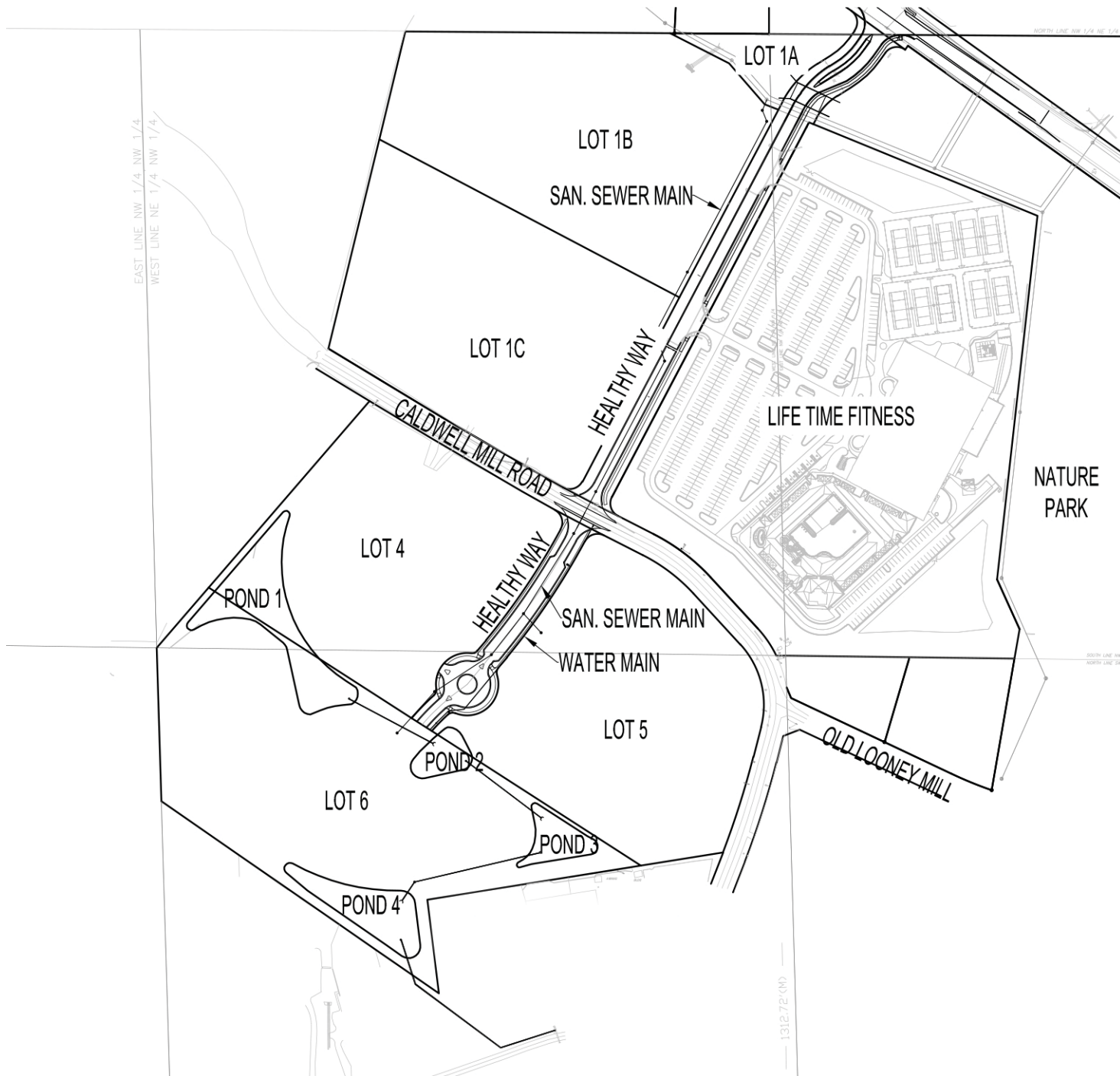
The buildings and uses within Patchwork Farms shall generally comply with the Zoning Code of the City of Vestavia Hills, Alabama, the Patchwork Farms Planned Unit Development Zoning Application and Development Plan and the First Amendment thereto, the Patchwork Farms Commercial Declaration of Covenants, Conditions and Restrictions and any amendments thereto, as applicable, except as specifically set forth herein.

* INCLUDES LIFETIME FITNESS



4. INFRASTRUCTURE IMPROVEMENTS

INFRASTRUCTURE IMPROVEMENTS MAP



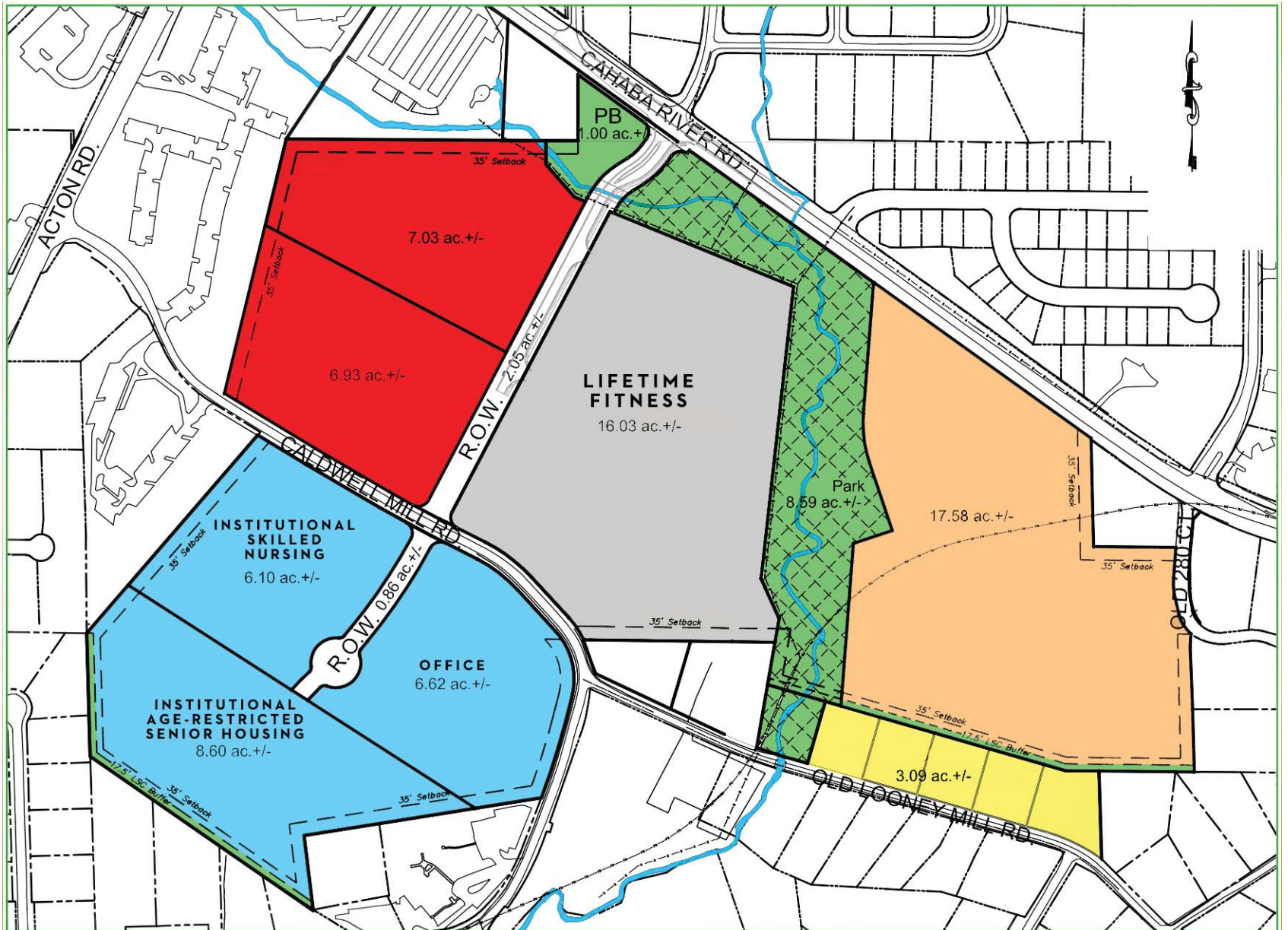
INFRASTRUCTURE IMPROVEMENTS

- GRADING
- STORM WATER MANAGEMENT
- CURBING, ROADS, SIDEWALKS, STREETSCAPES
- UTILITIES (WATER, SEWER, GAS, ELECTRIC, COMMUNICATIONS)
- LANDSCAPE, LIGHTING, IRRIGATION



5. PERMITTED LAND USES

PERMITTED LAND USE MAP



-  RETAIL / COMMERCIAL
-  OFFICE / INSTITUTIONAL
-  RESIDENTIAL - SINGLE DETACHED
-  RESIDENTIAL - ATTACHED MULTI-FAMILY
-  PARKS / OPEN SPACES
-  EXISTING FITNESS



PERMITTED USES

Multiple uses shall be permitted within Patchwork Farms including retail, commercial, institutional, office, service, residential, recreational, green space, parking, amenity, and municipal uses, as more particularly set forth below.

Patchwork Farms is divided into each of the following Use Areas, the location and boundaries of which are shown on the attached Exhibits. All uses contained herein are permitted by right unless (i) expressly limited or conditioned herein or (ii) the square footage of any specific use would exceed that allowed by Code or otherwise be limited by the Patchwork Farms Covenants, Conditions, and Restrictions.

Retail/Commercial Use Area. Within areas designated Retail/Commercial Use Area, the following uses are permitted by right:

1. Antique stores;
2. Appliances and electronic goods and equipment;
3. Arts and crafts stores;
4. Bakeries selling food from the premises;
5. Banks and financial services firms;
6. Barber shops and/or salons (limited to one);
7. Bars, pubs and other establishments engaged in the sale of alcoholic beverages for on-site consumption*;
8. Bookstores;
9. Bridal shops;
10. Business offices and professional offices, provided however, that business offices or professional offices;
11. Clothing stores;
12. Coffee shops;
13. Computer and electronics stores;
14. Dry cleaning establishments where no laundering or cleaning is done on the premises;
15. Electronic and electrical repair shops;
16. Florist shops;
17. Furniture stores;
18. Garden and lawn stores;
19. General merchandise stores, including full-line department stores;
20. Gift shops;
21. Grocery stores;
22. Hardware stores;
23. Hospitality and lodging
24. Ice cream parlors;
25. Interior design shops that include the on-site exchange of merchandise for general consumers;
26. Jewelry stores;
27. Meat, seafood, vegetable and fruit markets;
28. Newsstands, gift shops, galleries, shops selling sundry items;
29. Parcel delivery and packaging stores;
30. Pet shops;
31. Pharmacies;
32. Photography studios;
33. Physical therapists;
34. Rental and sale of electronic media and related items;
35. Restaurants, cafes, cafeterias and delicatessens*;
36. Shipping and wrapping of packages and sale of related items;
37. Shoe stores and shoe repair shops;
38. Sporting goods stores;

39. Theaters for the performing arts;
40. Travel agents;
41. United States Post Office;
42. Upscale wine and/or spirits stores*;
43. Variety and gift stores;
44. Streets, rights of way, service roads, access ways and drive aisles (both public and private);
45. Sidewalks and pedestrian passageways and related lighting;
46. Drive through facilities, if implemented in accordance with the provisions of the PUD and City Code*;
47. Accessory uses customarily incidental to the uses permitted in the Retail Use Area; and
48. Any other business that provides for the display and on-site exchange of merchandise for general consumers that is not otherwise prohibited under the City Code;

* Permitted to the extent not otherwise limited by the "Lifetime Restrictive Covenants"

Office/Institutional Use Area. Within areas designated Office/Institutional Use Area, the following uses are permitted by right:

1. Business offices and professional offices;
2. Banks and financial institutions;
3. Interior design shops;
4. Skilled nursing, assisted living, and rehabilitation facilities;
5. Age restricted (under Federal Law and Fair Housing Act) living facilities;
6. Public and private parking;
7. Commercial uses ancillary to the operation of a parking service, such as administrative space for parking service management and valet services, and/or automobile wash/detail service and storage space; and
8. Streets, rights of way, service roads, access ways and drive aisles (both public and private), sidewalks and pedestrian passageways, and related lighting;

Residential Use Area. Within areas designated as Residential Use Area (PR-1 and PB Land Use Districts), the following uses are permitted by right:

1. Detached single family residential dwelling units, provided however, that the Residential Use Area shall not include more than five (5) such residential units;
2. Attached residential dwelling units, single family or multi-family, provided however, the Residential Use Area shall not include more than two-hundred seventy (270) such residential units; further, no more than twenty-eight (28) such units shall contain three (3) bedrooms;
3. Enclosed garages, covered parking, and uncovered parking;
4. Leasing and sales offices and other such uses necessary to facilitate the leasing and/or sales process;
5. Amenities, improvements, storage and mechanical uses ancillary to residential dwelling units, including but not limited to a pool, gym, laundry/cleaning services, automobile wash, and recreational facilities;
6. Streets, rights of way, service roads, access ways and drive aisles (both public and private); and
7. Sidewalks, walking trails, parks, pedestrian passageways, and related lighting.



Open Space Use Area. Within areas designated Open Space Use Area, the following uses are permitted by right:

1. Parks;
2. Playgrounds;
3. Green space;
4. Outdoor dining areas;
5. Signage;
6. Sidewalks, walking trails, parks, pedestrian passageways, and related lighting;
7. Amenities, valet services, pavilions, amphitheaters and accessory structures ancillary to the foregoing uses; and
8. Special events, including festivals, parades, races, assemblies, gatherings and other events permitted under the City Code



6. PERMITTED DENSITY

ILLUSTRATIVE MASTER DEVELOPMENT PLAN

The density of land uses within Patchwork Farms shall not exceed (collectively, the "Permitted Density") the density as provided for by the Patchwork Farms PUD Development Criteria in the respective Districts. Notwithstanding, the Plan shall contain a minimum of 15% of the gross acreage of all the property as Open Space and the Nature Park Parcel shall at all times contain a minimum of 8.00 acres. The maximum density allowed Retail/Commercial Use Area and the Office/Commercial Use Area may each increase by up to 10% based upon the final programming requirements of building occupants provided that the incremental parking demand resulting from such increase shall not exceed that allowed by Code.



In connection with the preparation of schematic design documents for any building(s) or structure(s), the project owner shall, in accordance with the Patchwork Farms Conditions, Covenants, and Restrictions and City Code, submit preliminary plans (site plan, floor plans, elevations, lighting & landscaping, et. al) for review and approval by the Architectural Review Committee and Design Review Board (“Design Committee”). The respective entities shall review for compliance with the Design Standards and City Code, provide guidance as to required changes or modifications, if necessary for compliance, and ultimately provide notice of approval or rejection. Prior to commencing construction on any building, the project owner shall apply for a building permit in accordance with City Code. The zoning officer shall have the right to consult with the Design Committee to determine if the final plans comply with the Design Standards and approvals from the respective entities.



8. SIGNAGE

A Master Signage Plan shall be created for the Patchwork Farms development to provide standards for street, way-finding, building, and monument signage. Project owners shall be required to submit proposed signage for review and approval by the Design Committee. Prior to erecting any sign or awning, each business within Patchwork Farms shall submit an application for a sign permit in accordance with City Code.

9. ECONOMIC IMPACT

The development of Patchwork Farms is expected to have a significant economic and fiscal impact on the City of Vestavia Hills. These impacts will consist primarily of increases in employment, earnings, final demand, and government revenues. The fiscal impacts will include a combination of both short-term and recurring revenue streams generated and paid to the City and Vestavia Hills City Schools in the form of ad-valorem taxes, sales taxes, use taxes, rent and other taxes, building permit fees, license fees, and other sources of revenue which may be derived with and through the development of property within Patchwork Farms. This expansion of revenues will provide the City funds necessary to support the continued operation of Vestavia Hills City Schools and the ongoing delivery of City services.



RESOLUTION 4657

A RESOLUTION APPROVING DISCLOSURE CONTROLS AND PROCEDURES AND CERTAIN RELATED MATTERS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, as follows:

Section 1. The City Council has found and determined, and does hereby find, determine and declare as follows:

(a) When City of Vestavia Hills, Alabama, a municipal corporation organized under the laws of the State of Alabama (the "City"), issues general obligation or revenue bonds, warrants, notes or other obligations or when the City is committed by contract or other arrangement to support payment of all or part of the debt service on bonds, warrants, notes or other obligations, the City typically prepares a preliminary offering statement and a final offering statement and the City typically agrees to comply with the continuing disclosure filing requirements of Rule 15c2-12 of the United States Securities and Exchange Commission (the "SEC").

(b) In order to ensure compliance with the City's disclosure obligations under federal securities laws, the City Council of the City desires to adopt disclosure controls and procedures for reviewing, updating and maintaining such offering statements and continuing disclosure filings and to approve certain related matters.

Section 2.

(a) The City Council of the City does hereby approve, authorize, ratify and confirm the "Disclosure Controls and Procedures" in substantially the form attached hereto as Exhibit A and presented to the City Council of the City at this meeting, and, by adopting such disclosure controls and procedures and by requiring staff of the City to adhere to such disclosure controls and procedures, the City hereby formalizes appropriate controls and procedures to ensure compliance with the City's disclosure obligations under the federal securities laws.

(b) The City Council of the City hereby (a) designates the Mayor and City Clerk to implement such disclosure controls and procedures and (b) authorizes the Mayor and City Clerk, on a periodic basis, to review such disclosure controls and procedures basis and, as necessary, to update them.

Section 3. The officers of the City and any person or persons designated and authorized by any officer of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the City such other acts, to pay or cause to be paid on behalf of the City such related costs and expenses, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, further assurances, or other instruments or communications, under the corporate seal of the City, or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order (a)

to carry into effect the intent of the provisions of this resolution and the disclosure controls and procedures approved hereby and (b) to demonstrate the absence of any pending or threatened litigation with respect to the City's outstanding bonds, warrants, notes or other obligations or any outstanding bonds, warrants, notes or other obligations with respect to which the City is committed by contract or other arrangement to support payment of all or part of the debt service, including by means of self-reporting under the SEC's Municipalities Continuing Disclosure Cooperation Initiative by completing an appropriate questionnaire and submitting it to the SEC within the appropriate time period.

Section 4. Each act of any officer or officers of the City or any person or persons designated and authorized to act by any officer of the City, which act would have been authorized by the foregoing provisions of this resolution except that such action was taken prior to the adoption of this resolution, is hereby ratified, confirmed, approved and adopted.

Section 5.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

(a) All ordinances, orders or resolutions of the City, or any part or provision of any thereof, in conflict or inconsistent with the provisions of this resolution are hereby, to the extent of such conflict or inconsistency, repealed.

(b) This Resolution 4657 is effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 10th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4658

A RESOLUTION ACCEPTING A BID FOR THE CITY OF VESTAVIA HILLS FOR STREET REPAIR AND RESURFACING

WHEREAS, the City of Vestavia Hills received and opened bids for street repair and resurfacing for a contract period of three (3) years on May 31, 2012; and

WHEREAS, five bids were received; and

WHEREAS, a detail of the bid results is attached hereto and marked as “Exhibit 1” based upon sample unit measurements with base prices to be tied to the Asphalt Index as provided by Alabama Department of Transportation; and

WHEREAS, Resolution Number 4307 was adopted and approved on June 11, 2012; and

WHEREAS, the City has reviewed the progress of the repairs and feels that it is in the public interest of the citizens of Vestavia Hills to terminate the previous contract; and

WHEREAS, the City feels that it is in the public interest of the citizens of Vestavia Hills to enter into a contract to expire at the end of the bid term on the 31st day of July, 2015, with Dunn Construction Company, Inc. for roadway resurfacing and repairs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. The Mayor Pro-Tem and City Manager are hereby authorized to execute and deliver a contract with Dunn Construction Company, Inc. to expire on the 31st

day of July, 2015 subject to the City Attorney's review and approval of the contract; and

2. Streets shall be reviewed every 6 months or on an "as needed" basis for resurfacing or repair and shall be expensed to 07 Gas Tax Revenue Fund as approved by the City Council; and
3. Said contract is marked as Exhibit 2, attached and incorporated into this Resolution Number 4658 as though written fully herein; and
4. This Resolution Number 4658 shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED AND APPROVED this the 10th day of November, 2014.

APPROVED BY:

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

"Exhibit 1"

INVITATION TO BID

**CITY OF VESTAVIA HILLS
513 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216**

BIDS FOR STREET RESURFACING FOR A
PERIOD OF 3 YEARS TO BE OPENED
ON MAY 31, 2012 AT 2:00 PM.
BIDS TO BE TURNED IN NO
LATER THAN 2:00 PM ON THIS DATE.

DATE OF INVITATION TO BID:
MAY 9, 2012

BID: STREET RESURFACING
FOR A PERIOD OF 3 YEARS

Ladies and Gentlemen:

Sealed bids will be received by the City of Vestavia Hills, Alabama, in the Office of the City Clerk at the Municipal Center until the above time and date, and opened at 2:00 p.m. on May 31, 2012, in the Chambers of the City Council in the Vestavia Hills Municipal Center situated at 513 Montgomery Highway, Vestavia Hills, Alabama 35216. Please return in a sealed envelope marked with the bid name as listed above. Bids must be returned by 2:00 PM by the date listed above. Bids received in the Office of the City Clerk either by hand delivery or mail after the specified date and hour will not be considered. Determination of the lowest responsible and responsive bidder and consideration of acceptance of the bid will be considered by the City Council of the City of Vestavia Hills, Alabama at a public hearing to be conducted at its next regularly scheduled or special meeting.

NAME OF COMPANY: Dunn Construction Company, Inc.

PRICE*: ***SEE ATTACHED BID SHEETS*** WARRANTY: ONE YEAR

I hereby affirm that I have not been in any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition, by agreement to bid at a fixed price or to refrain from bidding or otherwise.

This form must be notarized.

FIRM Dunn Construction Company, Inc.

Sworn and Subscribed before me
this the 31st day of May,
2012.

BY Evan / Du

ADDRESS 3905 Airport Highway
Birmingham, AL 35202

Courtney Leigh Dudd
Notary Public

PHONE 205-592-3866

My Commission Expires 10/29/13. DATE 5-31-12

ALL BIDDERS MUST USE BID FORMS PROVIDED IN THIS PACKAGE. COMPLETE TYPED OR IN INK. THE CITY RESERVES THE RIGHT TO REJECT OR WAIVE ANY AND ALL BIDS OR PORTIONS THEREOF. QUESTIONS SHOULD BE ADDRESSED TO THE OFFICE OF THE CITY CLERK, PHONE (205) 978-0131.

Rebecca Leavings, Purchasing Agent
Submitted _____, 2012

CITY OF VESTAVIA HILLS

The undersigned, as Bidder, hereby declares that the only person or persons interested in the bid as principal or principals is/or named herein and that no other person that herein mentioned has any interest in this bid or in the contract to be entered into; that this bid is made without connection with any person, company or parties making a bid and that it is in all respects fair and in good faith, without collusion or fraud.

The bidder further declares that bidder has examined the site of the work and informed bidder fully in regard to all conditions pertaining to the place where the work is to be done; that bidder has examined the contract documents for the work and has read all special conditions furnished prior to the opening of bids; that bidder has satisfied bidder relative to the work to be performed. The bidder further declares that bidder fully understands that the City of Vestavia Hills has put forth a good-faith effort of estimating the approximate amount of quantities for the seal, binder, G-treatment, Tack Coat, Milling, Striping, Temp. Striping, Permanent Markings (Stop Bars), Traffic Loops, Raise Manholes, Valve Resets, etc. The bidder acknowledges and agrees that the final quantities may vary.

The bidder proposes and agrees, if this bid is accepted, to contract with the City of Vestavia Hills, Alabama, in the form of contracts attached hereto, to furnish all necessary materials, equipment, tools, machinery apparatus, means of transportation, and labor necessary to complete the construction of Street Repair and Resurfacing in full; and complete in accordance with shown, noted, described and reasonable intended requirements of the contract documents, to the full and entire satisfaction of the City of Vestavia Hills, Alabama.

The successful bidder will be awarded a 3-year contract; agrees to have all work completed within 90 days of submission of paving needs, and agrees to commence work with an adequate force and sufficient equipment to complete the work within the allotted time, at the unit prices hereinafter named (with said pricing adjustments pursuant to Page 6 of this bid).

The bidder to whom the award is made shall enter into a written contract on the form included in the proposal, plans and specifications, furnish a performance bond and payment bond executed by a surety company duly authorized and qualified to make such bonds in the State of Alabama in the amount required by subsection (a) of Section 39-1-1, *Code of Alabama, 1975*, and provide evidence of insurance as required by the bid documents within the period specified or, if no period is specified, within 15 days after the prescribed forms have been presented to bidder for signature. If extenuating circumstances prevail, the awarding authority may grant an extension in time not exceeding five days for the return of the contract, required bonds and required evidence of insurance.

The City shall approve the contractor's bonds meeting the requirements as set forth above and the contractor's evidence of insurance meeting the requirements of the bid documents, as well as complete the execution of the contract, within 20 days after their presentation by the contractor unless the successful contractor agrees in writing to a longer period.

A proceed order shall be issued by the City within 15 days after final execution of the contract by the City, unless both parties agree in writing to a stipulated extension of time for the issuance of a proceed order.

Should the successful bidder or bidders to whom a contract is awarded fail to execute a contract and furnish acceptable contract securities and evidence of insurance as required by law within the period as set forth above, the City shall retain from the proposal guaranty, if it is a cashier's check, or recover from the principal or the sureties, if the guaranty is a bid bond, the difference between the amount of the contract as awarded and the amount of the proposal of the next lowest bidder. If no other bids are received, the full amount of the proposal guaranty shall be so retained or recovered as liquidated damages for such default. Any sums so retained or recovered shall be the property of the City.

ALABAMA PUBLIC WORKS LAW

Alabama law regarding the letting, execution and administration of public improvements contracts ("public works") by municipalities is set forth in Title 39, Chapters 1 through 5, of the *Code of Alabama, 1975*. The Alabama Public Works Law regarding public works construction projects provides, among other things, as follows:

A. **PUBLIC WORKS LAW:** A public works project is the expenditure of public funds on real estate owned by the City or on a structure attached to that real estate. Section 39-2-1, *Code of Alabama, 1975*, defines "public works" as:

"The construction, repair, renovation or maintenance of public buildings, structures, sewers, water works, roads, bridges, docks, underpasses and viaducts, as well as any other improvement to be constructed, repaired, renovated or maintained on public property and to be paid, in whole or in part, with public funds or with financing to be retired with public funds in the form of lease payments or otherwise."

B. **BIDDING ON PUBLIC WORKS PROJECTS:** Alabama now provides that all public works projects shall be governed by Title 39-2-1, et seq., *Code of Alabama, 1975*. Simply stated, those laws provide as follows:

1. Public works projects involving expenditures of \$50,000 or less do not have to be bid; and

2. Public works projects involving more than \$50,000.00 must be bid; and

3. For public works contracts between \$50,000.00 and \$500,000.00, a City must publish notice of the request for bids at least once in a newspaper of general circulation published in the city; and

4. For contracts involving expenditures of more than \$500,000.00 for public works, a City must also advertise for sealed bids at least once in three newspapers of general circulation throughout the State of Alabama."

C. **BID BOND:** All contractors that submit a bid on a public works construction project must file a bid bond with the bid.

1. **Requirement:** Alabama law at Title 39-2-4, *Code of Alabama, 1975*.
2. **Amount:** Not less than five percent (5%) of the estimated cost or more than Ten Thousand Dollars (\$10,000.00).
3. **Purpose:** A guarantee by the contractor that it will perform the work for the amount of the bid.

D. PERFORMANCE BOND: Any contractor entering into a contract with the City for a public works project shall, before commencing work, execute a performance bond.

1. **Requirement:** Alabama law at Title 39-1-1(a), *Code of Alabama, 1975*.
2. **Amount:** One hundred percent (100%) of the amount of the contract price.
3. **Purpose:** To guarantee completion of the work.

E. PAYMENT BOND: All contractors entering into a contract with the City for any public works project shall, before commencing the work, execute a payment bond.

1. **Requirement:** Alabama law at Title 39-1-1(a)and(b), *Code of Alabama, 1975*.
2. **Amount:** Not less than fifty percent (50%) of the contract price.
3. **Purpose:** If the general contractor does not pay its subcontractors, then in such event the subcontractors or other people who have furnished labor, materials or supplies for the prosecution of the work can file a claim for payment under the payment bond.

F. BIDS AND BIDDING; AWARD: The contract shall be awarded to the lowest responsible and responsive bidder, unless the awarding authority finds that all the bids are unreasonable or that it is not to the interest of the awarding authority to accept any of the bids. A responsible bidder is one who, among other qualities determined necessary for performance, is competent, experienced, and financially able to perform the contract. A responsible bidder is one who submits a bid that complies with the terms and conditions of the invitation for bids. Minor irregularities in the bid shall not defeat responsiveness. The bidder to whom the award is made shall be notified by telegram, confirmed facsimile, or letter at the earliest possible date. If the successful bidder fails or refuses to sign the contract, to make bond as provided in this chapter or to provide evidence of insurance as required by the bid documents, the awarding authority may award the contract to the second lowest responsible and responsive bidder. If the second lowest bidder fails or refuses to sign the contract, make bond as provided in this chapter or to provide evidence of insurance as required by the bid documents, the awarding authority may award the contract to the third lowest responsible and responsive bidder. Title 39-2-6(a), *Code of Alabama, 1975*.

G. CONTRACT, BONDS, AND INSURANCE; REQUIRED: The bidder to whom the award is made shall enter into a written contract on the form included in the proposal, plans, and specifications, furnish a performance bond and payment bond executed by a surety company duly authorized and qualified to make such bonds in the State of Alabama in the amount required by subsection (a) of Section 39-1-1 and provide evidence of insurance as required by the bid

documents within the period specified or, if no period is specified, within 15 days after the prescribed forms have been presented to him or her for signature. If extenuating circumstances prevail, the awarding authority may grant an extension in time not exceeding five days for the return of the contract, required bonds and required evidence of insurance. Title 39-2-8, *Code of Alabama, 1975*.

H. **APPLICABILITY:** Notwithstanding any other laws to the contrary (Act 97-225, which is set forth in Title 39, Chapters 1 through 5, of the *Code of Alabama, 1975*, "Public Works" law) shall control all public works contracts on the state, county and municipal levels of government in the State of Alabama. Title 39-1-5, *Code of Alabama, 1975*.

The bidder, by submission of this bid, hereby agrees that the contract executed and delivered by and between the City of Vestavia Hills, Alabama and bidder shall be interpreted, construed, administered and enforced all in accordance with the "Public Works" law of Alabama. The bidder further agrees that should there be a conflict between the Invitation to Bid and/or the contract with the "Public Works" law of Alabama, then in such event the "Public Works" law shall govern the agreement.

CONSTRUCTION CONTRACT

The City shall award the Construction Contract to the lowest responsible and responsive bidder unless the City finds that all the bids are unreasonable or that it is not in the interest of the City to accept any of the bids. If the City awards the Construction Contract to this bidder, then in such event the bidder, by submission of this bid to the City, agrees to execute and deliver a Construction Contract, a copy of which is attached to this Invitation to Bid. The terms, provisions, limitations and conditions set forth in the contract are incorporated into this Invitation to Bid by reference as though set out fully herein.

The Bidder hereby certifies that no other person, firm or corporation, is either directly or indirectly interested in the bid herewith submitted or will share in any profits which may be derived from same; and that no other person, firm or corporation has any knowledge, either directly or indirectly or implied, as to the prices herein bid.

Signed:

Evans / Dunn

By:

EVANS J. DUNN

Address:

3905 Airport Highway

Birmingham, AL 35202

Our Contractor's State License Number Is:

8

Name of Partners (if bid on a Partnership):

Attached hereto is a certified check or a bidder's bond in the amount of \$10,000 made payable to the City of Vestavia Hills, Alabama.

The bidder proposes and agrees to perform the following items of work at the unit prices shown.

SEE ATTACHED

Price includes cleaning and preparing existing surface and striping centerline with 4" broken yellow stripe. Slag seal and binder as specified. The quantities listed below are a good faith effort estimate by the City of Vestavia Hills; the actual quantities might vary.

| Item | Unit | Approximated Quantity | Unit Cost | Per | Total |
|---------------------------------------|-----------------|-----------------------|-----------|-------------|------------|
| <i>Seal**</i> | ton | 12,000 tons | \$ 76 | ton | \$ 912,000 |
| <i>Binder**</i> | ton | 80 tons | \$ 64.50 | ton | \$ 5,160 |
| <i>G-treatment**</i> | sq. yd. | 22,000 sq. yds. | \$ 2.25 | yard | \$ 49,500 |
| <i>Tack Coat</i> | gallon | 5,000 gallons | \$ 3.30 | gallons | \$ 16,500 |
| <i>Milling</i> | ton | 9,000 tons | \$ 18.65 | tons | \$ 167,850 |
| <i>Striping</i> | mile | 3 miles | \$ 450 | miles | \$ 1,350 |
| <i>Temp. Striping</i> | mile | 3 miles | \$ 650 | miles | \$ 1,950 |
| <i>Permanent Markings (Stop Bars)</i> | per square foot | 1000 Square feet | \$ 2.20 | square foot | \$ 2,200 |
| <i>Traffic Loops</i> | linear feet | 100 feet | \$ 2.50 | linear foot | \$ 250 |
| <i>Raise Manholes</i> | each | 18 manholes | \$ 135 | each | \$ 2,430 |
| <i>Valve Box Resets</i> | each | 15 valve box resets | \$ 30 | each | \$ 450 |

TOTALS: \$ _____ **\$ 1,159,640**

**Bid amounts for bituminous materials (designated by **), shall be adjusted per the Asphalt Index published monthly by ALDOT (Alabama Department of Transportation). The procedure outlined in ALDOT Specifications Section 109.03 shall be used to determine the adjustment (see attachment "A" enclosed).*

Contractor guarantees that maximum cost to apply minimum thickness of slag aggregate seal will not exceed bid price as adjusted by the Asphalt Index. It is understood that the City can either pay contractor on a tonnage basis or guaranteed maximum amount whichever is lesser.

The Bidder hereby agrees to the following:

The Contractor will be required to comply with the Minimum Wage and Hour Law.

It is assumed that the Contractor can secure sufficient labor at the minimum rate, although the Owner does not guarantee same.

It shall be the Contractor's responsibility to pay such rates of pay necessary to secure sufficient labor for the construction of this job, but no increase in contract price will be allowed any increase in rates that the Contractor may be required to pay to secure sufficient labor for the construction of the project.

That the Owner shall have the right to reject any and all bids submitted on the proposed work, to waive technicalities and informalities, and to increase or decrease quantities.

*****A PRELIMINARY LISTING OF CURRENT RESURFACING NEEDS IS ATTACHED TO THIS BID. PLEASE CONTACT CHRISTOPHER BRADY, CITY ENGINEER, AT 978-0198, FOR EXACT LOCATION OF AREAS TO BE RESURFACED AT THIS TIME. LATER RESURFACING NEEDS WILL BE ADDRESSED WHEN DEEMED NEEDED BY THE CITY DURING THE TERM OF THE 3-YEAR CONTRACT AND ADDITIONAL LISTINGS WILL BE FORTHCOMING AT THOSE TIMES*****

REQUIREMENTS
STREETS FOR RESURFACING 2012-2014

Bid Requirements

Bids not conforming to the following requirements may be rejected.

- (a) Bids must be made on the blank bid forms provided.
- (b) Bids must be complete and specific.
- (c) Bids will be free of alterations and erasures.
- (d) Bids will be properly signed by the bidder or by a legally authorized officer or agent of the bidder and notarized.
- (e) Bid bond to be included with bid complete with all information concerning State Contractor's License.
- (f) The bid will be enclosed in a sealed envelope marked "SEALED BID – STREET RESURFACING."
- (f) The sealed envelope must be addressed to:

City of Vestavia Hills
Office of the City Clerk
513 Montgomery Highway
Vestavia Hills AL 35216
- (h) **All name brands listed in the bid specifications can be changed to an approved equivalent. The approved equivalent must be listed on the bid returned to the City of Vestavia Hills by May 31 at 2:00 PM in a sealed envelope as required in Section (f) above.**
- (i) If you have any questions regarding the bid specifications or to get an equivalent approved, please contact Christopher Brady, City Engineer, at 978-0198.

| Item | Street | Notes | Start/Lease | Status | Length | Avg Width |
|---------------------------|-------------------------|---------------------------------------|-------------|---------------------|--------|-----------|
| Shades Crest Road | | | | | | |
| 101 | Montclair Cir | | | | 500 | 24 |
| Columbiana Road | | | | | | |
| 201 | Linda Vista Dr | Columbiana to 1400 | yes | yes | 2700 | 24 |
| 202 | Linda Vista Lane | 1400 to Columbiana | | yes | 2650 | 24 |
| 203 | Holly Oak Dr | | | | 600 | 24 |
| 204 | Yorkmont Dr | Linda Vista Dr to Linda Vista Ln | | | 1700 | 24 |
| 205 | Woodmere Dr | Linda Vista Dr to Stonewall | | | 1600 | 24 |
| 206 | Belvedere Dr | | | | 650 | 24 |
| 207 | Stonewall Dr | | | | 1100 | 24 |
| 208 | Gentilly Dr | | | | 1150 | 24 |
| Crossgate | | | | | | |
| 209 | Crossgate Pl | leveling at sewer cut | | | 1200 | 24 |
| Panorama | | | | | | |
| 301 | Sunnywood Cir | | | | 800 | 24 |
| 302 | Longleaf Cir | | | | 700 | 24 |
| 303 | Baxter Cir | | | | 300 | 24 |
| 304 | Cloud Croft Cir | | | | 700 | 24 |
| Cahaba Heights | | | | | | |
| 401 | Valley Park Pl | 3146-3160 (off Crosshaven) | | | 400 | 22 |
| 402 | Valley Park Pl | 3234-3262 (between Ida and White Oak) | | | 900 | 24 |
| 403 | Valley Park Dr | | | | 1600 | 22 |
| 404 | Belwood Dr | | | | 750 | 22 |
| 405 | Autumn Lane (off CH Rd) | | | | 500 | 22 |
| 406 | Oakview | | | temporarily on hold | | |
| 407 | Manor Brook Dr | | | temporarily on hold | | |
| East Street | | | | | | |
| 501 | Hillway Dr | 3400 to dead end | | | 1900 | 22 |
| 502 | Overheights Dr | | | | 700 | 22 |
| 503 | Goodwin/Wooten | | | temporarily on hold | | |
| Vesclub | | | | | | |
| 601 | Vesclub Way | | | | 900 | 24 |
| 602 | Vestrace | to 424 | | | 600 | 24 |
| 603 | Vesclub Ln | | | | 650 | 24 |
| Rocky Ridge Area | | | | | | |
| 701 | Indian Creek Dr | | | | 2300 | 24 |
| 702 | Sagewood Trl | Incl cul-de-sac at 3413/3417 | | | 1700 | 24 |
| 703 | Sagebrook Ln | | | | 750 | 24 |
| 704 | Tanglecreek Cir | Incl 4 cul-de-sacs | | | 2200 | 30 |
| Tanglewood | | | | | | |
| 705 | Branchwater Ln | Tanglewood to Anglewood | | | 1100 | 24 |
| 706 | Anglewood Dr | Branchwater to Hunters Cv | | | 2250 | 24 |
| 707 | Tanglewood Dr | Rocky Ridge to Anglewood | | | 2300 | 24 |
| Wisteria | | | | | | |
| 801 | Wisteria Dr | 165 overpass to Wagon Gap | | yes | 2800 | 24 |
| 802 | Derby Dr | | | yes | 1500 | 24 |
| Overton Area | | | | | | |
| 901 | North River Rd | | | | 1400 | 24 |
| 902 | River View Dr | River Run Trl to River View Cv | | | 5100 | 24 |
| Overton/Crosshaven | | | | | | |
| 903 | Poe Dr | chk MtnBrk | | | 1500 | 20 |
| 904 | Ranger Rd | | | | 700 | 20 |
| 905 | Midland Dr | | | | 1400 | 20 |
| 906 | Fairhaven Dr | chk MtnBrk | | | 800 | 20 |
| 907 | Glass Dr | chk MtnBrk | | | 800 | 20 |

165 #

2673

550

836

473

1529

1243

946

1430

953

"Exhibit A"

109.03

(b) GALLONAGE {LITERS}.

When specified on the plans or in the proposal, bituminous material will be measured by the gallon {liter} in the railroad car, tank truck, distributor tank, or drums. Each railroad tank, tank truck, drum or distributor tank of bituminous material delivered for the project will be measured. The measurement shall be taken when the bituminous material is of a uniform temperature and free from air bubbles.

(c) TEMPERATURE CORRECTION.

The volumetric measurement of the bituminous material will be based upon a temperature of 60 °F {16 °C}, using the following correction factors:

0.00035 per degree F {0.00063 per degree C} for petroleum oils having a specific gravity above 0.966 at 60 °F/60 °F {16 °C/16 °C};

0.00040 per degree F {0.00072 per degree C} for petroleum oils having a specific gravity between 0.850 and 0.966 at 60 °F/60 °F {16 °C/16 °C};

0.00025 per degree F {0.00045 per degree C} for emulsified asphalts.



109.03 Scope of Payment.



(a) QUANTITIES.

The quantities listed in the bid schedule do not govern final payment. Payments to the Contractor for contract items will be made for the actual quantities of these items performed in accordance with the plans and specifications. If upon completion of the construction these actual quantities show an increase or decrease from those in the proposal, the contract unit prices will still govern except where modified by supplemental agreement or allowance made as provided in Articles 104.02 and 104.03. Quantities included in supplemental agreements will be paid for as stipulated therein. Force account work will be paid for as provided in Article 109.04.

(b) BASIS OF PAYMENT.

The Contractor shall accept the compensation as herein provided, in full payment for furnishing all materials, labor, tools, equipment and incidentals necessary to the completed work and for performing all work contemplated and embraced under the contract; also for all loss or damage arising from the nature of the work, or from the action of the elements except as noted in Article 107.17, or from any unforeseen difficulties which may be encountered during the prosecution of the work and until its final acceptance; also for all risks of every description connected with the prosecution of the work.

(c) UNIT PRICE COVERAGE.

In cases where the basis of payment clause in the specifications relating to any unit price in the bid schedule requires that the said unit price cover and be considered compensation for certain work or materials essential to the item, this same work or materials will not be measured or paid for under any other pay item which may appear elsewhere in the specifications. Reference is made to Item 101.01(c)1.

(d) REPAIR OR RENEWAL OF DEFECTIVE WORK.

The payment of any current estimate shall in no way affect the obligation of the Contractor to repair or renew any defective parts of the construction or to be responsible for all damages due to such defects.

(e) BITUMINOUS MATERIAL PRICE ADJUSTMENTS.

1. ASPHALT INDEX.

The contract unit prices for bituminous materials shall be based on the asphalt prices at the time of opening bids. The Department will establish a monthly "Asphalt Index" to address fluctuations in the cost of the bituminous materials during the life of the project.

The index will be composed of the following four entries:

- PG Asphalt (for all grades without polymer);
- PG Asphalt with Polymer (for all grades with polymer);
- Emulsified Asphalt (for all grades without polymer and cutback asphalts);
- Emulsified Asphalt with Polymer (for all grades with polymer).

2. USAGE AND PAYMENT.

Adjustments in compensation will be computed each month that bituminous materials are used in the work. Bituminous plant mix bases and pavements, surface treatments and tack coat are

1-71

the only types of bituminous materials for which a price adjustment will be computed. Adjustments in compensation will be based on an index that is a monthly price per gallon for the bituminous material.

Before the expiration of contract time (plus approved time extensions) the dollar amount of adjustment will be determined by multiplying the increase or decrease of the current (current estimate month) index from a "base index" by the number of gallons of bituminous material used in the work during the period covered by the monthly estimate. The base index will be the value of the index for the month in which the project is let.

After the expiration of contract time (plus approved time extensions) two calculations of a potential price adjustment will be made. The first calculation will be made using the current index and the base index. The second calculation will be made using the index during the month that contract time (plus approved time extensions) expired and the base index. The amount of the price adjustment for the current estimate period will be the smallest amount of an increase in compensation if both calculations are an increase in compensation. The amount of the price adjustment will be the largest amount of a decrease in compensation if both calculations are a decrease in compensation. The amount of the price adjustment will be the decrease in compensation if one of the calculations is an increase in compensation and the other calculation is a decrease in compensation.

The amount of asphalt will be calculated as follows:

- Bituminous Plant Mix Bases and Pavements - the number of gallons {liters} of new bituminous material required by the approved job mix formula. A conversion factor of 8.51 pounds per gallon {1.02 kg/L} will be used for figuring quantities. No measurement for adjustment will be made for the amount of asphalt rejuvenator used or for the amount of bituminous material recovered and used in surface recycling operations.

- Surface Treatments - actual gallons {liters} of asphalt used within specification requirements with volumetric correction to 60 °F {16 °C} as per Subarticle 109.02(c).

- Tack Coat - actual gallons {liters} of asphalt used within specification requirements with volumetric correction to 60 °F {16 °C} as per Subarticle 109.02(c).

(f) ADJUSTMENTS DUE TO COST OF CONSTRUCTION FUEL FOR HMA PRODUCTION.

Changes in the compensation due the Contractor will be made by the Engineer to address changes in the cost of fuel required for the production of Hot Mix Asphalt (HMA) in a plant. The changes in compensation will be made based on a monthly index of the cost of fuel determined by the Department.

A monthly HMA production fuel index will be established based on the average area terminal price reports for No. 2 fuel and No. 6 (3.0 % S) fuel of the "Platts Oilgram Price Report" published during the week in which the first day of the month occurs.

Before the expiration of contract time (plus approved time extensions) the dollar amount of adjustment will be determined by multiplying the increase or decrease of the current (current estimate month) index from the base index by the number of gallons of fuel that are used in the production of the HMA during the period covered by the monthly estimate. The number of gallons of fuel required for the production of the HMA shall be 2.0 gallons per ton {7.6 L per metric ton} of HMA produced during the estimate period. The base index will be the value of the index for the month in which the project is let.

After the expiration of contract time (plus approved time extensions) two calculations of a potential price adjustment will be made. The first calculation will be made using the current index and the base index. The second calculation will be made using the index during the month that contract time (plus approved time extensions) expired and the base index. The amount of the price adjustment for the current estimate period will be the smallest amount of an increase in compensation if both calculations are an increase in compensation. The amount of the price adjustment will be the largest amount of a decrease in compensation if both calculations are a decrease in compensation. The amount of the price adjustment will be the decrease in compensation if one of the calculations is an increase in compensation and the other calculation is a decrease in compensation.

Changes in compensation will be made for the number of tons {metric tons} of HMA placed and paid for in accordance with the requirements given in the following Sections:

- Section 327, Plant Mix Bituminous Base;
- Section 404, Paver-Laid Surface Treatment;
- Section 420, Polymer Modified Open Graded Friction Course;
- Section 423, Stone Matrix Asphalt;
- Section 424, Superpave Bituminous Concrete Base, Binder, and Wearing Surface Layers;

“Exhibit 2”

STATE OF ALABAMA

JEFFERSON COUNTY

CONSTRUCTION CONTRACT

WITNESSETH THIS CONSTRUCTION CONTRACT, made and entered into on this the _____ day of _____, 2014, by and between the City of Vestavia Hills, Alabama, a municipal corporation, organized, existing and operating pursuant to the laws of the State of Alabama situated at 513 Montgomery Highway, Vestavia Hills, Alabama 35216, hereinafter referred to as the “City”, and _____, hereinafter referred to as the “General Contractor,” whose principal place of business is situated at _____.

WITNESSETH THESE RECITALS:

WHEREAS, on the 31st day of May, 2012, the City invited competitive bids for public street resurfacing for a period of three (3) years; and

WHEREAS, the scope of the work constitutes a “public works” project within the meaning of Act No. 97-225 enacted by the Legislature of the State of Alabama effective April 22, 1997 and now codified as Title 39, Chapters 1 through 5, et seq., *Code of Alabama, 1975*, hereinafter referred to as the “Public Works” Law of Alabama; and

WHEREAS, on the _____ day of _____, 2014, the City Council of the City of Vestavia Hills, Alabama determined that the General Contractor submitted the lowest responsible and responsive bid and awarded the contract for the public works project to the General Contractor; and

WHEREAS, the City and the General Contractor have agreed to the terms, provisions and conditions of this Construction Contract and have further agreed that it is in the best interest of the parties that this contract be reduced to writing.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That in consideration of the mutual covenants, premises and promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged by each of the parties hereto, the City and General Contractor mutually agree as follows:

I. PUBLIC WORKS LAW

Notwithstanding any other laws to the contrary, Act No. 97-225, which is set forth in Title 39, Chapters 1 through 5, of the *Code of Alabama, 1975*, (“Public Works Law”) shall control the interpretation, construction, administration and enforcement of this Construction Contract. Both the City and the General Contractor agree that any and all terms, provisions, conditions and limitations of the said Public Works Law shall be and are hereby incorporated into this Construction Contract by reference as though set out fully herein.

II. INVITATION TO BID

The Invitation to Bid prepared by the City and submitted to the Contractor is attached hereto, marked as Exhibit 1 and is incorporated into this Construction Contract by reference as though set out fully herein.

III. BID BY GENERAL CONTRACTOR

The bid by General Contractor submitted to the City is attached hereto, marked as Exhibit 1 and is incorporated into this Construction Contract by reference as though set out fully herein.

IV. GENERAL CONTRACTOR

General Contractor represents, covenants and warrants that it is a licensed general contractor within the meaning of Title 34-8-1, *Code of Alabama, 1975*. Said General Contractor further represents that it is duly licensed and qualified to furnish the materials and supplies and perform the work of the public works project.

V. SCOPE OF THE WORK

The General Contractor shall furnish all labor, materials, taxes, insurance (worker's compensation and general liability) as follows:

See Exhibit 4

VI. CONTRACT PRICE

The City shall pay to the General Contractor for the faithful performance of this contract and the completion of the work described in paragraph II above in an amount calculated in accordance with the bid marked as Exhibit 3.

VII. PAYMENT OF CONTRACT PRICE

The City shall pay to the General Contractor the contract price in full upon completion of the work described in paragraph II hereof.

VIII. CONTRACT TIME

The contract time is ninety (90) calendar days. General Contractor shall commence work after the City issues a proceed to work order and shall complete the work described in paragraph II hereof within ninety (90) days thereafter.

IX. QUALITY OF WORK

All labor, construction and installation of materials installed by the General Contractor in the performance of this agreement shall be done in a workmanlike manner.

X. LIABILITY INSURANCE

The General Contractor shall carry Manufacturer's and Contractor's Public Liability Insurance with limits of Three Hundred Thousand Dollars (\$300,000.00), per person, and One Million Dollars (\$1,000,000.00), per occurrence, to cover and protect the City, the General Contractor and its subcontractors against claims or injury to or death of one or more than one person because of accidents which may occur or result from operations under the contract; such insurance shall cover the use of any and all equipment, including but not limited to machinery, tractors, rollers, mixers, motor vehicles and other related equipment necessary to perform the work and installations and embraced in this contract.

The General Contractor shall carry, during the life of this contract, property damage insurance in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) to protect it and its subcontractors from claims for property damage which might arise from the work performed under this contract.

Before commencing work, the General Contractor shall submit evidence of the coverage required above to the City for review and approval. Such insurance shall be carried with financially responsible insurance companies, licensed in the state and approved by the City and shall be kept in full force and effect until the General Contractor's work is accepted by the City. Contracts of insurance (covering all operations under this contract) which expire before the General Contractor's work is accepted by the City shall be renewed and evidence of such renewal shall be submitted to the City for its approval.

XI. WORKER'S COMPENSATION

The General Contractor shall carry Worker's Compensation insurance for all of its employees and those of its subcontractors engaged in the work at the site in accordance with the State of Alabama Worker's Compensation Law. This insurance coverage provided by the General Contractor under the Worker's Compensation Act shall provide protection from any and all claims for bodily injury, death or property damage, which may arise from the performance of any servant, agent, employee or other representative of General Contractor or its subcontractors under this agreement. Certificates of insurance issued by competent insurance companies qualified and licensed to do business in the State of Alabama and approved by the City evidencing that all of said subcontractors of the General Contractor are covered by said Worker's Compensation insurance coverage and furnished to the General Contractor and the City by the individual subcontractors shall meet the requirements of this section.

XII. INDEMNITY

The General Contractor shall indemnify and save harmless the City of Vestavia Hills, Alabama, its Mayor, individual members of the City Council, servants, agents, employees or representatives from any and all claims, demands, controversies, actions, causes of action, liabilities of action, lawsuits, liabilities and damages arising out of or resulting from property damage, personal injury and/or death suffered or alleged to have been suffered by any person as a result for work performed under this contract.

XIII. INDEPENDENT GENERAL CONTRACTOR

The General Contractor is an independent contractor for purposes of this agreement. Nothing contained herein shall be construed to mean that said General Contractor is the servant, agent or employee of the City.

XIV. ASSIGNMENT

This contract shall not be assignable by the General Contractor in any respect without having first obtained the written consent of the City evidenced by a properly enacted resolution of the City Council of the City of Vestavia Hills, Alabama.

XV. PERMITS, LAWS, CODES AND ORDINANCES

The General Contractor shall give all notices required by and comply with all applicable laws, ordinances and codes of the local, state and federal governments.

XVI. BONDS

In accordance with Title 39-1-1, *Code of Alabama, 1975*, the General Contractor agrees to execute a performance bond with penalty equal to one hundred (100%) percent of the amount of the Contract price, and in addition thereto, another bond with good and sufficient surety payable to the City in an amount not less than fifty percent (50%) of the contract price with the obligation that such General Contractor shall promptly make payments to all persons supplying it with the labor, materials, equipment or supplies for and in the prosecution of the work provided for in this Contract and for the payment of reasonable attorney's fees incurred by successful claimants or plaintiffs in civil actions on said bond.

A copy of the said performance bond shall be marked as Exhibit "5", attached hereto and incorporated and made a part of the contract as though set out fully herein. A copy of the labor and material bond shall be designated as Exhibit "6" attached hereto and incorporated and made a part of this contract as though set out fully herein.

XVII. ACCIDENT PREVENTION

The General Contractor shall exercise proper precaution at all times for the protection of persons and property and shall be responsible for all damages to person or property, either on or off the site, which occur as a result of its prosecution of the work. The safety provisions of applicable laws and building and construction codes shall be observed. Machinery, equipment and all hazards shall be guarded in accordance with the safety provisions of the *Manual of Accident Prevention in Construction* published by the Associated General Contractors of America, Inc., to the extent that such provisions are not in conflict with applicable local, state or federal laws.

XVIII. SUBCONTRACTORS

No proposed subcontractor shall be disapproved by the City, except for cause.

The General Contractor shall be fully responsible to the City for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by said subcontractors, as it is for the acts and omissions of persons directly employed by it.

The General Contractor shall cause appropriate provision to be inserted in all subcontracts relative to the work to require compliance by each subcontractor with the applicable provisions of the Contract for the improvements embraced in the project.

Nothing contained in the Contract shall create any contractual relation between any subcontractor and the City.

The General Contractor shall pay all subcontractors for materials and supplies installed in this project by said subcontractors and all work and labor performed by said subcontractors on said project.

XIX. INSPECTION

All materials and workmanship shall be subject to inspection, examination or test by the City at any and all times during installation or construction and at any and all places where such manufacture or construction is carried on. The City shall have the right to reject defective materials and workmanlike and/or require its correction. Unacceptable workmanship shall be satisfactorily corrected. Rejected material shall be promptly segregated and removed from the project area and be replaced with material of specified quality without charge therefor. If the General Contractor fails to proceed at once with the correction of rejected workmanship or defective material, the City may contract for or otherwise have the defects remedied or rejected materials removed from the project area and charge the cost of the same against any moneys which may be due the Contractor, without prejudice to any other rights or remedies of the City.

XX. TERMINATION

The Contract, of which scope of work described in paragraph II hereof form a part, may be annulled by the City for any one of the following reasons:

A. Substantial evidence that the progress made by the General Contractor is insufficient to complete the work within the specified time.

B. Deliberate failure on the part of the General Contractor to observe the requirements of this Contract.

C. Failure on the part of the General Contractor to promptly make good any defects in materials or workmanship that may be indicated to it by the City.

D. Any other breach of contract by the General Contractor.

XXI. GENERAL GUARANTY BY GENERAL CONTRACTOR

Neither the final certificate of payment nor any provision in the Contract nor partial or entire use of the improvements embraced in this Contract by the City or the public shall constitute an acceptance of work not done in accordance with the Contract or relieve the General Contractor of liability in respect to any express warranties of responsibility for faulty materials or workmanship. The General Contractor shall promptly remedy any defects in the work and pay for any damage to other work resulting therefrom which shall appear within a period of twelve (12) months from the date of final acceptance of the work. The City will give notice of defective material and work with reasonable promptness.

XXII. REMOVAL OF DEBRIS AND CLEANING

The General Contractor shall, periodically or as directed during the progress of the work, remove and legally dispose of all surplus material and debris, and keep the Project Area and public rights of way reasonable clear. Upon completion of the work, it shall remove all temporary construction facilities, debris and unused materials provided for the work, and put the whole site of the work and public rights of way in a neat and clean condition.

XXIII. MISCELLANEOUS

A. Non Waiver: The failure of the City to insist, in any one or more instances, upon a strict performance of any of the covenants of this contract, or to exercise any option herein contained, shall not be construed as a waiver, or a relinquishment for the future of such covenant or option, but the same shall continue and remain in full force and effect.

B. Waiver of Modification: Any waiver, alteration or modification of any of the provisions of this agreement or cancellation or replacement of this agreement shall not be valid unless in writing and signed by the parties hereto. This agreement may be amended at any time by written agreement of the parties signatory hereto.

C. Notices: Any and all notices required or permitted to be given under this agreement will be sufficient if furnished in writing and sent by Registered Mail to the parties' last known address.

D. Governing Law: This agreement shall be interpreted, construed and governed to the laws of the State of Alabama.

E. Article and Section Headings: The article and section headings and captions contained herein are included for convenience only, and shall not be considered a part hereof or affect in any manner the construction or interpretation hereof.

F. Execution in Counterparts: The contract may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

G. Binding Effect: The contract shall inure to the benefit of, and shall be binding upon City and General Contractor and their heirs, successors and assigns.

H. Severability: In the event any provision of this contract shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

I. Entire Agreement: This written contract contains the entire agreement between the City and the General Contractor.

IN WITNESS WHEREOF, the City of Vestavia Hills, Alabama and _____ have caused this agreement to be executed by their duly authorized officers and their respective seals to be affixed hereto on this the ____ day of _____, 2014.

CITY OF VESTAVIA HILLS, ALABAMA

By _____
Mayor Pro-Tem

ATTESTED

By _____

CITY OF VESTAVIA HILLS, ALABAMA

By _____
City Manager

ATTESTED

By _____

By _____
Its President

ATTESTED:

By _____

**STATE OF ALABAMA
JEFFERSON COUNTY**

ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Steve Ammons, whose name as Mayor Pro-Tem of the City of Vestavia Hills, Alabama, a municipal corporation, is signed to the foregoing contract, and who is known to me, acknowledged before me on this day that, being informed of the contents of the contract, he, as such officer and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama.

Given under my hand and official seal, this the _____ day of _____, 2014.

Notary Public

**STATE OF ALABAMA
JEFFERSON COUNTY**

ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Jeffery Downes, whose name as City Manager of the City of Vestavia Hills, Alabama, a municipal corporation, is signed to the foregoing contract, and who is known to me, acknowledged before me on this day that, being informed of the contents of the contract, he, as such officer and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama.

Given under my hand and official seal, this the _____ day of _____, 2014.

Notary Public

**STATE OF ALABAMA
JEFFERSON COUNTY**

ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that _____ whose name as _____ of _____ is signed to the foregoing contract, and who is known to me, acknowledged before me on this day that, being informed of the contents of the contract, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of said _____.

Given under my hand and official seal, this the _____ day of _____, 2014.

Notary Public

"Exhibit 3"

Unit Prices

| <i>item</i> | <i>unit</i> | <i>bid qty</i> | <i>unit price</i> | <i>total</i> |
|--------------------|-------------|----------------|-------------------|-----------------|
| Seal** | ton | 12,600 | \$ 79.00 | \$ 995,400.00 |
| Binder** | ton | 80 | \$ 64.50 | \$ 5,160.00 |
| G-treatment** | sy | - | \$ 2.25 | \$ - |
| Tack coat** | gal | 6,500 | \$ 3.30 | \$ 21,450.00 |
| Milling | ton | 11,400 | \$ 18.65 | \$ 212,610.00 |
| Striping | mi | 2 | \$ 450.00 | \$ 900.00 |
| Temp striping | mi | 2 | \$ 650.00 | \$ 1,300.00 |
| Permanent markings | sf | 1,000 | \$ 2.20 | \$ 2,200.00 |
| Traffic loops | lf | 100 | \$ 2.50 | \$ 250.00 |
| Raise manholes | ea | 18 | \$ 135.00 | \$ 2,430.00 |
| Valve box resets | ea | 15 | \$ 30.00 | \$ 450.00 |
| | | | | \$ 1,242,150.00 |

**unit price subject to monthly asphalt adjustment

ALDOT Asphalt Index

2012

may

\$ 2.65 at bid

"Exhibit 4"

City of Vestavia Hills
 Street Paving Program, Resurfacing Master List
 current- Priority I/II 07/01/2014

updated 11/5/14

| item | street | notes | length (LF) | avg width | cul de sac | sf | hold? |
|--------------------------------------|---------------------|---------------------------------------|-------------|-----------|------------|---------|-------|
| Shades Crest Road | | | | | | | |
| | 101 Montclair Cir | | 500 | 22 | 1 | 12963 | |
| Shades Crest Road/Canyon area | | | | | | | |
| | Crestmont Dr | | 1300 | 20 | | 26000 | |
| | Brookdale Ln | Canyon north to dead end at CedarBark | 1300 | 24 | | 31200 | |
| | Cedarwood Rd | | 2500 | 24 | 2 | 63926 | 3800 |
| | Vestavlew Cir | | 400 | 40 | 1 | 17963 | |
| Smyer | | | | | | | |
| | Smyer Road | | 3600 | 22 | | 79200 | |
| | Smyer Terrace | | 600 | 24 | 1 | 16363 | |
| Hwy31/City Hall | | | | | | | |
| | Eastwood Place | Southview to Kentucky | 1500 | 24 | | 36000 | |
| | Eastwood Place | Mtn View to Lakewood | 750 | 24 | | 18000 | |
| | Chason Dr | off Tremont | 250 | 22 | 1 | 7463 | |
| | Pine St | off Canyon | 385 | 35 | | 13475 | |
| Hwy31/Vesthaven | | | | | | | |
| | Overland Dr | | 1500 | 24 | | 36000 | |
| | Garland Dr | Overland to Wickford | 500 | 24 | 1 | 13963 | |
| | Garland Dr/Cir | Winterberry, Limerock, culdesac | 2000 | 24 | 1 | 49963 | |
| Panorama/Hwy31 | | | | | | | |
| | Gay Way | | 1500 | 24 | | 36000 | |
| | Vestridge Dr | | 2000 | 24 | 1 | 49963 | |
| Hwy31/Montreat | | | | | | | |
| | Montreat Dr | coordinate with owners | 2500 | 24 | | 60000 | |
| | Montreat Pkwy | coordinate with owners | 1600 | 24 | 0.5 | 39381.5 | |
| | Montreat Way | coordinate with owners | 500 | 24 | 0.5 | 12981.5 | |
| | Montreat Ln | coordinate with owners | 600 | 24 | | 14400 | |
| Montreat/Panorama | | | | | | | |
| | Monte Vista Dr | Montreat to Renfro | 1900 | 22 | | 41800 | |
| Jacobs | | | | | | | |
| | Jacobs Ln | | 650 | 20 | | 13000 | |
| Jacobs/merrivale | | | | | | | |
| | Parlament Ln | | 2100 | 24 | 2 | 54326 | |
| Columbiana Road | | | | | | | |
| | 203 Holly Oak Dr | | 600 | 24 | | 14400 | |
| | 204 Yorkmont Dr | | 1700 | 24 | 1 | 42763 | |
| | 205 Woodmere Dr | | 1600 | 24 | | 38400 | |
| | 206 Belvedere Dr | | 650 | 24 | | 15600 | |
| | 207 Stonewall Dr | | 1100 | 24 | | 26400 | |
| | 208 Gentilly Dr | | 1150 | 24 | | 27600 | |
| Tyler Road | | | | | | | |
| | Mountain Branch Dr | | 3150 | 24 | 1 | 77563 | |
| | Mountain Branch Ln | | 900 | 24 | | 21600 | |
| | Mountain Branch Cir | | 250 | 24 | 1 | 7963 | |
| Tyler/Columbiana | | | | | | | |
| | Castlehill Dr | seal coat only, minor patching | 1750 | 24 | 1 | 43963 | |
| Crossgate | | | | | | | |
| | 209 Crossgate Pl | | 1200 | 22 | 1 | 28363 | |
| | Crossgate Circle | | 125 | 22 | 1 | 4713 | |
| | Gatewood Circle | | 175 | 22 | 1 | 5813 | |
| Tanglewood | | | | | | | |
| | Branchwater Ln | Tanglewood to Hunters Cove | 1100 | 24 | | 26400 | |
| | Ponderosa Cir | | 550 | 24 | 1 | 15163 | |
| Rocky Ridge Road | | | | | | | |
| | Jones Dr | | 700 | 18 | | 12600 | |
| Dolly Ridge Road | | | | | | | |
| | Dolly Ridge Road | Cahaba River Rd to Woodcliff Cir | 600 | 24 | | 14400 | |
| Altadena | | | | | | | |
| | Altadena Cir | short culdesac | 300 | 24 | 1 | 9163 | |
| | Altadena Drive | 5070 Jeff Co, coord w developer | 950 | 22 | | 20900 | |
| | April Drive | 5070 Jeff Co | 735 | 22 | 1 | 18133 | |
| Cahaba Heights | | | | | | | |
| | 406 Oakview | ongoing construction | 800 | 18 | | 14400 | |
| | 407 Manor Brook Dr | ongoing construction **widening** | 700 | 14 | | 9800 | 1500 |
| Cahaba heights | | | | | | | |
| | LaHaven Cir | | 600 | 16 | 1 | 11563 | |
| | Briarwood Dr | | 550 | 16 | | 8800 | |
| | Dale Dr | | 400 | 14 | | 5600 | |
| | Troy Pl | prescriptive | 400 | 20 | | 8000 | |
| Cahaba heights/WhiteOak | | | | | | | |
| | Cahaba Brook Cir | | 550 | 26 | 1 | 16263 | |
| | Farrington Wood Pl | | 700 | 26 | | 18200 | |
| | East Lane | | 550 | 18 | | 9900 | |

East Street

| | | | | |
|-----------------------|----------------------------|------|----|-------|
| 501 Hillway Dr | 4000 N. Cahaba to dead end | 1900 | 22 | 41800 |
| 502 Overheights Dr | welder's concern | 700 | 14 | 9800 |
| 503 Goodwin St | prescriptive | 950 | 16 | 15200 |
| 503 Wooten Dr | prescriptive | 650 | 18 | 11700 |

4200

Overton/Crosshaven

| | | | | |
|-------------------|---|------|----|-------|
| 903 Poe Dr | ongoing construction | 1500 | 20 | 30000 |
| 904 Ranger Rd | ongoing construction | 700 | 16 | 11200 |
| 905 Midland Dr | ongoing construction | 1400 | 18 | 25200 |
| 906 Fairhaven Dr | ongoing construction | 800 | 22 | 17600 |
| 907 Glass Dr | ongoing construction | 800 | 18 | 14400 |
| 908 Crosshaven Dr | ongoing construction - Overton to Midland | 1250 | 22 | 27500 |

6450

Overton Area

| | | | | | |
|--------------------|--------------------|------|----|---|--------|
| 901 North River Rd | | 1400 | 26 | 1 | 38363 |
| 902 River View Dr | | 5100 | 24 | | 122400 |
| River View Cv | western cut de sac | 400 | 24 | 1 | 11563 |

Cahaba River Road

| | | | | | |
|-------------------------|--|----------------|---------------|--------------|------------------|
| Blue Lake Dr | Cahaba River Rd to Colonnade Pkwy | 1350 | 24 | | 32400 |
| Pine Tree Cir | | 2200 | 22 | | 48400 |
| Pine Tree Dr | | 850 | 22 | | 18700 |
| Timberlake Rd | | 1050 | 16 | | 16800 |
| Devereux Cir | Aston Road, Overhager Road, west cross only | 350 | 24 | 1 | 10363 |

RESOLUTION NUMBER 4659

A RESOLUTION RENAMING A STREET

WHEREAS, the street known as Vesthaven Circle has also been referred to as “Vesthaven Way Circle;” and

WHEREAS, the current street sign located on the street says “Vesthaven Way Circle;” and

WHEREAS, E-9-1-1 requires that signage and street names coincide to allow enhancement of emergency services throughout the City; and

WHEREAS, a polling of the residents of that street reportedly use the street name “Vesthaven Circle” and prefer that the name of the street remain as such; and

WHEREAS, the Mayor and the City Council feel is in the best interest of the public to rename and clarify that the street name is “Vesthaven Circle” and allow the City Manager to erect signage reflecting the correct name of the street and notify all government agencies of the same.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. The street known as “Vesthaven Circle” and/or “Vesthaven Way Circle” is hereby named as “Vesthaven Circle.”
2. The City Manager is hereby authorized to notify all agencies of said name of street and erect signage to reflect said name; and
3. This Resolution Number 4659 is effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 10th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4660

A RESOLUTION RENAMING A STREET

WHEREAS, the street known as Ridge Dell Circle has also been referred to as “Ridgedell Circle;” and

WHEREAS, the current street sign located on the street says “Ridge Dell Circle;” and

WHEREAS, E-9-1-1 requires that signage and street names coincide to allow enhancement of emergency services throughout the City; and

WHEREAS, a polling of the residents of that street reportedly use the street name “Ridge Dell Circle” and prefer that the name of the street remain as such; and

WHEREAS, the Mayor and the City Council feel is in the best interest of the public to rename and clarify that the street name is “Ridge Dell Circle” and allow the signage reflecting the correct name of the street and notify all government agencies of the same.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. The street known as “Ridgedell Circle” and/or “Ridge Dell Circle” is hereby named as “Ridge Dell Circle.”
2. The City Manager is hereby authorized to notify all agencies of said name of street and erect signage to reflect said name; and
3. This Resolution Number 4660 is effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 10th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2524-A

AN ORDINANCE AMENDING ORDINANCE NUMBER 2524 CORRECTING A LEGAL DESCRIPTION OF PROPERTY ANNEXED TO THE CORPORATE LIMITS OF THE CITY OF VESTAVIA HILLS, ALABAMA, SO AS TO EMBRACE AND INCLUDE WITHIN THE CORPORATE AREA OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS TO SAID CITY.

WHEREAS, a certain petition signed by Lila P. Williams dated June 2, 2014, that the property therein described be annexed to the City of Vestavia Hills, Alabama, together with a map of said territory showing its relationship to the corporate limits of the City, has been filed with the City Clerk of the City of Vestavia Hills; and

WHEREAS, this Council has determined and found that the matters set forth and alleged in said petition are true and correct, and that it is in the public interest that said territory be annexed to the City of Vestavia Hills; and

WHEREAS, on August 11, 2014, the Mayor and City Council adopted and approved Ordinance Number 2524 to annex said property into the City of Vestavia Hills.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Vestavia Hills, Alabama, as follows:

SECTION 1. That said Council hereby assents to the annexation of said territory to the City of Vestavia Hills, Alabama, the corporate limits of the City to be extended and rearranged pursuant to the provisions of Title 11, Chapter 42, Article 2, Code of Alabama, 1975 (Sections 11-42-20 through 11-42-23, as amended) so as to embrace and include said territory, in addition to the territory already within its present corporate limits. The new boundary line does not lie at any point more than half the distance between the old city boundary and the corporate boundary of any other municipality and that Ordinance Number 2524 be amended to accurately describe said property. Said territory is described as follows:

2429 Dolly Ridge Road
Lila P. Williams

A Portion of Lot 36, Rocky Ridge Estates as recorded in Map Book 28, Page 78, in the Office of the Judge of Probate of Jefferson County, Alabama, being more particularly described as follows:

The Point of Beginning being the SW Corner of Lot 35 in said survey; thence run North along the West line of said Lot 35 for a distance of 289.04 feet to a crimped iron found on the South ROW of Dolly Ridge Road, having a 50.0 feet ROW; thence deflect 89 degrees 52' to the left and run 48.39 feet along said ROW to a point, being the PC of a curve having a delta of 39 degrees 54' and a radius of 130.58; thence deflect 19 degrees 59' 30" to the left and run 72.19 feet along said ROW to a point, being the PT of said curve; thence deflect 19 degrees 59' 30" to the left and run 97.15 feet along said ROW to a point, said point being the PC of a curve having a delta of 39 degrees 58' and a radius of 137.5; thence deflect 30 degrees 56' 00" to the right and run along said ROW for a distance of 9.80 feet to a capped rebar found L S 8759; thence deflect 83 degrees 35' 55" to the left and run 190.30 feet to a rebar found; thence deflect 84 degrees 17' 09" to the left and run 192.48 feet to a crimped pipe found, said point being the Point of Beginning.

SECTION 2. That the City Clerk shall file a certified copy of this Ordinance containing an accurate description of said annexed territory with the Probate Judge of Jefferson County, Alabama, and also cause a copy of this Ordinance to be published in a newspaper of general circulation in the City of Vestavia Hills, Alabama.

APPROVED and ADOPTED this the 24th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2524-A is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of November, 2014, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2546

**ANNEXING CERTAIN TERRITORY TO THE
CORPORATE LIMITS OF THE CITY OF
VESTAVIA HILLS, ALABAMA.**

WHEREAS, on the 11th day of August, 2014, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

WHEREAS, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows:

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

3633 Dabney Drive
Lot 37, Altadena Forest Estates, 2nd Sector
William Jenkins, Owner(s)

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof, together with a duly certified copy of the petition, with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 24th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

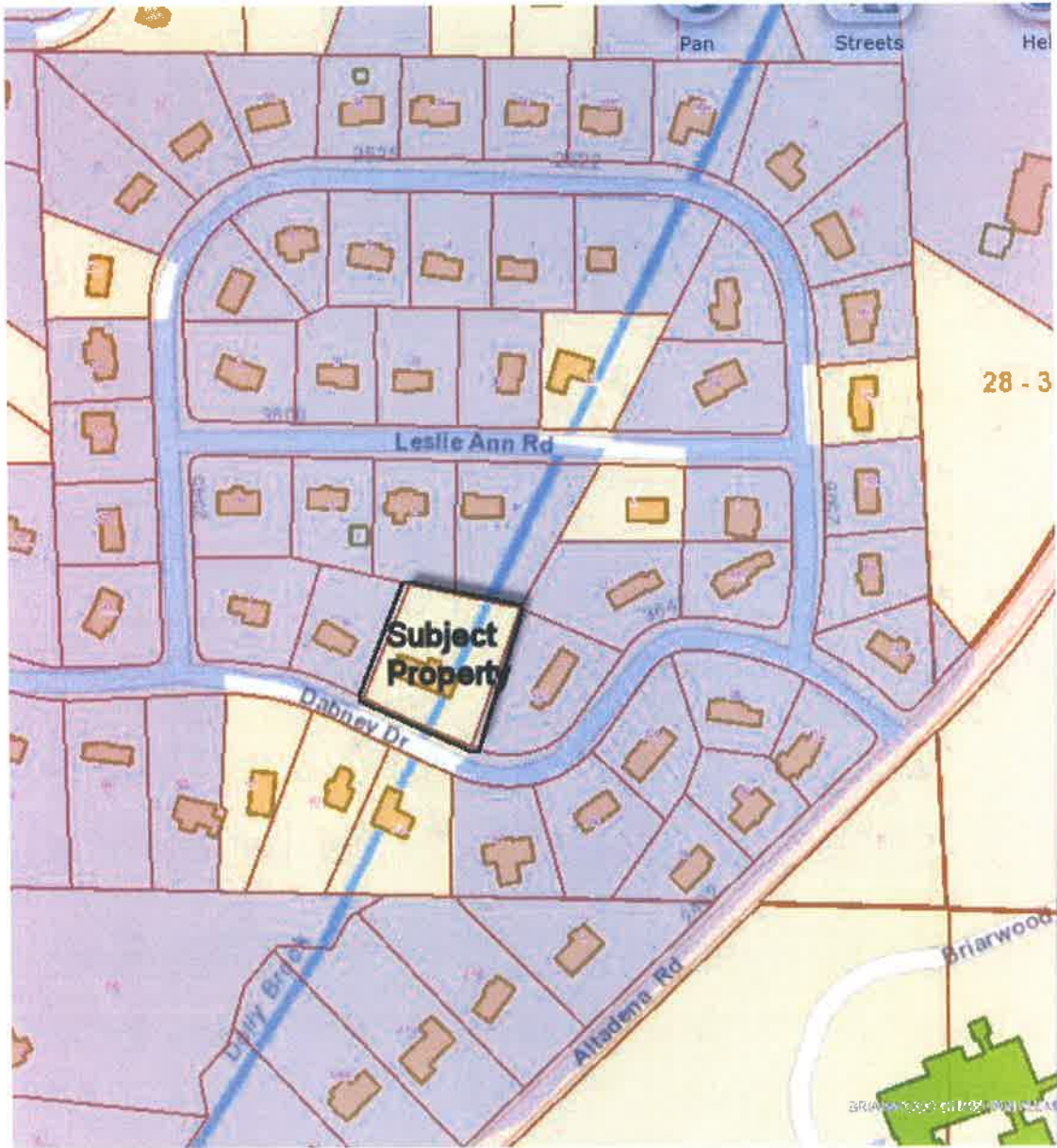
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2546 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of November, 2014, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 3633 Dabney DRIVE

Owners: William H. Jenkins

Date: 6-25-14

1. The property in question is contiguous to the city limits.
 Yes No Comments: _____

2. The land use of the petitioned property is compatible with land use in the area.
 Yes No Comments: _____

3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.
 Yes No Comments _____

4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.
 Yes No Comments _____

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of \$ 231,200.. Meets city criteria: Yes No
 Comment: _____

6. This street has fewer than 100% of the individual properties within the limits of the city
 Yes No
 Number of total homes 6 Number in city 5 :

7. Fire dues pursuant to Act #604 of the State of Alabama, and any other assessments on the property shall be the responsibility of the property owner, and their payment proven to the city.
 Agreed to by petitioner: Yes No Comment _____

Property: 3633 Dabney Drive


8. A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$ _____ will be paid to offset costs associated with the annexation.
Yes _____ No _____ Comment _____

9. Property is free and clear of hazardous waste, debris and materials.
Yes No _____ Comment _____

10. Are there any concerns from city departments?
Yes No _____ Comments: minor concern drainage pipe under driveway is clogged and does not function. Needs to be corrected.

11. Information on children: Number in family 3; Plan to enroll in VH schools Yes No _____ Comments: 1 child will enroll in VH school.

Other Comments: _____



George Pierce
Chairman

PARCEL #: 28 00 32 4 008 009.000 [111-C0] Baths: 3.0 H/C Sqft: 2,158
OWNER: JENKINS WILLIAM H 18-034.0 Bed Rooms: 4 Land Sch: L1
ADDRESS: 2643 BUTTEWOODS DR BIRMINGHAM AL 35242-4447 Land: 96,200 Imp: 141,000 Total: 237,200
LOCATION: 3633 DABNEY DR BHAM AL 35243 Acres: 0.000 Sales Info: \$0

<< Prev Next >> [1 / 0 Records] Processing...

Tax Year : 2013 ▾

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

| | | | |
|-------------------------------|---------------------|--|---------------|
| ASSESSMENT | | VALUE | |
| PROPERTY CLASS: 2 | OVER 65 CODE: | LAND VALUE 10% | \$0 |
| EXEMPT CODE: | DISABILITY CODE: | LAND VALUE 20% | \$96,230 |
| MUN CODE: 02 COUNTY | HS YEAR: 0 | CURRENT USE VALUE [DEACTIVATED] | \$0 |
| SCHOOL DIST: | EXM OVERRIDE | | |
| | AMT: \$0.00 | <u>CLASS 2</u> | |
| OVR ASD VALUE: \$0.00 | TOTAL MILLAGE: 50.1 | BLDG 001 | 111 \$141,000 |
| CLASS USE: | | <u>CLASS 3</u> | |
| FOREST ACRES: 0 | TAX SALE: | TOTAL MARKET VALUE [APPR. VALUE: \$237,200]: \$237,230 | |
| PREV YEAR VALUE: \$237,200.00 | BOE VALUE: 0 | Assessment Override: | |
| | | MARKET VALUE: | |
| | | CU VALUE: | |
| | | PENALTY: | |
| | | ASSESSED VALUE: | |

TAX INFO

| | CLASS | MUNCODE | ASSD. VALUE | TAX | EXEMPTION | TAX EXEMPTION | TOTAL TAX |
|-------------|-------|---------|-------------|----------|-----------|---------------|-----------|
| STATE | 2 | 2 | \$47,440 | \$308.36 | \$0 | \$0.00 | \$308.36 |
| COUNTY | 2 | 2 | \$47,440 | \$640.44 | \$0 | \$0.00 | \$640.44 |
| SCHOOL | 2 | 2 | \$47,440 | \$389.01 | \$0 | \$0.00 | \$389.01 |
| DIST SCHOOL | 2 | 2 | \$47,440 | \$0.00 | \$0 | \$0.00 | \$0.00 |
| CITY | 2 | 2 | \$47,440 | \$0.00 | \$0 | \$0.00 | \$0.00 |
| FOREST | 2 | 2 | \$0 | \$0.00 | \$0 | \$0.00 | \$0.00 |
| SPC SCHOOL1 | 2 | 2 | \$47,440 | \$241.94 | \$0 | \$0.00 | \$241.94 |
| SPC SCHOOL2 | 2 | 2 | \$47,440 | \$796.99 | \$0 | \$0.00 | \$796.99 |

TOTAL FEE & INTEREST: (Detail) \$15.00

ASSD. VALUE: \$47,440.00

\$2,376.74

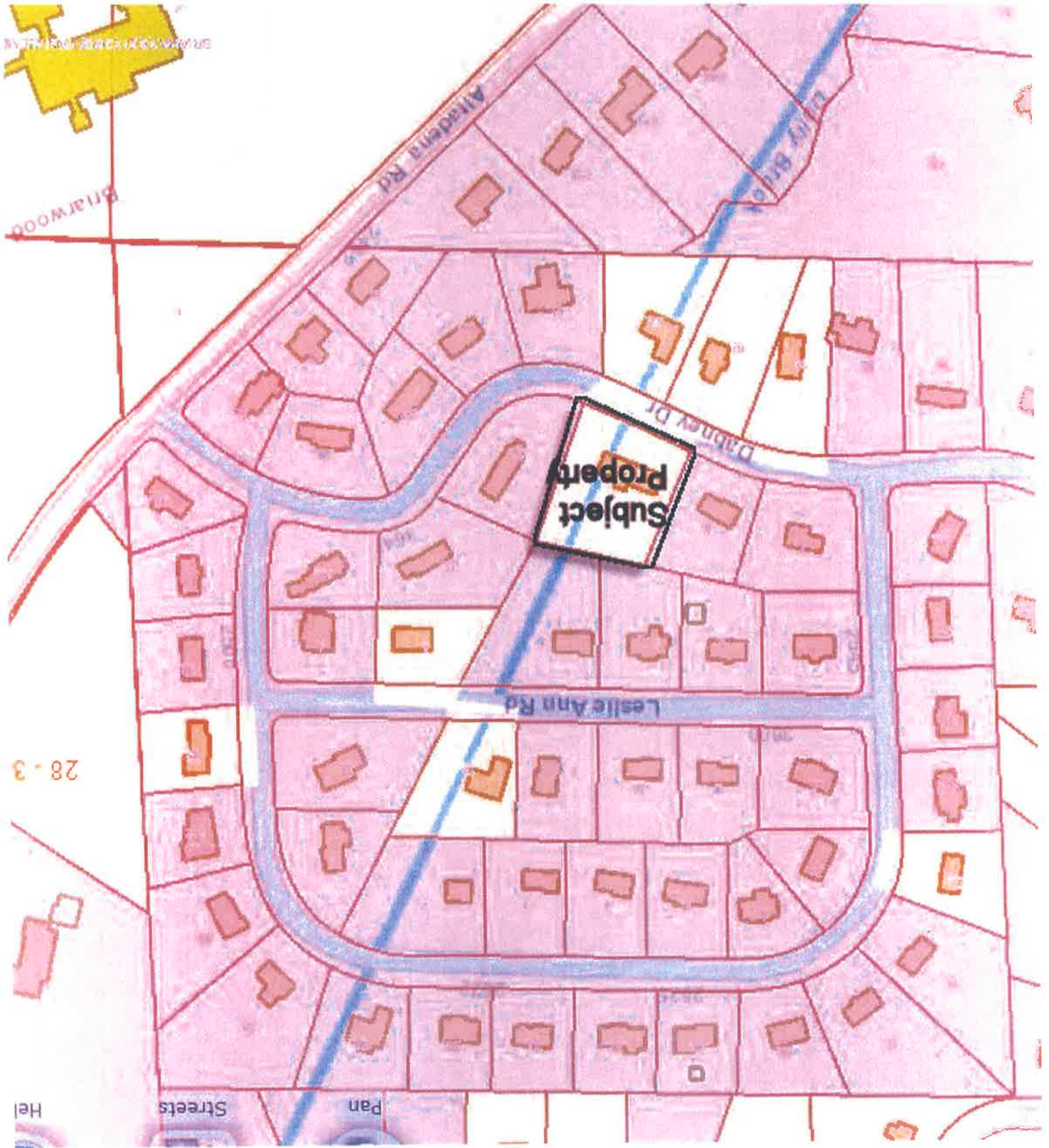
GRAND TOTAL: \$2,391.74

FULLY PAID

DEEDS

INSTRUMENT NUMBER
6876-440

| DATE | PAYMENT INFO | AMOUNT |
|------------|---|------------|
| | PAY DATE TAX YEAR PAID BY | |
| 05/11/1963 | | |
| | 1/2/2014 2013 MR. OR MRS. WILLIAM H. JENKINS PH. 205-822-5006 | \$2,391.74 |
| | 12/14/2012 2012 JENKINS WILLIAM H | \$2,391.74 |
| | 20111231 2011 *** | \$2,418.80 |
| | 20110505 2010 *** | \$952.00 |
| | 20091214 2009 *** | \$876.80 |
| | 20081231 2008 *** | \$894.24 |
| | 20071212 2007 *** | \$1,047.27 |
| | 20061222 2006 *** | \$780.01 |
| | 20051017 2005 *** | \$770.85 |
| | 20041221 2004 *** | \$725.50 |
| | 20031222 2003 *** | \$800.53 |
| | 20021114 2002 *** | \$692.40 |
| | 20001219 2000 *** | \$501.40 |



STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 2/27/2014

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 Jefferson 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.

Sarah Malon (daughter)
(205) 515-5217 cell

EXHIBIT "A"

LOT: 31

BLOCK: _____

SURVEY: Altadema Forest Estates 2nd Sector

RECORDED IN MAP BOOK 64, PAGE 41 IN THE
PROBATE OFFICE OF Jefferson 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

| | | | |
|---------------------|---------------|-------------|---------------------------------------|
| <u>W.H. Jenkins</u> | Lot <u>37</u> | Block _____ | Survey <u>Altadena Forest Estates</u> |
| _____ | Lot _____ | Block _____ | Survey <u>2nd Sector</u> |
| _____ | Lot _____ | Block _____ | Survey _____ |

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

STATE OF ALABAMA

Jefferson COUNTY

W.H. Jenkins II 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.

W.H. Jenkins
Signature of Certifier

Subscribed and sworn before me this the 27 day of February, 2014.

Sarah Macon
Notary Public

My commission expires:

| |
|--|
| Sarah Macon MY COMMISSION EXPIRES 9-13-2015 |
|--|

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): William Henry Jenkins (see attached letter)

Address: 3033 Dabney Drive

City: Birmingham State: AL Zip: 35243

Information on Children:

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

| | Name(s) | Age | School Grade | Yes | No |
|----|---------------|-----|--------------|-----|----|
| 1. | Scarlet Macon | 3 | | X | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": 8/2015

ORDINANCE NUMBER 2541

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM JEFFERSON COUNTY E-2 TO VESTAVIA HILLS R-1

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County E-2 (residential) to Vestavia Hills R-1 (residential):

3633 Dabney Drive
Lot 37, Altadena Forest Estates, 2nd Sector
William H. Jenkins, owner(s)

APPROVED and ADOPTED this the 24th day of November 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

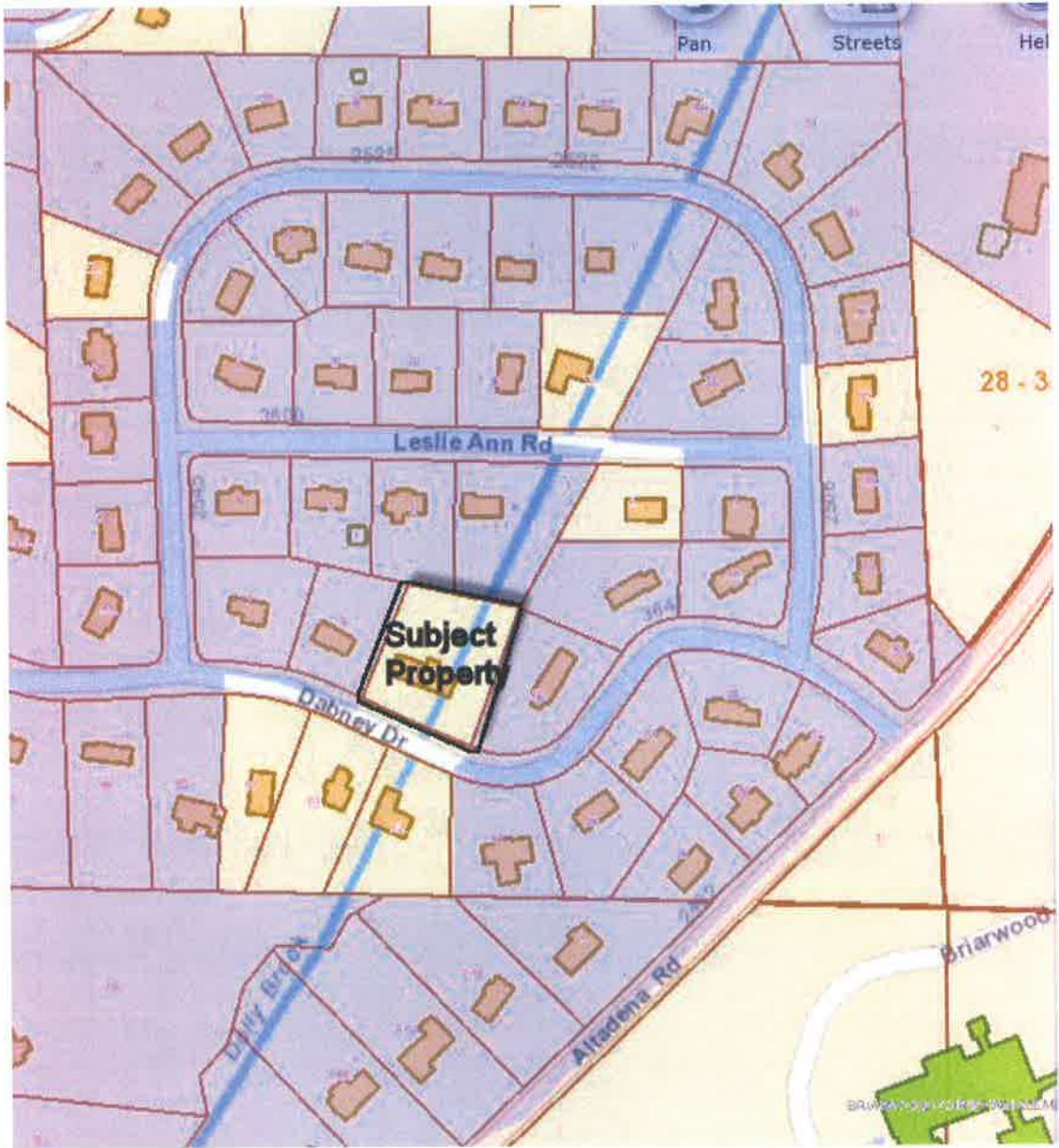
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2541 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of November 2014 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk



CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: OCTOBER 9, 2014

- **CASE:** P-1014-47
- **REQUESTED ACTION:** Rezoning Jefferson County E-2 to Vestavia Hills R-1
- **ADDRESS/LOCATION:** 3633 Dabney Dr.
- **APPLICANT/OWNER:** William H. Jenkins. 2643 Buttewoods Dr. Birmingham, AL 35242
- **GENERAL DISCUSSION:** Property was annexed overnight by City Council on 8/11/14 and will complete the 90 day annexation on 11/24/14. Applicant is requesting the compatible rezoning as part of the annexation process.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. Wolfe made a motion to approve Rezoning of 3633 Dabney Dr. from Jefferson County E-2 to Vestavia Hills R-1 For The Purpose Of Annexation. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Gilchrist – yes
Mr. Wolfe – yes
Mr. Visintainer – yes

Mr. Burrell – yes
Mr. Sharp – yes
Mr. Brooks – yes
Motion carried.

ORDINANCE NUMBER 2547

**ANNEXING CERTAIN TERRITORY TO THE
CORPORATE LIMITS OF THE CITY OF
VESTAVIA HILLS, ALABAMA.**

WHEREAS, on the 11th day of August, 2014, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

WHEREAS, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows:

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

4624 Old Looney Mill Road
Eric and Meredith Mann, Owner(s)

Being more particularly described as follows:

A Parcel of Land situated In the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at the SE corner of said 1/4-1/4 Section; Thence run North along the east line of said 1/4-1/4 section for a distance of 737.62 feet to a point; thence tum an angle to the left of 72 deg.44 min. 00 sec. and run in a Northwesterly direction for a distance of 288.44 feet to the point of beginning, said point of beginning being an Iron pin found; thence tum an angle to the left of 76 deg. 59 min. 41 sec. and run in a Southwesterly

direction for a distance of 86.71 feet to an iron pin found; thence turn an angle to the right of 17 deg. 23 min. 39 sec. and run In a southwesterly direction for a distance of 139.71 feet to an iron pin found; thence turn an angle to the left of 116 deg. 44 min. 15 sec. and run in a southeasterly direction along the northeast line of Lot 1-B of Martin's Resurvey as recorded in Map Book 110, Page 36, in the Office of the Judge of Probate, Jefferson County, Alabama, for a distance of 218.54 feet to an iron pin set on the Northwest right of way of Five Oaks Lane, said right-of-way being 40 feet wide; thence tum an angle to the left of 78 deg. 30 min. 26 sec. and run In a Northeasterly direction along the Northwest right-of-way of said Five Oaks Lane for a distance of 223.01 feet to an iron pin set at the intersection of Old Looney Mill Road and Five Oaks Lane, said Iron pin set being on a curve to the left having a central angle of 2 deg. 35 min. 20 sec. and a radius of 431.66 feet; thence turn an angle to the left of 94 deg. 14 min. 36 sec. to the chord of said curve and run in a Northwesterly direction along the arc of said curve and also along the Southwest right-of-way of Old Looney Mill Road for a distance of 19.51 feet to an iron pin set; thence tum an angle to the left from the chord of last stated curve of 10 deg. 54 min. 41 sec. and run In a Northwesterly direction along the Southwest line of said Old Looney Mill Road for a distance of 167.03 feet to the point of beginning; being situated In Jefferson County, Alabama.

Less and except the following:

A parcel of land situated in the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama being more particularly described as follows:

Commence at the SE comer of said 1/4-1/4 section, thence run north along the East line of said 1/4-1/4 section for a distance of 737.62 feet to a point; thence turn an angle to the left of 72 deg. 44 min. 00 sec. and run in a northwesterly direction for a distance of 288.34 feet to an iron pin found; thence tum an angle to the left of 76 deg. 59 min. 41 sec. and run In a Southwesterly direction for a distance of 86.71 feet to the point of beginning. said point of beginning being an Iron pin found. thence tum an angle to the right 17 deg. 23 min. 39 sec. and run In a southwesterly direction for a distance of 139.71 feet to an iron pin found, thence tum an angle to the left of 115 deg. 44 min. 15 sec. and run In a southeasterly direction for a distance of 42.33 feet to an iron pin set; thence tum an angle to the left of 80 deg. 39 min. 24 sec. and run In a Northeasterly direction for a distance of 126.45 feet to the point of beginning; being situated In Jefferson County, Alabama.

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof, together with a duly certified copy of the petition, with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 24th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

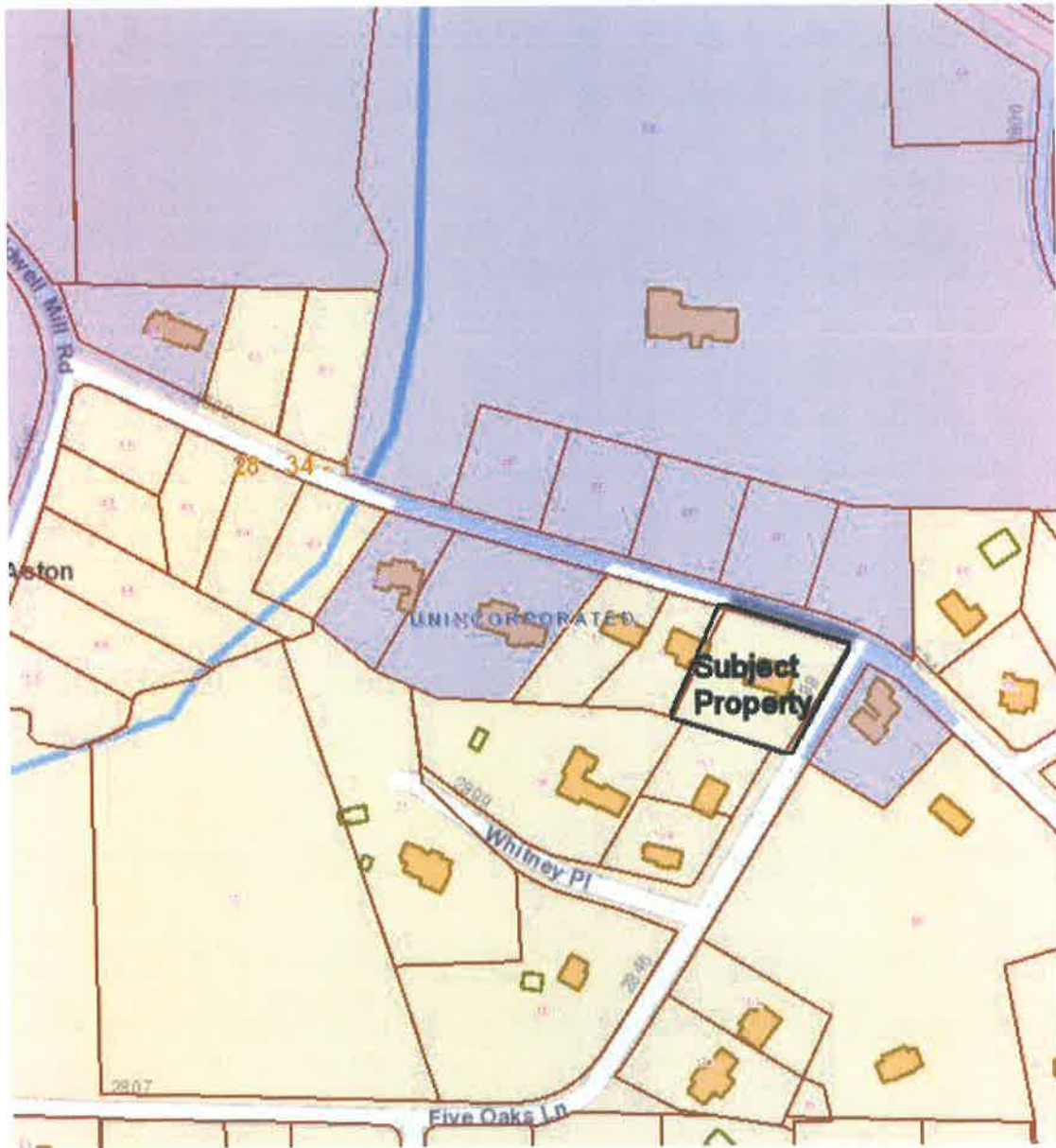
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2547 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of November, 2014, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 4624 Old Looney MILC Rd.
Owners: Eric & Meredith Mann
Date: 6-25-14

1. The property in question is contiguous to the city limits.
Yes No Comments: _____

2. The land use of the petitioned property is compatible with land use in the area.
Yes No Comments: _____

3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.
Yes No Comments _____

4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.
Yes No Comments _____

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of \$401,900. Meets city criteria: Yes No
Comment: _____

6. This street has fewer than 100% of the individual properties within the limits of the city
Yes No
Number of total homes 13 Number in city 8 :

7. Fire dues pursuant to Act #604 of the State of Alabama, and any other assessments on the property shall be the responsibility of the property owner, and their payment proven to the city.
Agreed to by petitioner: Yes No Comment _____

Property: 4624 Old Looney Mill Rd


8. A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$ _____ will be paid to offset costs associated with the annexation. Yes _____ No _____ Comment _____

9. Property is free and clear of hazardous waste, debris and materials. Yes No _____ Comment _____

10. Are there any concerns from city departments? Yes _____ No Comments: _____

11. Information on children: Number in family 5; Plan to enroll in VH schools Yes No _____ Comments: 2 children will enroll in VH schools

Other Comments: _____


George Pierce
Chairman

PARCEL #: 28 00 34 1 003 018.002 [111-B+] Baths: 4.5 H/C Sqft: 3,586
OWNER: MANN ERIC & MEREDITH 18-040.0 Bed Rooms: 5 Land Sch: A116
ADDRESS: 4624 OLD LOONEY MILL RD BIRMINGHAM AL 35243-2626 Land: 120,000 Imp: 281,900 Total: 401,900
LOCATION: 4624 OLD LOONEY MILL RD AL 35243 Acres: 0.000 Sales Info: 10/22/2012 \$475,000

Prev Next [1 / 0 Records] Processing...

Tax Year : 2013

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS

SUMMARY

| | | | |
|-----------------------|---------------------|---------------------------------|--|
| ASSESSMENT | | VALUE | |
| PROPERTY CLASS: 3 | OVER 65 CODE: | LAND VALUE 10% | \$120,000 |
| EXEMPT CODE: 2-2 | DISABILITY CODE: | LAND VALUE 20% | \$0 |
| MUN CODE: 01 COUNTY | HS YEAR: 2013 | CURRENT USE VALUE [DEACTIVATED] | \$0 |
| SCHOOL DIST: | EXM OVERRIDE \$0.00 | <u>CLASS 2</u> | |
| OVR ASD VALUE: \$0.00 | TOTAL MILLAGE: 50.1 | <u>CLASS 3</u> | |
| CLASS USE: | | BLDG 001 | 111 \$281,900 |
| FOREST ACRES: 0 | TAX SALE: | | |
| PREV YEAR VALUE: | \$401,900.00 | BOE VALUE: 0 | TOTAL MARKET VALUE [APPR. VALUE: \$401,900]: \$401,900 |
| | | | Assessment Override: |
| | | | MARKET VALUE: |
| | | | CU VALUE: |
| | | | PENALTY: |
| | | | ASSESSED VALUE: |

TAX INFO

| | CLASS | MUNCODE | ASSD. VALUE | TAX | EXEMPTION | TAX EXEMPTION | TOTAL TAX |
|-------------|-------|---------|-------------|----------|-----------|---------------|-----------|
| STATE | 3 | 1 | \$40,200 | \$261.30 | \$4,000 | \$26.00 | \$235.30 |
| COUNTY | 3 | 1 | \$40,200 | \$542.70 | \$2,000 | \$27.00 | \$515.70 |
| SCHOOL | 3 | 1 | \$40,200 | \$329.64 | \$0 | \$0.00 | \$329.64 |
| DIST SCHOOL | 3 | 1 | \$40,200 | \$0.00 | \$0 | \$0.00 | \$0.00 |
| CITY | 3 | 1 | \$40,200 | \$0.00 | \$0 | \$0.00 | \$0.00 |
| FOREST | 3 | 1 | \$0 | \$0.00 | \$0 | \$0.00 | \$0.00 |
| SPC SCHOOL1 | 3 | 1 | \$40,200 | \$205.02 | \$0 | \$0.00 | \$205.02 |
| SPC SCHOOL2 | 3 | 1 | \$40,200 | \$675.36 | \$0 | \$0.00 | \$675.36 |

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$40,200.00

\$2,014.02

GRAND TOTAL: \$1,966.02

FULLY PAID

DEEDS

INSTRUMENT NUMBER

201214-14197

201214/14197

0-0

PAYMENT INFO

| DATE | PAY DATE | TAX YEAR | PAID BY | AMOUNT |
|------------|------------|----------|-------------------------|------------|
| 6/8/2012 | | | | |
| 6/8/2012 | 12/26/2013 | 2013 | | \$1,966.02 |
| 09/05/1996 | 12/3/2012 | 2012 | CLINE WESLEY R & LYNN H | \$1,965.53 |
| | 20111216 | 2011 | *** | \$2,172.43 |
| | 20101201 | 2010 | *** | \$1,992.58 |
| | 20091207 | 2009 | *** | \$1,992.58 |
| | 20090317 | 2008 | *** | \$2,032.66 |
| | 20071117 | 2007 | *** | \$2,098.28 |
| | 20061202 | 2006 | *** | \$2,058.72 |
| | 20051119 | 2005 | *** | \$1,778.65 |
| | 20041120 | 2004 | *** | \$1,655.91 |
| | 20031122 | 2003 | *** | \$1,586.26 |
| | 20021113 | 2002 | *** | \$1,330.75 |
| | 20011109 | 2001 | *** | \$1,330.75 |
| | 20001115 | 2000 | *** | \$1,330.75 |

STATE OF ALABAMA

Jefferson

COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 5-7-14

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 Jefferson 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.

Eric 901-5693

Meredith 862-5388

EXHIBIT "A" - LEGAL DESCRIPTION

A Parcel of Land situated in the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at the SE corner of said 1/4-1/4 Section; Thence run North along the east line of said 1/4-1/4 Section for a distance of 737.62 feet to a point; thence turn an angle to the left of 72 deg. 44 min. 00 sec. and run in a Northwesterly direction for a distance of 288.44 feet to the point of beginning, said point of beginning being an iron pin found; thence turn an angle to the left of 76 deg. 59 min. 41 sec. and run in a Southwesterly direction for a distance of 86.71 feet to an iron pin found; thence turn an angle to the right of 17 deg. 23 min. 39 sec. and run in a southwesterly direction for a distance of 139.71 feet to an iron pin found; thence turn an angle to the left of 116 deg. 44 min. 15 sec. and run in a southeasterly direction along the northeast line of Lot 1- B of Martin's Resurvey as recorded in Map Book 110, Page 36, in the Office of the Judge of Probate, Jefferson County, Alabama, for a distance of 218.54 feet. to an iron pin set on the Northwest right of way of Five Oaks Lane, said right of way being 40 feet wide; thence turn an angle to the left of 78 deg. 30 min. 28 sec. and run in a Northeasterly direction along the Northwest right of way of said Five Oaks Lane for a distance of 223.01 feet to an iron pin set at the intersection of Old Looney Mill Road and Five Oaks Lane, said iron pin set being on a curve to the left having a central angle of 2 deg. 35 min. 20 sec. and a radius of 431.66 feet; thence turn and angle to the left of 94 deg. 14 min. 36 sec. to the chord of said curve and run in a Northwesterly direction along the arc of said curve and also along the Southwest right of way of Old Looney Mill Road for a distance of 19.51 feet to an iron pin set; thence turn an angle to the left from the chord of last stated curve of 10 deg. 54 min. 41 sec. and run in a Northwesterly direction along the Southwest line of said Old Looney Mill Road for a distance of 167.03 feet to the point of beginning; being situated in Jefferson County, Alabama.

Less and except the following:

A parcel of land situated in the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama being more particularly described as follows:

Commence at the SE corner of said 1/4-1/4 section. thence run north along the East line of said 1/4-1/4 section for a distance of 737.62 feet to a point; thence turn an angle to the left of 72 deg. 44 min. 00 sec. and run in a northwesterly direction for a distance of 288.34 feet to an iron pin found; thence turn an angle to the left of 76 deg. 59 min. 41 sec. and run in a Southwesterly direction for a distance of 86.71 feet to the point of beginning, said point of beginning being an iron pin found, thence turn an angle to the right 17 deg. 23 min. 39 sec. and run in a southwesterly direction for a distance of 139.71 feet to an iron pin found, thence turn an angle to the left of 115 deg. 44 min. 15 sec. and run in a southeasterly direction for a distance of 42.33 feet to an Iran pin set; thence turn an angle to the left of 80 deg. 39 min. 24 sec. and run in a Northeasterly direction for a distance of 126.45 feet to the point of beginning; being situated in Jefferson County, Alabama.

20120811080646200 2/2
Bk: LR201214 Pg: 14197
Jefferson County, Alabama
08/11/2012 02:04:44 PM D
Fee - \$19.00
Deed Tax -\$475.00
Total of Fees and Taxes-\$494.00
HATCHERK

EXHIBIT "A"

LOT: _____
BLOCK: A/A _____
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

| | | | | |
|-------------------------|-----|-------|--------|-------|
| <u>E.S.M.</u> | Lot | Block | Survey | _____ |
| <u>Meredith G. Mann</u> | Lot | Block | Survey | _____ |
| _____ | Lot | Block | Survey | _____ |

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

STATE OF ALABAMA

Jefferson COUNTY

Meredith G. Mann 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.

Meredith G. Mann
Signature of Certifier

Subscribed and sworn before me this the 7th day of May, 2014.

[Signature]
Notary Public



My commission expires: 7/05/16

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): Eric and Meredith Mann

Address: 4624 Old Looney Mill Road

City: Bham State: AL Zip: 35243

Information on Children:

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

| | Name(s) | Age | School Grade | Yes | No |
|----|---------------|-----|--------------|-----|----|
| 1. | Carson Mann | 7 | 2nd | ✓ | |
| 2. | Crawford Mann | 5 | 5-K | ✓ | |
| 3. | Lydia Mann | 4 | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |

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

ORDINANCE NUMBER 2542

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM JEFFERSON COUNTY E-2 TO VESTAVIA HILLS R-1

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County E-2 (residential) to Vestavia Hills R-1 (residential):

4624 Old Looney Mill Road
Eric and Meredith Mann, owner(s)

Being more particularly described as follows:

A Parcel of Land situated In the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at the SE corner of said 1/4-1/4 Section; Thence run North along the east line of said 1/4-1/4 section for a distance of 737.62 feet to a point; thence tum an angle to the left of 72 deg.44 min. 00 sec. and run in a Northwesterly direction for a distance of 288.44 feet to the point of beginning, said point of beginning being an Iron pin found; thence tum an angle to the left of 76 deg. 59 min. 41 sec. and run in a Southwesterly direction for a distance of 86.71 feet to an iron pin found; thence turn an angle to the right of 17 deg. 23 min. 39 sec. and run In a southwesterly direction for a distance of 139.71 feet to an iron pin found; thence turn an angle to the left of 116 deg. 44 min. 15 sec. and run in a southeasterly direction along the northeast line of Lot 1-B of Martin's Resurvey as recorded in Map Book 110, Page 36, in the Office of the Judge of Probate, Jefferson County, Alabama, for a distance of 218.54 feet to an iron pin set on the Northwest right of way of Five Oaks Lane, said right-of-way being 40 feet wide; thence tum an angle to the left of 78 deg. 30 min. 26 sec. and run In a Northeasterly direction along the Northwest right-of-way of said Five Oaks Lane for a distance of 223.01 feet to an iron pin set at the

intersection of Old Looney Mill Road and Five Oaks Lane, said Iron pin set being on a curve to the left having a central angle of 2 deg. 35 min. 20 sec. and a radius of 431.66 feet; thence turn an angle to the left of 94 deg. 14 min. 36 sec. to the chord of said curve and run in a Northwesterly direction along the arc of said curve and also along the Southwest right-of-way of Old Looney Mill Road for a distance of 19.51 feet to an iron pin set; thence turn an angle to the left from the chord of last stated curve of 10 deg. 54 min. 41 sec. and run in a Northwesterly direction along the Southwest line of said Old Looney Mill Road for a distance of 167.03 feet to the point of beginning; being situated in Jefferson County, Alabama.

Less and except the following:

A parcel of land situated in the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama being more particularly described as follows:

Commence at the SE corner of said 1/4-1/4 section, thence run north along the East line of said 1/4-1/4 section for a distance of 737.62 feet to a point; thence turn an angle to the left of 72 deg. 44 min. 00 sec. and run in a northwesterly direction for a distance of 288.34 feet to an iron pin found; thence turn an angle to the left of 76 deg. 59 min. 41 sec. and run in a Southwesterly direction for a distance of 86.71 feet to the point of beginning, said point of beginning being an Iron pin found, thence turn an angle to the right 17 deg. 23 min. 39 sec. and run in a southwesterly direction for a distance of 139.71 feet to an iron pin found, thence turn an angle to the left of 115 deg. 44 min. 15 sec. and run in a southeasterly direction for a distance of 42.33 feet to an iron pin set; thence turn an angle to the left of 80 deg. 39 min. 24 sec. and run in a Northeasterly direction for a distance of 126.45 feet to the point of beginning; being situated in Jefferson County, Alabama.

APPROVED and ADOPTED this the 24th day of November 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

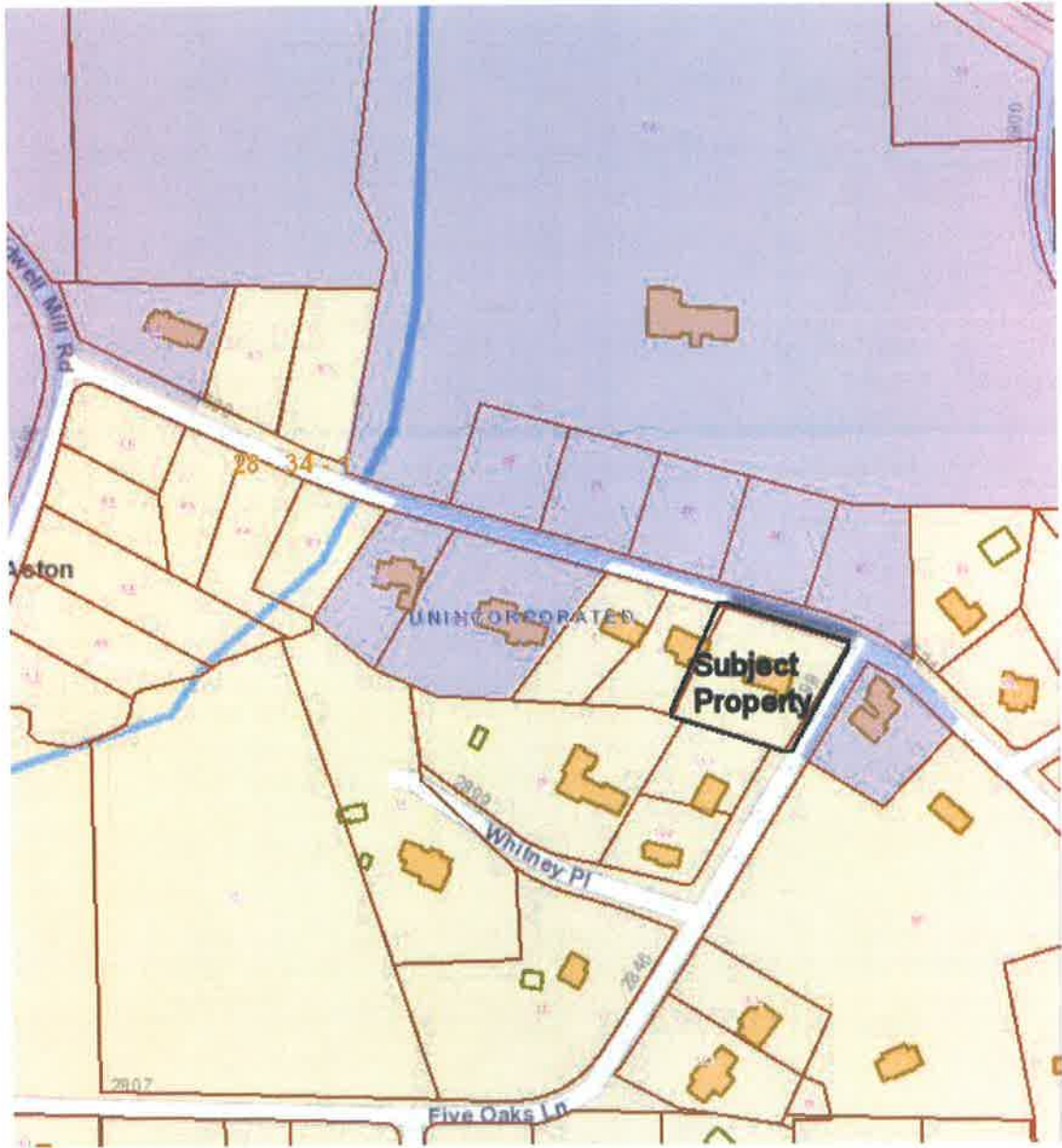
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2542 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of November 2014 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk



CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: OCTOBER 9, 2014

- **CASE:** P-1014-48
- **REQUESTED ACTION:** Rezoning Jefferson County E-2 to Vestavia Hills R-1
- **ADDRESS/LOCATION:** 4624 Old Looney Mill Rd.
- **APPLICANT/OWNER:** Eric & Meredith Mann. 4624 Old Looney Mill Rd. Birmingham, AL 35243
- **GENERAL DISCUSSION:** Property was annexed overnight by City Council on 8/11/14 and will complete the 90 day annexation on 11/24/14. Applicant is requesting the compatible rezoning as part of the annexation process.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. Burrell made a motion to approve Rezoning of 4624 Old Looney Mill Rd. from Jefferson County E-2 to Vestavia Hills R-1 For The Purpose Of Annexation. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

| | |
|-----------------------|-------------------|
| Mr. Goodwin – yes | Mr. Burrell – yes |
| Mr. Gilchrist – yes | Mr. Sharp – yes |
| Mr. Wolfe – yes | Mr. Brooks – yes |
| Mr. Visintainer – yes | Motion carried. |

ORDINANCE NUMBER 2548

**ANNEXING CERTAIN TERRITORY TO THE
CORPORATE LIMITS OF THE CITY OF
VESTAVIA HILLS, ALABAMA.**

WHEREAS, on the 11th day of August, 2014, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

WHEREAS, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows:

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

1512 Oak Leaf Trail
Lot 12, Gresham Woods
Nicholas Elkhoury, Owner(s)

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof, together with a duly certified copy of the petition, with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 24th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

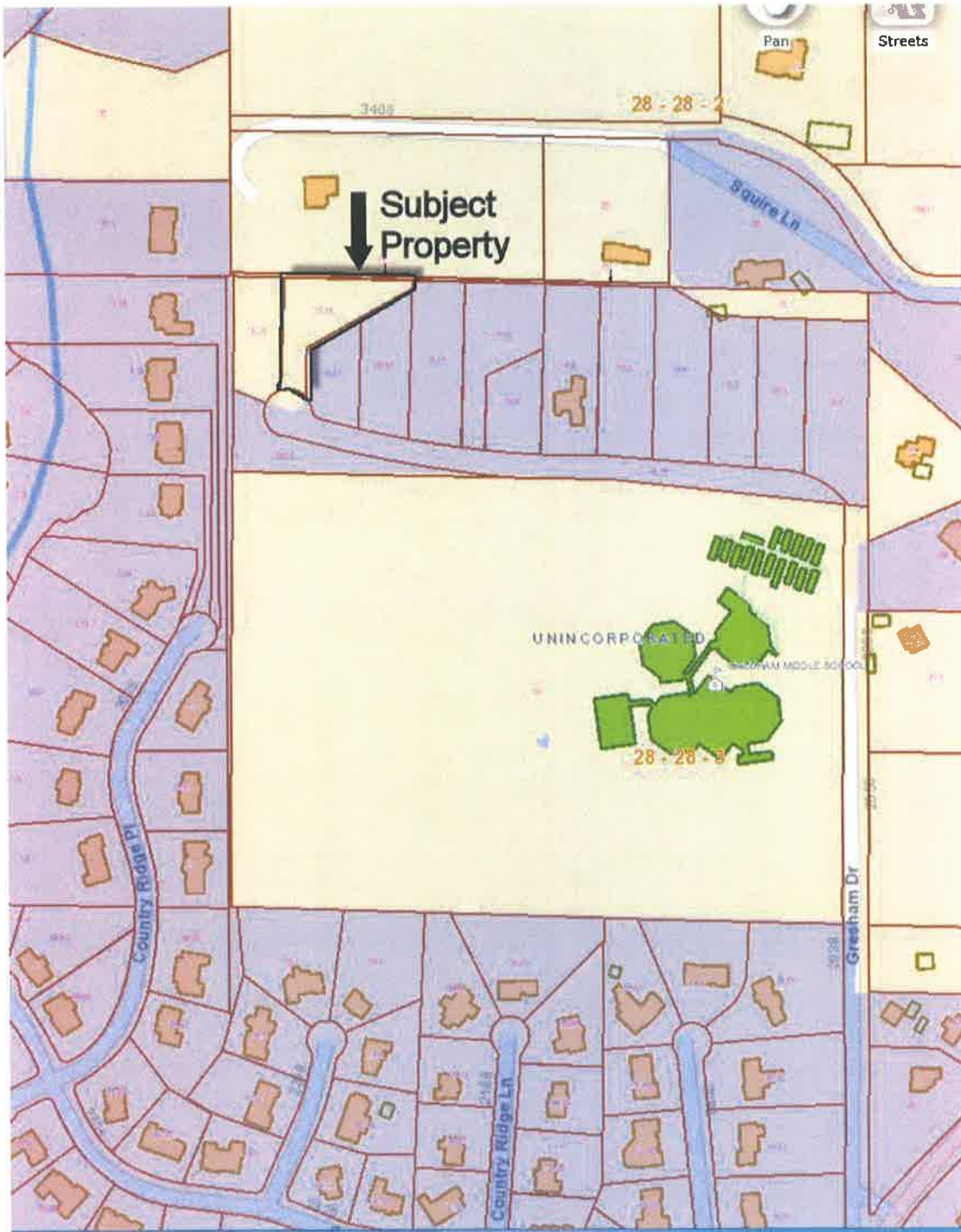
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2548 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of November, 2014, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk



PARCEL #: 28 00 28 3 000 018.014 Baths: 0.0 H/C Sqft: 0
OWNER: ELKHOURY NICHOLAS 18-012.0 Bed Rooms: 0 Land Sch: G8
ADDRESS: 4124 CROSSHAVEN DR VESTAVIA AL 35243-5227 Land: 103,000 Imp: 0 Total: 103,000
LOCATION: 1512 OAK LEAF TRL AL 35243 Acres: 0.000 Sales Info: 09/01/2011 \$62,000

<< Prev Next >> [1 / 0 Records] Processing...

Tax Year : 2013 ▾

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS [MAP](#)

SUMMARY

| | | | |
|-----------------------|---------------------|--|-----------|
| ASSESSMENT | | VALUE | |
| PROPERTY CLASS: 2 | OVER 65 CODE: | LAND VALUE 10% | \$0 |
| EXEMPT CODE: | DISABILITY CODE: | LAND VALUE 20% | \$103,000 |
| MUN CODE: 02 COUNTY | HS YEAR: 0 | CURRENT USE VALUE [DEACTIVATED] | \$0 |
| SCHOOL DIST: | EXM OVERRIDE | | |
| | AMT: \$0.00 | | |
| OVR ASD VALUE: \$0.00 | TOTAL MILLAGE: 50.1 | | |
| | | TOTAL MARKET VALUE [APPR. VALUE: \$103,000]: | \$103,000 |
| CLASS USE: | | Assesment Override: | |
| FOREST ACRES: 0 | TAX SALE: | MARKET VALUE: | |
| PREV YEAR | | CU VALUE: | |
| VALUE: \$103,000.00 | BOE VALUE: 0 | PENALTY: | |
| | | ASSESSED VALUE: | |

TAX INFO

| | CLASS | MUNCODE | ASSD. VALUE | TAX | EXEMPTION | TAX EXEMPTION | TOTAL TAX |
|-------------|-------|---------|-------------|----------|-----------|---------------|-----------|
| STATE | 2 | 2 | \$20,600 | \$133.90 | \$0 | \$0.00 | \$133.90 |
| COUNTY | 2 | 2 | \$20,600 | \$278.10 | \$0 | \$0.00 | \$278.10 |
| SCHOOL | 2 | 2 | \$20,600 | \$168.92 | \$0 | \$0.00 | \$168.92 |
| DIST SCHOOL | 2 | 2 | \$20,600 | \$0.00 | \$0 | \$0.00 | \$0.00 |
| CITY | 2 | 2 | \$20,600 | \$0.00 | \$0 | \$0.00 | \$0.00 |
| FOREST | 2 | 2 | \$0 | \$0.00 | \$0 | \$0.00 | \$0.00 |
| SPC SCHOOL1 | 2 | 2 | \$20,600 | \$105.06 | \$0 | \$0.00 | \$105.06 |
| SPC SCHOOL2 | 2 | 2 | \$20,600 | \$346.08 | \$0 | \$0.00 | \$346.08 |

**** DELINQUENT ****

ASSD. VALUE: \$20,600.00

TOTAL FEE & INTEREST: (Detail) \$35.50

\$1,032.06

GRAND TOTAL: \$1,067.56

FULLY PAID

DEEDS

INSTRUMENT NUMBER

[201107-15625](#)
[200910-15727](#)
[200602-7796](#)

PAYMENT INFO

| DATE | PAY DATE | TAX YEAR | PAID BY | AMOUNT |
|------------|-----------|----------|-------------------|------------|
| 09/26/2011 | 2/14/2014 | 2013 | NICHOLAS ELKHOURY | \$1,067.56 |
| 10/09/2009 | 3/17/2013 | 2012 | NICHOLAS ELKHOURY | \$1,083.24 |
| 10/09/2009 | 20111012 | 2011 | *** | \$1,047.06 |
| | | 2009 | *** | \$1,902.64 |

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: ~~April 15th, 2014~~ April 27, 2014

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 Jefferson 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.

Paul Norris
283-8304
pnorris@vwsupply.com

EXHIBIT "A"

LOT: 12

BLOCK: 000

SURVEY: Gresham woods

RECORDED IN MAP BOOK 227, PAGE 2 IN THE
PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: Residential

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS): E

Lot 12 Gresham woods Sub PB 227 Pg 2.

See tax record attached

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

| | |
|--------------------------|--|
| <u>Nicholas Elkhoury</u> | Lot <u>12</u> Block <u>000</u> Survey <u>Bresham Woods</u> |
| _____ | Lot _____ Block _____ Survey _____ |
| _____ | Lot _____ Block _____ Survey _____ |

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

STATE OF ALABAMA

Jefferson COUNTY

NICHOLAS ELKHOURY 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.

Nicholas Elkhoury
Signature of Certifier

Subscribed and sworn before me this the 15th day of April, 2014.

Sarahelina J. Semoran
Notary Public

My commission expires: 5/16/14

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): Nicholas ELKhoury

Address: 4124 Crosshaven Dr

City: Vestavia State: AL Zip: 35243

Information on Children:

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

| | Name(s) | Age | School Grade | Yes | No |
|----|---------|-----|--------------|-----|----|
| 1. | N/A | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |

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

ORDINANCE NUMBER 2543

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM JEFFERSON COUNTY E-2 TO VESTAVIA HILLS R-1

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County E-2 (residential) to Vestavia Hills R-1 (residential):

1512 Oak Leaf Trail
Lot 12, Gresham Woods Subdivision
Nicholas Elkhoury, owner(s)

APPROVED and ADOPTED this the 24th day of November 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

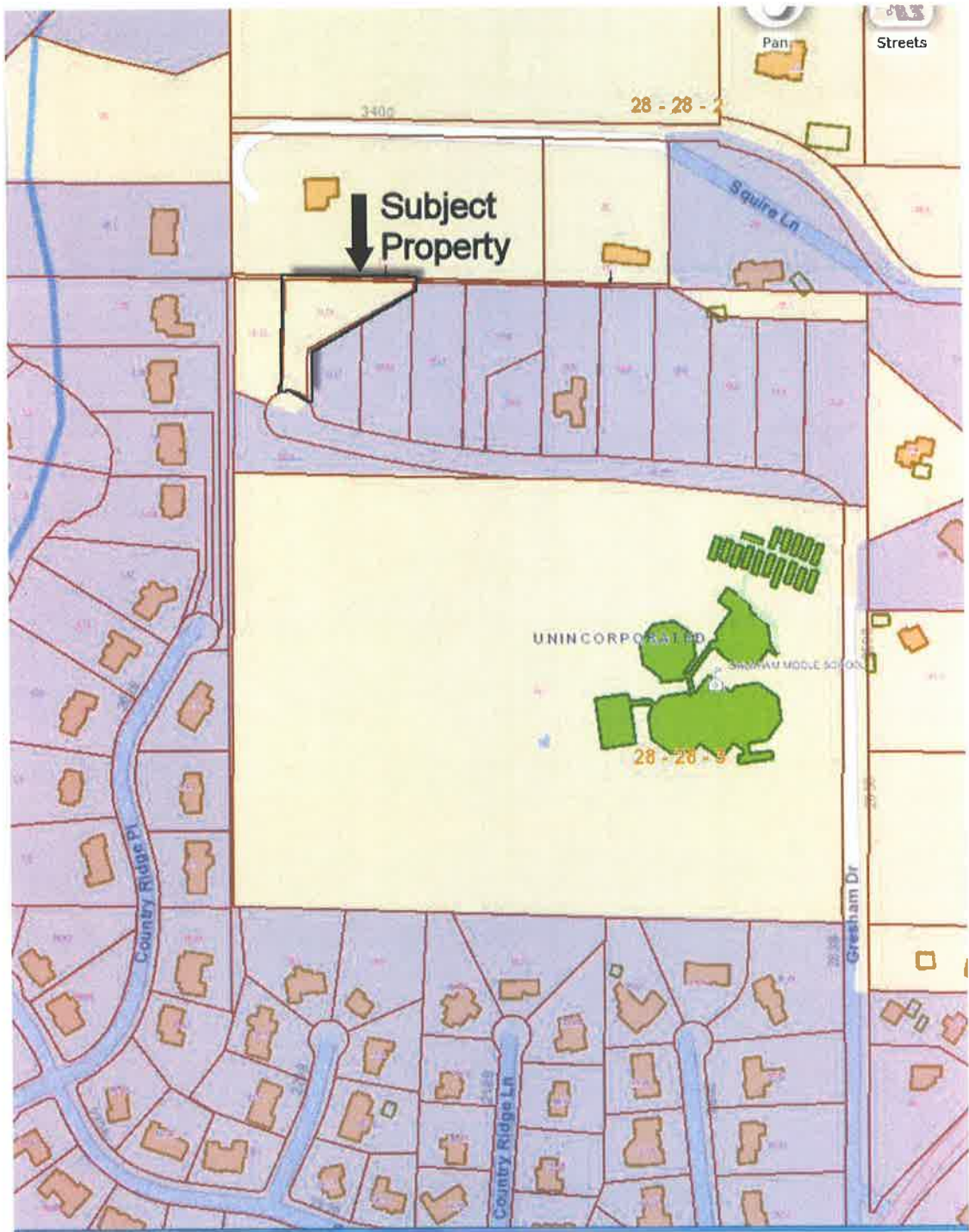
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2543 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of November 2014 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk



CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: OCTOBER 9, 2014

- **CASE: P-1014-50**
- **REQUESTED ACTION:** Rezoning Jefferson County E-2 to Vestavia Hills R-1
- **ADDRESS/LOCATION:** 1512 Oak Leaf Trail
- **APPLICANT/OWNER:** Nicholas Elkhoury. 4124 Crosshaven Dr. Vestavia Hills, AL 35243
- **GENERAL DISCUSSION:** Property was annexed overnight by City Council on 8/11/14 and will complete the 90 day annexation on 11/24/14. Applicant is requesting the compatible rezoning as part of the annexation process.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. Burrell made a motion to approve Rezoning of 1512 Oak Leaf Trail from Jefferson County E-2 to Vestavia Hills R-1 For The Purpose Of Annexation. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

| | |
|-----------------------|-------------------|
| Mr. Goodwin – yes | Mr. Burrell – yes |
| Mr. Gilchrist – yes | Mr. Sharp – yes |
| Mr. Wolfe – yes | Mr. Brooks – yes |
| Mr. Visintainer – yes | Motion carried. |

ORDINANCE NUMBER 2539

**AN ORDINANCE TO FURTHER AMEND THE ZONING
ORDINANCE AND THE ZONING MAP OF THE CITY OF
VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985,
AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF
DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-
4 TO VESTAVIA HILLS R-9**

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama,
as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills,
Alabama, adopted September 16, 1985, and as last amended so as to change the class of
district zoning of the following described property from Vestavia Hills R-4 (residential)
Vestavia Hills R-9 (planned residential):

3136 Ranger Road
Lots 7 & 8, Block 6, Glass 3rd Addition to New Merkle
Patricia S. Hanna, owner(s)

APPROVED and ADOPTED this the 24th day of November 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

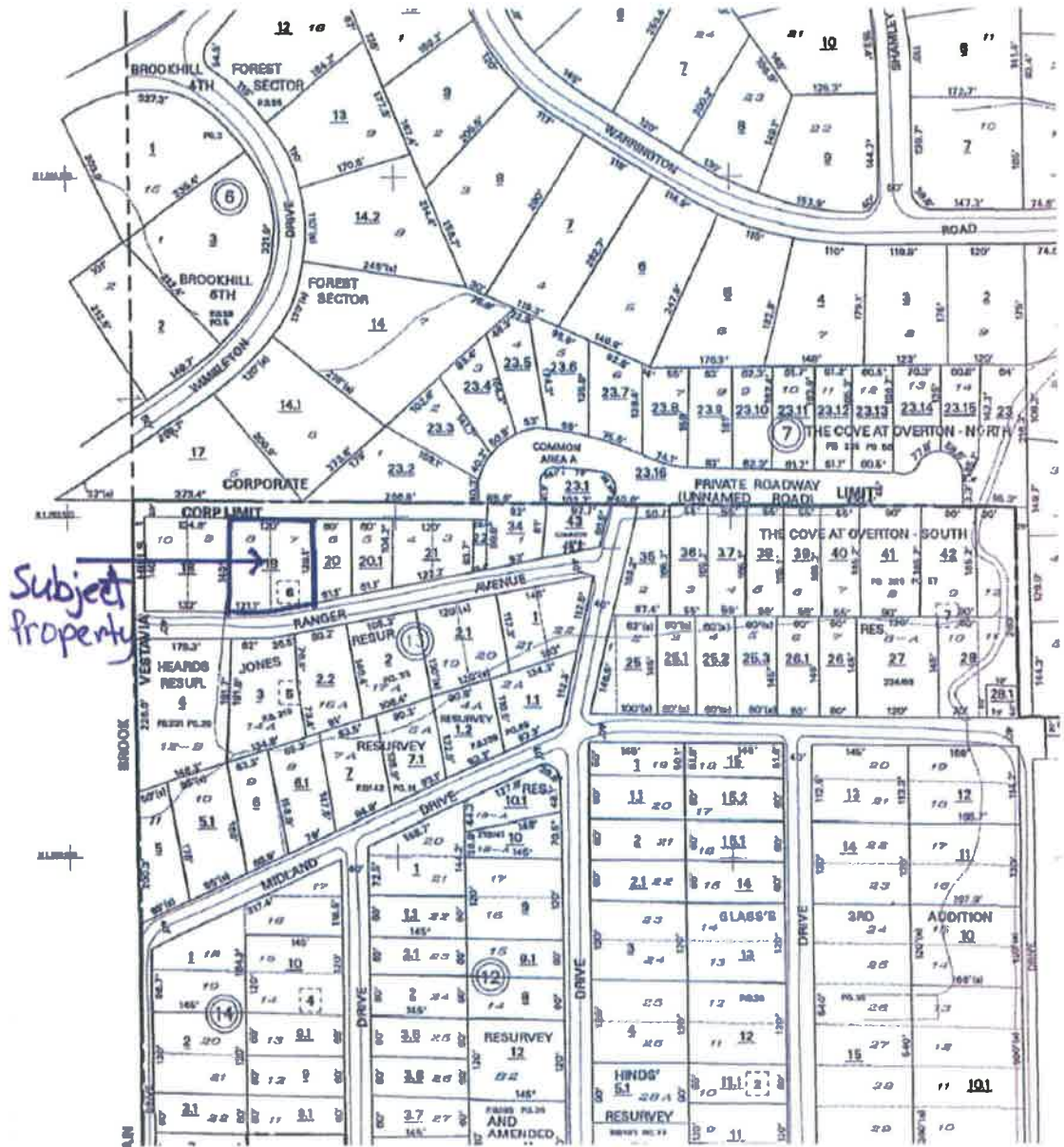
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2539 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of November 2014 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk



CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **OCTOBER 9, 2014**

- **CASE:** P-1014-45
- **REQUESTED ACTION:** Vestavia Hills R-4 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 3136 Ranger Rd.
- **APPLICANT/OWNER:** Patricia S. Hanna. 2300 Countryridge Dr. Vestavia Hills, AL 35243
- **GENERAL DISCUSSION:** Applicant seeks to rezone two lots in Cahaba Heights to an R-9 zoning. Lots will have 25' front and rear setbacks and a 5' side setback. Lots are already platted and undersized for the current R-4 zoning. Currently both lots are vacant.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the plan for medium density residential.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** Engineering to review access and drainage requirements
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. Sharp made a motion to approve Rezoning of 3136 Ranger Rd from Vestavia Hills R-4 to Vestavia Hills R-9 For The Purpose Of Residential Development. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

| | |
|-----------------------|-------------------|
| Mr. Goodwin – yes | Mr. Burrell – yes |
| Mr. Gilchrist – yes | Mr. Sharp – yes |
| Mr. Wolfe – yes | Mr. Brooks – yes |
| Mr. Visintainer – yes | Motion carried. |

P1014-45//28-15-1-7-19
3136 Ranger Rd.
Rezoned from R-4 to R-9
Patricia Hanna

R-4

Ordinance No. 2539 - Exhibits

P&Z Application

Page 4

CITY OF VESTAVIA HILLS

APPLICATION

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered**. All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which it shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. ***No permits will be issued until all fees have been paid.*
- (5) Appropriate plats and maps with proper legal description shall accompany this application. Please refer to attached checklist.

II. APPLICANT INFORMATION: (owner of property)

NAME:

Patricia S. Hanna

ADDRESS:

2300 Countryridge Drive
Vestavia AL 35243

MAILING ADDRESS (if different from above)

PHONE NUMBER: Home

967 9084

Office

910 0226

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:

Clark Collier

2011 SEP -11 P 10 31

P1014-45//28-15-1-7-19
3136 Ranger Rd.
Rezone from R-4 to R-9
Patricia Hanna R-4

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: R-4

To: R-9

For the intended purpose of: Building residential home

(Example: From "VH R-1" to "VH O-1" for office building)

if additional information is needed, please attached full description of request

IV. PROPERTY DESCRIPTION: (address, legal, etc.)

3136 Ranger Rd. Cahaba Heights 35223
Parcel ID 280015 1007019 3rd Add New Merkle
Lots 7+8, Block 6 Glass
Property size: 120 feet X 140 feet. Acres: .37

V. INFORMATION ATTACHED:

 Attached Checklist complete with all required information.

 Application fees submitted.

VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

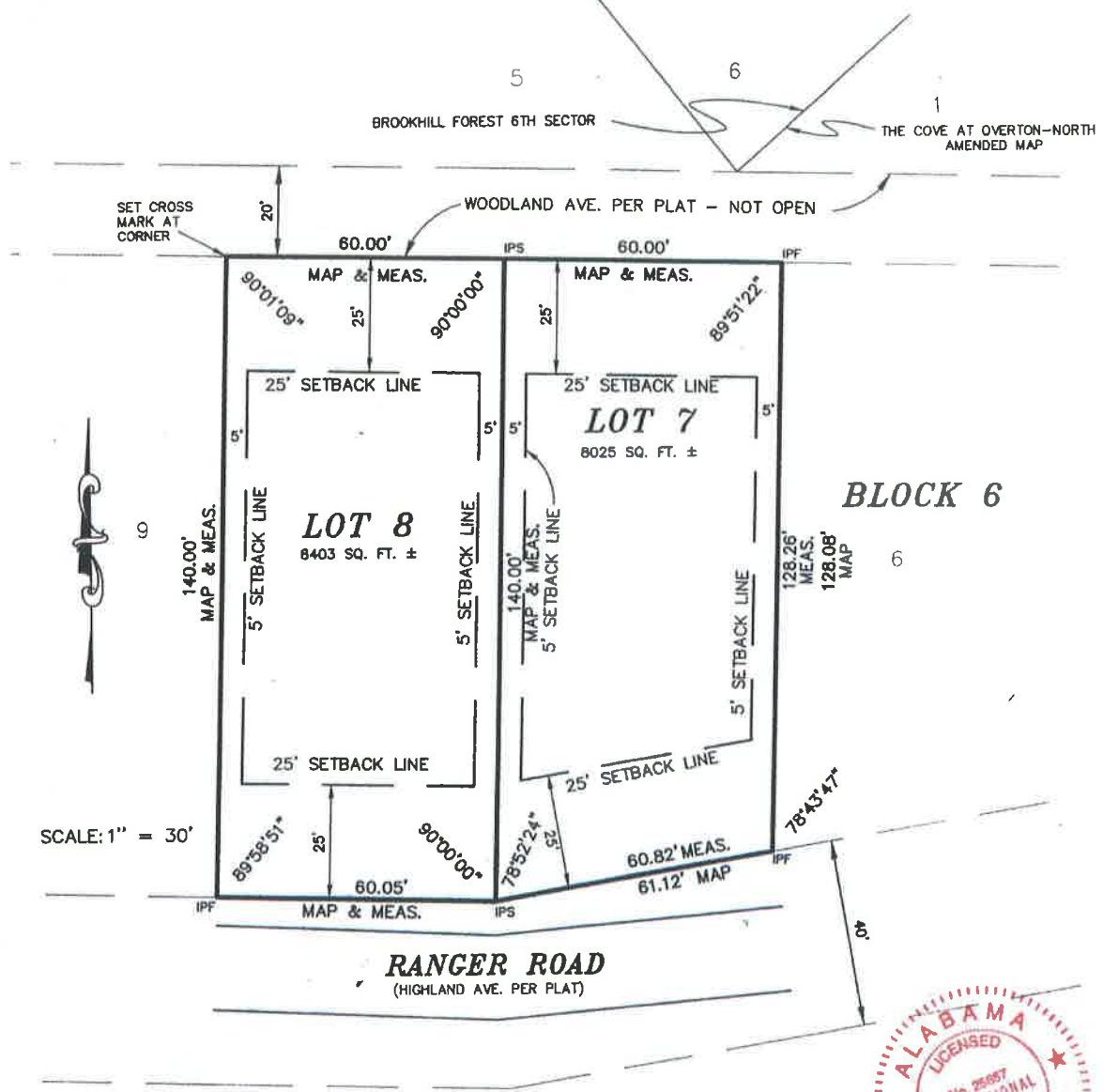
Patricia Hanna
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 4 day of Sept, 2014.

William Archibald Roberts Jr
Notary Public
My commission expires 6
day of December, 2014.





SCALE: 1" = 30'

- UTILITY POLE
- X— GUY WIRE
- RETAINING WALL
- CONCRETE
- X— FENCE
- OVERHEAD ELECTRICAL
- IPF IRON PIN FOUND
- IPS IRON PIN SET

REVISED 9-8-2014 TO SHOW PROPOSED R-9 ZONING SETBACK LINES. IMPROVEMENTS REMOVED FOR ZONING REVIEW PURPOSES.

STATE OF ALABAMA
 JEFFERSON COUNTY

"PROPOSED R-9 ZONING LOT SURVEYS"



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 7 & 8, Block 6, of GLASS'S 3RD ADDITION TO NEW MERKEL, as recorded in Map Book 29, Page 35 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief.

According to my survey this the 15 th day of April, 2014. REV. 9-8-2014. SEE NOTE ABOVE

NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Owner: Hanna
 Address: 3136 Ranger Rd.

Robert Reynolds
 Reg. No. 25657

Future Land Use

- | | | |
|--|---|--|
|  Low-Density Residential |  Rural/Mixed Use |  Institutional |
|  Medium-Density Residential |  Limited Mixed Use |  Parks and Open Space |
|  High-Density Residential |  Planned Mixed Use | |
|  Birmingham |  Jefferson County |  Mountain Brook |

Subject Property

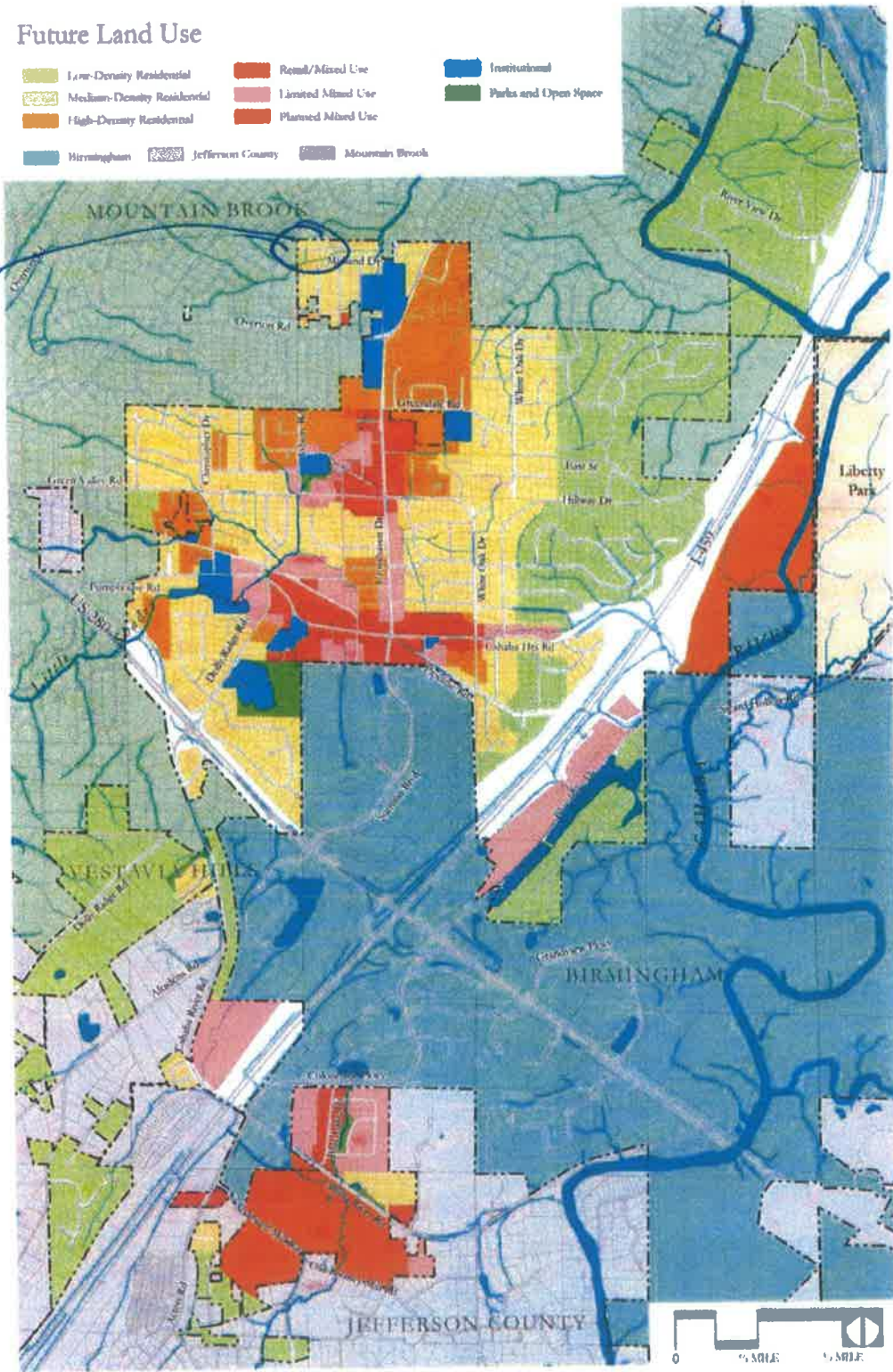


Figure 4: Future Land Use Map

ORDINANCE NUMBER 2540

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-1 TO VESTAVIA HILLS O-1

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-1 (residential) Vestavia Hills O-1 (office district):

3125 Blue Lake Drive
Lot 31, Topfield Subdivision
Lorraine Hollis, owner(s)

APPROVED and ADOPTED this the 24th day of November 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2540 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of November 2014 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk

