

**Vestavia Hills
City Council Agenda
April 13, 2015
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Steve Gaydosh, Vestavia Hills High School Wrestling Coach
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
 - a. Board of Education Announcement – Interviews, April 15, 2015
6. Proclamation – Day of Prayer and Thanksgiving – April 28, 2015
7. City Manager’s Report
8. Councilors’ Reports
9. Approval of Minutes –April 19, 2015 (Work Session) and April 23, 2014 (Regular Meeting)

Old Business

10. Resolution Number 4690 – Vacation – Storm Sewer Easement – 513 Montgomery Highway, City of Vestavia Hills, Owner (*public hearing*)
11. Resolution Number 4692 – Annexation – 90-Day – 3400 Kettering Lane; Lot 16, Ridgedell Park; Natan and Lindsey Shar, Owner(s) (*public hearing*)
12. Ordinance Number 2559 – Annexation – Overnight – 3400 Kettering Lane; Lot 16, Ridgedell Park; Natan and Lindsey Shar, Owner(s) (*public hearing*)
13. Resolution Number 4693 – Annexation – 90-Day – 3405 Sagewood Trail; Lot 23-A; Resurvey of Lots 21, 22 and 23, Sagewood; Donald and April Winningham, Owner(s) (*public hearing*)
14. Ordinance Number 2560 – Annexation – Overnight – 3405 Sagewood Trail; Lot 23-A; Resurvey of Lots 21, 22 and 23, Sagewood; Donald and April Winningham, Owner(s) (*public hearing*)
15. Resolution Number 4694 – A Resolution Authorizing The Mayor And City Manager To Execute And Deliver An Agreement With Nall Partnership LTD Regarding The Annexation Of Altadena Valley Country Club (*public hearing*)

New Business

16. Resolution Number 4697 – A Resolution Authorizing The Mayor And City Manager To Execute And Deliver An Agreement To Share Responsibilities With Jefferson County And Birmingham For Right-Of-Way Improvements To Sicard Hollow Road From Blue Lake Road To Rex Lake Road
17. Ordinance Number 2565 – Annual Tax Levy For Properties Located In The City Of Vestavia Hills In Jefferson County, Alabama
18. Ordinance Number 2566 – Annual Tax Levy For Properties Located In The City Of Vestavia Hills In Shelby County, Alabama

New Business (Requesting Unanimous Consent)

19. Resolution Number 4702 – A Resolution Authorizing The City Manager To Repair And/Or Replace A Collapsed Drainage Pipe Between The Baseball Fields At Wald Park (*public hearing*)
20. Resolution Number 4703 – A Resolution Authorizing The City Manager To Accept A Proposal From Holcombe Norton Partners (HNP) For Site Study Of The Altadena Country Club (*public hearing*)
21. Resolution Number 4704 – A Resolution Authorizing The City Manager To Accept A Proposal From Goodwyn Mills And Cawood (“GMC”) For Due Diligence And Planning Services For The Redevelopment Of Altadena Country Club (*public hearing*)

First Reading (No Action Taken At This Meeting)

22. Resolution Number 4698 – Annexation – 90-Day – 2606 Acton Road; Lot 5, Altadena Valley Country Club Fairway Sector (Less And Except That Portion Taken As I-459 ROW); Jennifer S. Weldon, Owner (*public hearing*)
23. Ordinance Number 2561 – Annexation – Overnight – 2606 Acton Road; Lot 5, Altadena Valley Country Club Fairway Sector (Less And Except That Portion Taken As I-459 ROW); Jennifer S. Weldon, Owner (*public hearing*)
24. Resolution Number 4699 – Annexation – 90-Day – 2437 Rocky Ridge Road; Lot 1, Buckhead, 1st Sector; Michael and Caroline Allen, owners (*public hearing*)
25. Ordinance Number 2562 – Annexation – Overnight – 2437 Rocky Ridge Road; Lot 1, Buckhead, 1st Sector; Michael and Caroline Allen, owners (*public hearing*)
26. Resolution Number 4700 – Annexation – 90-Day – 3609 Settlers Lane, Part of Estate #6, JP Westbrook Estates; Joseph D. West, Owner (*public hearing*)

27. Ordinance Number 2563 – Annexation – Overnight – 3609 Settlers Lane, Part of Estate #6, JP Westbrook Estates; Joseph D. West, Owner (*public hearing*)
28. Resolution Number 4701 – Annexation – 90-Day – 2330 Jacobs Road; Anna Steele Properties, LLC, Owner (*public hearing*)
29. Ordinance Number 2564 - Conditional Use Approval For A Home Occupation For Interior Design At The Residence Located At 798 Provence Drive, Lot 1011, Provence – Phase II; Michele Hoytink, Owner (*public hearing*)
30. Ordinance Number 2480-A – An Ordinance Amending Ordinance Number 2480 To Grant A 1-Year Extension Of A Home Occupation
31. Citizens Comments
32. Executive Session
33. Motion For Adjournment

PROCLAMATION

WHEREAS, prayer is our communication with the Heavenly Father; and

WHEREAS, it enables mankind to give thanks for the life we sometimes take for granted; and

WHEREAS, prayer seems to soften our sorrow and make our griefs and hardships bearable; and

WHEREAS, through prayer we can be prepared to become the instruments of His peace; and

WHEREAS, prayer is a candle that can rekindle the light that will repel the darkness in our midst; and

WHEREAS, by our unity others may know that we are one with the Father and His Son; and

WHEREAS, only as we are filled with the power of God can we do the things the Lord wants of us in any area of our lives; and

WHEREAS, the annual Mayor's Prayer Breakfast will be held on Tuesday, April 28, 2015 at Vestavia Country Club;

NOW, THEREFORE, I, Alberto C. Zaragoza, Jr. by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim April 28, 2015 as a special

DAY OF PRAYER AND THANKSGIVING

in Vestavia Hills and earnestly call upon all men of faith and goodwill to support this spiritual effort so that together we may offer prayer, praise and thanksgiving.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills, Alabama to be affixed this the 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

CITY OF VESTAVIA HILLS
CITY COUNCIL
WORK SESSION
MINUTES
MARCH 19, 2015

The City Council of Vestavia Hills met in a work session on this date at 5:00 PM following posting/publishing pursuant to Alabama law. The Mayor called the work session to order and the City Clerk called the roll with the following:

MEMBERS PRESENT: Mayor Alberto C. Zaragoza, Jr.
Steve Ammons, Mayor Pro-Tem
Jim Sharp

MEMBERS ABSENT: John Henley
George Pierce

OTHER OFFICIALS PRESENT: Jeff Downes, City Manager
Rebecca Leavings City Clerk
Dan Rary, Police Chief
Terry Ray, Asst. Fire Chief
Marvin Green, Asst. Fire Chief

The Mayor called the work session to order.

Mr. Downes gave updates on the following:

- Amendment in state law to allow enforcement on private streets and gated communities which is already allowed in certain parts of Shelby County. This might be expanded into Jefferson County to allow the police to enforce traffic laws on private roadways.
- Park programming study which is the second phase of the strategic planning for the Park and Recreation Board.
- Submittals have been made to DRB on the multi-family and an office building at Patchwork. They anticipate pursuing building permits in the near future.
- Birmingham is proceeding with a joint project to coordinate with Vestavia Hills and Jefferson County to improve Sicard Hollow Road. More details will be forthcoming.
- Plans with Birmingham, Vestavia Hills and Jefferson County are also proceeding for improvement of Cahaba River Road.
- Buyout of the Meadowlawn properties.

- Great Rock Road litigation has been mediated and will finally be decided by the Council on Monday night.
- The rezoning of the City Hall property will commence with the March Planning and Zoning Commission meeting. It appears that the differences between Chick-fil-A and the neighboring property have been resolved.
- A franchise for dark fiber will be presented to the Council on Monday will allow some minimum connectivity for the City. Bids are being invited for a dark fiber network to increase connectivity.
- There has been some progress on the new “main street” in Cahaba Heights with the continuing of the properties being considered for annexation and the possible buy-in of the Slappy properties.
- The south Gateway Project should be completed soon.
- Construction of the new City Hall continues on schedule.
- Litigation of the Zaxbys has been settled and construction has begun.

The Mayor updated the Council on the following:

- Advertisement on the proposed bills before the legislature has begun and they are ready to move.
 - The City is partnering with Hoover on the entertainment bill which will be a local bill for just these two cities.
 - A tag bill to clarify the retention of revenues pursuant to the Attorney General’s opinion is ready for presentation to the legislature.
 - The department head bill has stalled for some legal concerns.
 - EMA has discussions of implementing a reverse 9-1-1 system.

There being no further business, the meeting adjourned at 6:10 PM.

Alberto C. Zaragoza, Jr.
Mayor

Attested by:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

MARCH 23, 2015

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
Jim Sharp

MEMBERS ABSENT:

John Henley

OTHER OFFICIALS PRESENT:

Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Melvin Turner, Finance Director
George Sawaya, Deputy Treasurer
Danny Rary, Police Chief
Jim St. John, Fire Chief
Terry Ray, Asst. Fire Chief
Greg Gilchrist, Fire Marshal
Brian Davis, Public Services Director

Invocation was given by David Harwell followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION, CANDIDATES

- The Mayor announced that Mr. Downes had a family emergency and could not attend tonight's meeting. He announced also that Mr. Henley had a death in the family and was unable to attend. He asked that thoughts and prayers be sent to both families.
- The Mayor stated that the Vestavia Hills City Council is accepting applications for an upcoming vacancy on the Vestavia Hills Board of Education. Deadline for submission of application is 5 PM, Monday, April 13, 2015, Central Daylight Time. Interviews will follow and then the Council will appoint a new member for a 5-year appointment. Applications may be obtained on the City's website, www.vhal.org or in the Office of the City Clerk.

CITY MANAGER REPORT

- None.

COUNCILOR REPORTS

- The Mayor introduced Bill McGinnis the coach of the Pizitz Robotic Team who won a recent tournament in robotics and will soon be going to an international championship in Louisville, Kentucky. Members of the team included: Henry Nance, 3049 South Cove Drive; John Heiberger, 1336 Turnham Lane; Alex Forbes, 2809 Vestavia Forest Place; Caleb Steelman, 3689 Vestcreek Cove; A. J. Bredemann, 2726 Southbury Circle; Cross Hogland, 2205 Ivy Trace; Angela Zheng, 119 Castlehill Drive; Andrew Hudson, 621 Eastwood Place; Noah Williams, 3022 Smyer Road; Kate Harshberger, 2621 Swiss Lane; Liam Allison, 3501 Birchwood Lane; Own Kew, 1829 Glendmere Drive; and Madeline Fraser, 2557 Yorkmont Drive. The Mayor congratulated them on their achievement and wished them luck in their future competitions.
- The Mayor invited Taneisha Turner, Library Director, to speak.
 - Ms. Tucker stated that the Library in the Forest was recently awarded the esteemed Alabama Standard of Excellence – Gold Standard for the facilities, programming and staffing of the library. She thanked the Mayor and Council for the continued support of the Library.
- Mr. Pierce welcomed Chamber Members Amy Kabase and Kristin Tunnell to the meeting.

FINANCIAL REPORTS

Melvin Turner III, Finance Director, presented the financial reports for the month ending February, 2015. He read and explained the balances.

APPROVAL OF MINUTES

The minutes of January 15, 2015 (Work Session); February 19, 2015 (Work Session) and March 9, 2014 (Regular Meeting), were presented for approval.

MOTION Motion to dispense with the reading of the minutes of January 15, 2015 (Work Session); February 19, 2015 (Work Session) and March 9, 2014 (Regular Meeting) and approve them as presented was by Mr. Pierce and second by Mr. Ammons. Roll call vote as follows:

Mr. Pierce – yes

Mr. Sharp – yes

Mr. Ammons – yes

Mayor Zaragoza – yes

motion carried.

OLD BUSINESS

RESOLUTION NUMBER 4687

Resolution Number 4687 - A Resolution Authorizing The City Manager To Execute And Deliver An Agreement With Retail Specialists For Brokerage Services For The Marketing and/or Sale Of Municipal Property

MOTION Motion to approve Resolution Number 4687 was by Mr. Ammons and second was by Mr. Sharp.

The Mayor stated that this is an agreement with Retail Specialist to market the property where the City shop is located.

Mr. Boone stated that he has reviewed the agreement and found no problems.

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

Roll call vote as follows:

Mr. Pierce – yes

Mr. Sharp – yes

Mr. Ammons – yes

Mayor Zaragoza – yes
motion carried.

ORDINANCE NUMBER 2558

Ordinance Number 2558 – An Ordinance Granting A Non-Exclusive Right-Of-Way Use Agreement To Southern Light, LLC, For The Purpose Of Constructing And Maintaining A Fiber-Optic Transmission Line Within Certain Public Rights-Of-Way Within The City Of Vestavia Hills, Alabama

MOTION Motion to approve Ordinance Number 2558 was by Mr. Pierce and second was by Mr. Ammons.

The Mayor stated that Mr. Downes had discussed this franchise at an earlier work session. He stated that this is for dark fiber with some provisions to allow the City some dark fiber connectivity.

Mr. Boone gave a background on Alabama law concerning this type of franchise and indicated that the Council is within their legal rights to approve if they so desire.

Charlie Beavers, Bradley Arant, stated that he represents Southern Light in this request and that they have worked closely with the City Attorney to ensure that everything is handled correctly.

The Mayor opened the floor for a public hearing.

Donald Harwell, 1357 Willoughby Road, asked who Southern Light is.

Mr. Beavers explained that they provide dark fiber as a utility to businesses for better internet connectivity.

There being no one else to address the Council concerning this request, the Mayor closed the floor and asked for the question. Roll call vote as follows:

Mr. Pierce – yes	Mr. Sharp – yes
Mr. Ammons – yes	Mayor Zaragoza – yes

motion carried.

ORDINANCE NUMBER 2373-A

Ordinance Number 2373-A – Amending Ordinance Number 2373 To Grant An Extension Of Conditional Use Approval For 1476 Montgomery Highway; Anthony And Margaret Serra, Owners; Alton Parker, Representing

MOTION Motion to approve Ordinance Number 2373-A was by Mr. Ammons and second was by Mr. Pierce.

Ms. Leavings gave a background on this conditional use which was obtained in 2011 for the Serra dealership which suffered substantial damages in a flooding incident in April 2014. The dealership is studying re-opening and requests an 18-month extension of their conditional use so that it doesn't lapse as they do their due diligence and repairs toward re-opening.

Alton Parker, Spain and Gillon was present to represent the applicants.

Mr. Ammons asked about the expected timeline.

Mr. Parker stated that they should know everything they need within a 12-month period, so they are seeking 18-months to determine the needed information and perform any necessary remediation.

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, the Mayor closed the floor and asked for the question. Roll call vote as follows:

Mr. Pierce – yes	Mr. Sharp – yes
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Mr. Ammons – yes

Mayor Zaragoza – yes
motion carried.

NEW BUSINESS

RESOLUTION NUMBER 4688

Resolution Number 4688 – A Resolution Accepting A Bid For Right-Of-Way Mowing Of Montgomery Highway And Columbiana Road

MOTION Motion to approve Resolution Number 4688 was by Mr. Ammons and second was by Mr. Henley.

The Mayor stated that bids were invited for ROW mowing along Montgomery Highway and Columbiana Road. A detail of the bids was presented by the Public Services Director along with the recommendation to accept the bid submitted by Turf Management.

Mr. Boone stated that he sees no problems with the agreement and recommended that a Certificate of Insurance be presented at the execution of the agreement which named the City as an additional insured.

Discussion ensued as to the mowing at the Gateway. Mr. Davis explained.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, asked if the City had ever bid this before.

The Mayor explained that this is the first time and was a strategy that was vetted at budget and included in the City's budget.

There being no one else to address the Council concerning this request, he closed the floor and asked for the question.

Mr. Pierce – yes

Mr. Sharp – yes

Mr. Ammons – yes

Mayor Zaragoza – yes
motion carried.

RESOLUTION NUMBER 4689

Resolution Number 4689 – A Resolution Accepting A Bid For Vegetation Control In Various Rights-Of-Way Of The City

MOTION Motion to approve Resolution Number 4689 was by Mr. Sharp and second was by Mr. Pierce.

The Mayor stated that bids were invited for vegetation control and the recommendation was acceptance of the bid submitted by Kellis Vegetation.

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

Mr. Pierce – yes
Mr. Ammons – yes
Mr. Sharp – yes
Mayor Zaragoza – yes
motion carried.

NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)

The Mayor opened the floor for unanimous consent for the immediate consideration and action on the proposed Resolution Numbers 4691, 4695 and 4696.

MOTION Motion for unanimous consent for the immediate consideration and action of Resolution Numbers 4691, 4695, and 4696 was by Mr. Ammons and second was by Mr. Pierce. Roll call vote as follows:

Mr. Pierce – yes
Mr. Ammons – yes
Mr. Sharp – yes
Mayor Zaragoza – yes
motion carried.

RESOLUTION NUMBER 4691

Resolution Number 4691 – A Resolution Authorizing The City Manager To Enter Into An Agreement With Brailsford & Dunlavey For Development Of A Recreation & Athletics Master Plan

MOTION Motion to approve Resolution Number 4691 was by Mr. Pierce and second was by Mr. Ammons.

The Mayor stated that Mr. Downes had given a background of this consultant at the last work session. This retains a consultant to lead the second phase concerning programming for the Park and Recreation program.

Mr. Ammons explained the agreement and indicated that Tommy Coggin and Tony Dazzio, Park Board members, are in the audience to answer questions if needed.

Mr. Boone indicated that he received the document late Friday and recommended deletion of Sections 9 and 11 before the agreement is executed.

The Mayor opened the floor for a motion on the amendment as recommended by Mr. Boone.

MOTION Motion to amend Resolution Number 4691 to delete Sections 9 and 11 of the proposed agreement was by Mr. Ammons and second was by Mr. Pierce. Roll call vote, as follows:

Mr. Pierce – yes	Mr. Sharp – yes
Mr. Ammons – yes	Mayor Zaragoza – yes

motion carried.

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.

Mr. Pierce – yes	Mr. Sharp – yes
Mr. Ammons – yes	Mayor Zaragoza – yes

motion carried.

RESOLUTION NUMBER 4695

Resolution Number 4695 – A Resolution Authorizing The City Manager To Enter Into A Settlement Agreement Regarding The Appeal Of The City Council’s Order To Demolish 2253 Great Rock Road

MOTION Motion to approve Resolution Number 4695 was by Mr. Pierce and second was by Mr. Sharp.

The Mayor stated that the litigation regarding Great Rock Road went to mediation and a settlement was reached. He gave a brief detail of the settlement.

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.

Mr. Pierce – yes	Mr. Sharp – yes
Mr. Ammons – yes	Mayor Zaragoza – yes

motion carried.

RESOLUTION NUMBER 4696

Resolution Number 4696 – A Resolution Authorizing The City Manager To Execute And Deliver All Documents Necessary In Order To Secure The Demolition Of A Structure

MOTION Motion to approve Resolution Number 4696 was by Mr. Pierce and second was by Mr. Ammons.

The Mayor stated that this Resolution authorizes the City Manager to take all actions necessary to demolish the structure on Great Rock Road at a cost not to exceed \$14,900.

Mr. Ammons stated that the City could recoup this fee in the sale of the property. The Mayor agreed.

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.

Mr. Pierce – 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 April 13, 2015 at 5 PM.

- Resolution Number 4690 – Vacation – Storm Sewer Easement – 513 Montgomery Highway, City of Vestavia Hills, Owner
- Resolution Number 4692 – Annexation – 90-Day – 3400 Kettering Lane; Lot 16, Ridgedell Park; Natan and Lindsey Shar, Owner(s)
- Ordinance Number 2559 – Annexation – Overnight – 3400 Kettering Lane; Lot 16, Ridgedell Park; Natan and Lindsey Shar, Owner(s)
- Resolution Number 4693 – Annexation – 90-Day – 3405 Sagewood Trail; Lot 23-A; Resurvey of Lots 21, 22 and 23, Sagewood; Donald and April Winningham, Owner(s)
- Ordinance Number 2560 – Annexation – Overnight – 3405 Sagewood Trail; Lot 23-A; Resurvey of Lots 21, 22 and 23, Sagewood; Donald and April Winningham, Owner(s)
- Resolution Number 4694 – A Resolution Authorizing The Mayor And City Manager To Execute And Deliver An Agreement With Nall Partnership LTD Regarding The Annexation Of The Altadena Valley Country Club

CITIZENS COMMENTS

There were no citizen comments.

MOTION Motion to adjourn was by Mr. Pierce and second was by Mr. Ammons.
Meeting adjourned at 5:45 PM.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4690

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

WITNESSETH THESE RECITALS

WHEREAS, A Declaration signed by the owners of all the lands abutting the following described storm drainage easement situated in the City of Vestavia Hills, Jefferson County, Alabama, vacating said storm drainage easement, 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, the storm drainage easement above referred to is commonly referred to as “storm drainage easement” and is more particularly described as follows:

An easement to be vacated over and across 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 part of Lots 10, 11, and 12, Fourth Addition to Beacon Hills as recorded in Plat Book 38, Page 3 in the Office of the judge of Probate Jefferson County, Alabama, along with an acreage parcel, said easement being more particularly described as follows:

Begin at the Southwest corner of said Lot 12, said point being on the Southeastern-most right of way of U.S. Highway 31 (Montgomery Highway), said point being on the centerline of a 10 foot easement to be vacated, lying 5 feet on each side of, parallel to, and abutting the following described line; thence leaving said right of way run South 66 degrees 32 minutes 44 seconds East along the Southwest lines of said Lots 10, 11, and 12 for a distance of 257.95 feet to a point on an existing 10 foot easement, said point lying 5.00 feet Northwest of the Southern-most corner of said Lot 10, said point being the termination of said easement vacation.

WHEREAS, it appears to the City Council of the City of Vestavia Hills, Alabama, that convenient and reasonable means of access is afforded to all utilities running through the tract of land embraced in said Survey Plat.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the vacation of the hereinabove described storm drainage easement 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 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

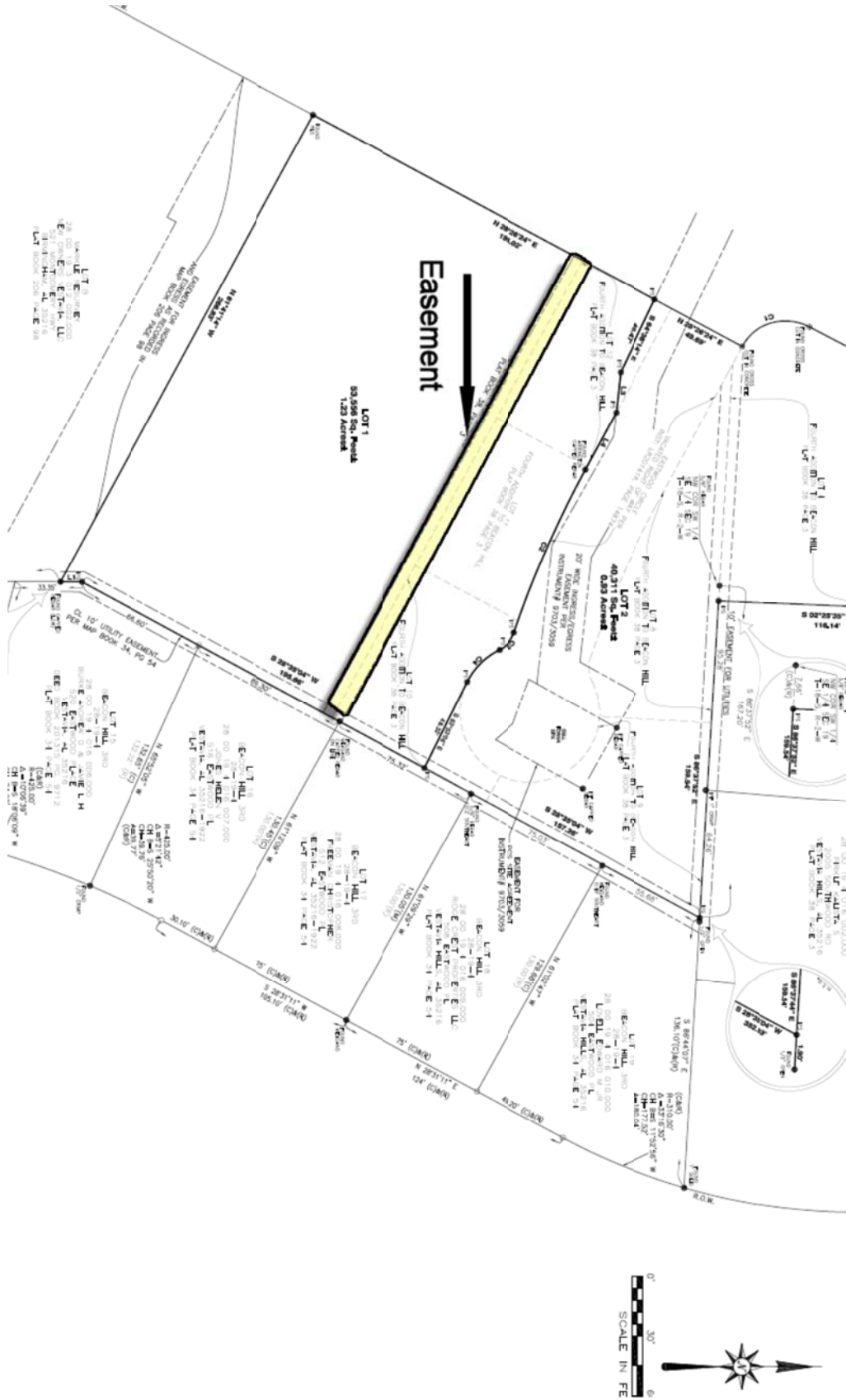
Rebecca Leavings
City Clerk

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 13th day of April, 2015, 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 _____, 2015.

Rebecca Leavings
City Clerk



CITY OF VESTAVIA HILLS
DEPARTMENT OF PUBLIC SERVICES
OFFICE OF CITY ENGINEER
INTER-DEPARTMENT MEMO

March 18, 2015

To: Rebecca Leavings, City Clerk
CC: Brian Davis, Director of Public Services
From: Christopher Brady, City Engineer
RE: vacation of easement, 513 Montgomery Highway

I have reviewed the requested vacation of this easement.

As shown on preliminary plans, the existing storm drain pipe is anticipated to be relocated as part of future development on this property. As this relocation occurs the existing easement will no longer be needed.

I recommend vacation of this easement contingent on the re-location of the storm drainage pipe during the proposed redevelopment and establishing a new easement as shown on the preliminary plans.

Please let me know if questions,

Sincerely,

-Christopher



**STATE OF ALABAMA
JEFFERSON COUNTY**

DECLARATION OF VACATION

We, the undersigned, constituting all of the owners of all property abutting easement as same appears on the Plat of Beacon Hills 4th which Plat is recorded in Plat Book 38, at Page 3, in the Probate Office of Jefferson County, Alabama, do hereby declare that each of said Plats embraced within the boundaries of said easement as the same appears of record on the Plat to be vacated, and said easement is hereby declared vacated. The undersigned do hereby respectfully represent and warrant as follows:

1. This Declaration of Vacation of easement is prepared, executed, delivered and recorded to and in accordance with the provisions of Section 23-4-20 and Section 35-2-54, Code of Alabama, 1975.

2. It is in the best public interest that easement be closed and vacated.

3. Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property.

4. Easement is situated in the City of Vestavia Hills, Jefferson County, Alabama, and appears at 513 Montgomery Hwy

_____ . A copy of the map reflecting the location of easement is attached hereto and incorporated into this Declaration of Vacation as a part hereof.

5. The street address and legal descriptions of all property abutting easement and the names and addresses of the owner of said abutting properties are as follows:

A. Street Address: 513 Montgomery Hwy

Legal Description: _____

Owners' Name(s): City Of Vestavia Hills, Jeff Downes, City Mgr

B. Street Address: _____

Legal Description: _____

Owners' Name(s): _____

C. Street Address: _____

Legal Description: _____

Owners' Name(s): _____

D. Street Address: _____

Legal Description: _____

Owners' Name(s): _____

E. Street Address: _____

Legal Description: _____

Owners' Name(s): _____

F. Street Address: _____

Legal Description: _____

Owners' Name(s): _____

6. All of the undersigned do hereby declare Easement to be vacated and respectfully request the assent of the City Council of the City of Vestavia Hills, Alabama, to said vacation of Easement and its approval of the same.

IN WITNESS THEREOF, the undersigned have hereunto set our hands and seals on this the 19th day of March, 2015.

SIGNATURES OF ABUTTING PROPERTY OWNERS:

(notary on following pages)

[Signature], City Manager
City Of Vestavia Hills

STATE OF ALABAMA

GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that JEFFREY DOWNES and _____, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 19TH day of MARCH, 2015.

Melissa N. Hays

Notary Public

My commission expires 10/14/2017

STATE OF ALABAMA

GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that _____ and _____, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the _____ day of _____, 20____.

Notary Public

RESOLUTION NUMBER 4692

**A RESOLUTION PROPOSING THE ANNEXATION
OF CERTAIN TERRITORY TO THE CORPORATE
LIMITS OF THE CITY OF VESTAVIA HILLS,
ALABAMA.**

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated December 23, 2014, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 13th day of April, 2015; and

WHEREAS, it would be in the best interest of the City of Vestavia Hills, Alabama, and to the citizens thereof to consider annexation of said territory and bringing it within the corporate limits of this Municipality; and

WHEREAS, said petitioners must comply with Act #604, 1970 Alabama Legislature regarding Fire Districts (property owners are to be responsible for fire dues if they are within another Fire District at the time of the annexation petition).

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 15th day of April, 2015.

2. That on the 27th day of July, 2015, in the Vestavia Hills Municipal Center, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 4692 by the City Council of the City of Vestavia Hills, Alabama, and as

annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

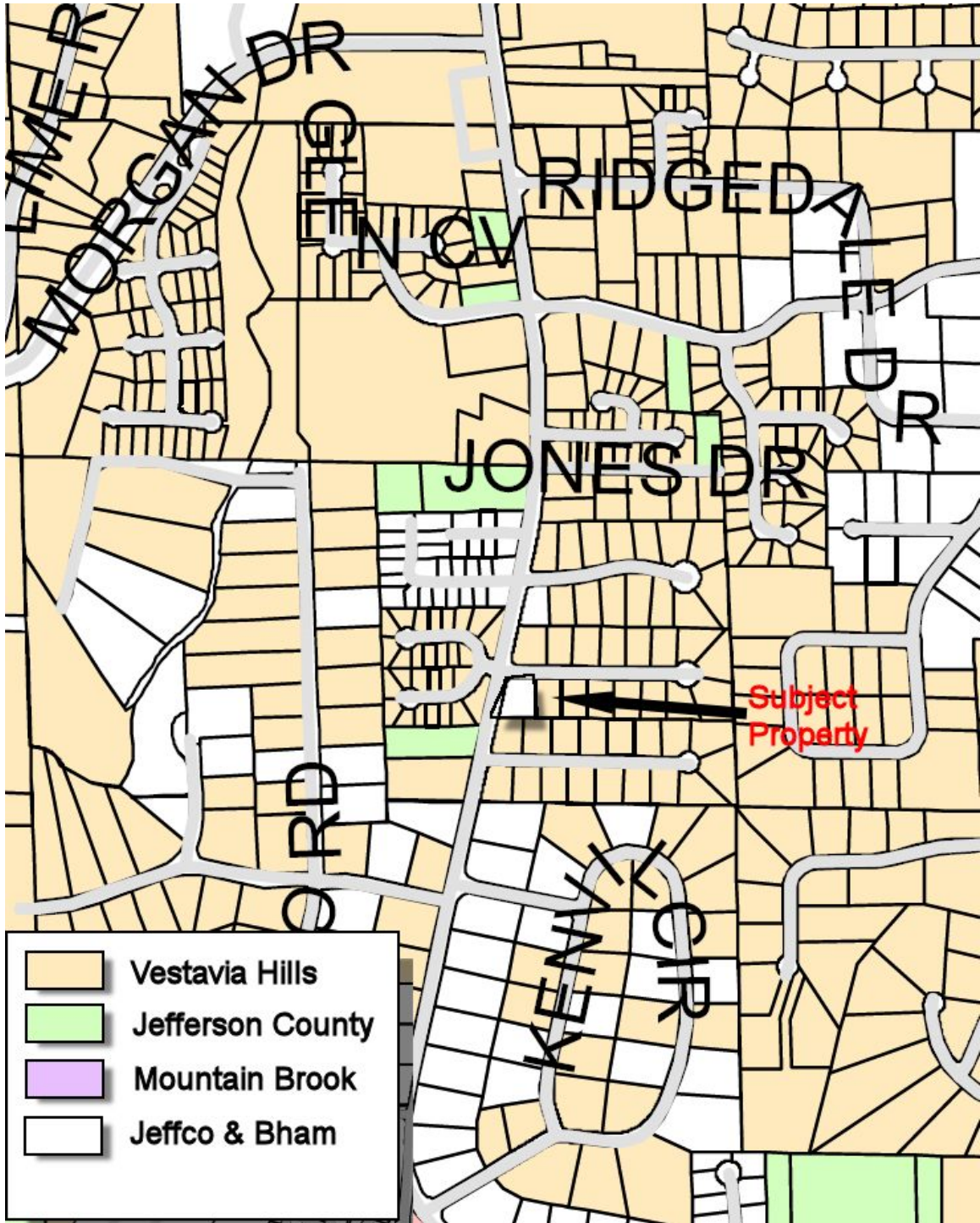
3400 Kettering Lane
Lot 16 Ridgedell Park
Natan and Lindsey Shar, Owner(s)

APPROVED and ADOPTED this the 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 3400 Kettering Lane

Owners: Natan and Lindsey Shar

Date: February 12, 2015

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 _____. 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 ~~16~~ 15 Number in city ~~15~~ 15
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: 3400 Kettering Lane

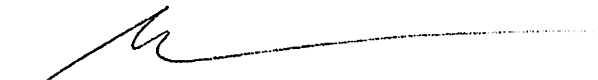
8. A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$ _____ will be paid to offset costs associated with the annexation. Yes _____ No _____ Comment _____

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 3 ~~1~~; Plan to enroll in VH schools Yes No _____ Comments: _____

Other Comments: _____



George Pierce
Chairman

PARCEL #: 28 00 32 3 005 037.000
OWNER: SHAR NATAN A & LINDSEY S W
ADDRESS: 3400 KETTERING LN VESTAVIA AL 35243-2806
LOCATION: 3400 KETTERING LN BHAM AL 35243

[111-C0] Baths: 2.0 H/C Sqft: 1,175
18-034.0 Bed Rooms: 3 Land Sch: L1
 Land: 72,800 Imp: 87,900 Total: 160,700
 Acres: 0.000 Sales Info: 01/01/2005
\$143,500

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

Tax Year : 2013

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT		VALUE	
PROPERTY CLASS:	3 OVER 65 CODE:	LAND VALUE 10%	\$72,840
EXEMPT CODE:	2-2 DISABILITY CODE:	LAND VALUE 20%	\$0
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	<u>CLASS 3</u>	
CLASS USE:		BLDG 001	111 \$87,900
FOREST ACRES:	0 TAX SALE:	TOTAL MARKET VALUE [APPR. VALUE: \$160,700]: \$160,740	
PREV YEAR VALUE:	\$160,700.00 BOE VALUE: 0	Assesment Override:	
		MARKET VALUE:	
		CU VALUE:	
		PENALTY:	
		ASSESSED VALUE:	

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$16,080	\$104.52	\$4,000	\$26.00	\$78.52
COUNTY	3	2	\$16,080	\$217.08	\$2,000	\$27.00	\$190.08
SCHOOL	3	2	\$16,080	\$131.86	\$0	\$0.00	\$131.86
DIST SCHOOL	3	2	\$16,080	\$0.00	\$0	\$0.00	\$0.00
CITY	3	2	\$16,080	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$16,080	\$82.01	\$0	\$0.00	\$82.01
SPC SCHOOL2	3	2	\$16,080	\$270.14	\$0	\$0.00	\$270.14

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$16,080.00 **\$805.61** **GRAND TOTAL: \$757.61**

DEEDS

PAYMENT INFO

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
200503-418	01/28/2005	12/8/2014	2014	WELLS FARGO HOME MORTGAGE	\$757.61
956-163	05/29/1973	12/11/2013	2013	WELLS FARGO	\$757.61
		12/20/2012	2012	WELLS FARGO	\$757.12
		20111230	2011	***	\$765.13
		20101210	2010	***	\$807.71
		20091207	2009	***	\$807.71
		20081120	2008	***	\$820.24

EXHIBIT "C"

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

The following properties have requested to be annexed into the City. Please review this request and then forward your comments to the City Clerk as soon as is reasonably possible.

Location: 3400 Kettering Lane

Engineering:

2015 Annexation Review – Engineering/Public Services

Comments: Review comments, 1/29/15, CBrady


3400 Kettering Lane – no significant concerns noted; Kettering Lane is in fair condition and the City already provides maintenance services to this street; Rocky Ridge Road is anticipated to be re-inherited by Jefferson County for “through road” maintenance.

Police Department:

Date: 1-12-15 Initials: 

Comments: _____

Fire Department:

Date: 1/28/15 Initials: 

Comments: _____

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 12-23-2014

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.

Natan Shar 205-919-6205 natanshare@gmail.com
Lindsey Shar 205-567-5095 lshar23@gmail.com

EXHIBIT "A"

LOT: 16

BLOCK: —

SURVEY: Ridgedell Park

RECORDED IN MAP BOOK 73, PAGE 96 IN THE

PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: R-1

COMPATIBLE CITY ZONING: R-2

LEGAL DESCRIPTION (METES AND BOUNDS):

Lot 16 Ridgedell Park

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>Nathan Shar</u>	Lot <u>16</u> Block <u>-</u> Survey <u>Ridgedell Park</u>
<u>Lindsey Shar</u>	Lot <u>16</u> Block <u>-</u> Survey <u>Ridgedell Park</u>
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

Lindsey Shar 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.

Lindsey Shar
Signature of Certifier

Subscribed and sworn before me this the 26th day of December, 2014.

Kay Fussom
Notary Public

My Commission Expires
November 18, 2016

My commission expires: _____

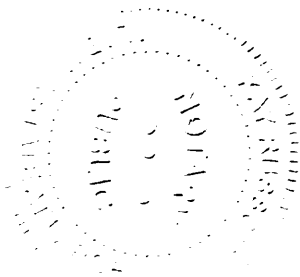


EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway
 Vestavia Hills AL 35216

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
 Deny _____
 Resolution: Date: _____ Number: _____
 Overnight Ordinance: Date: _____ Number: _____
 90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

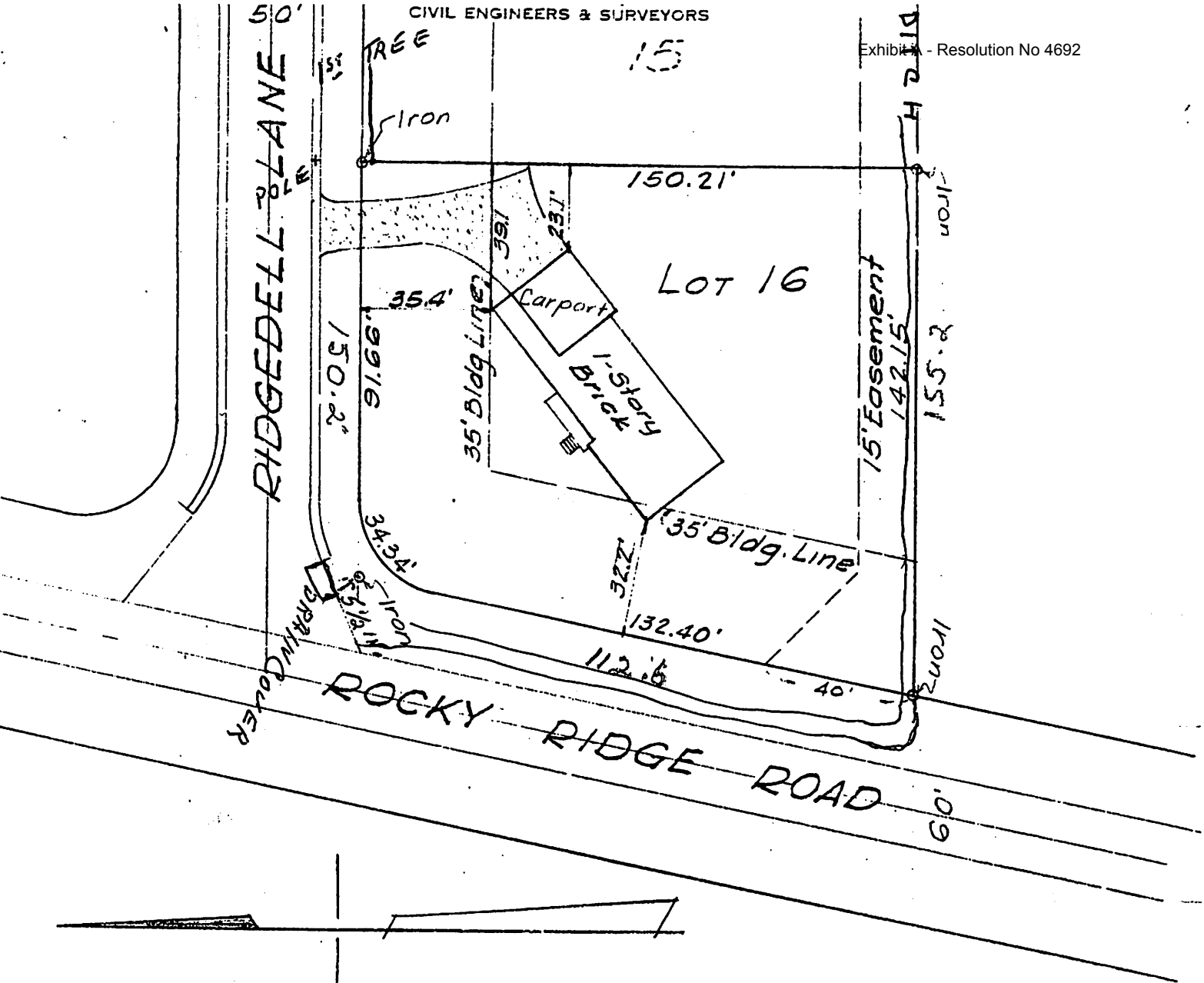
Name(s) of Homeowner(s): NATAN AND LINDSEY SHAR
 Address: 8400 KETTERING LANE
 City: BIRMINGHAM State: AL Zip: 35243

Information on Children:

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

	Name(s)	Age	School Grade	Yes	No
1.	ERIN SHAR	4	Pre-K	✓	
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes". AUGUST 2015 | 2015-2016 SY



Scale 1" = 40'

This is to certify that I have consulted the U. S. Department of the Interior Geological Survey Map No. 161-C and found that this property is not located in a special flood prone area.

STATE OF ALABAMA,
JEFFERSON COUNTY

I, Melvin R. Reynolds, a Registered Surveyor, do hereby certify that this is a true and correct plat or map of Lot 16, Block _____ of RIDGEDELL PARK, as recorded in Map

Book 73, Page 96 in the office of the Judge of Probate in Jefferson County, Alabama. The buildings on said premises are within the lines of same, and there are no visible encroachments of buildings, rights of way, easements or joint driveways over or across said land except as shown; there are no visible encroachments by electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown.

Purchaser: Billingsley
3400 Kittering Lane

According to my survey this the 27th day of June 1977

Melvin R. Reynolds
Reg. No. 2087

ORDINANCE NUMBER 2559

AN ORDINANCE TO ALTER, REARRANGE, AND EXTEND 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 Natan and Lindsey Shar dated December 23, 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;

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. Said territory is described as follows:

3400 Kettering Lane
Lot 16 Ridgedell Park
Natan and Lindsey Shar

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 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

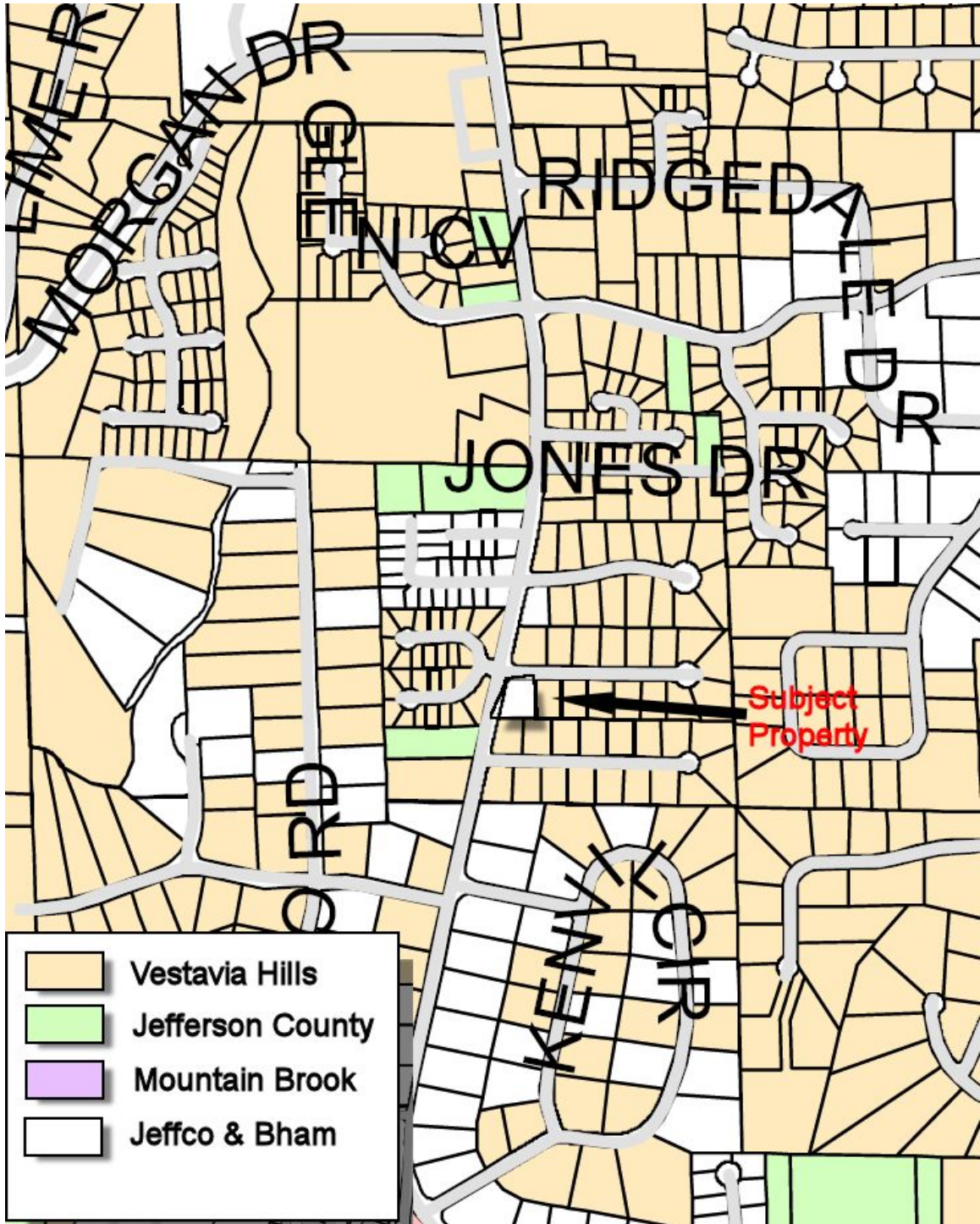
Rebecca Leavings
City Clerk

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 # 2559 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 13th day of April, 2015, 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 _____, 2015.

Rebecca Leavings
City Clerk



RESOLUTION NUMBER 4693

**A RESOLUTION PROPOSING THE ANNEXATION
OF CERTAIN TERRITORY TO THE CORPORATE
LIMITS OF THE CITY OF VESTAVIA HILLS,
ALABAMA.**

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated August 6, 2014, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 13th day of April, 2015; and

WHEREAS, it would be in the best interest of the City of Vestavia Hills, Alabama, and to the citizens thereof to consider annexation of said territory and bringing it within the corporate limits of this Municipality; and

WHEREAS, said petitioners must comply with Act #604, 1970 Alabama Legislature regarding Fire Districts (property owners are to be responsible for fire dues if they are within another Fire District at the time of the annexation petition).

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 15th day of April, 2015.

2. That on the 27th day of July, 2015, in the Vestavia Hills Municipal Center, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 4693 by the City Council of the City of Vestavia Hills, Alabama, and as

annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

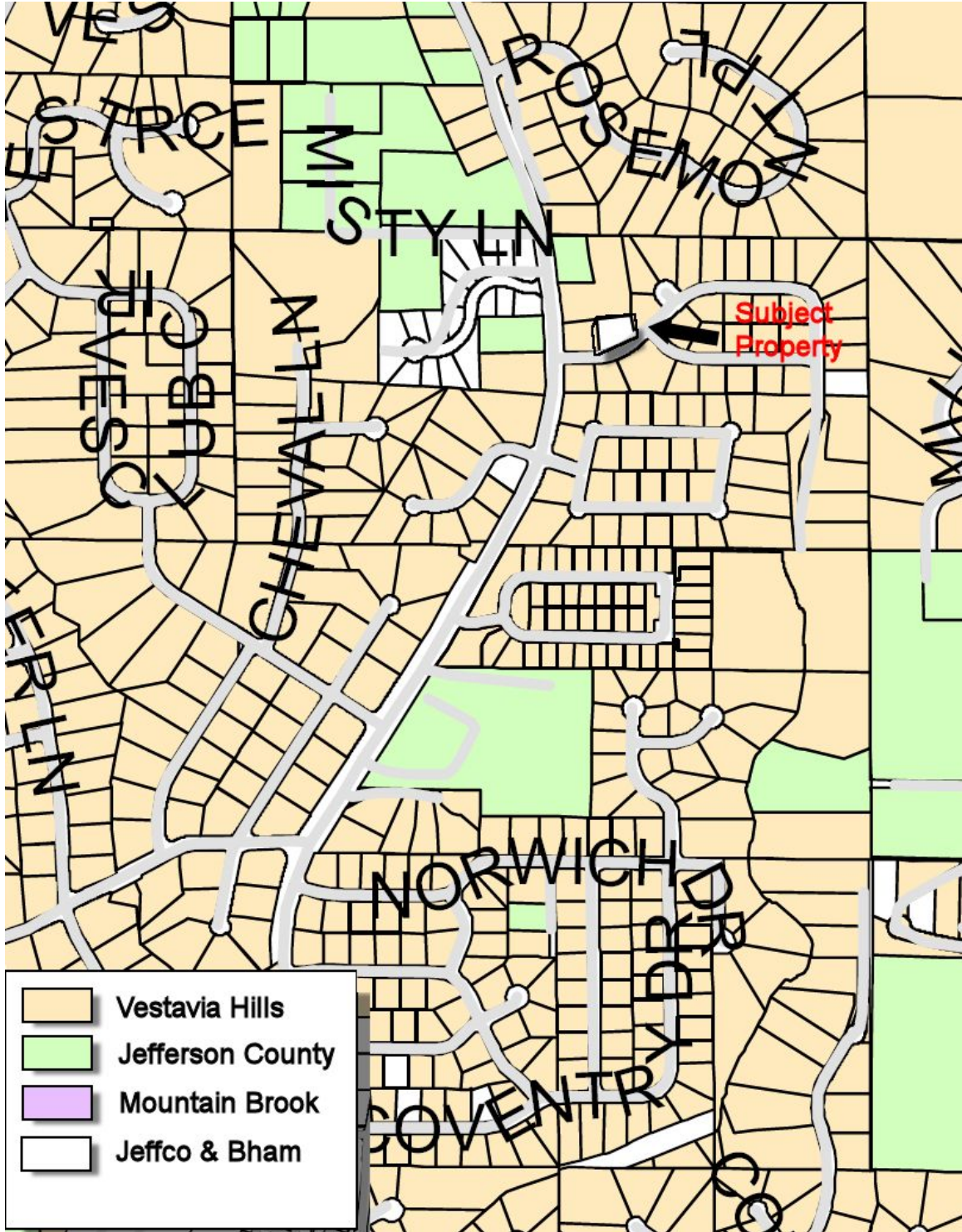
3405 Sagewood Lane
Lot 23-A, Resurvey of Lots 21, 22 & 23, Sagewood
April and Donald Winningham, Owner(s)

APPROVED and ADOPTED this the 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 3405 Sagewood Trail

Owners: April and Donald Winningham III

Date: February 12, 2015

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 _____. 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 _____ Number in city _____
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: 3405 Sagewood Trail


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 2; Plan to enroll in VH schools Yes No _____ Comments: _____

Other Comments: _____



George Pierce
Chairman

PARCEL #: 28 00 29 1 001 003.000 [111-C+] Baths: 2.0 H/C Sqft: 1,930
OWNER: MEEHAN J TIMOTHY & CHRISTINE S 18-011.0 Bed Rooms: 4 Land Sch: L1
ADDRESS: 3405 SAGEWOOD TRL VESTAVIA AL 35243-2047 Land: 147,000 Imp: 136,000 Total: 283,000
LOCATION: 3405 SAGEWOOD TRL VESTAVIA HILLS AL 35243 Acres: 0.000 Sales Info: 06/01/2004
 \$262,500

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

Tax Year : 2013

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT

PROPERTY CLASS: 3 OVER 65 CODE:
 EXEMPT CODE: 2-2 DISABILITY CODE:
 MUN CODE: 02 COUNTY HS YEAR: 0
 SCHOOL DIST: EXM OVERRIDE AMT: \$0.00
 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 50.1

VALUE

LAND VALUE 10% \$147,010
 LAND VALUE 20% \$0
 CURRENT USE VALUE [DEACTIVATED] \$0
CLASS 2
CLASS 3
 BLDG 001 111 \$136,000

CLASS USE:
 FOREST ACRES: 0 TAX SALE:
 PREV YEAR VALUE: \$283,000.00
 BDE VALUE: 0

TOTAL MARKET VALUE [APPR. VALUE: \$283,000]: \$283,010
 Assesment Override:
 MARKET VALUE:
 CU VALUE:
 PENALTY:
 ASSESSED VALUE:

donnie.winningham@gmail.com

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$28,300	\$183.95	\$4,000	\$26.00	\$157.95
COUNTY	3	2	\$28,300	\$382.05	\$2,000	\$27.00	\$355.05
SCHOOL	3	2	\$28,300	\$232.06	\$0	\$0.00	\$232.06
DIST SCHOOL	3	2	\$28,300	\$0.00	\$0	\$0.00	\$0.00
CITY	3	2	\$28,300	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$28,300	\$144.33	\$0	\$0.00	\$144.33
SPC SCHOOL2	3	2	\$28,300	\$475.44	\$0	\$0.00	\$475.44

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$28,300.00

\$1,417.83

GRAND TOTAL: \$1,369.83

DEEDS

INSTRUMENT NUMBER

201461-17975
 200408-2153

DATE

5/15/2014
 06/09/2004

PAYMENT INFO

PAY DATE	TAX YEAR	PAID BY	AMOUNT
12/2/2014	2014	CORELOGIC INC	\$1,369.83
1/11/2014	2013	TIM MEEHAN CHRISTINE S MEEHAN	\$1,369.83
2/22/2013	2012	TIMOTHY MEEHAN	\$1,398.72
20111221	2011	***	\$1,426.45
20101201	2010	***	\$1,426.45
20091207	2009	***	\$1,426.45
20081120	2008	***	\$1,446.98

March Council

*Vol Cont -1,415.00
 Vol Cont - 697.59
 Total \$ 2,112.59*

EXHIBIT "C"

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

The following properties have requested to be annexed into the City. Please review this request and then forward your comments to the City Clerk as soon as is reasonably possible.

Location: 3405 Sagewood Trail

Engineering: Date: _____ Initials: _____

Comments: 2015 Annexation Review – Engineering/Public Services _____
Review comments, 1/29/15, CBrady _____

Public Services:

3405 Sagewood Lane – no concerns noted; the City already provides maintenance services to this street and is in good condition.

Police Department: Date: 1-12-15 Initials: [Signature]

Comments: _____

Fire Department: Date: 1/28/15 Initials: [Signature]

Comments: _____

STATE OF ALABAMA

JEFFERSON COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: August 6, 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.

Donald F Winningham (205) 222-7635

Tags 308AB0 Toyota
3081AA9 Honda

EXHIBIT "A"

LOT: 23-A

BLOCK: --

SURVEY: RESURVEY OF LOTS 21, 22, & 23, SAGEWOOD

RECORDED IN MAP BOOK 97, PAGE 35 IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: R-1

COMPATIBLE CITY ZONING: R-2

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>Donald F. Winningham III</u>	Lot <u>23-A</u> Block <u>--</u> Survey <u>RESURVEY OF LOTS 21, 22, & 23, SAGEWOOD</u>
<u>[Signature]</u>	Lot <u>23-A</u> Block <u>--</u> Survey <u>RESURVEY OF LOTS 21, 22, & 23, SAGEWOOD</u>
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

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

[Signature]
Signature of Certifier

Subscribed and sworn before me this the 6th day of August, 2014.



[Signature]
Notary Public

My commission expires: 3-25-15

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): DONALD F. WINNINGHAM III and APRIL S. WINNINGHAM

Address: 3405 SAGEWOOD TRAIL

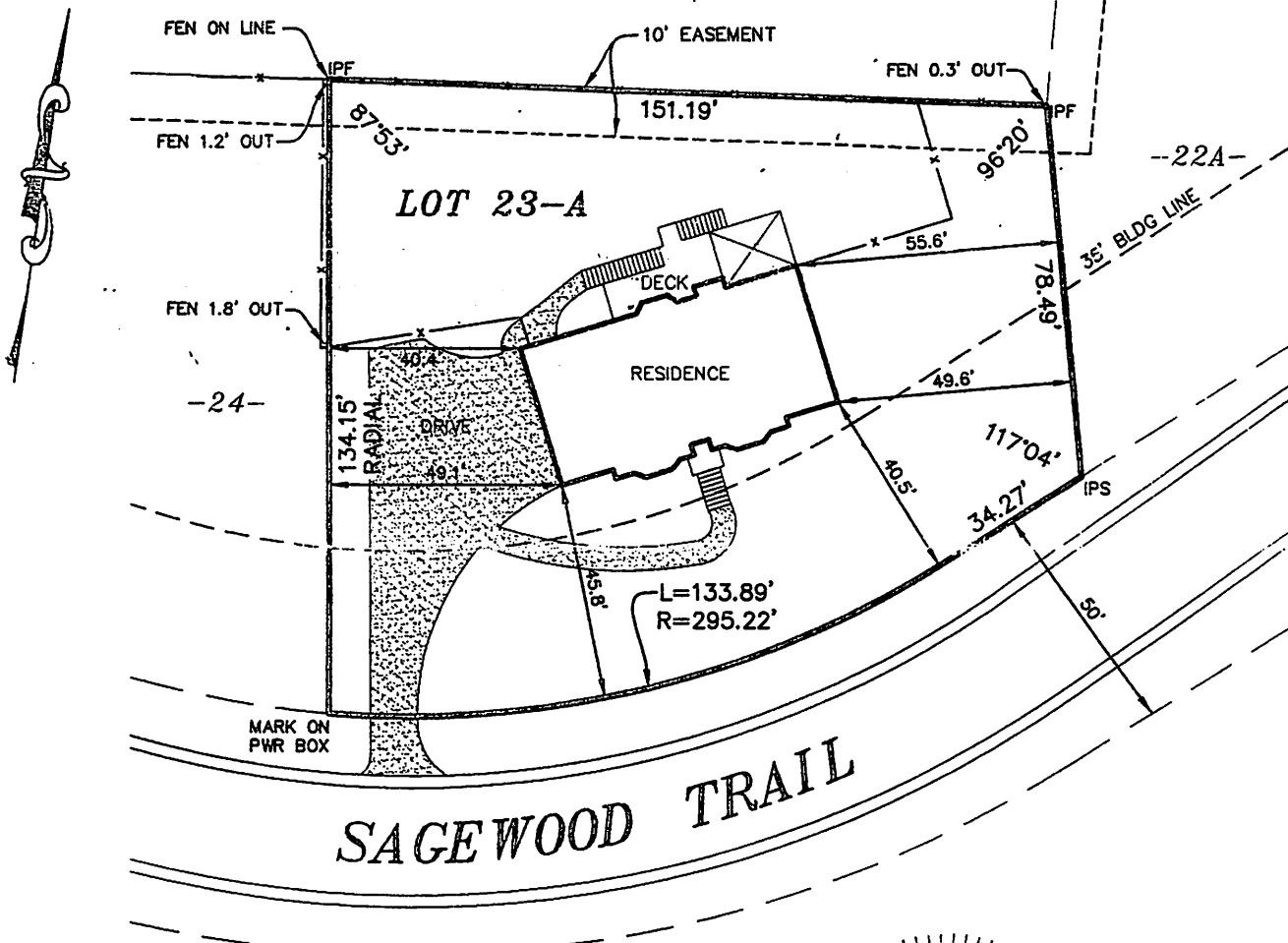
City: VESTAVIA HILLS State: ALABAMA Zip: 35243

Information on Children:

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

	Name(s)	Age	School Grade	Yes	No
1.	CORINNE ELIZABETH WINNINGHAM	4	PRE-K	X	
2.	CALEB JAMES WINNINGHAM	1	N/A	X	
3.					
4.					
5.					
6.					

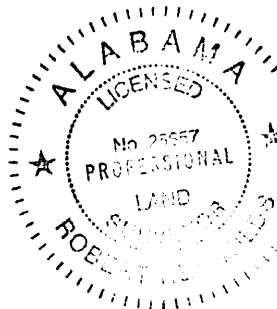
Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes". CORINNE - 8/15; CALEB - 8/18



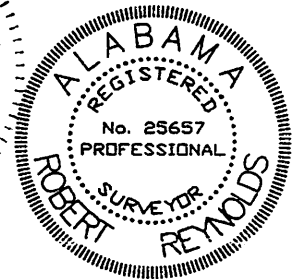
- LEGEND**
- ⊕ UTILITY POLE
 - GUY WIRE
 - RETAINING WALL
 - ▨ CONCRETE
 - x- FENCE
 - OE- OVERHEAD ELECTRICAL
 - IPF IRON PIN FOUND
 - IPS IRON PIN SET

STATE OF ALABAMA
JEFFERSON COUNTY

"CLOSING SURVEY"



SCALE: 1" = 40'



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 23-A, Block —, of RESURVEY OF LOTS 21, 22, & 23, SAGEWOOD, as recorded in Map Book 97, 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. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 10TH day of MAY, 2014.

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

Purchaser: WINNINGHAM
Address: 3405 SAGEWOOD TRAIL

Robert Reynolds

Reg. No. 25657

A-798/57

ORDINANCE NUMBER 2560

AN ORDINANCE TO ALTER, REARRANGE, AND EXTEND 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 April and Donald Winningham dated August 6, 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;

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. Said territory is described as follows:

3405 Sagewood Lane
Lot 23-A, Resurvey of Lots 21, 22 & 23, Sagewood
April and Donald Winningham

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 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

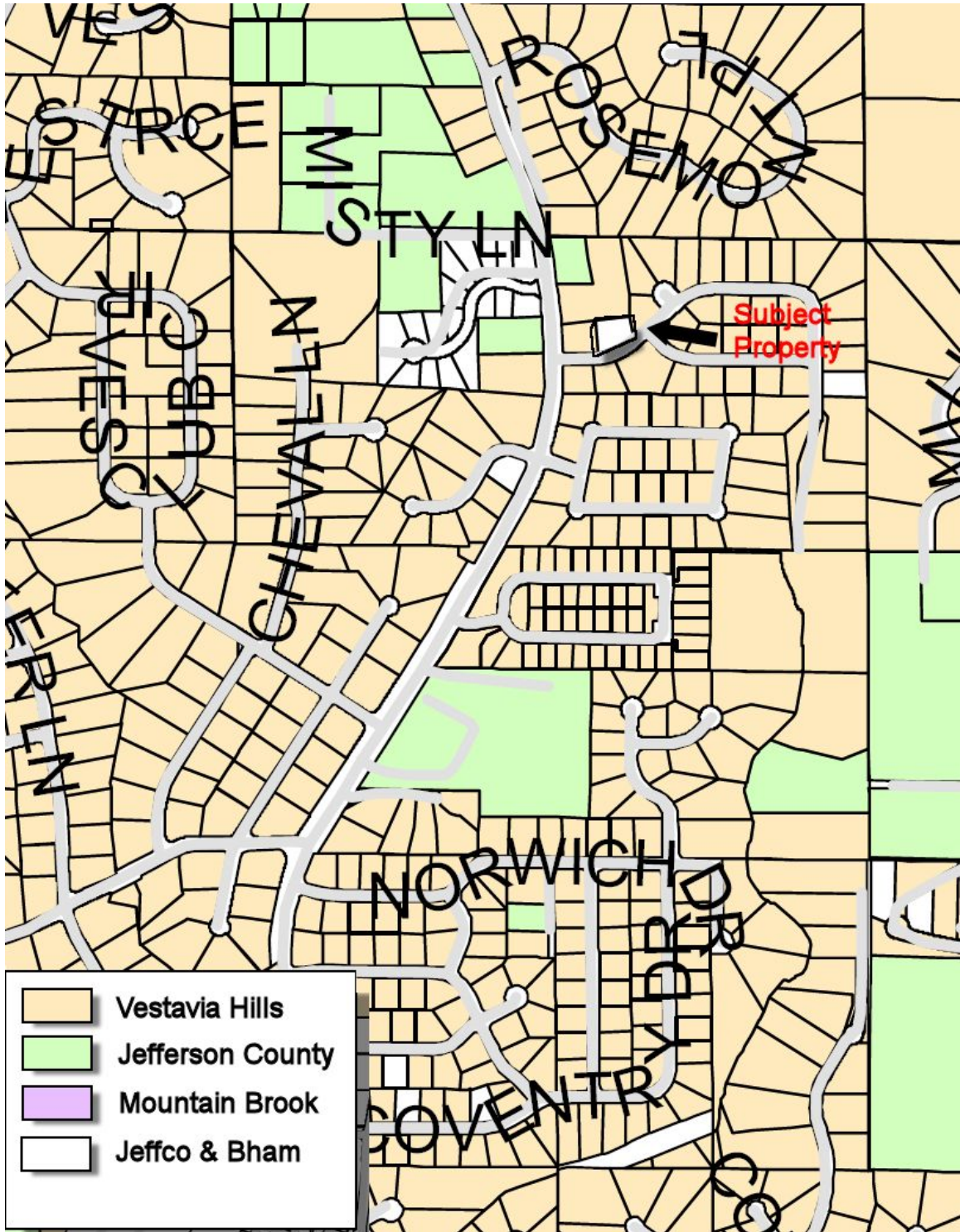
Rebecca Leavings
City Clerk

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 # 2560 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 13th day of April, 2015, 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 _____, 2015.

Rebecca Leavings
City Clerk



RESOLUTION NUMBER 4694

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT WITH NALL PARTNERSHIP LTD REGARDING THE ANNEXATION OF ALTADENA VALLEY COUNTRY CLUB

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

1. The Mayor and City Manager of the City are hereby authorized and directed to execute and deliver an Agreement by and between the City of Vestavia Hills Alabama, and Nall Partnership LTD regarding the annexation to the corporate boundaries of the City of Vestavia Hills, Alabama of the property commonly referred to as “Altadena Valley Country Club;” and
2. A copy of the agreement is attached hereto, marked as “Exhibit A” and incorporated into this Resolution Number 4694 by reference as though set out fully herein; and
3. This Resolution Number 4694 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this "Agreement") is made and entered into as of the ___ day of March, 2015 by and between **CITY OF VESTAVIA HILLS, ALABAMA**, an Alabama municipal corporation (the "City"), and **NALL PARTNERSHIP, LTD.**, an Alabama limited partnership ("Nall"), and **WESLEY L. BURNHAM, JR.**, a _____ man ("Burnham"); and together with Nall, "Owner").

RECITALS:

Owner is the owner of that certain real property consisting of approximately 122 acres, more or less (the "Development"), situated in Jefferson and Shelby Counties, Alabama which is more particularly shown on the Conceptual Development Plan (the "Conceptual Development Plan") attached hereto as **Exhibit A** and incorporated herein by reference.

The Development is not situated within the corporate limits of any municipality but is contiguous to real property which is located within the corporate limits of the City.

Owner contemplates that the Development will be developed for detached single-family residential housing, general business uses and possible recreational uses.

Owner desires to cause all of the Development to be annexed into the City and, contemporaneously with such annexation, Owner has agreed to donate, transfer and convey to the City the City Property, as hereinafter defined, containing approximately 72 acres, more or less, for recreational uses and related purposes.

The City has determined that the annexation of the Development into the City and the conveyance of the City Property to the City will be beneficial to the City and will enhance and promote the general welfare of the citizens of the City.

Owner and the City desire to enter into this Agreement in order to memorialize their agreements and understandings regarding the annexation of the Development into the City and the conveyance of the City Property by Owner to the City, subject to and upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the premises, the mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the City and Owner do hereby agree as follows:

1. **Definitions.** In addition to the other definitions set forth in this Agreement, as used through this Agreement, the following defined terms shall have the meaning set forth below, which meanings shall be applicable to both the singular and plural forms and tenses of such terms:

(a) City Property. The term “City Property” means that portion of the Development containing approximately 72 acres, more or less, as shown on the Conceptual Development Plan. The legal description of the City Property shall be set forth in the Survey approved by the City.

(b) Closing. The term “Closing” shall have the meaning given to such term in Paragraph 12(a) below.

(c) Closing Date. The term “Closing Date” means the date on which all of the Conditions have been satisfied; provided, however, that in no event shall the Closing Date be later than the Outside Closing Date.

(d) Conditions. The term “Conditions” is defined in Paragraph 10 below.

(e) Inspection Period. The term “Inspection Period” means the period of time beginning on the date of this Agreement and continuing until the latter of either (i) 45 days from the date of the Agreement or (ii) 14 days following the City’s receipt of the latter of the Survey or the Title Commitment.

(f) Outside Closing Date. The term “Outside Closing Date” means 4:00 p.m. Central Daylight Savings Time on October 1, 2015.

(g) Permitted Exceptions. The term “Permitted Exceptions” means those matters set forth in Schedule B-II of the Title Commitment approved by the City as hereinafter provided, exclusive of so-called “pre-printed” exceptions and specifically excluding any liens, judgments, mortgages, leases or other rights to use any portion of the City Property.

(h) Phase I Report. The term “Phase I Report” means a Phase I Environmental Site Assessment Report to be prepared for the City Property by an environmental engineering or consulting firm reasonably approved by the City.

(i) Survey. The term “Survey” means a boundary survey prepared by an Alabama licensed surveyor reasonably acceptable to the City, which shall (i) set forth separately the legal description of the City Property and the remainder of the Development, (ii) set forth separately the gross square footage and/or gross acreage of the City Property and the remainder of the Development, (iii) indicate separately the flood plain and floodway areas within the City Property and the remainder of the Development, (iv) set forth any visible easements or utility lines or encroachments affecting the City Property, (v) reflect and show any Permitted Exceptions affecting the City Property, (vi) be certified to the City, and (vii) be subject to approval by the City, as hereinafter provided, which approval shall not be unreasonably withheld or delayed.

(j) Title Commitment. The term “Title Commitment” means the commitment for the issuance of the Title Policy by the Title Company in favor of the City with respect to the City Property, which is subject to approval by the City as hereinafter provided.

(k) **Title Company.** The term “Title Company” means Magic City Title, Inc. as agent for Commonwealth Land Title Insurance Company.

(l) **Title Policy.** The term “Title Policy” means an owner’s title insurance policy to be issued by the Title Company in favor of the City substantially in the form of the Title Commitment approved (or deemed approved) by the City insuring fee simple title to the City Property in an amount equal to the appraised value of the City Property, as set forth on the tax records of the Tax Assessor for both Jefferson and Shelby Counties, Alabama for the 2014-2015 tax year; or, at the election of Owner, in an amount equal to the appraised value as determined by an independent appraisal by a real estate appraiser licensed in the State of Alabama, secured by Owner, at Owner’s expense.

2. **Annexation.** Owner and Current Owner have heretofore submitted to the City an application for the annexation of the Development into the municipal limits of the City subject to the terms and provisions of this Agreement. Subject to and conditioned upon the satisfaction of the Conditions, Owner respectfully requests that the Development be annexed into the City by act of the City Council in accordance with the terms and provisions of the *Code of Alabama*.

3. **Survey.** On or before forty-five (45) days from the date of this Agreement, Owner shall, at Owner’s sole cost and expense, obtain and provide the Survey to the City for review and approval, which approval shall not be unreasonably withheld or delayed; provided, however, that the Survey must (a) reflect that the City Property contains a minimum of 65 acres and (b) reflect that the configuration of the City Property is substantially the same configuration as set forth on the Conceptual Development Plan. If, for any reason, the City fails to disapprove the Survey by providing to Owner written notice of disapproval within fourteen (14) days following the City’s receipt of the Survey, then the Survey shall be deemed approved by the City. If the City disapproves the Survey, the City shall provide in writing the reasons for such disapproval and shall cooperate in good faith with Owner in an attempt to resolve any issues relating to such disapproval. Owner shall have no obligation to take any affirmative action to eliminate any objections of the City to the Survey; provided, however, that if such objections are not satisfied to the reasonable satisfaction of the City, then the City shall have the right, at the election of the City in its sole discretion, to either waive the objections and close, or to terminate this Agreement as provided in Paragraph 11 below. The City hereby approves David Stovall of Engineering Design Group to prepare the Survey.

4. **Phase I Report.** On or before thirty (30) days from the date of this Agreement, Owner shall, at Owner’s sole cost and expense, obtain and provide the Phase I Report to the City for review and approval, which approval shall not be unreasonably withheld or delayed. If, for any reason, the City fails to disapprove the Phase I Report by providing to Owner written notice of disapproval within fourteen (14) days following the City’s receipt of the Phase I Report, then the Phase I Report shall be deemed approved by the City. If the City disapproves the Phase I Report, the City shall provide in writing the reasons for such disapproval and shall cooperate in good faith with Owner in an attempt to resolve any issues relating to such disapproval. Owner shall have no obligation to take any affirmative action to eliminate any objections of the City to the Phase I Report; provided, however, that if such objections are not satisfied to the reasonable satisfaction of the City, then the City shall have the right to terminate this Agreement as provided

in Paragraph 11 below. The City approves Michael Cox of Cox Environmental to prepare the Phase I Report.

5. **Title Commitment.** On or before forty-five (45) days from the date of this Agreement, Owner shall, at Owner's sole cost and expense, obtain and provide the Title Commitment to the City for review and approval, which approval shall not be unreasonably withheld or delayed. The Title Commitment must utilize the legal description of the City Property set forth in the Survey approved (or deemed approved) by the City (provided, if the Survey has not been completed prior to the issuance of the Title Commitment, then the Title Commitment shall be endorsed to include the legal description of the City Property, as reflected on the Survey, promptly upon the completion of the Survey). The City shall have the right within fourteen (14) days after receipt of the latter of the Survey and the Title Commitment to review the Title Commitment and make any objections ("Title Objections") thereto, which Title Objections shall be made in writing by the City to Owner. Owner shall advise the City within five (5) days after receipt of the Title Objections whether it will undertake to cure any one or more of such Title Objections. If Owner shall advise the City that it will attempt to cure any one or more of the Title Objections, Owner shall undertake all actions reasonably necessary to cure any such Title Objections in a timely and diligent manner but shall have no obligation to file any lawsuits or expend any sums of money with respect to any such Title Objections. If Owner advises the City in writing that Owner will not attempt to cure one or more of the Title Objections or, after previously advising the City that Owner will attempt to cure one or more of the Title Objections Owner fails to cure the same, then the City shall have the right, at the election of the City in its sole discretion, to either waive the Title Objections or to terminate this Agreement in accordance with the terms and provisions of Paragraph 11 below. Any matters reflected in the Survey or Title Commitment which are accepted by the City or about which the City has waived or has made no objection, shall be deemed "Permitted Exceptions".

6. **Inspection Period.** During the Inspection Period, Owner grants to the City, its agents, employees and representatives the right to enter upon the City Property to undertake tests, evaluations and other inspections regarding the City Property. The City shall be responsible for any claims, liability or loss suffered by or asserted against Owner resulting from the exercise by the City of its right of inspection, including attorneys' fees and cost of defense; provided, the City shall not be responsible with respect to claims, losses or liabilities caused by acts or omissions of Owner. The provisions of this Paragraph 6 shall survive the Closing.

7. **Donation of City Property.**

(a) Subject to the satisfaction of all of the Conditions, Owner covenants and agrees to donate, transfer and convey to the City the City Property on the Closing Date, which conveyance shall be made by Owner to the City by a statutory warranty deed in form reasonably acceptable to the City, free and clear of all liens, mortgages and other encumbrances other than the Permitted Exceptions.

(b) Owner agrees, at such time as Owner or any of its successors and assigns begins any development or construction activities on any portion of the R-9 Property, as hereinafter defined, to construct, diligently pursue, and timely complete within 360 days after the

issuance of a grading/land disturbance permit by the City for the R-9 Property, an access road (the “Access Road”) to the City Property in a location reasonably approved by the City and reflected on the Approved R-9 District Development Plan, as hereinafter defined, which Access Road shall (i) be constructed in accordance with all the minimum street design and construction statutes and requirements of the City for public roadways and (ii) contain underground utilities within the right-of-way of such Access Road in such sizes and capacities reasonably determined by the City to be necessary to serve the City Property, as reflected on the Approved R-9 District Development Plan, which utilities shall include electricity, water, sanitary sewer and storm water drainage lines, pipes, wiring, conduit and other apparatus. Upon the transfer of title to the R-9 Property by Owner to another party (the “Transferee”), the Transferee shall be deemed to have assumed, and shall be responsible for the performance of, the obligations of Owner as described in this sub-paragraph 7(b), and Owner shall be forever released from any obligation or responsibility for the performance thereof.

(c) It is contemplated that the City Property will be developed by the City for recreational uses which may include athletic fields with lighting, concessions stands (to the extent the same may be constructed in accordance with Federal Emergency Management Agency guidelines), parking areas, nature trails, walking trails and other recreational amenities and for maintenance facilities to support City operations. Owner, for itself and its successors and assigns consents to all of the foregoing uses of the City Property; provided, however, that the City shall have no obligation to construct or operate any of the above-described improvements on the City Property.

(d) The conveyance of the City Property by Owner to the City shall be subject to the reservation, in favor of Owner and for the benefit of the R-9 Property and the rest of the Development, a non-exclusive easement (the “Reserved Sewer Easement”) for the installation, maintenance and repair of underground sanitary sewer lines and related facilities in such location as is acceptable to both Owner and the City, and reflected on the Approved R-9 District Development Plan. The Reserved Sewer Easement shall be deemed to be a Permitted Exception.

8. **Representations and Warranties of Owner.**

(a) Owner makes the following representations and warranties to the City, which representations and warranties are limited with respect to items (v), (vi) and (vii), to the actual knowledge of Owner, without independent inquiry, and are being relied upon by the City without independent investigation or inquiry, and which representations and warranties shall be deemed made as of the date hereof (unless otherwise provided herein to the contrary) and as of the Closing Date:

(i) Owner is the holder of record title to all of the Development;

(ii) Owner has all requisite power and authority and the legal right to enter into this Agreement and has obtained all consents and approvals necessary or required in order to enter into this Agreement and perform its obligations hereunder;

(iii) All actions and proceedings have been duly taken by Owner so as to authorize the execution and delivery of this Agreement by Owner and the performance by Owner of all of its obligations hereunder;

(iv) This Agreement has been duly executed and delivered on behalf of Owner and constitutes the legal, valid and binding obligation of Owner;

(v) The execution and delivery of this Agreement by Owner and the performance by Owner of all of its obligations under this Agreement, including the consummation of the transactions contemplated herein, will not conflict with or be in contravention of any law, regulation, order or judgment applicable to Owner or any material agreement, instrument, judgment, decree or order to which Owner is a party or by which Owner may be bound;

(vi) As of the Closing Date, the City Property will be free and clear of all liens, judgments, mortgages, encumbrances, leases (ground leases or otherwise) and any rights of third parties to enter upon or use any portion of the City Property except to the extent specifically authorized by any of the Permitted Exceptions; and

(vii) There are no actions, suits, proceedings or judgments pending or threatened against the City Property, or against Owner which would affect the City Property.

(b) Owner does hereby indemnify, agree to defend and hold the City harmless from and against any and all demands, actions, causes of actions, damages, losses, costs, liabilities and expenses, including reasonable attorneys' fees and expenses, suffered, paid or incurred by the City as a result of the material breach of any of the representations and warranties of Owner set forth in Paragraph 8(a) above. The indemnification obligations of Owner set forth herein shall survive the Closing.

(c) Burnham represents and warrants to the City that no portion of the Development constitutes the homestead of Burnham or his spouse.

9. **Zoning.** Promptly following the execution of this Agreement, Owner will file with the City a rezoning request to rezone the Development as follows: (a) the City Property will be zoned to an INST Institutional District zoning classification and (b) the remainder of the Development will be zoned to the following zoning classifications: (i) the approximately 8 acres, more or less, of the Development shown in green on the Conceptual Development Plan will be zoned to an A-Agricultural District zoning classification, (ii) the approximately 29 acres, more or less, of the Development shown in red on the Conceptual Development Plan (the "R-9 Property") will be zoned to an R-9 Planned Residential District zoning classification pursuant to a development/site plan approved by the City's Planning Commission and City Council (the "Approved R-9 District Development Plan") which provides for no less than 60 and no more than 70 lots for improvement with single-family detached residential dwellings, with lot widths

ranging from no less than 40 feet to no more than 60 feet and shall reflect the proposed location of the Access Road, and (iii) the approximately 13 acres, more or less, of the Development shown in yellow on the Conceptual Development Plan will be zoned to a B-2 General Business District zoning classification, with a restriction against automotive sales, servicing or repair. The City and Owner acknowledge and agree that pursuant to *Ala. Code* (1975) Section 11-51-85, a municipality may zone property proposed for annexation prior to the effective date of such annexation. Based on the foregoing, Owner agrees to proceed in good faith with its rezoning application with the City.

10. **Conditions.**

(a) The Closing of the transaction contemplated herein is expressly subject to and conditioned upon the satisfaction of all of the following conditions (collectively, the “Conditions”) on or prior to the Closing Date:

(i) The City shall have approved (or shall be deemed to have approved) the Survey, the Phase I Report and the Title Commitment in accordance with the terms and provisions of Paragraph 3, 4 and 5 above, respectively;

(ii) This Agreement has not been terminated pursuant to the terms and provisions of Paragraph 11 below;

(iii) The Development shall have been rezoned by the City in accordance with the terms and provisions of Paragraph 9 above;

(iv) Owner’s application for annexation of the Development into the City and this Agreement shall have been approved by the City Council of the City;

(v) All of the representations and warranties of Owner and Burnham set forth in Paragraphs 8(a) and 8(c) above shall be true and correct as of the Closing Date;

(vi) The current tenancy and occupancy of the Development by the Altadena Valley Country Club has been terminated and possession of the Development surrendered to Owner; and

(vii) Owner and the City shall have mutually agreed upon the form and content of a separate representation and warranty (the “Termination Representation”) to be provided by Owner at the Closing to the City regarding the termination of the ground lease affecting the Development and whether Owner has any knowledge of pending or threatened litigation regarding the termination of such ground lease.

(b) If, for any reason, any of the Conditions have not been satisfied by the Outside Closing Date, then the terms and provisions of Paragraph 11 below shall be applicable.

11. **Termination.** If, pursuant to the terms and provisions of Paragraphs 3, 4 or 5 above the City elects to terminate this Agreement or if any of the Conditions have not been satisfied by the Outside Closing Date, then, in either event, this Agreement shall automatically terminate, be deemed null and void and of no further force and effect and, to the extent the Development has been annexed into the City, the City agrees to promptly take such action as may be required to de-annex the Development from the municipal limits of the City and, following such de-annexation, if applicable, neither Owner nor the City shall have any further obligations or liabilities to the other hereunder.

12. **Closing.**

(a) Subject to the satisfaction of the Conditions, the consummation of the transactions contemplated by this Agreement (the "Closing") shall occur on the Closing Date; provided, however, that if the Closing has not occurred by the Outside Closing Date, then the terms and provisions of Paragraph 11 above shall be applicable.

(b) At the Closing, Owner shall execute and deliver (i) the Statutory Warranty Deed to the City conveying the City Property to the City in accordance with the terms and provisions of Paragraph 7(a) above, (ii) an easement agreement in favor of the City with respect to the use of the Access Road for access to and utilities for the City Property and (iii) the Termination Representation to the City. In addition, Owner agrees to execute any and all other documents, instruments and agreements reasonably required by either the City or the Title Company in connection with the consummation of the transactions contemplated herein or in the issuance of the Title Policy. Possession of the City Property shall be given on the Closing Date, free of any tenancy, leases or rights of occupancy other than any such rights arising out of the Permitted Exceptions.

(c) Owner shall be solely responsible for the payment of all costs and expenses relating to the preparation (and revisions, if necessary) of the Survey, the Phase I Report, the Title Commitment and the premium for the Title Policy.

(d) To the extent the Closing occurs, Owner shall pay all reasonable attorneys' fees and expenses paid or incurred by the City in connection with the preparation and negotiation of this Agreement, the review and approval of the Survey, the Phase I Report and the Title Commitment and the Closing of the transactions contemplated by this Agreement. Owner shall be sole responsible for the payment of its own attorneys' fees and expenses.

(e) Owner shall be solely responsible for, and agrees to pay when due, (i) all real estate ad valorem taxes and assessments with respect to the Development (including the City Property) for the current tax year, (ii) all library district dues and assessments, if any, with respect to the Development (including the City Property) for the current tax year, and (iii) all fire district dues and assessments with respect to the Development (including the City Property) for the current tax year, including, without limitation, all so-called "buy-out" fees payable to any

applicable fire district resulting from the annexation of the Development into the municipal limits of the City.

(f) At the Closing, Owner and Seller shall enter into the agreement for the Reserved Sewer Easement referenced in Paragraph 7(d) above.

13. **Covenants Running with the Land.** To the extent the Closing hereunder occurs, all of the terms, provisions, agreements, rights, powers, covenants and obligations set forth in this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns, including any subsequent owner(s) of the Development, and shall constitute covenants running with the land.

14. **Miscellaneous Provisions.**

(a) Notices. All notices required or permitted hereunder shall be in writing and shall be served on all of the parties hereto at the following addresses:

If to Seller: City of Vestavia Hills, Alabama
513 Montgomery Highway
Vestavia Hills AL 35216
Attention: Mr. Butch Zaragoza, Mayor
Facsimile: (205) 978-0189
Email: butchzaragoza@ci.vestaviiahills.al.us

and City of Vestavia Hills, Alabama
513 Montgomery Highway
Vestavia Hills AL 35216
Attention: Mr. Jeff Downes, City Manager
Facsimile: (205) 978-0189
Email: jdownes@vahal.org

With copies to: Stephen R. Monk
Bradley Arant Boult Cummings LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203
Facsimile: (205) 488-6429
Email: smonk@babco.com

Patrick H. Boone
215 Richard Arrington Jr., Blvd. N., Suite 705
Birmingham, Alabama 35203
Fax (205) 324-2295
Email: patrickboone@bellsouth.net

If to Owner:

Nall Partnership, Ltd. and Wesley L. Burnham, Jr.
119 Euclid Avenue
Birmingham, AL 35213
Attention: Robert D. Reich, Jr.
Facsimile: 205-879-8143
Email: JWNall@aol.com and
BReich@nalldev.com

Any such notices shall be deemed to be sufficiently given or served upon any party hereto when (i) sent by personal delivery to the address set forth above, (ii) deposited in the United States mail by registered or certified mail, return receipt requested, postage prepaid and addressed as provided above, (iii) deposited with a nationally recognized overnight delivery courier service for next business day delivery and addressed as set forth above, (iv) sent by facsimile transmission during regular business hours of any business day, in which case notice shall be deemed given upon confirmation of transmission of such facsimile notice, or (v) sent by electronic mail (email) to the email address set forth above, in which case notice shall be deemed given upon confirmation of transmission of such email notice. The above addresses may be changed by written notice to the other parties given in the manner set forth above.

(b) Applicable Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Alabama.

(c) Modification. Neither this Agreement nor any provision hereof may be waived, modified or amended, except by a written instrument signed by both the City and Owner.

(d) Captions. The captions or headings used herein are included for convenience and general reference only and shall not be construed to describe, define or limit the scope, intent or construction of this Agreement.

(e) Exhibits. Each exhibit which is referred and attached to this Agreement is incorporated herein as if set out fully in the body hereof.

(f) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

(g) Time. Time is of the essence in the performance of all obligations of each party to this Agreement.

(h) Brokerage Commissions. Owner and the City represent and warrant to each other that they have not dealt with any broker or sales agent in connection with this transaction. Owner and the City (to the extent allowed by law) each hereby agree to indemnify, defend and hold the other harmless from and against any and all claims, suits, liabilities, judgments and expenses, including reasonable attorneys' fees and expenses, suffered, paid or incurred by the other party as a result of any claim or claims for brokerage commissions, finder's fees or other compensation asserted by any person, firm or corporation in connection

with the execution of this Agreement and the consummation of the transactions contemplated by this Agreement.

(i) Entire Agreement. This Agreement constitutes the entire and complete agreement between the parties hereto and supersedes any prior oral or written agreements or understandings between the parties with respect to the Property and the matters set forth in this Agreement. It is expressly agreed that there are no verbal understandings or agreements which in any way change the terms, covenants and conditions herein set forth, and that no modification of this Agreement and no waiver of any of its terms and conditions shall be effective unless made in writing and duly executed by the parties hereto.

(j) Partial Invalidity. If any provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each provision shall be valid and enforceable to the fullest extent permitted by law.

(k) Attorneys' Fees. In the event any party hereto fails to fully perform its obligations hereunder at any time after the Closing, then the defaulting party agrees to pay to the non-defaulting party all reasonable costs, charges and expenses, including attorneys' fees and expenses, expended or incurred in connection therewith.

(l) Survival. All of the terms and provisions of this Agreement shall survive the Closing.

(m) Rules of Construction. The parties hereto and their respective counsel have participated in the drafting and redrafting of this Agreement and the general rules of construction which would construe any provision of this Agreement in favor or to the advantage of one party as opposed to the other as a result of one party drafting this Agreement as opposed to the other or in resolving any conflict or ambiguity in favor of one party as opposed to the other on the basis of which party drafted this Agreement are hereby expressly waived by both parties hereto.

(n) Amendments. Neither this Agreement nor any provision hereof may be waived, modified or amended, except by a written instrument, signed by the party against whom the enforcement of such waiver, modification or amendment is sought, and then only to the extent set forth in such instrument.

(o) No Partnership and No Third Party Beneficiaries. Nothing contained in this Agreement and no action by the parties hereto will be deemed or construed to create the relationship of principal and agent, or a partnership, or a joint venture or any association between or among any of the parties hereto. Except for any successors and assigns of the parties hereto, this Agreement does not create any rights or obligations in favor of any third parties who have not executed this Agreement.

(p) Liability of the City. Notwithstanding anything provided herein to the contrary, Owner acknowledges and agrees that the obligations of the City set forth herein are

limited by the limitations imposed on public bodies, municipalities and public corporations by the Constitution of the State of Alabama and laws affecting the use and maintenance of public property.

(q) No Waiver. No consent or waiver, express or implied, by any party hereto or to any breach or default by any other party in the performance by such other party of its obligations hereunder shall be valid unless in writing, and no such consent or waiver to or of one breach or default shall constitute a consent or waiver to or of any other breach or default in the performance by such other party of the same or any other obligations of such party hereunder. Failure on the part of any party to complain of any act or failure to act of any party or to declare such other party in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights hereunder. The granting of any consent or approval in any one instance by or on behalf of any party hereto shall not be construed to be a waiver or limit the need for such consent in any other or subsequent instance.

(r) Counterparts and Facsimile/Portable Document Format Execution. This Agreement may be executed and delivered, by facsimile and portable document format and/or in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument and shall become a binding Agreement when one or more of the counterparts have been signed by each of the parties and delivered to the other party.

[The remainder of this page has been left intentionally blank]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

CITY:

CITY OF VESTAVIA HILLS, ALABAMA, an Alabama municipal corporation

By: _____
Printed Name: _____
Title: _____

By: _____
Printed Name: _____
Title: _____

OWNER:

NALL PARTNERSHIP, LTD., an Alabama limited partnership

By: _____
Printed Name: _____
Title: _____

Wesley L. Burnham, Jr.

EXHIBIT A

Conceptual Development Plan

Draft

RESOLUTION NUMBER 4697

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT TO SHARE RESPONSIBILITIES WITH THE CITY OF BIRMINGHAM AND JEFFERSON COUNTY FOR RIGHT-OF-WAY IMPROVEMENTS TO SICARD HOLLOW ROAD FROM BLUE LAKE ROAD TO REX LAKE ROAD

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

1. The Mayor and City Manager are hereby authorized to execute and deliver an Agreement to Share Responsibilities (Agreement) with the City of Birmingham (Birmingham) and Jefferson County (County) for right-of-way repairs to Sicard Hollow Road from Blue Lake Road to Rex Lake Road; and
2. A copy of said Agreement is marked as Exhibit A, attached to and incorporated into this Resolution Number 4697 as though written fully therein; and
3. This Resolution Number 4697 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

JEFFERSON COUNTY)

STATE OF ALABAMA)

AGREEMENT
TO
SHARE RESPONSIBILITIES

Resurface Sicard Hollow Road

From Blue Lake Road to Rex Lake Road

RECITAL:

Jefferson County, Alabama (County), and the City of Birmingham, Alabama (Birmingham), and the City of Vestavia Hills, Alabama (Vestavia), desire to make certain improvements to **Sicard Hollow Road from Blue Lake Road to Rex Lake Road (Project)**. The Project traverses through the three jurisdictions, County, Birmingham and Vestavia. All three parties desire to divide the Preliminary Engineering and Construction costs based on the percentage of the Project in each jurisdiction. The County, Birmingham and Vestavia will divide responsibility as follows: County responsibility being 50% of the costs, Birmingham responsibility being 35% of the costs and Vestavia responsibility being 15% of the costs. Jefferson County, Birmingham, and Vestavia desire to establish their agreement herewith.

IN CONSIDERATION OF THE PREMISES stated herein Jefferson County, the City of Birmingham and the City of Vestavia Hills mutually agree as follows:

- 1) County will assume responsibility for the management of the **Project**.
- 2) County, Birmingham, and Vestavia will jointly prepare the Request For Proposal (RFP) and the list of qualified consultants to receive the RFP. County will assume responsibility for the solicitation of proposals from qualified engineering consultants for the **Project**.
- 3) County, Birmingham and Vestavia will jointly select a consultant, prepare the scope of work, and negotiate the fee for the production of construction plans.

- 4) County will enter into a separate Agreement with the consultant chosen to provide the design and construction plans. County will invoice Birmingham and Vestavia for their respective share of the consultant fee. Birmingham's share being 35% and Vestavia's share being 15%.
- 5) County will advertise and accept bids for the construction of the **Project**.
- 6) County will determine the low bidder and enter into a separate Agreement with the contractor for the construction of the **Project**.
- 7) County will invoice Birmingham and Vestavia for their respective share of the construction costs. Birmingham's share being 35% of the low bid and Vestavia's share being 15% of the low bid.
- 8) County will provide Construction, Engineering & Inspection during the construction phase of the **Project** with Birmingham and Vestavia providing additional staff for the inspection for the portion of the Project within their jurisdiction.
- 9) The parties expressly agree that the County does not assume any risk or future liability, or any future responsibility for any portion of Sicard Hollow Road located within the municipalities of Birmingham or Vestavia Hills.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representative as reflected below.

JEFFERSON COUNTY, ALABAMA

Date

BY: _____
James A. (Jimmie) Stephens, President
Jefferson County Commission

CITY OF BIRMINGHAM, ALABAMA

Date

BY: _____
William A. Bell, Sr., Mayor

CITY OF VESTAVIA HILLS, ALABAMA

Date

BY: _____
Alberto C. Zaragoza, Mayor

Date

BY: _____
Jeff Downes, City Manager

PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH
BIRMINGHAM, ALABAMA 35203-3720
TELEPHONE (205) 324-2018
FACSIMILE (205) 324-2295

April 8, 2015

By Electronic Mail

City Manager Jeffrey D. Downes
Vestavia Hills Municipal Center
513 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Agreement By and Among Jefferson County, Alabama, the City of Birmingham and the City of Vestavia Hills to Share Responsibilities for Paving Public Road

Dear Mr. Downes:

On April 7, 2015, you sent to me via electronic mail proposed Agreement to Share Responsibilities by and among Jefferson County, Alabama ("County"), the City of Birmingham, Alabama ("Birmingham") and the City of Vestavia Hills, Alabama ("Vestavia") for resurfacing Sicard Hollow Road from Blue Lake Road to Rex Lake Road on the following basis:

<u>Jurisdiction</u>	<u>Share of Cost</u>
County	55%
Birmingham	34%
Vestavia	11%

From a legal standpoint, I recommend the approval of this Agreement to Share Responsibilities. I do not have any recommendations for additions, deletions, changes and/or corrections.

I do want to point out that in the past few years, the City has participated in similar cooperative agreements for the resurfacing of portions of Rocky Ridge Road, Columbiana Road, Tyler Road and Overton Road.

Please call me if you have any questions regarding any of the matters set forth in this letter.

Very truly yours,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

ORDINANCE NUMBER 2565

AN ORDINANCE TO AMEND ORDINANCE 2497 PROVIDING FOR LEVYING OF MUNICIPAL TAXES FOR THE CITY OF VESTAVIA HILLS, ALABAMA, AND FOR ASSESSMENT AND COLLECTION THEREOF.

WITNESSETH THESE HISTORICAL RECITALS:

WHEREAS, prior to November 15, 1982, the ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Jefferson County, Alabama, amounted to Eight and 21/100 Dollars (\$8.21), which consisted of the following amounts:

1.	<u>State of Alabama:</u> Sixty-five cents on each One Hundred dollars (\$100.00) of assessed value of such property.	\$	0.65
2.	<u>Jefferson County:</u> One and 35/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.		1.35
3.	<u>Jefferson County Schools:</u> Eighty-two cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.		0.82
4.	<u>Special School District Tax:</u> Ninety-six cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.		0.96
5.	<u>Special District Tax:</u> Fifty-five cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.		0.55
6.	<u>Local General Municipal and Special Municipal School Taxes:</u> Three and 88/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.		3.88
			<hr/>
		TOTAL	\$ 8.21

and;

WHEREAS, prior to November 15, 1982, the aggregate locally approved millage for general municipal purposes and local school taxes of 38.8 mills (being at the rate of \$3.88 per \$100.00 of assessed value) consisted of the following:

General Municipal Purposes	10.275
Garbage Collection	10.275
West Elementary - Warrants	3.150
High School and Operations	<u>15.100</u>

TOTAL 38.800 and;

WHEREAS, all real property in the City of Vestavia Hills, Alabama, has been reappraised; and

WHEREAS, the Tax Assessor of Jefferson County in 1982 certified to the City of Vestavia Hills that total assessed value increased from \$42,983,320.00 in 1981 to \$63,427,627.00 in 1982; and

WHEREAS, the City of Vestavia Hills, Alabama, pursuant to the authority granted by Constitutional Amendment Number 373 (Lid Bill) of the Constitution of Alabama 1901, adopted Ordinance Number 633 on November 15, 1982, which reduced the ad valorem tax rate by 7.8 mills (\$0.78 per \$100.00 of assessed value). Following the enactment of Ordinance Number 633, the total millage rate consisted of the following separate taxes:

1. State of Alabama: Sixty-five cents on each One Hundred dollars (\$100.00) of assessed value of such property. \$ 0.65
2. Jefferson County: One and 35/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property. 1.35

3.	<u>Jefferson County Schools:</u> Eighty-two cents on each One Hundred Dollars (\$100.00) of the assess value of such property.	0.82
4.	<u>Special School District Tax:</u> Ninety-six cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.96
5.	<u>Special District Tax:</u> Fifty-five cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.55
6.	<u>Local General Municipal and Special Municipal School Taxes:</u> Three and 10/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.	3.10
TOTAL		\$ 7.43

After the adoption of Ordinance Number 633, the aggregate locally approved millage for general municipal purposes and local school district taxes of 31.0 mills (being at the rate of \$3.10 per \$100.00 of assessed value) consisted of the following:

General Municipal Purposes	0.821
Garbage Collection	0.821
West Elementary - Warrants	0.252
High School and Operations	<u>1.206</u>

TOTAL 3.100 and;

WHEREAS, the Vestavia Hills Board of Education unanimously adopted a resolution requesting that the ad valorem tax millage for education purposes be returned to the pre-November 15, 1982, rates by reinstating the 3.7 mills (.37 per \$100.00 of assessed value) as follows:

West Elementary Warrants from	2.52	to	3.15
High School & Operations from	12.06	to	15.10; and

WHEREAS, said resolution was presented to the City Council on February 4, 1985; and

WHEREAS, a public hearing was held on February 11, 1985, on the issue of whether or not to reinstate the 3.7 mills for the benefit of the Vestavia Hills Board of Education; and

WHEREAS, the Vestavia Hills Board of Education has requested the City Council to return the ad valorem millage tax rates that affect the Vestavia Hills School System to those rates in force and effective immediately prior to the adoption of Ordinance Number 633 on November 15, 1982, by reinstating Thirty-Seven Cents (\$0.37) on each One Hundred Dollars (\$100.00) of the assessed value of property so that the rates when adjusted will be as follows:

1. The 12.06 High School mills (\$1.206 on each \$100.00 of assessed value) be adjusted to 15.1 mills (\$1.51 on each \$100.00 of assessed value).
2. The 2.52 West Elementary mills (\$0.252 on each \$100.00 of assessed value) be adjusted to 3.15 mills (\$0.315 on each \$100.00 of assessed value); and

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, agreed to approve the request of the Board of Education by reinstating the 3.7 mills (\$0.37 per \$100.00 of assessed value). The City Council of the City of Vestavia Hills, Alabama, approved and adopted Ordinance Number 744 on February 18, 1985, which said Ordinance provided, among other things, as follows:

1. Reinstatement of 3.7 mills (0.37 on each One Hundred dollars of assessed value).
2. Established that the aggregate local millage for general municipal purposes and local school district tax rates are Three and 47/100 Dollars (\$3.47) per One Hundred Dollars (\$100.00) of the assessed value of said property.
3. That the \$3.47 local millage consists of the following:

(a)	General Municipal Purposes	0.823
(b)	Garbage Collection	0.823
(c)	West Elementary - Warrants	0.315
(d)	High School and Operations	<u>1.510</u>
	TOTAL	3.470 and;

4. The total ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Alabama, shall amount to Seven and 80/100 Dollars (\$7.80) and shall consist of the following:

State of Alabama	\$	0.65
Jefferson County		1.35
Jefferson County Schools		0.82
Special School District Tax		0.96
Special School District Tax		0.55
General Municipal Purpose Tax		1.96
Special Municipal School Tax		<u>1.51</u>
TOTAL	\$	7.80

WHEREAS, the City Council of the City of Vestavia Hills subsequently desired to return the millage tax rates that affect the General Fund to those rates in force and effective immediately prior to the adoption of Ordinance Number 633 on November 15, 1982, by reinstating (4.1 mills) forty-one cents on each One Hundred Dollars (\$100.00) of the assessed value of property so that the rates when adjusted will be as follows:

1. The 8.23 General Fund Mills (0.823 on each \$100.00 of assessed value) be adjusted to 10.275 mills (1.0275 on each \$100.00 of assessed value).
2. The 8.23 Garbage Collection Fund Mills (0.823 on each \$100.00 of assessed value) be adjusted to 10.275 mills (1.0275 on each \$100.00 of assessed value).

The total ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value property in the City of Vestavia Hills, Alabama, shall amount to Eight Dollars and 21 Cents (\$8.21) and shall consist of the following:

1. State of Alabama: Sixty-five cents on each One Hundred dollars (\$100.00) of assessed value of such property. \$ 0.65
2. Jefferson County: One and 35/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property. 1.35
3. Jefferson County Schools: Eighty-two cents on each One Hundred Dollars (\$100.00) of 0.82

the assess value of such property.

4.	<u>Special School District Tax:</u> Ninety-six cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.96
5.	<u>Special District Tax:</u> Fifty-five cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.55
6.	<u>Local General Municipal and Special Municipal School Taxes:</u> Three and 88/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.	3.88
TOTAL		\$ 8.21

WHEREAS, on May 4, 1987, the City Council of the City of Vestavia Hills, Alabama, approved and adopted Ordinance Number 901, which established the ad valorem tax rate of Eight and 21/100 Dollars (\$8.21) per One Hundred Dollars (\$100.00) of assessed value as shown in the schedule immediately above; and

WHEREAS, a referendum was held in the City of Vestavia Hills, Alabama, on Tuesday, May 8, 1990, at which election the qualified electors of the city voted on the following issue:

**TEN AND ONE-HALF MILL TAX INCREASE
IN VESTAVIA HILLS, ALABAMA,
FOR PUBLIC SCHOOL PURPOSES**

Shall the ad valorem tax presently being levied in the City of Vestavia Hills, Alabama, pursuant to provisions of the Constitution and the laws of the State of Alabama, including the election held in the City on April 28, 1970, at the rate of One Dollar and Fifty-one Cents on each One Hundred Dollars worth of taxable property in the City be increased to the rate of Two Dollars and Fifty-six Cents on each One Hundred Dollars worth of taxable property in the City (an increase of One Dollar and Five Cents on each One Hundred Dollars worth of taxable property, or ten and one-half mills); such additional ten and one-half mill tax to be levied and collected for each year beginning with the levy for the tax year October 1, 1989, to

September, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax October 1, 2016, to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) and to be used by the City Board of Education of the City of Vestavia Hills for public schools purposes?

_____ For Proposed Taxation

_____ Against Proposed Taxation

The majority of the qualified electors voted "For Proposed Taxation". The specific totals were:

For Proposed Taxation	3,097
Against Proposed Taxation	3,065

Following the referendum vote on May 8, 1990, the aggregate ad valorem tax rate on each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Jefferson County, Alabama, amounted to Nine and 26/100 Dollars (\$9.26) and consisted of the following millages:

1.	State of Alabama	\$	0.650
2.	Jefferson County		1.350
3.	Jefferson County Schools		0.820
4.	Special School District Tax		0.960
5.	Special School District Tax		0.550
6.	Local General Municipal Purpose Tax		2.055
7.	Special Municipal School Tax		2.560
8.	West Elementary		0.315

TOTAL \$ 9.260

On August 27, 1991, the voters of the City of Vestavia Hills, Alabama, elected to renew the 8.2 mill Jefferson County School ad valorem tax.

On April 28, 1992, the voters of the City of Vestavia Hills, Alabama, elected to renew the 5.5 mill Special School District ad valorem tax.

On May 3, 1993, the City Council of the City of Vestavia Hills, Alabama, approved and adopted Ordinance Number 1353, levying ad valorem taxes at the rate of \$9.26 per \$100.00 of assessed value on real and personal property located within the City for the period beginning October 1, 1993, and ending September 30, 1994.

On October 26, 1993, the voters of the City of Vestavia Hills, Alabama, voted in favor of a 9.6 mill increase of the 5.5 mill ad valorem tax (under Section 2 of Amendment 3, sometimes referred to as Amendment Number 3, Three Mill District Tax) to 15.1 mills.

Because of the 9.6 mill increase of the 5.5 mill ad valorem tax to 15.1 mills, the 9.6 mill ad valorem tax authorized by Amendment Number 82 of the Constitution of the State of Alabama was not renewed.

On March 11, 2014, the voters of the City of Vestavia Hills, Alabama, voted in favor of renewing the levy of the said 10.5 mill tax commencing with the tax year for which taxes will become due and payable on October 1, 2018 and for each consecutive tax year thereafter without limit as to time.

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

SECTION ONE - TAX LEVY: Taxes are hereby levied for the City tax year commencing on the first (1st) day of October 2015, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2016, as follows:

- A. A tax for general municipal purposes of Two and 37/100 Dollars (\$2.37) on each One Hundred Dollars (\$100.00) of the assessed value of such property.
- B. A tax for public school purposes of Two and 56/100 Dollars (\$2.56) on each One Hundred Dollars (\$100.00) of the assessed value of such property.
- C. In summary, the aggregate local millage for general municipal purposes and local school district tax rates are Four and 93/100 Dollars (\$4.93) per One Hundred Dollars (\$100.00) of the assessed value of such property.
- D. The local millage, for City accounting purposes, shall be allocated as follows:

General Municipal Purposes	1.0275
Garbage Collection	1.0275
West Elementary - Warrants	.3150
High School and Board Operations	<u>2.5600</u>

TOTAL 4.9300

SECTION TWO - SPECIAL DISTRICT TAXES: In addition to the taxes levied in SECTION ONE above, taxes are hereby levied for the City tax year commencing on the 1st day of October, 2015, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2016, as follows:

- A. A further tax of One Dollar and Fifty-one Cents (\$1.51) of each One Hundred Dollars (\$100.00) of the assessed value of such property, in addition to the above mentioned taxes to be applied exclusively to public school purposes pursuant to the authority conferred by the Constitution and the election held on February 11, 1969; renewed on April 28, 1992, and increased to 15.1 mills on October 26, 1993.
- B. A further tax of Eighty-two Cents (\$0.82) of each One Hundred Dollars (\$100.00) of the assessed value of such property, to be used solely and only for public school purposes pursuant to the Constitution of the State of Alabama.

Should the City Council of Vestavia Hills, Alabama, have no legal authority to provide for the levy, assessment and collection of the said Special School District Taxes as described in this SECTION TWO, then in such event, this SECTION TWO shall be considered as the City's support of the Vestavia Hills Board of Education.

SECTION THREE - TAX BASIS AND WHEN DUE: On and after the 1st day of October, 2015, all municipal taxes due the City of Vestavia Hills, Alabama, shall be based and due on all County assessments of the property within the limits of said County for the preceding year, and shall be due and delinquent at the time when State and County taxes for the preceding year are due and delinquent.

SECTION FOUR - EFFECTIVE DATE AND LIEN: The levy of taxes made herein shall go into force and effect as of October 1, 2015, and shall on said date become a lien on the property subject thereto.

SECTION FIVE - TAX ASSESSOR AND TAX COLLECTOR, AND THEIR COMPENSATION: The Tax Assessor and Tax Collector of Jefferson County, Alabama, shall be considered to be the Tax Assessor and Tax Collector respectively for the City of Vestavia Hills, Alabama, and shall each receive as compensation for this service in assessing and collecting respectively the taxes herein levied, as fee equivalent to one-half of one per centum (1/2 of 1%) of the taxes collected and then remitted to the City of Vestavia Hills, Alabama.

SECTION SIX - CONFLICTS: That all Ordinances, or parts of Ordinances, including Ordinance Number 2565, heretofore, adopted by the City Council of the City of Vestavia Hills, Alabama, in conflict with the provisions hereof are hereby expressly repealed.

SECTION SEVEN - SEVERABILITY: The provisions of this Ordinance are hereby declared severable. Should any provision of this Ordinance be held invalid, the invalidity thereof shall not affect the remaining provisions of this Ordinance.

SECTION EIGHT - INTENT: It is the intent of the City of Vestavia Hills, Alabama, with the passage of this Ordinance Number 2565, that the aggregate local millage for general municipal purposes and local school district tax rates be Four and 93/100 Dollars (\$4.93) per One Hundred Dollars (\$100.00) of the assessed value of such property and consist of the following:

Special High School Tax and Operations	\$	2.560
General Municipal Including Garbage		2.055
West Elementary		<u>.315</u>
TOTAL	\$	4.930

It is the further intent that the aggregate ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Jefferson County, Alabama, shall amount to Nine and 26/100 Dollars (\$9.26), which shall consist of the following millages:

1.	State of Alabama	\$	0.650
2.	Jefferson County		1.350
3.	Jefferson County Schools		0.820
4.	Special School District Tax		1.510
5.	Local General Municipal Purpose Tax		2.055
6.	Special Municipal School Tax		2.560
7.	West Elementary		<u>0.315</u>
	TOTAL	\$	9.260

SECTION NINE - TAX ABATEMENT: Whereas, the City of Vestavia Hills has annexed no parcels of land with tax abatements.

SECTION 10 - EFFECTIVE DATE: This Ordinance shall become effective immediately upon its adoption and approval and is adopted and approved all in accordance with Title 11-51-40, et seq., Code of Alabama, 1975.

ADOPTED and APPROVED this the 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

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 # 2565 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 13th day of April, 2015, 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 _____, 2015.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2566

AN ORDINANCE PROVIDING FOR LEVYING OF MUNICIPAL TAXES FOR THE CITY OF VESTAVIA HILLS, ALABAMA, AND FOR ASSESSMENT AND COLLECTION THEREOF IN SHELBY COUNTY.

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

SECTION ONE - TAX LEVY: Taxes are levied for the City tax year commencing on the first (1st) day of October, 2015, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for State taxation as shown by the books of assessment for the State and County tax year ending during the preceding year, as follows:

- A. A tax for general municipal purposes of Two and 37/100 Dollars (\$2.37) on each One Hundred Dollars (\$100.00) of value of such property;
- B. A tax for Public School purposes of Two and 56/100 Dollars (\$2.56) on each One Hundred Dollars (\$100.00) of value of such property;
- C. In summary, the aggregate local millage for general Municipal purposes and Municipal School tax rates are Four and 93/100 Dollars (\$4.93) per One Hundred (\$100.00) of the value of such property;
- D. The local millage for the City's accounting purposes shall be allocated as follows:

General Municipal Purposes	1.0275
Garbage Collection	1.0275
West Elementary Warrants	0.3150
High School and Board Operations	<u>2.5600</u>
Total	4.9300

SECTION TWO - SHELBY TAX LEVY: Taxes are hereby levied by the Shelby County Commission §40-7-42, Code of Alabama, 1975 for the City tax year commencing on the first day of October, 2015, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2016, as follows:

- A. A tax of Fifty Cents (\$0.50) on each One Hundred Dollars (\$100.00) of the value of such property for general fund purposes;
- B. A tax of One Dollar and Sixty Cents (\$1.60) on each One Hundred Dollars (\$100.00) of the value of such property for school districts;
- C. A tax of Twenty-five Cents (\$0.25) for each One Hundred Dollars (\$100.00) of the value of such property for roads and bridges;
- D. In summary, the aggregate County millage for general purposes, countywide school taxes, and road and bridges is Two and 35/100 Dollars (\$2.35) per One Hundred Dollars (\$100.00) of the value of such property.

It is the further intent that the aggregate ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Shelby County, Alabama, should amount to Seven and 93/100 Dollars (\$7.93) which shall consist of the following millages:

State of Alabama	0.650
Shelby County	0.500
Shelby County School Countywide	1.600
Shelby County Road and Bridge	0.250

General Municipal Purpose Tax	2.055
Special Municipal School Tax	2.560
West Elementary Warrants	<u>0.315</u>
Total	7.930

SECTION THREE - TAX BASIS AND WHEN DUE: On and after the 1st day of October, 2015, all municipal taxes due the City of Vestavia Hills, Alabama, shall be based and due on all County assessments of the property within the limits of said County for the preceding year, and shall be due and delinquent at the time when State and County taxes for the preceding year are due and delinquent.

SECTION FOUR - EFFECTIVE DATE AND LIEN: The levy of taxes made herein shall go into force and effect as of October 1, 2015, and shall on said date become a lien on the property subject thereto.

SECTION FIVE - TAX ASSESSOR AND TAX COLLECTOR, AND THEIR COMPENSATION: The Tax Assessor and Tax Collector of Shelby County, Alabama, shall be considered to be the Tax Assessor and Tax Collector respectively for the City of Vestavia Hills, Alabama, and shall each receive as compensation for this service in assessing and collecting respectively the taxes herein levied, as fee equivalent to one-half of one per centum (1/2 of 1%) of the taxes collected and then remitted to the City of Vestavia Hills, Alabama.

SECTION SIX - CONFLICTS: That all Ordinances, or parts of Ordinances, including Ordinance Number 2566, heretofore, adopted by the City Council of the City of Vestavia Hills, Alabama, in conflict with the provisions hereof are hereby expressly repealed.

SEVERABILITY: The provisions of this Ordinance are hereby declared severable. Should any provision of this Ordinance be held invalid, the invalidity thereof shall not affect the remaining provisions of this Ordinance.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon its adoption and approval.

ADOPTED AND APPROVED this the 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2496 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 13th day of April, 2015, 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 New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2015.

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4702

A RESOLUTION AUTHORIZING THE CITY MANAGER TO REPAIR AND/OR REPLACE COLLAPSED DRAINAGE PIPES BETWEEN THE BASEBALL FIELDS AT WALD PARK

WHEREAS, the Public Services Director, in a memorandum to the City Manager dated March 24, 2015 described a situation at Wald Park which requires the repair and/or replacement of drainage pipes, a copy of which is marked as Exhibit A, attached to and incorporated into this Resolution Number 4702 as though written fully therein; and

WHEREAS, the City Manager and Public Services Director have studied the situation and agree the repair/replacement could be done using City Personnel with materials estimated at an estimated cost of \$10,385; and

WHEREAS, the Mayor and City Council agree it would be in the best public interest to accept the Public Services Director's recommendation to repair/replace said drainage pipe as described in the attached Exhibit A.

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

1. The City Manager is hereby authorized to repair and/or replace drainage pipes at Wald Park as described in the attached Exhibit A at a cost not to exceed \$10,385; and
2. This Resolution Number 4702 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS
DEPARTMENT OF PUBLIC SERVICES
OFFICE OF CITY ENGINEER
INTER-DEPARTMENT MEMO

March 24, 2015

To: Brian Davis, Director of Public Services

From: Christopher Brady, City Engineer

RE: Wald Park, drainage pipe collapse

After review and consideration of alternatives, below and the attached summary provides our recommendations on replacement of the collapsed drainage pipe between the baseball fields at Wald Park.

Because of the location of the pipe between fields, various utilities, and general disturbance to the operation of the fields, we recommend relocation of the pipe as shown on the attached schematic layout. We would anticipate City crews to install at an approximate cost of \$10,385.

Please let me know if questions.

Sincerely,
-Christopher





**PROJECT
MOBILIZATION DATE**

**WALD PARK
MARCH**

MATERIALS/TASK	REQ./COST	NO./EA	TOTAL COST	STATUS	COST
PIPE SIZE/TYPE	18" BPP				
LINEAR FEET	\$12.00	200	\$2,400.00		
DELIVERY	LS				
#57 STONE/TONS	\$10.50	130	\$1,365.00		
DENSE GRADE/TONS	\$9.50		\$0.00		
RM CONC.	\$80.00	8	\$640.00		
SAKRETE/CEMENT	\$6.00	10	\$60.00		
RIP RAP	LS	1	\$2,500.00		
PLYWOOD/MATERIALS	LS	1	\$500.00		
TRENCH BOX RENTAL/M	\$600.00		\$0.00		
YARD INLET					
YARD GRATE			\$0.00		
TOP SOIL/YDS	\$15.00	80	\$1,200.00		
SEED/LBS	\$4.80	25	\$120.00		
HAY BALES	\$6.00	25	\$150.00		
TOTAL MATERIALS			\$8,935.00	1	\$8,935.00

UTILITY

LS

1

\$1,000.00

\$1,000.00

ADDN
LINE/LOC SURVEY
GPS

LS

LS

\$150.00

\$300.00

\$450.00

1

\$450.00

PROJECT TOTAL

\$10,385.00

RESOLUTION NUMBER 4703

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL WITH HOLCOMBE NORTON PARTNERS FOR SITE STUDIES OF ALTADENA COUNTRY CLUB

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

1. The City Manager is hereby authorized to accept a proposal with Holcombe Norton Partners (HNP) for site studies at Altadena Country Club at a cost not to exceed \$10,500; and
2. Said proposal is marked as Exhibit A, attached to and incorporated into this Resolution Number 4703 as though written fully therein; and
3. This Resolution Number 4703 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



31 March 2015

Mr. Brian Davis
 Public Service Director
 Vestavia Hills
 513 Montgomery Highway
 Vestavia Hills, AL 35216

Re: Altadena CC/Comprehensive Master Plan

Brian:

I have enjoyed meeting with the group and discussing the properties and the needs of the City. HNP appreciates the opportunity to submit this proposal for professional services.

As we discussed, this proposal includes the design services for the development of an overall master plan for the city's portion of the Altadena Country Club site. The master plan will arrange and locate the elements and amenities based on the City's "wish list" to achieve a logical and functional relationship. We propose to approach the development of the master plan in a multistage sequence, moving from site study drawings, to more refined layouts and finally to a completed plan. We will also produce a preliminary construction cost estimate based final master plan that will break down the individual elements of the design. HNP will utilize the site information provided by the City and the information generated by Goodwin Mills and Cawood regarding the hydrology and floodplain. Any additional surveying or engineering services or not included in this proposal.

In addition to the Altadena site, HNP will work with the City, Goodwin Mills and Cawood, and Brailsford & Dunlavy, Inc. to assist the City in their development of the comprehensive recreational plan. This service includes meetings with the consultants and public meetings as required to aid Brailsford & Dunlavy, Inc. in the plan development.

Based on this understanding, HNP proposes to provide our services at an hourly rate, as indicated below, and establish an amount of \$10,500.00 as a guaranteed maximum. In this proposal, if the process does not take the anticipated amount of time the Foundation will benefit from the savings and should it take more time the Foundation will not pay above the guaranteed maximum.

Principal Landscape Architect	\$150.00/hour
Associate	\$110.00/hour
Professional Staff	\$85.00/hour

We appreciate your confidence and consideration and are looking forward to working with you once again.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Norton", is written over a light blue horizontal line.

Holcombe Norton Partners, Inc.

HOLCOMBE NORTON PARTNERS

landscape architecture

1914 28th Avenue South Birmingham, Alabama 35209 phone 205.870.9936 fax 205.871.8974 web
 hnpsiteplan.com

PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH
BIRMINGHAM, ALABAMA 35203-3720
TELEPHONE (205) 324-2018
FACSIMILE (205) 324-2295

April 8, 2015

By Electronic Mail

City Manager Jeffrey D. Downes
Vestavia Hills Municipal Center
513 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Proposals for Altadena Valley Country Club Site

Dear Mr. Downes:

On April 7, 2015, you sent to me via electronic mail copies of the following proposals:

1. HOLCOMBE NORTON PARTNERS, INC.:

A. A proposal for the design services for the development of an overall master plan for the City's portion of the Altadena Country Club site, which will include a preliminary construction cost estimate.

B. A proposal to work with Goodwyn Mills and Cawood and Brailsford & Dunlavey to assist the City in the development of a comprehensive recreational plan.

2. GOODWYN MILLS AND CAWOOD: A proposal for consultant and design services for the redevelopment of the Altadena Valley Country Club golf course.

It is my understanding that the City Council will consider approval of both proposals at its next regularly scheduled meeting on Monday, April 13, 2015. Neither proposal is subject to the Alabama Competitive Bid Law. I have no recommendation from a legal standpoint for any additions, deletions, changes and/or corrections to either proposal.

Please call me if you have any questions regarding any of the matters set forth herein.

Very truly yours,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

RESOLUTION NUMBER 4704

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL FROM GOODWYN MILLS AND CAWOOD FOR DUE DILIGENCE AND PLANNING SERVICES OF THE REDEVELOPMENT OF ALTADENA COUNTRY CLUB

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

1. The City Manager is hereby authorized to accept a proposal from Goodwyn Mills and Cawood (“GMC”) for due diligence and planning services for the redevelopment of Altadena Country Club at a cost not to exceed \$50,000; and
2. Said proposal is marked as Exhibit A, attached to and incorporated into this Resolution Number 4704 as though written fully therein; and
3. This Resolution Number 4704 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 13th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



April 2, 2015

Mr. Jeff Downes, City Manager
 City of Vestavia Hills
 513 Montgomery Hwy.
 Vestavia Hills, AL 35216

RE: Proposal for Due Diligence and Planning Services
Altadena Valley Country Club Redevelopment – Vestavia Hills, Alabama

Dear Mr. Downes:

Goodwyn Mills and Cawood (GMC) appreciates the opportunity to submit a proposal for the due diligence and planning of the redevelopment of the Altadena Valley Country Club golf course for municipal ball fields and park. We have prepared this proposal for your review and comment, and we look forward to working with you throughout the planning of this project.

A> PROJECT SCOPE & SCHEDULE:

In accordance with our previous conversations to date, we have the following understanding of the Project Scope and the primary work items requiring our involvement. The proposed scope of work includes performing various discovery tasks during the inspection period to gather information about the existing Altadena Valley Country Club golf course and its potential redevelopment as municipal ball fields and park and the issues that may affect the project.

B> CONSULTANT AND DESIGN SERVICES:

Planning: In conjunction with City staff and a ball field design consultant, GMC will consider the information provided from the other services proposed herein and the results of a programming workshop to be facilitated by an outside consultant to the city as well as assist in the planning of the ball field and park complex and supporting infrastructure. A more detailed list of tasks is below:

- Programming workshop by Outside Consultant Employed by City of VH
 - Attend SAV Meeting
 - Confer with city on results of ball field programming workshop
- GIS Mapping
 - Obtain available GIS information related to topography, property lines and utilities
 - Assemble base map – 1x
- Infrastructure and Space Planning
 - Coordinate with ball field design consultant
 - Plan of ball fields and infrastructure – 1x
- Project Management and Facilitation

Preliminary Geotechnical Investigation: A preliminary geotechnical investigation will be performed on the subject property to gather information about the geotechnical aspects of the site. A more detailed list of tasks is below:

- Field Exploration
 - Drill 12 soil test borings across the site (see attached for approximate location) to an average depth of 10 feet each. The borings will be drilled to the proposed depth or to auger refusal, whichever is encountered first.

GOODWYN, MILLS AND CAWOOD, INC.

2701 1st Avenue South, Suite 100
 Birmingham, AL 35233
 Tel 205.879.4462 Fax 205.879.4493

GMCNETWORK.COM

Proposal- Due Diligence and Planning Services
 Altadena Valley Country Club Redevelopment – Vestavia Hills, Alabama

April 2, 2015

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- Split spoon sampling and standard penetration testing will be conducted at standard intervals in the borings in general accordance with ASTM D1586.
- Each borehole will be backfilled with soil cuttings from the drilling process upon completion. An ATV-mounted drill rig will be used. To help keep disturbances to a minimum however, some disturbance, such as ruts, may occur.
- A geotechnical professional will mark the boring locations in the field based on existing features.
- 811 underground line location service will be used to mark existing underground lines of companies that subscribe to their service. Other buried lines, such as sprinklers, small electrical service to lights, etc., will not be marked by this service. GMC requests that golf course maintenance personnel look at the planned boring locations after we mark them in the field to check whether they are clear of this type buried lines.
- Laboratory Testing
 - A geotechnical engineer will visually classify soil samples obtained from the drilling process. Laboratory classification tests, such as Atterberg limits, grain size (percent passing a No. 200 sieve, and natural moisture contents, will be performed on selected samples.
- Reporting
 - A brief summary of our test procedures and the results of all field and laboratory testing.
 - A review of the site conditions and geologic setting.
 - The results of a check for maps of mines beneath the site at the Alabama Mine Map Repository at the Mining and Reclamation Division of the State Department of Labor (ADOL) in Birmingham.
 - A review of subsurface soil stratigraphy including the individual Boring Records, Subsurface Diagrams, and a Boring Location Plan.
 - Recommendations for site preparation, including anticipated undercut depths if required, excavation considerations, and construction of compacted fills.
 - Information regarding groundwater conditions (if encountered), along with recommendations for controlling groundwater in excavations during construction.
 - Design and construction recommendations for shallow foundations, including foundation bearing capacity, installation recommendations, and bearing depths.

Environmental Investigation: GMC will perform an investigation of the subject property to determine the likelihood of Corps of Engineers jurisdictional streams and waters on the site and map their extents and to assess and plan areas on-site to mitigate potential impacts to those jurisdictional waters. A more detailed list of tasks is below:

- Wetland and “Waters of the U.S.” Delineation
 - Conducted by a Professional Wetlands Scientist from GMC
 - Includes all fieldwork necessary to delineate jurisdictional areas, as well as surveying and mapping of these areas
 - Does not include any submittals to the Corps of Engineers for wetland confirmation or permit/mitigation that may be required for development of the property. A separate proposal and cost estimate for permitting may be provided at a later date
- Environmental Mitigation Planning
 - Assist in the planning process for the development of the site for potential onsite mitigation for impacts to jurisdictional areas that may provide a more financially feasible mitigation

Proposal- Due Diligence and Planning Services
 Altadena Valley Country Club Redevelopment – Vestavia Hills, Alabama

April 2, 2015

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alternative, while also providing recreational opportunities and amenities for the overall development of the property

- Review the development plan in conjunction with the proposed impacts to jurisdictional areas to provide potential mitigation options and cost estimates that best suits the budget and intent of the property

Traffic and Transportation Study: In conjunction with City staff and a traffic sub-consultant, GMC will perform a traffic analysis of the Acton Road and Lakeland Trail intersection and make roadway improvement recommendations based upon the findings of the analysis and stakeholder input. A more detailed list of tasks is below:

- Traffic Analysis
 - Perform traffic counts along Acton Road near the Lakeland Trail intersection
 - Perform traffic projections based on proposed private and public site improvements
 - Evaluate traffic analysis and potential roadway geometry improvements
- Roadway Recommendations
 - Recommend up to two (2) plan alternatives at the Acton Road/ Lakeland Trail intersection
 - Conduct field review of feasibility of each alternative
 - Quantify the relative impacts to costs of each alternative including right-of-way, utilities, and constructability
 - Meet with local governing agencies having jurisdiction to review findings
 - Identify a preferred alternative with recommended plan for implementation

Preliminary Hydrologic and Hydraulic Study: GMC will perform a preliminary hydrologic and hydraulic study of the length of the Cahaba River frontage abutting the project area to make an estimate of the depth and frequency of flooding events that affect it. A more detailed list of tasks is below:

- Perform site reconnaissance to determine historical flood elevations within the project area based on observed evidence and nearby resident testimony and record elevation thru survey measurements
- Obtain existing conditions model of the specific length of the Cahaba River from FEMA
- From the gathered flood information, perform a preliminary hydrologic and hydraulic study to estimate the depth and frequency of flood events within the project area
- Confer with client on preliminary study results

C> COMPENSATION:

SERVICE DESCRIPTION		FEE		TYPE
CONSULTANT SERVICES:	Planning	Hourly	= \$9,500	Budget
	Prelim. Geotechnical Investigation		= \$4,900	LS
	Environmental Investigation		= \$6,500	LS
	Traffic and Transportation Study		= \$14,500	LS
	Prelim. Hydrologic and Hydraulic Study	Hourly	= \$6,000	Budget

REIMBURSABLE EXPENSES:

Reimbursable Expenses are project related expenses that accrue over the course of design and construction phases of the project. We do not consider telephone charges (including long distance), faxing, scanning, in-

Proposal- Due Diligence and Planning Services
Altadena Valley Country Club Redevelopment – Vestavia Hills, Alabama

April 2, 2015

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house small document copying, costs associated with e-mail correspondence or costs associated with maintaining our CAD software and systems as reimbursable expenses.

The following expenses are reimbursable, and will be invoiced monthly as incurred at 1.2 times our cost:

- **Printing:** All printing/ mounting and material costs including drawings for presentations, meetings, contractor pricing, permitting, and discussion purposes. For budgetary purposes, we recommend an **allowance of \$300** be established for project related printing and material expenses.
- **Travel Expenses:** All authorized travel expenses incurred by our employees including lodging and meals directly associated with the project.
- **Automobile Miles:** Mileage incurred by our employees and associated with the project will be invoiced at \$0.456/ mile. For budgetary purposes, we recommend an **allowance of \$200** be established for project related mileage expenses.
- **Renderings and Models:** Professional renderings or models requested by the Owner.
- **Consultant Expenses:** The reimbursable expenses of our Consultants are Owner reimbursable expenses and include travel expenses, printing costs for drawings transmitted to the Engineer, mileage, lodging, out-of-town meals, and similar project related charges.

We appreciate the opportunity to work with you over the course of this project, and trust our proposal is consistent with your expectations. Please feel free to contact me at your convenience to discuss the terms of this proposal and any questions or concerns you may have.

Sincerely:

GOODWYN, MILLS AND CAWOOD, INC.



E. Chris Eckroate, P.E.
Director of Civil Engineering
Birmingham Division

Accepted By:

City of Vestavia Hills

Date: _____

PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH
BIRMINGHAM, ALABAMA 35203-3720
TELEPHONE (205) 324-2018
FACSIMILE (205) 324-2295

April 8, 2015

By Electronic Mail

City Manager Jeffrey D. Downes
Vestavia Hills Municipal Center
513 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Proposals for Altadena Valley Country Club Site

Dear Mr. Downes:

On April 7, 2015, you sent to me via electronic mail copies of the following proposals:

1. **HOLCOMBE NORTON PARTNERS, INC.:**

A. A proposal for the design services for the development of an overall master plan for the City's portion of the Altadena Country Club site, which will include a preliminary construction cost estimate.

B. A proposal to work with Goodwyn Mills and Cawood and Brailsford & Dunlavey to assist the City in the development of a comprehensive recreational plan.

2. **GOODWYN MILLS AND CAWOOD:** A proposal for consultant and design services for the redevelopment of the Altadena Valley Country Club golf course.

It is my understanding that the City Council will consider approval of both proposals at its next regularly scheduled meeting on Monday, April 13, 2015. Neither proposal is subject to the Alabama Competitive Bid Law. I have no recommendation from a legal standpoint for any additions, deletions, changes and/or corrections to either proposal.

Please call me if you have any questions regarding any of the matters set forth herein.

Very truly yours,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

RESOLUTION NUMBER 4698

**A RESOLUTION PROPOSING THE ANNEXATION
OF CERTAIN TERRITORY TO THE CORPORATE
LIMITS OF THE CITY OF VESTAVIA HILLS,
ALABAMA.**

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated January 30, 2015, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 27th day of April, 2015; and

WHEREAS, it would be in the best interest of the City of Vestavia Hills, Alabama, and to the citizens thereof to consider annexation of said territory and bringing it within the corporate limits of this Municipality; and

WHEREAS, said petitioners must comply with Act #604, 1970 Alabama Legislature regarding Fire Districts (property owners are to be responsible for fire dues if they are within another Fire District at the time of the annexation petition).

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 29th day of April, 2015.

2. That on the 10th day of August, 2015, in the Vestavia Hills Municipal Center, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 4698 by the City Council of the City of Vestavia Hills, Alabama, and as

annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

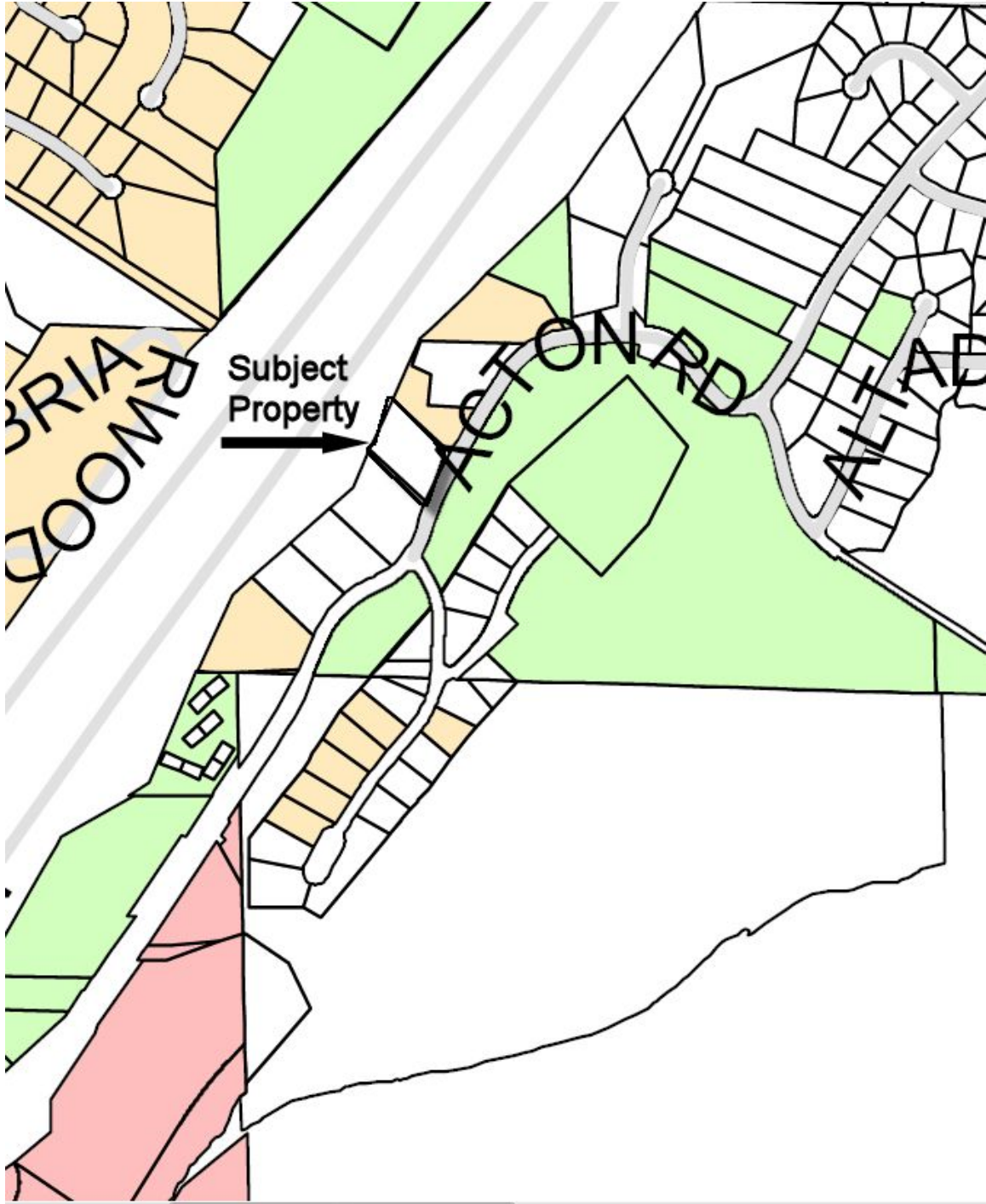
2606 Acton Road
Portion of Lot 5, Altadena Valley Country Club Fairway Sector (MB64/MP25)
Jennifer Weldon, Owner(s)

APPROVED and ADOPTED this the 27th day of April, 2014.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 2606 Acton Road

Owners: Jennifer Weldon

Date: 3-12-15

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 ~~244,100~~. Meets city criteria: Yes No
Comment: 244,100
6. This street has fewer than 100% of the individual properties within the limits of the city
Yes No
Number of total homes 16 Number in city 12
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: 2606 Acton 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 2; Plan to enroll in VH schools Yes No Comments: _____

Other Comments: _____



George Pierce
Chairman

PARCEL #: 28 00 33 4 001 008.000 [111-B-] Baths: 3.0 H/C Sqft: 2,706
OWNER: SCHMITTOU ODIS H & CARNELL H 18-036.0 Bed Rooms: 4 Land Sch: A116
ADDRESS: C/O JENNIFER S WELDON 1515 CHAMBLISS LN Land: 50,200 Imp: 193,900 Total: 244,100
 HOOVER AL .. Acres: 0.000 Sales Info: \$0
LOCATION: 2606 ACTON RD BIRMINGHAM AL 35243

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

Tax Year : 2013

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT

PROPERTY CLASS: 2 OVER 65 CODE:
 EXEMPT CODE: DISABILITY CODE:
 MUN CODE: 02 COUNTY HS YEAR: 0
 SCHOOL DIST: EXM OVERRIDE AMT: \$0.00
 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 50.1

VALUE

LAND VALUE 10% \$0
 LAND VALUE 20% \$50,160
 CURRENT USE VALUE [DEACTIVATED] \$0
CLASS 2
 UTILITY STEELOR 26SAPFA \$900
 BLDG 001 111 \$193,000

CLASS USE:

FOREST ACRES: 0 TAX SALE:
 PREV YEAR VALUE: \$244,100.00 BOE VALUE: 0

CLASS 3

TOTAL MARKET VALUE [APPR. VALUE: \$244,100]: \$244,060
 Assesment Override:
 MARKET VALUE:
 CU VALUE:
 PENALTY:
 ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	2	2	\$48,820	\$317.33	\$0	\$0.00	\$317.33
COUNTY	2	2	\$48,820	\$659.07	\$0	\$0.00	\$659.07
SCHOOL	2	2	\$48,820	\$400.32	\$0	\$0.00	\$400.32
DIST SCHOOL	2	2	\$48,820	\$0.00	\$0	\$0.00	\$0.00
CITY	2	2	\$48,820	\$0.00	\$0	\$0.00	\$0.00
FOREST	2	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	2	2	\$48,820	\$248.98	\$0	\$0.00	\$248.98
SPC SCHOOL2	2	2	\$48,820	\$820.18	\$0	\$0.00	\$820.18

TOTAL FEE & INTEREST: (Detail) \$15.00

ASSD. VALUE: \$48,820.00

\$2,445.88

GRAND TOTAL: \$2,460.88

DEEDS

PAYMENT INFO

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
		12/5/2014	2014	MARK W. OR JENNIFER S. WELDON	\$2,325.61
		10/22/2013	2013	-	\$2,460.88
		12/28/2012	2012	DSD PROPERTIES LLC	\$2,460.88
		20120522	2011	***	\$2,675.15
		20110524	2010	***	\$2,675.98
		20100226	2009	***	\$1,077.00
		20090526	2008	***	\$1,182.72

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: January 30, 2015

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 notes 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.

Jennifer Cell phone: (205) 913-3384
" Home " (205) 822-8831
" Email weldonjen1@gmail.com
daughter who lives @ 2606 Acton Rd with family
Alex Nelson cell phone: (205) 913-4444
" " Husband: (205) 306-1310
" " email: Nelson.Alexandria@gmail.com

EXHIBIT "A"

LOT: 5

BLOCK: _____

SURVEY: Altadena Valley Country Club Fairway Sector
less that part inf I-454 Right of way

RECORDED IN MAP BOOK 64, PAGE 25 IN THE

PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: A1 Agriculture

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.

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
<u>Jennifer S. Heldon</u>	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

Jennifer S. Heldon 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.

Jennifer S. Heldon
Signature of Certifier

Subscribed and sworn before me this the 4th day of March, 2015

Kay Huseon
Notary Public

My Commission Expires
November 18, 2016

My commission expires: _____

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway
Vestavia Hills AL 35216

(To be completed by the City)

Date of Annexation Petition 1/30/2015 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): Jennifer S. Weldon

Address: 2606 Acton Road

City: BIRMINGHAM State: AL Zip: 35248

Information on Children:

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

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

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

ORDINANCE NUMBER 2561

AN ORDINANCE TO ALTER, REARRANGE, AND EXTEND 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 Jennifer Weldon dated January 30, 2015, 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;

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. Said territory is described as follows:

2606 Acton Road
Portion of Lot 5, Altadena Valley Country Club Fairway Sector (MB64/MP25)
Jennifer Weldon

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 27th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

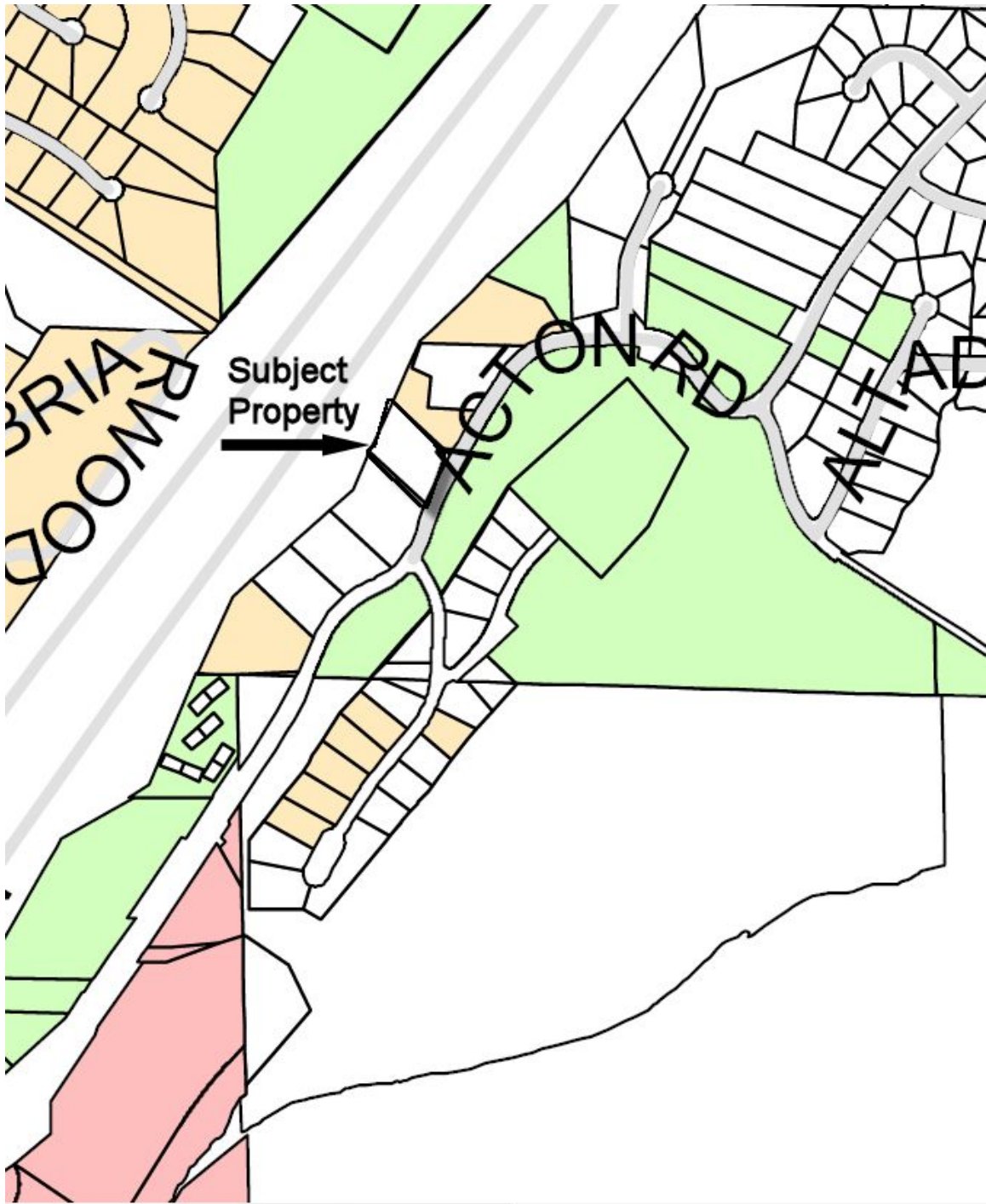
Rebecca Leavings
City Clerk

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 # 2561 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 27th day of April, 2015, 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 _____, 2015.

Rebecca Leavings
City Clerk



RESOLUTION NUMBER 4699

**A RESOLUTION PROPOSING THE ANNEXATION
OF CERTAIN TERRITORY TO THE CORPORATE
LIMITS OF THE CITY OF VESTAVIA HILLS,
ALABAMA.**

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated October 1, 2015, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 27th day of April, 2015; and

WHEREAS, it would be in the best interest of the City of Vestavia Hills, Alabama, and to the citizens thereof to consider annexation of said territory and bringing it within the corporate limits of this Municipality; and

WHEREAS, said petitioners must comply with Act #604, 1970 Alabama Legislature regarding Fire Districts (property owners are to be responsible for fire dues if they are within another Fire District at the time of the annexation petition).

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 29th day of April, 2015.

2. That on the 10th day of August, 2015, in the Vestavia Hills Municipal Center, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 4699 by the City Council of the City of Vestavia Hills, Alabama, and as

annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

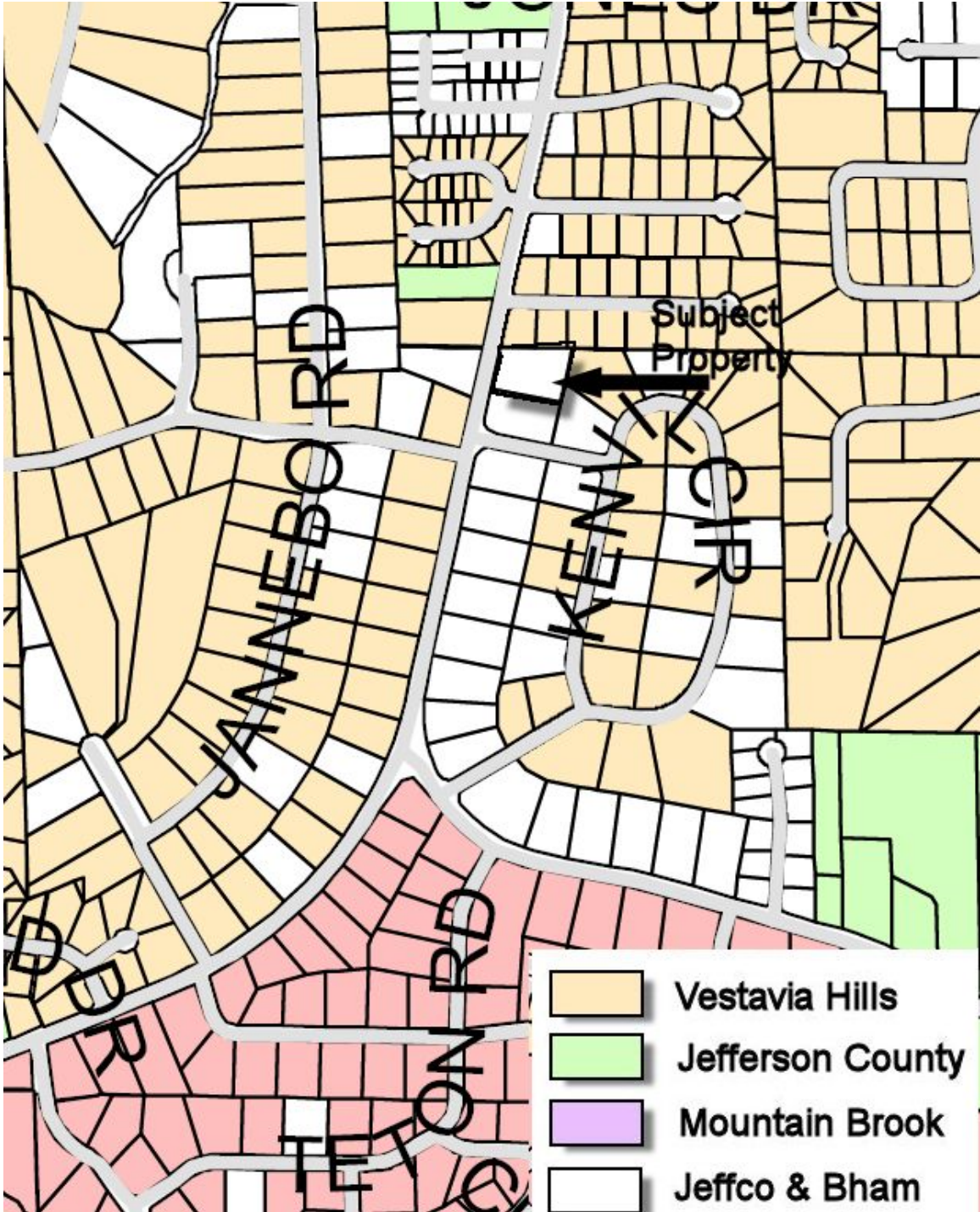
2437 Rocky Ridge Road
Lot 1, Buckhead 1st Sector (MB 31/MP 93)
Michael and Caroline Allen, Owner(s)

APPROVED and ADOPTED this the 27th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 2437 Rocky Ridge Road

Owners: Michael and Caroline Allen

Date: 3-12-15

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 212,000.; Meets city criteria: Yes No
Comment: N/A
6. This street has fewer than 100% of the individual properties within the limits of the city
Yes No
Number of total homes multiple Number in city multiple
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: 2437 Rock Ridge 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 2; Plan to enroll in VH schools Yes _____ No Comments: _____

Other Comments: _____



George Pierce
Chairman

PARCEL #: 40 00 05 2 001 001.000
OWNER: ALLEN MICHAEL T & CAROLINE H
ADDRESS: 2437 ROCKY RIDGE RD VESTAVIA AL 35243-2852
LOCATION: 2437 ROCKY RIDGE RD BHAM AL 35243

SALES INFO: Sales Info: 04/10/2013
 Acres: 0.000
Tax Year: 2014

LAND VALUE: 18-015.0
 Land: 121,700 Imp: 150,300 Total: 272,000
 Bed Rooms: 4 Land Sch: L1
 H/C Sqft: 2,711 Baths: 2.0

DISABILITY CODE: 2-2
EXEMPT CODE: 02 COUNTY
MUN CODE: 02 COUNTY
SCHOOL DIST: EXM OVERRIDE \$0.00
 OVR ASD VALUE: \$0.00
 CLASS USE: BLDG 001 111
 TAX SALE: 0
 FOREST ACRES: 0
 PREV YEAR VALUE: \$258,400.00 BOE VALUE: 0

SUMMARY

ASSESSMENT

PROPERTY CLASS:	OVER 65 CODE:	DISABILITY CODE:	HS YEAR:	EXM OVERRIDE	AMT:	TOTAL MILLAGE:	CLASS USE:	FOREST ACRES:	TAX SALE:	PREV YEAR VALUE:
3		2-2	02 COUNTY	\$0.00		50.1	BLDG 001	0	0	\$258,400.00 BOE VALUE: 0
VALUE LAND VALUE 10% \$121,680 LAND VALUE 20% \$0 CURRENT USE VALUE [DEACTIVATED] \$0 MARKET VALUE: CU VALUE: PENALTY: ASSESSED VALUE:										

TAX INFO

CLASS	MUNICODE	ASSD. VALUE	TAX EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	\$27,200	\$176.80	\$4,000	\$150.80
COUNTY	3	\$27,200	\$367.20	\$2,000	\$340.20
SCHOOL	3	\$27,200	\$223.04	\$0	\$223.04
DIST SCHOOL	3	\$27,200	\$0.00	\$0	\$0.00
CITY	3	\$27,200	\$0.00	\$0	\$0.00
FOREST	3	\$0	\$0.00	\$0	\$0.00
SPC SCHOOL1	3	\$27,200	\$138.72	\$0	\$138.72
SPC SCHOOL2	3	\$27,200	\$456.96	\$0	\$456.96
TOTAL FEE & INTEREST: (Detail) \$5.00 ASSD. VALUE: \$27,200.00 \$1,362.72 GRAND TOTAL: \$1,314.72 FULLY PAID					

DEEDS

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
201361-16462	4/10/2013	12/18/2014	2014	ALLEN MICHAEL T & CAROLINE H	\$1,314.72
200607-10246	04/21/2006	1/17/2014	2013	TANNER ALLEN	\$1,246.58
200413-5362	09/09/2004	2/14/2013	2012	ALLEN MICHAEL T	\$1,246.58
9711-7292	10/02/1997	20111214	2011	***	\$1,259.61
		20101221	2010	***	\$1,259.61
		20091231	2009	***	\$1,259.61
		20081231	2008	***	\$1,270.16

STATE OF ALABAMA

JEFFERSON COUNTY

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

Date of Petition: 10-1-2014

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.

EXHIBIT "A"

LOT: 1

BLOCK: _____

SURVEY: Survey of Buckhead

RECORDED IN MAP BOOK 31, PAGE 93 IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: Jefferson

COMPATIBLE CITY ZONING: Vestavia

LEGAL DESCRIPTION (METES AND BOUNDS):

Lot 1, Survey of Buckhead, 1st Sector,
Map Book 31, Page 93.

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.

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
<u>Caroline H. Allen</u>	Lot <u>1</u> Block _____ Survey <u>Buckhead</u>
<u>Michael T. Allen</u>	Lot <u>1</u> Block _____ Survey <u>Buckhead</u>
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

JEFFERSON COUNTY

Caroline H. Allen + Michael T. Allen 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.

Caroline H. Allen
Signature of Certifier

Subscribed and sworn before me this the 1st day of October

Theresa C. Heaton
Notary Public



My commission expires: 10-1-17

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): Caroline + Michael Allen
Address: 2437 Rocky Ridge Rd
City: _____ State: _____ Zip: _____

Information on Children:

none

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

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

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

ORDINANCE NUMBER 2562

AN ORDINANCE TO ALTER, REARRANGE, AND EXTEND 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 Michael and Caroline Allen dated October 1, 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;

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. Said territory is described as follows:

2437 Rocky Ridge Road
Lot 1, Buckhead 1st Sector (MB 31/MP 93)
Michael and Caroline Allen

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 27th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

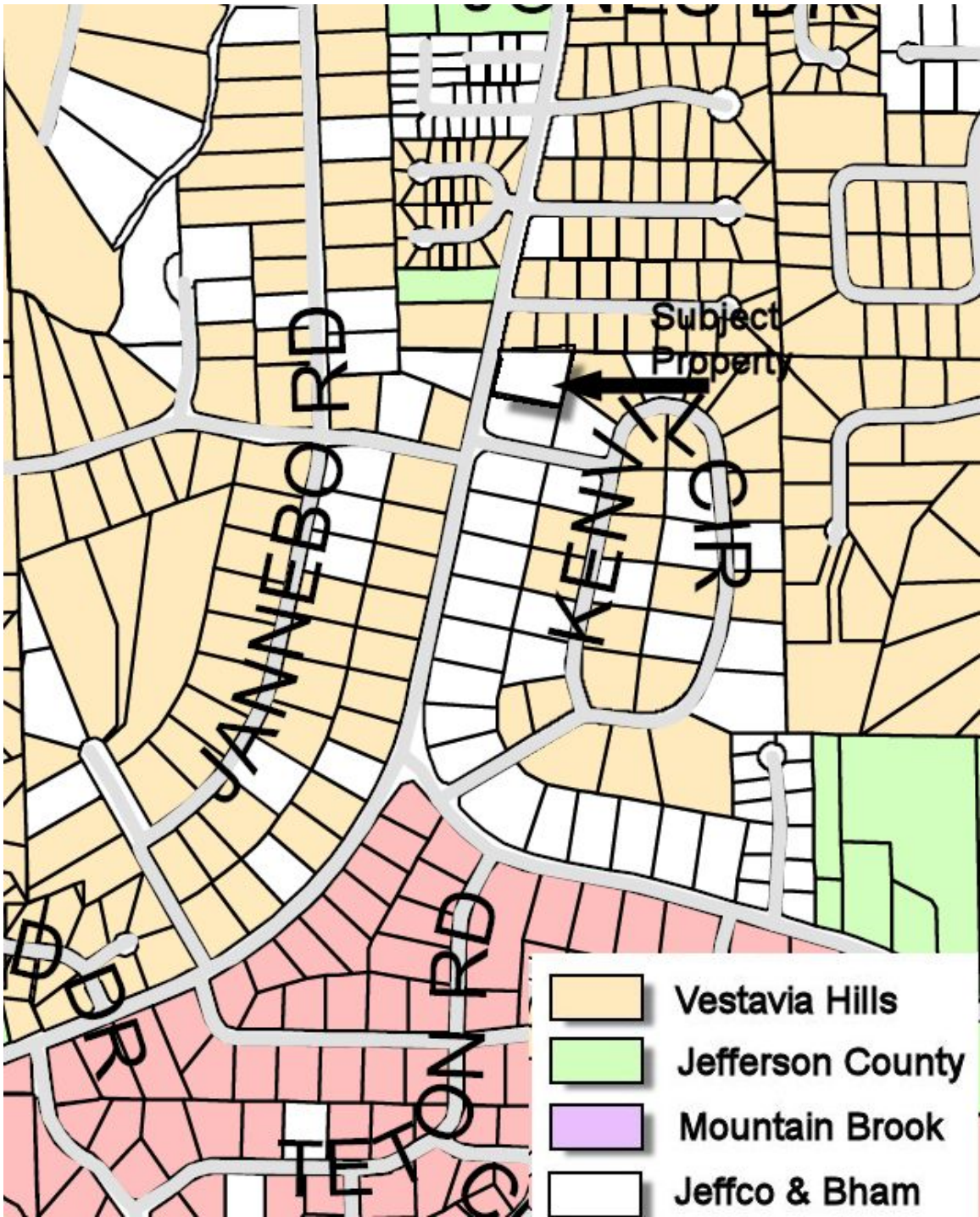
Rebecca Leavings
City Clerk

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 # 2562 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 27th day of April, 2015, 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 _____, 2015.

Rebecca Leavings
City Clerk



RESOLUTION NUMBER 4700

**A RESOLUTION PROPOSING THE ANNEXATION
OF CERTAIN TERRITORY TO THE CORPORATE
LIMITS OF THE CITY OF VESTAVIA HILLS,
ALABAMA.**

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated February 10, 2015, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 27th day of April, 2015; and

WHEREAS, it would be in the best interest of the City of Vestavia Hills, Alabama, and to the citizens thereof to consider annexation of said territory and bringing it within the corporate limits of this Municipality; and

WHEREAS, said petitioners must comply with Act #604, 1970 Alabama Legislature regarding Fire Districts (property owners are to be responsible for fire dues if they are within another Fire District at the time of the annexation petition).

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 29th day of April, 2015.

2. That on the 10th day of August, 2015, in the Vestavia Hills Municipal Center, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 4700 by the City Council of the City of Vestavia Hills, Alabama, and as

annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

3609 Settlers Lane
Part of Estate #6, JP Westbrook Estates
Joseph D. West, Owner(s)

More particularly described as follows:

Part of Estate #6, according to the map and survey of J.P. Westbrook Estates, recorded in Map Book 27, Page 14, in the Office of the Judge of Probate of Jefferson County, Alabama, being more particularly described as follows: Commence at the Northwest corner of said Estate #6; thence Southerly along the West line thereof 641.02 feet, to the point of beginning of the part herein described; thence continue on the last name course 200 feet, thence 89 degrees 45' to the right in an Easterly direction 99.06 feet to the right-of-way of Westwood Drive and the intersection of a curve which radius is 35 feet and subtended by a central angle of 156 degrees 41' to the right thence along the arc of said curve 97.71 feet to the point of reverse curve which radius is 35 feet and subtended by a central angle of 31 degrees 00' to the left, thence along the arc of said curve 18.94 feet to the point of tangent to said curve; thence along tangent to curve 180.74 feet; thence 126 degrees 41' to the left in a Northerly direction 300 feet, thence 87 degrees 54' to the left in a Westerly direction 320.43 feet to the point of beginning.

APPROVED and ADOPTED this the 27th day of April, 2014.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 3609 Settlers Lane

Owners: Joseph D. West

Date: 3-12-15

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 Roadway is narrow and in poor condition

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of 427,900. 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 10 Number in city 3
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: 3609 Settlers Lane


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: N. S. WOODS ROAD way in poor condition

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

Other Comments: _____



George Pierce
Chairman

PARCEL #: 28 00 33 2 001 035.000
OWNER: WEST JOSEPH D
ADDRESS: 3609 SETTLERS LANE BIRMINGHAM AL 35243
LOCATION: 3609 SETTLERS LN AL 35243

[111-C+] Baths: 3.5 H/C Sqft: 3,299
 18-013.0 Bed Rooms: 3 Land Sch: A114
 Land: 179,300 Imp: 248,600 Total: 427,900
 Acres: 0.000 Sales Info: 05/15/2012
\$215,000

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

Tax Year : 2013

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT

PROPERTY CLASS: 3 OVER 65 CODE:
 EXEMPT CODE: 2-2 DISABILITY CODE:
 MUN CODE: 02 COUNTY HS YEAR: 2013
 SCHOOL DIST: EXM OVERRIDE AMT: \$0.00
 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 50.1

VALUE

LAND VALUE 10% \$179,250
 LAND VALUE 20% \$0
 CURRENT USE VALUE [DEACTIVATED] \$0

CLASS USE:
 FOREST ACRES: 0 TAX SALE:
 PREV YEAR VALUE: \$303,300.00 BOE VALUE: 0

CLASS 2
CLASS 3
 BLDG 001 111 \$248,600

TOTAL MARKET VALUE [APPR. VALUE: \$427,900]: \$427,850
 Assesment Override:

MARKET VALUE:
 CU VALUE:
 PENALTY:
 ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$42,800	\$278.20	\$4,000	\$26.00	\$252.20
COUNTY	3	2	\$42,800	\$577.80	\$2,000	\$27.00	\$550.80
SCHOOL	3	2	\$42,800	\$350.96	\$0	\$0.00	\$350.96
DIST SCHOOL	3	2	\$42,800	\$0.00	\$0	\$0.00	\$0.00
CITY	3	2	\$42,800	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$42,800	\$218.28	\$0	\$0.00	\$218.28
SPC SCHOOL2	3	2	\$42,800	\$719.04	\$0	\$0.00	\$719.04

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$42,800.00

\$2,144.28

GRAND TOTAL: \$2,096.28

DEEDS

PAYMENT INFO

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
201213-18340	5/15/2012	12/31/2014	2014	JOSEPH WEST	\$2,096.28
6141-1	05/14/1970	12/31/2013	2013	JOSEPH WEST	\$2,096.28
614-1	05/14/1970	11/5/2012	2012	JOSEPH D WEST	\$3,054.07
		20120503	2011	***	\$3,324.43
		20110415	2010	***	\$3,298.69
		20100108	2009	***	\$1,314.34
		20081217	2008	***	\$1,321.11
		20071226	2007	***	\$1,121.39

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 2 / 10 / 2015

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.

Joseph West

205 - 427 - 4800

Josephwest@allstate.com

EXHIBIT "A"

LOT: 35

BLOCK: PART OF ESTATE #6

SURVEY: J.P. WESTBROOK ESTATES

RECORDED IN MAP BOOK 27, PAGE 14 IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: E1

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS):

Part of Estate #6, according to the map and survey of J.P. Westbrook Estates, recorded in Map Book 27, Page 14, in the Office of the Judge of Probate of Jefferson County, Alabama, being more particularly described as follows: Commence at the Northwest corner of said Estate #6; thence Southerly along the West line thereof 641.02 feet, to the point of beginning of the part herein described; thence continue on the last named course 200 feet, thence 89°45' to the right in an Easterly direction 99.06 feet to the right of way of Westwood Drive and the intersection of a curve which radius is 35 feet and subtended by a central angle of 156°41' to the right, thence along the arc of said curve 97.71 feet to the point of reverse curve which radius is 35 feet and subtended by a central angle of 31°00' to the left, thence along the arc of said curve 18.94 feet to the point of tangent to said curve; thence along tangent to curve 180.74 feet; thence 126°41' to the left in a Northerly direction 300 feet, thence 87°54' to the left in a Westerly direction 320.43 feet to the point of beginning.

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>Joseph D. West</u>	Lot	Block	Survey	Part of Estate to JP Westbrook estates
<u>Allison West</u>	Lot	Block	Survey	Part of Estate to JP Westbrook estates
_____	Lot	Block	Survey	_____

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

STATE OF ALABAMA

JEFFERSON COUNTY

Joseph D. West 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.

Joseph D. West
Signature of Certifier

Subscribed and sworn before me this the 12 day of February, 2015.

Patricia Ann Chondler
Notary Public

My commission expires: 09/18/2018



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): Allison + Joseph West
Address: 3609 Settlers Lane
City: Birmingham State: Alabama Zip: 35243

Information on Children:

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

	Name(s)	Age	School Grade	Yes	No
1.	Joseph West Jr.	4		✓	
2.	Elizabeth West	2		✓	
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes". 2016

OWNERSHIP MAP

JEFFERSON

STATE OF ALABAMA
DEPARTMENT OF REVENUE
PROPERTY TAX DIVISION

JEFFERSON COUNTY TAX ASSESSOR OFFICE
NAN RICHARDS, TAX ASSESSOR
A. A. SMITH, TAX ASSESSOR
T. J. HARRIS, TAX ASSESSOR



Scale: 1" = 100' (30.48m)



TOWNSHIP LOCATION

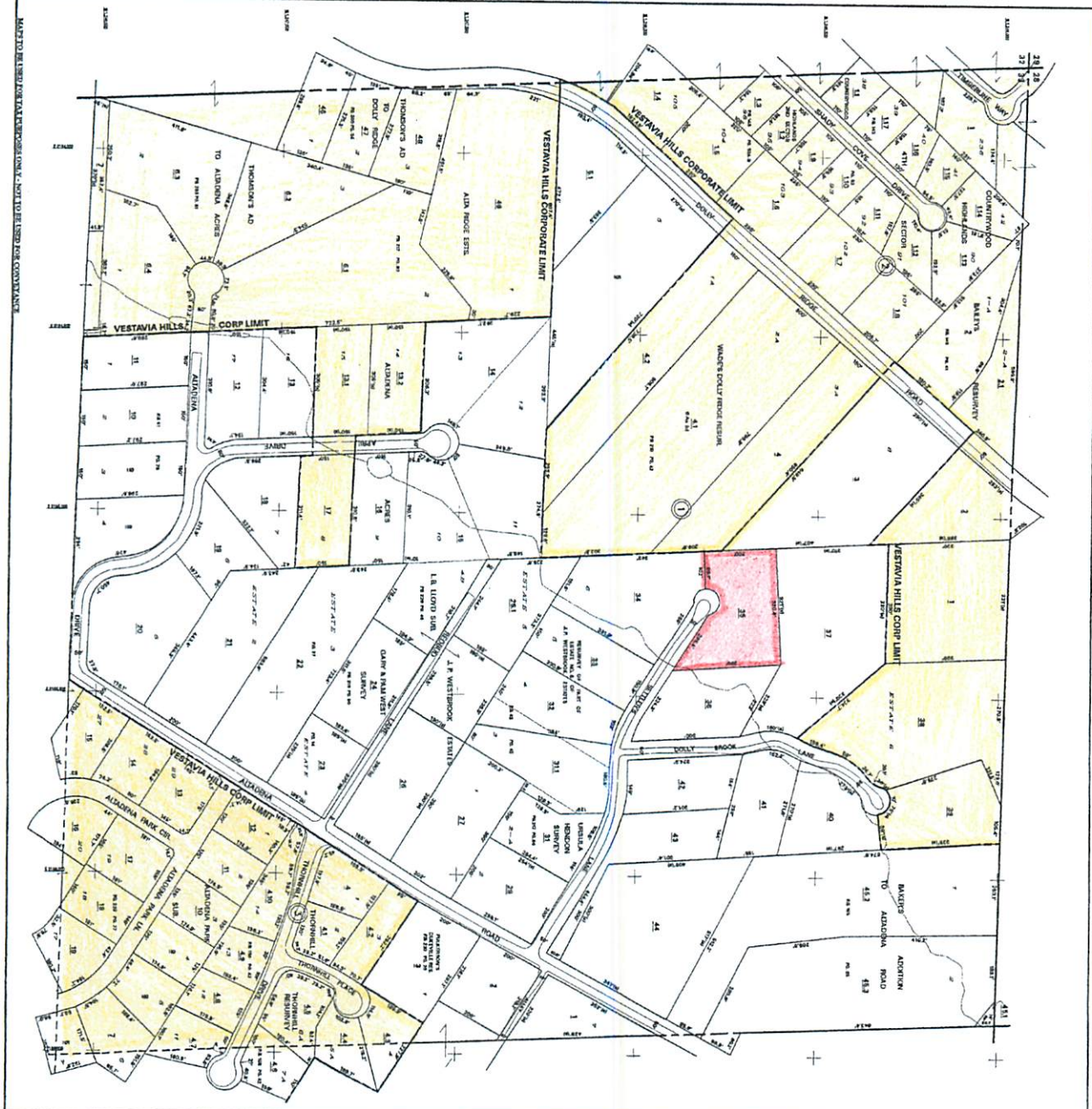
1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70	71	72
73	74	75	76	77	78	79	80	81	82	83	84
85	86	87	88	89	90	91	92	93	94	95	96
97	98	99	100	101	102	103	104	105	106	107	108
109	110	111	112	113	114	115	116	117	118	119	120

SUB-SHEET INDEX

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70	71	72
73	74	75	76	77	78	79	80	81	82	83	84
85	86	87	88	89	90	91	92	93	94	95	96
97	98	99	100	101	102	103	104	105	106	107	108
109	110	111	112	113	114	115	116	117	118	119	120

LEGEND

- CONTRACT LINE
- CITY BOUNDARY
- PROPERTY LINE
- RIGHT-OF-WAY
- CONTRACT NUMBER
- CONTRACT VALUE
- CONTRACT DATE
- CONTRACT TYPE
- CONTRACT STATUS
- CONTRACT OWNER
- CONTRACT ADDRESS
- CONTRACT CONTACT
- CONTRACT NOTES
- CONTRACT COMMENTS
- CONTRACT ACTIONS
- CONTRACT HISTORY
- CONTRACT REPORTS
- CONTRACT DOCUMENTS
- CONTRACT IMAGES
- CONTRACT LINKS
- CONTRACT EXPORTS
- CONTRACT IMPORTS
- CONTRACT SETTINGS
- CONTRACT PERMISSIONS
- CONTRACT SECURITY
- CONTRACT BACKUPS
- CONTRACT RESTORES
- CONTRACT UPDATES
- CONTRACT DELETIONS
- CONTRACT ARCHIVES
- CONTRACT RECOVERIES
- CONTRACT PURGES
- CONTRACT EXPORTS
- CONTRACT IMPORTS
- CONTRACT SETTINGS
- CONTRACT PERMISSIONS
- CONTRACT SECURITY
- CONTRACT BACKUPS
- CONTRACT RESTORES
- CONTRACT UPDATES
- CONTRACT DELETIONS
- CONTRACT ARCHIVES
- CONTRACT RECOVERIES
- CONTRACT PURGES



ORDINANCE NUMBER 2563

AN ORDINANCE TO ALTER, REARRANGE, AND EXTEND 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 Joseph D. West dated February 10, 2015, 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;

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. Said territory is described as follows:

3609 Settlers Lane
Part of Estate #6, JP Westbrook Estates
Joseph D. West

More particularly described as follows:

Part of Estate #6, according to the map and survey of J.P. Westbrook Estates, recorded in Map Book 27, Page 14, in the Office of the Judge of Probate of Jefferson County, Alabama, being more particularly described as follows: Commence at the Northwest corner of said Estate #6; thence Southerly along the West line thereof 641.02 feet, to the point of

beginning of the part herein described; thence continue on the last name course 200 feet, thence 89 degrees 45' to the right in an Easterly direction 99.06 feet to the right-of-way of Westwood Drive and the intersection of a curve which radius is 35 feet and subtended by a central angle of 156 degrees 41' to the right thence along the arc of said curve 97.71 feet to the point of reverse curve which radius is 35 feet and subtended by a central angle of 31 degrees 00' to the left, thence along the arc of said curve 18.94 feet to the point of tangent to said curve; thence along tangent to curve 180.74 feet; thence 126 degrees 41' to the left in a Northerly direction 300 feet, thence 87 degrees 54' to the left in a Westerly direction 320.43 feet to 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 27th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

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 # 2563 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 27th day of April, 2015, 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 _____, 2015.

Rebecca Leavings
City Clerk



RESOLUTION NUMBER 4701

**A RESOLUTION PROPOSING THE ANNEXATION
OF CERTAIN TERRITORY TO THE CORPORATE
LIMITS OF THE CITY OF VESTAVIA HILLS,
ALABAMA.**

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated February 12, 2015, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 27th day of April, 2015; and

WHEREAS, it would be in the best interest of the City of Vestavia Hills, Alabama, and to the citizens thereof to consider annexation of said territory and bringing it within the corporate limits of this Municipality; and

WHEREAS, said petitioners must comply with Act #604, 1970 Alabama Legislature regarding Fire Districts (property owners are to be responsible for fire dues if they are within another Fire District at the time of the annexation petition).

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 29th day of April, 2015.

2. That on the 10th day of August, 2015, in the Vestavia Hills Municipal Center, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 4701 by the City Council of the City of Vestavia Hills, Alabama, and as

annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

2330 Jacobs Road
Anna Steele Properties LLC, Owner(s)

A parcel of land situated in the Southwest quarter of the Northwest quarter of Section 36 Township 18 South, Range 3 West, Jefferson County, Alabama, being more particularly described as follows:

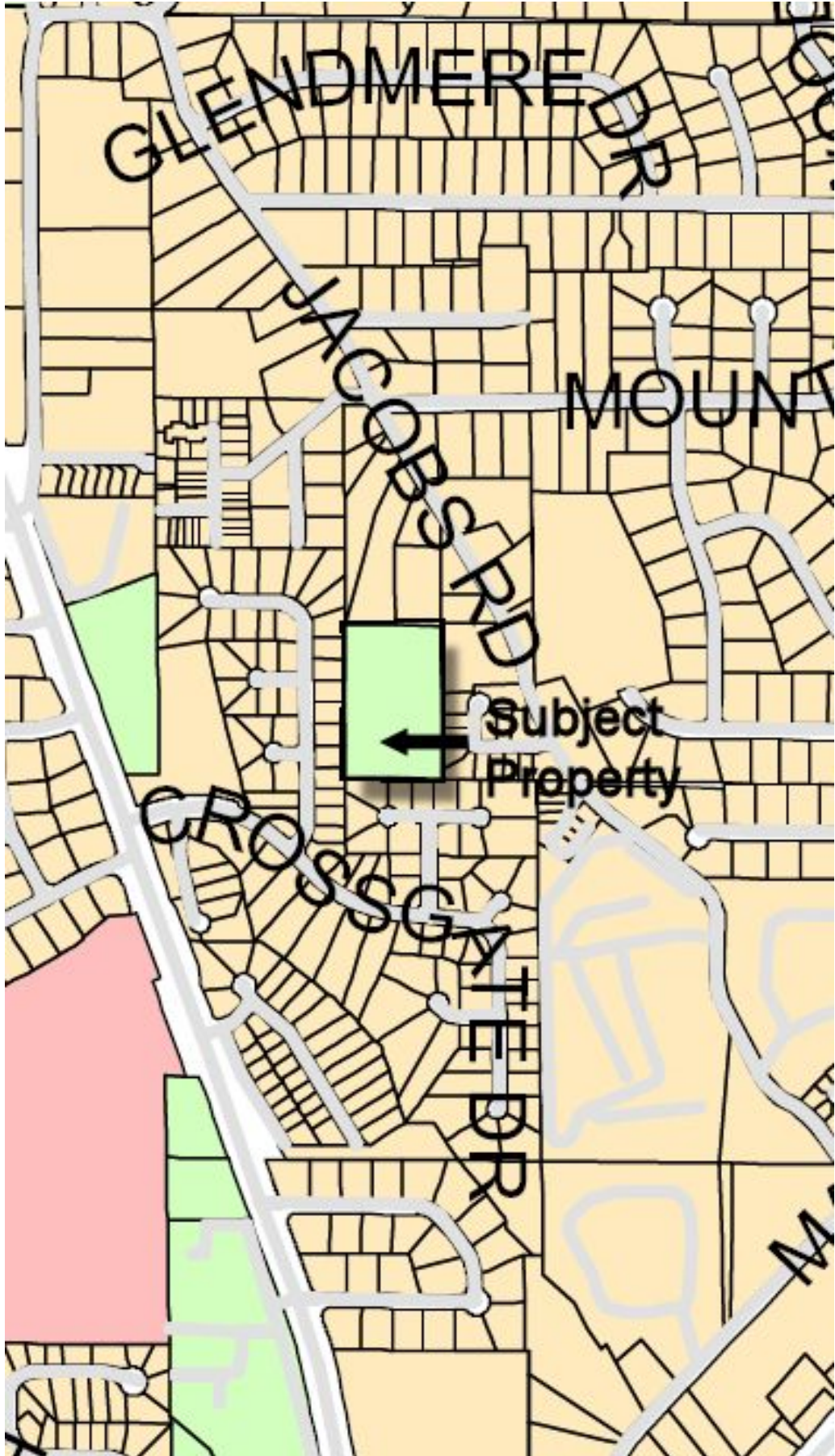
Beginning at found capped rebar marking the Southwest corner of Lot 6-A, A Resurvey of Lots 6&7, Senior Citizen Estates as recorded in the Office of Judge of Probate in Jefferson County, Alabama in Map Book 179, Page 71, said point also being on the North line of Crossgate Subdivision Second Sector as recorded in the Office of the Judge of Probate in Jefferson County, Alabama in Map Book 152, Page 41; thence run north 89 degrees 18 minutes 35 seconds west along said north line for a distance of 338.52 feet to a found $\frac{3}{4}$ " rebar said point being on the East line of a Resurvey of Lots 32-41, Crossgate First Sector as recorded in the Office of the Judge of Probate, Jefferson County, Alabama in Map Book 148, Page 17; thence run North 00 degrees 42 minutes 30 seconds west along the west line of said Subdivision for a distance of 539.82 feet to a found capped rebar; thence leaving said subdivision run South 89 Degrees 42 Minutes 11 Seconds East for a distance of 170.17 feet to a found 1" crimped pipe marking the Southwest corner of the Weavers Addition to Jacobs Road Subdivision as recorded in Map Book 188, Page 91; thence run South 89 degrees 01 Seconds 06 minutes east for a distance of 158.30 feet to a found pk nail; thence run South 88 degrees 07 minutes 27 seconds east for a distance of 5.67 feet to a set capped rebar stamped CA-560LS; thence run South 01 degrees 18 minutes 49 Seconds east for a distance of 2.07 feet to a found $\frac{1}{2}$ " rebar; thence run North 73 degrees 04 minutes 29 seconds east for a distance of 4.15 feet to a point; thence run South 00 degrees 44 minutes 36 seconds east for a distance of 539.12 feet to the Point of Beginning. Said parcel containing 182,815 square feet or 4.20 acres more or less.

APPROVED and ADOPTED this the 27th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 2330 Jacobs Road

Owners: Anna Steele Properties LLC (Jordy Henson developer)

Date: 3-12-15

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 _____. Meets city criteria: Yes No
Comment: N/A
6. This street has fewer than 100% of the individual properties within the limits of the city
Yes No
Number of total homes _____ Number in city N/A
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: 2330 Jacobs 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 _____; Plan to enroll in VH schools Yes _____ No _____ Comments: N/A

Other Comments: Land to be developed
Preliminary lay-out meets Approval


George Pierce
Chairman

PARCEL #: 29 00 36 2 002 013.000
OWNER: ANNA STEELE PROPERTIES LLC
ADDRESS: PO BOX 590069 BIRMINGHAM AL 35259-0069
LOCATION: 2330 JACOBS RD BHAM AL 35216

Baths: **0.0** H/C Sqft: **0**
 Bed Rooms: **0** Land Sch: **A114**
 Land: **135,100** Imp: **0** Total: **135,100**
 Acres: **0.000** Sales Info: **\$0**

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

Tax Year : 2014

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT

PROPERTY CLASS: 2 OVER 65 CODE:
 EXEMPT CODE: DISABILITY CODE:
 MUN CODE: 01 COUNTY HS YEAR: 0
 SCHOOL DIST: EXM OVERRIDE AMT: \$0.00
 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 50.1

VALUE

LAND VALUE 10% \$0
 LAND VALUE 20% \$135,130
 CURRENT USE VALUE [DEACTIVATED] \$0
 TOTAL MARKET VALUE [APPR. VALUE: \$135,100]: \$135,130
 Assesment Override:
 MARKET VALUE:
 CU VALUE:
 PENALTY:
 ASSESSED VALUE:

CLASS USE:

FOREST ACRES: 0 TAX SALE:
 PREV YEAR VALUE: \$135,100.00 BOE VALUE: 0

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	2	1	\$27,020	\$175.63	\$0	\$0.00	\$175.63
COUNTY	2	1	\$27,020	\$364.77	\$0	\$0.00	\$364.77
SCHOOL	2	1	\$27,020	\$221.56	\$0	\$0.00	\$221.56
DIST SCHOOL	2	1	\$27,020	\$0.00	\$0	\$0.00	\$0.00
CITY	2	1	\$27,020	\$0.00	\$0	\$0.00	\$0.00
FOREST	2	1	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	2	1	\$27,020	\$137.80	\$0	\$0.00	\$137.80
SPC SCHOOL2	2	1	\$27,020	\$453.94	\$0	\$0.00	\$453.94

TOTAL FEE & INTEREST: (Detail) \$15.00

ASSD. VALUE: \$27,020.00

\$1,353.70

GRAND TOTAL: \$1,368.70

FULLY PAID

DEEDS

INSTRUMENT NUMBER

[200809-2703](#)

DATE

07/23/2008

PAYMENT INFO

PAY DATE	TAX YEAR	PAID BY	AMOUNT
10/27/2014	2014	IOLTA ACCOUNT	\$1,368.70
1/31/2014	2013	RITCHEY GEREGORY S	\$1,368.70
10/30/2012	2012	GREGORY AND PAIGE RITCHEY	\$1,368.70
20111109	2011	***	\$1,368.70
20101231	2010	***	\$1,589.14
20091231	2009	***	\$1,589.14
20081119	2008	***	\$1,595.15
20080421	2007	***	\$763.98
20070100	2006	***	\$663.52

*Army Deed \$1,000
 \$1,700*

STATE OF ALABAMA

JEFFERSON COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 2/12/15

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.

JORDY HENSON
613-1805

EXHIBIT "A"

2330 Jacobs Road, Vestavia Hills, AL 35216

LOT: 29-00-36-2-002-013.000 (Parcel ID - Property is Acreage)

BLOCK: N/A

SURVEY: N/A

RECORDED IN MAP BOOK N/A, PAGE N/A IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: R-1

COMPATIBLE CITY ZONING: R-9

LEGAL DESCRIPTION (METES AND BOUNDS):

A parcel of land situated in Southwest quarter of the Northwest quarter of Section 36 Township 18 south Range 3 west Jefferson County Alabama, being more particularly described as follows.

Beginning at found capped rebar marking the Southwest corner of lot 6-A, A Resurvey of Lots 6&7 Senior Citizens Estates as recorded in the Office of Judge of Probate in Jefferson County, Alabama in MB. 179 PG. 71, said point also being on the North line of Crossgate Subdivision Second Sector as recorded in the Office of Judge of Probate in Jefferson County, Alabama in MB. 152 Pg.41; thence run North 89 Degrees 18 Minutes 35 Seconds West along the said north line for a distance of 338.52 feet to a found ¾" rebar said point being on the East line of A Resurvey of Lots 32-41 Crossgate First Sector as recorded in the Office of Judge of Probate in Jefferson County, Alabama in MB. 148 Pg. 17; thence run North 00 Degrees 42 Minutes 30 Seconds West along the west line of said Subdivision for a distance of 539.82 feet to a found capped rebar; thence leaving said subdivision run South 89 Degrees 42 Minutes 11 Seconds East for a distance of 170.17 feet to a found 1" crimped pipe marking the Southwest corner of the Weavers Addition to Jacobs Road Subdivision as recorded in Plat Book 188, Page 91; thence run South 89 Degrees 01 Seconds 06 Minutes East for a distance of 158.30 feet to a found pk nail; thence run South 88 Degrees 07 Minutes 27 East Seconds for a distance of 5.67 feet to a set capped rebar stamped CA-560LS; thence run South 01 Degrees 18 Seconds 49 Seconds East for a distance of 2.07 feet to a found ½" rebar; Thence run North 75 degrees 04 Minutes 29 Seconds East for a distance of 4.15 feet to a point; thence run South 00 degrees 44 Minutes 36 Seconds East for a distance of 539.12 feet to the POINT OF BEGINNING. Said parcel containing 182,815 square feet or 4.20 acres more or less.

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.

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
By <u>Gregory S. Patey as Manager of Anna Steele Properties, LLC</u>	Described on Exhibit A
<u>Et Manager</u>	2330 Jacobs Road, Vestavia Hills, AL 35216
_____	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

JEFFERSON COUNTY

Gregory S. Patey as Manager of Anna Steele Properties, LLC 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.

Anna Steele Properties, LLC
By Gregory S. Patey
Et Manager
Signature of Certifier

Subscribed and sworn before me this the 12th day of February, 20 15.

Stephan L. Marsa
Notary Public

My commission expires: 3-11-15



ANNA STEELE PROPERTIES, LLC
1910 28th Avenue South
Birmingham, Alabama 35209
(205) 271-3105

Honorable Mayor Alberto C. Zaragoza, Jr.
City Council of Vestavia Hills, Alabama
City of Vestavia Hills
513 Montgomery Hwy
Vestavia Hills, AL 35216

Re: Annexation of Property

Dear Mayor Zaragoza and Council Members:

The undersigned is a manager of Anna Steele Properties, LLC. Please find attached a Petition for Annexation to the City of Vestavia Hills, Alabama, which will be contingent upon the closing on the sale of the subject property by the purchaser, HES Investments, LLC, or its assigns. Please further be advised that all expenses related to the annexation will be the responsibility of HES Investments, LLC, or its assigns, pursuant to an agreement between HES Investments, LLC, or its assigns, and Anna Steele Properties, LLC.

Respectfully submitted,

ANNA STEELE PROPERTIES, LLC

Gregory S. Ritchey
Its Manager

GSR/slm
Enclosure

ORDINANCE NUMBER 2564

**AN ORDINANCE GRANTING A CONDITIONAL USE
APPROVAL FOR A HOME OCCUPATION**

WHEREAS, on October 16, 2000 the City Council of the City of Vestavia Hills, Alabama approved and adopted Ordinance Number 1838 creating and establishing a P.U.D. (planned unit development) classification; and

WHEREAS, on February 19, 2001 the City Council of the City of Vestavia Hills adopted and approved Ordinance Number 1864 to rezone 3,350 +/- acres from multiple Jefferson County and Vestavia Hills zoning classifications to Vestavia Hills P.U.D.; and

WHEREAS, Section 709.5.A.1.b of Ordinance Number 1838 classifies a “home occupation” permitted only as a “Conditional Use” and

WHEREAS, Ms. Michele Hoytink has submitted application for conditional use approval for a home occupation to be operated in her residence located at 798 Provence Drive, Vestavia Hills, Alabama located in the Liberty Park PUD; and

WHEREAS, Ms. Hoytink has indicated in her application for conditional use approval that she will operate her interior design business out of her home pursuant to the specifications of a home occupation; and

WHEREAS, a copy of said application dated January 13, 2015 is attached and hereby incorporated into this Ordinance Number 2564.

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

1. Condition Use Approval is hereby approved for Ms. Michele Hoytink for a home occupation as described in the above-referenced application for her residence located at 798 Provence Drive, Vestavia Hills, Alabama located in

Liberty Park P.U.D. subject to the provisions outlined in Article 9 of the Vestavia Hills Zoning Code outlined as follows:

- (1) “Home occupation is defined as any use customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental, accessory, subordinate and secondary to the use of the dwelling for dwelling purposes, and does not change the character of the dwelling itself or any part of parcel of property in the neighborhood surrounding said dwelling.
- (2) Home occupations shall be conducted only in the main dwelling building on the lot. No more than twenty-five percent (25%) of the said dwelling may be used for a home occupation.
- (3) There shall be no public display of goods and absolutely no commodities sold on the premises.
- (4) No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.
- (5) No home occupation or profession shall be permitted if such occupation creates noise, odors, vibrations or traffic which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.
- (6) In order to be a permitted home occupation or profession, the use must be one which is habitually, customarily and commonly established as a reasonable incidental, accessory, subordinate and secondary use.

- (7) Operation of any and all other business of any nature in residential zones is expressly prohibited; and
- (8) The activity carried on as home occupation shall be limited to the hours between 7:00 AM and 10:00 PM.”
2. Conditional Use Approval is further conditioned upon and subject to all applicable private and restrictive covenants attached to the property located at 798 Provence Drive, Vestavia Hills, Alabama located in the Liberty Park P.U.D.
3. A City of Vestavia Hills Business License shall be issued upon application and payment by Ms. Hoytink working subject to the rules and regulations outlined in the Vestavia Hills Business License code and shall be renewed each year that the home occupation is operated from the location at 798 Provence Drive, Vestavia Hills, Alabama located in the Liberty Park P.U.D.
4. At any time should Ms. Michele Hoytink vacate the premises located at 798 Provence Drive, Vestavia Hills, Alabama, discontinue or relocate her business, this conditional use approval shall be nullified and said Ordinance Number 2564 shall be automatically repealed.

ADOPTED and APPROVED this the 27th day of April, 2015.

Alberto C. Zaragoza
Mayor

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 # 2564 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 27th day of April, 2015 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2015.

Rebecca Leavings
City Clerk

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

Date: MARCH 12, 2015

- **CASE:** P-0315-11
- **REQUESTED ACTION:** Conditional Use Approval for a home based business
- **ADDRESS/LOCATION:** 798 Provence Dr.
- **APPLICANT/OWNER:** Michele Hoytink. 798 Provence Dr., Vestavia Hills
- **GENERAL DISCUSSION:** The applicant wishes to conduct a home based business in Liberty Park. As required by the Liberty Park PUD a conditional use permit is required for a home based business. Applicant indicates that only paperwork, phone calls, drawings, and research be done at residence. Liberty Park has submitted four requested conditions:
 1. There shall be no customers, client or employee traffic to, at or near the residence that is generated, directly or indirectly, by the home occupation;
 2. There shall be no pick-ups or deliveries to the residence that are related, directly or indirectly, to the home occupation, including without limitation, pick-ups and deliveries by overnight courier services and pick-ups and deliveries of inventory, samples or other goods and services related, directly or indirectly, to the home occupation;
 3. There shall be no signage on the property related, directly or indirectly, to the home occupation; and
 4. In all respects, there shall be no means, visual or otherwise, by which a casual observer would become aware that the residence is being used for any purpose other than strictly residential.

The property is zoned PR-1.

- **LIBERTY PARK MASTER PLAN:** This request is consistent with the procedures of the Liberty Park PUD.
- **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: I recommend the Commission recommend approval with the conditions requested by Liberty Park.

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. Gilchrist made a motion to recommend approval of Conditional Use Approval for a home based business at 798 Provence Dr. with the following conditions:

1. There shall be no customers, client or employee traffic to, at or near the residence that is generated, directly or indirectly, by the home occupation;
2. There shall be no pick-ups or deliveries to the residence that are related, directly or indirectly, to the home occupation, including without limitation, pick-ups and deliveries by overnight courier services and pick-ups and deliveries of inventory, samples or other goods and services related, directly or indirectly, to the home occupation;
3. There shall be no signage on the property related, directly or indirectly, to the home occupation; and
4. In all respects, there shall be no means, visual or otherwise, by which a casual observer would become aware that the residence is being used for any purpose other than strictly residential.

Second was by Mr. Burrell. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes	Mr. Brooks – yes
Mr. Sharp – yes	Mr. Wolfe – yes
Mr. Gilchrist – yes	Mr. Burrell – yes
Mr. Larson – yes	Motion carried.

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 is 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: MICHELE HOYTINK

ADDRESS: 798 PROVENCE DRIVE

VESTAVIA HILLS, AL 35242

MAILING ADDRESS (if different from above)

PHONE NUMBER: Home 757.585.8789 Office

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:

2015 JAN 13 P 12:36

III. ACTION REQUESTED

Request that the above described property be approved conditional use approval pursuant to Section _____ of the Vestavia Hills Zoning Code.

Current Zoning of Property: _____

Requested Conditional use For the intended purpose of: HOME OFFICE

(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.)

798 PROVENCE DRIVE (LOT #1011)

VESTAVIA HILLS, AL 35242

Property size: _____ feet X _____ feet. Acres: _____

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.

Michele Hoytink
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 13th day of January, 2015.

Kay Russon
Notary Public My Commission Expires
November 18, 2016

My commission expires _____
day of _____, 20_____



P0315-11//27-9-2-46
798 Provence Drive
Conditional Use
Michele Hoytink

Exhibit A - Ordinance No. 2564

12 January, 2015

Rebecca Leaving, City Clerk
City of Vestavia Hills
Vestavia Hills City Hall
Vestavia Hills, AL 35216

Dear Ms. Leavings:

This letter is to state the purpose of my application for conditional use. I am seeking to start an interior design business and to have my office out of my home. The home office would be intended only for my sole use. I will not be bringing clients to my residence, as I will go to their home or business. After seeing the client at their location, I will return to my residence to conduct paper work, phone calls, drawings and research.

Thank you for understanding my intent to know that I will keep within my community's standards.

Kind Regards,



Michele Hoytink
798 Provence Drive
Vestavia Hills, AL 35242

January 8, 2015

Rebecca Leavings, City Clerk
City of Vestavia Hills
Vestavia Hills City Hall
Vestavia Hills, Alabama 35216

Re: Michele Hoytink
798 Provence Drive
Vestavia Hills, AL 35242

Dear Ms. Leavings:

We are writing in connection with the above matter. We understand Mrs. Michele Hoytink is in the process of applying for a conditional use within the PR-1 (Planned Single-Family Residential) classification of the Liberty Park PUD to allow her to conduct a home occupation as an interior designer in her residence.

We have no objection to the granting of the conditional use to allow a home occupation in this case, provided such use is made subject to the following restrictions:

1. There shall be no customer, client or employee traffic to, at or near the residence that is generated, directly or indirectly, by the home occupation;
2. There shall be no pick ups or deliveries to the residence that are related, directly or indirectly, to the home occupation, including without limitation, pick ups and deliveries by overnight courier services and pick ups and deliveries of inventory, samples or other goods and services related, directly or indirectly, to the home occupation;
3. There shall be no signage on the property related, directly or indirectly, to the home occupation; and
4. In all respects, there shall be no means, visual or otherwise, by which a casual observer would become aware that the residence is being used for any purpose other than strictly residential.

The foregoing restrictions are in keeping with the intent and spirit of the Liberty Park PUD and with the overall plan of development for Liberty Park as addressed in the Covenants, Conditions and Restrictions that are applicable to the subject property.

Rebecca Leavings
January 8, 2015
Page 2

Therefore, we respectfully request that if the Planning and Zoning Commission votes to approve the conditional use applied for in the above referenced matter, such approval will be made subject to the above and foregoing restrictions.

If you have questions or comments regarding this matter, or if we can assist in any other way, please call me at 281-3542.

Very truly yours,

LIBERTY PARK JOINT VENTURE, LLP

By: 

Samuel G. Lowrey, III
Project Manager
and Authorized Representative

cc: Kathryn Carver, Esq.

ORDINANCE NUMBER 2480-A

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2480 FOR
A 1-YEAR EXTENTION ON THE GRANTING A CONDITIONAL
USE APPROVAL FOR A HOME OCCUPATION**

WHEREAS, on October 16, 2000 the City Council of the City of Vestavia Hills, Alabama approved and adopted Ordinance Number 1838 creating and establishing a P.U.D. (planned unit development) classification; and

WHEREAS, on February 19, 2001 the City Council of the City of Vestavia Hills adopted and approved Ordinance Number 1864 to rezone 3,350 +/- acres from multiple Jefferson County and Vestavia Hills zoning classifications to Vestavia Hills P.U.D. (“PUD”); and

WHEREAS, Section 709.5. of Ordinance Number 1838 designates the permitted and conditional uses for PR-1 (Planned Single-Family) zoning designation within the PUD zoning; and

WHEREAS, January 27, 2014, the City Council adopted and approved Ordinance Number 2480 Conditional Use Approval for the use of the residence located at 4751 Liberty Park Lane, Vestavia Hills, Alabama located in the Liberty Park PUD and more particularly described as follows: Lot 879, Amended Map No. 2 of Heritage Hills – Phase 1 as recorded in Map Book 229, Map Page 35 in the Office of the Judge of Probate, Jefferson County, Alabama to operate the model home as a residential information and administrative office for a temporary period; and

WHEREAS, applicants have requested a 1-year extension of said Conditional Use Approval.

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

1. Conditional Use Approval is hereby extended for LPJV for use of a model home as residential sales and administrative offices as described in the above-referenced application for the residence located at 4751 Liberty Park Lane, Vestavia Hills, Alabama located in Liberty Park P.U.D. subject to the following conditions:
 - (1) The conditional use approval is only valid for one-year (365 days) following the effective date of this Ordinance Number 2480-A; and
 - (2) Prior to the reversion of this building to residential use, the structure must be inspected by the Vestavia Hills Building Safety and Inspection Department to ensure proper removal of temporary walls and issuance of a residential Certificate of Occupancy;
 - (3) All additional parking pads are removed and the lawn properly re-landscaped within 30 days of closing said office;
 - (4) No construction materials or any other non-office materials may be stored at this site;
 - (5) All authorized conditional uses shall be strictly limited to visitor center operations and residential sales-related activities and shall not include any construction-related activities; and
 - (6) Operating hours 8 AM-5 PM.

ADOPTED and APPROVED this the 27th day of April, 2015.

Alberto C. Zaragoza, Jr.
Mayor

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 # 2480-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 27th day of April, 2015 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2015.

Rebecca Leavings
City Clerk

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

Date: MARCH 12, 2015

- **CASE:** P-0315-12
- **REQUESTED ACTION:** One Year Extension of the Conditional Use Approval for the Intended Purpose of a Residential Information and Administrative Office and Model Home
- **ADDRESS/LOCATION:** 4751 Liberty Park Lane
- **APPLICANT/OWNER:** Liberty Park Joint Venture, LLP
100 Vestavia Parkway
Vestavia Hills, AL 35242
205-945-6472
- **REPRESENTING AGENT:** Shawn Arterburn, VP, Development
- **GENERAL DISCUSSION:**
City Council passed Ordinance Number 2480 on 1/27/14 for a sales office and a model home with the following conditions:
 1. The permit is only valid for 365 days after the completion of the model home without further approval from the Vestavia Hills Planning and Zoning Commission and City Council;
 2. Prior to the reversion of this building to residential use, the structure must be inspected by the Vestavia Hills Building Safety Department to ensure proper removal of temporary walls and issuance of a residential Certificate of Occupancy;
 3. All additional parking pads are removed and the lawn properly re-landscaped within 30 of closing said office;
 4. No construction materials or any other non-office materials may be stored at this site;
 5. All authorized conditional uses shall be strictly limited to visitor center operations and residential sales related activities and shall not include any construction related activities;
 6. Operating hours 8 AM-5 PM.

The applicant is nearing the sunset of the CU approval and requests an extension of an additional two years. The applicant is agreeable to the approved conditions remaining. This office has received no complaints since this use has started.

The lot in question is at the intersection of Liberty Park Lane and Heritage Hills Drive in Phase I of the Heritage Hills Subdivision in Liberty Park. The office would have 4 full-time administrative assistants working out of a finished daylight basement and other sales and construction agents meeting potential buyers at the model home. The applicant has added parking pads for 11 additional parking spaces for employees and guests.

- **LIBERTY PARK MASTER PLAN:** This request is consistent with the Master 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: I recommend the Commission continue to add the conditions referenced above.

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 have no issues with this request.

MOTION Mr. Sharp made a motion to recommend approval of a **one year extension** Conditional Use Approval for a Residential Information and Administrative Office and Model Home at 4751 Liberty Park Ln. with the following already approved conditions in Ordinance Number 2480. Second was by Mr. Wolfe. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Sharp – yes
Mr. Gilchrist – yes
Mr. Larson – yes

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