

ANNEXATION COMMITTEE

AGENDA

AUGUST 29, 2018

4:00 PM

Call to Order – George Pierce

Approval of Minutes – April 5, 2018

- Annexation – 2532 Skyland Drive; Jason & Laura Sparks
- Annexation – 3421 Coventry Drive; Barbara French
- Annexation – 3531 Valley Circle; Alan and Patricia Foster
- De-Annexation – 3961 Briar Oak Drive; represented by Frank Galloway III, attorney

STANDING ANNEXATION COMMITTEE MEETING

APRIL 5, 2018

MINUTES

The members of the Standing Annexation Committee met on April 5, 2018 at 4:30 PM, with George Pierce presiding. The meeting was held at the Executive Conference Room, Vestavia Hills City Hall.

The following members were present: George Pierce, Chairman; Kimberly Cook, Steve Bendall, Scott Key, Rebecca Leavings, and. The following members were absent: Chuck Nagle, Conrad Garrison, Jeff Downes.

There being a quorum present, the meeting was called to order.

The minutes from the October 12, 2017 meeting was presented for approval. Motion to approve minutes as presented and seconded. Motion carried unanimously on a voice vote.

The Committee discussed the results of the probe concerning the current home values in the City as assessed by Jefferson County. The Committee agreed the median home in the City was valued nearer to \$350,000 which needed to be the new criteria threshold.

The Committee reviewed and discussed the following annexation petitions:

- Annexation – 2441 Jannebo Road, Richard and Samantha Wheeler
- Annexation – 2764 Altadena Lake Drive, Murray and Kelly Stratham
- Annexation – 3332 Misty Lane; Jacob and Margorie Pollard
- Anneation – 2424 Dolly Ridge Road; Jim Thornton Construction
- Annexation – 2532 Dolly Ridge Road; Judith Lynn Vesper, represented by Jim Thornton Construction

Discussion ensued on the properties focusing on the value along with comments from the City Engineer and School Board.

There being no further business the meeting was adjourned.

Respectfully Submitted:

Approved:

Rebecca Leavings
Secretary

George Pierce
Chair



2532 Skyland Drive

Jason and Laura Sparks

PARCEL #: 28 00 32 4 005 015.000
OWNER: SPARKS JASON M & LAURA
ADDRESS: 2532 SKYLAND DR VESTAVIA AL 35243-4605
LOCATION: 2532 SKYLAND DR BHAM AL 35243

[111-C0] Baths: 2.5 H/C Sqft: 1,609
 18-034.0 Bed Rooms: 3 Land Sch: L1
 Land: 82,400 Imp: 122,200 Total: 204,600
 Acres: 0.000 Sales Info: 08/01/2006
\$216,000

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

Tax Year : 2017

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT

PROPERTY CLASS: 3
 EXEMPT CODE: 2-2
 MUN CODE: 02 COUNTY
 SCHOOL DIST:
 OVR ASD VALUE: \$0.00
 CLASS USE:
 FOREST ACRES: 0
 PREV YEAR VALUE: \$190,700.00

OVER 65 CODE:
 DISABILITY CODE:
 HS YEAR: 0
 EXM OVERRIDE AMT: \$0.00
 TAX SALE:
 BOE VALUE: 0

VALUE

LAND VALUE 10% \$82,390
 LAND VALUE 20% \$0
 CURRENT USE VALUE [DEACTIVATED] \$0
CLASS 2
CLASS 3
 BLDG 001 111 \$122,200
 TOTAL MARKET VALUE [APPR. VALUE: \$204,600]: \$204,590
 Assesment Override:
 MARKET VALUE:
 CU VALUE:
 PENALTY:
 ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$20,460	\$132.99	\$4,000	\$26.00	\$106.99
COUNTY	3	2	\$20,460	\$276.21	\$2,000	\$27.00	\$249.21
SCHOOL	3	2	\$20,460	\$167.77	\$0	\$0.00	\$167.77
DIST SCHOOL	3	2	\$20,460	\$0.00	\$0	\$0.00	\$0.00
CITY	3	2	\$20,460	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$20,460	\$104.35	\$0	\$0.00	\$104.35
SPC SCHOOL2	3	2	\$20,460	\$343.73	\$0	\$0.00	\$343.73

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$20,460.00

\$1,025.05

GRAND TOTAL: \$977.05

FULLY PAID

DEEDS

PAYMENT INFO

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
201108-9911	10/11/2011	12/27/2017	2017	JASON SPARKS	\$977.05
200903-28281	03/27/2009	11/9/2016	2016	JASON SPARKS	\$907.91
200614-17638	08/21/2006	10/5/2015	2015	JASON SPARKS	\$907.91
200208-2941	06/04/2002	10/3/2014	2014	JASON SPARKS	\$896.89
		10/20/2013	2013	JASON SPARKS	\$896.89
		11/13/2012	2012	JASON SPARKS	\$896.89
		20111028	2011	***	\$907.42

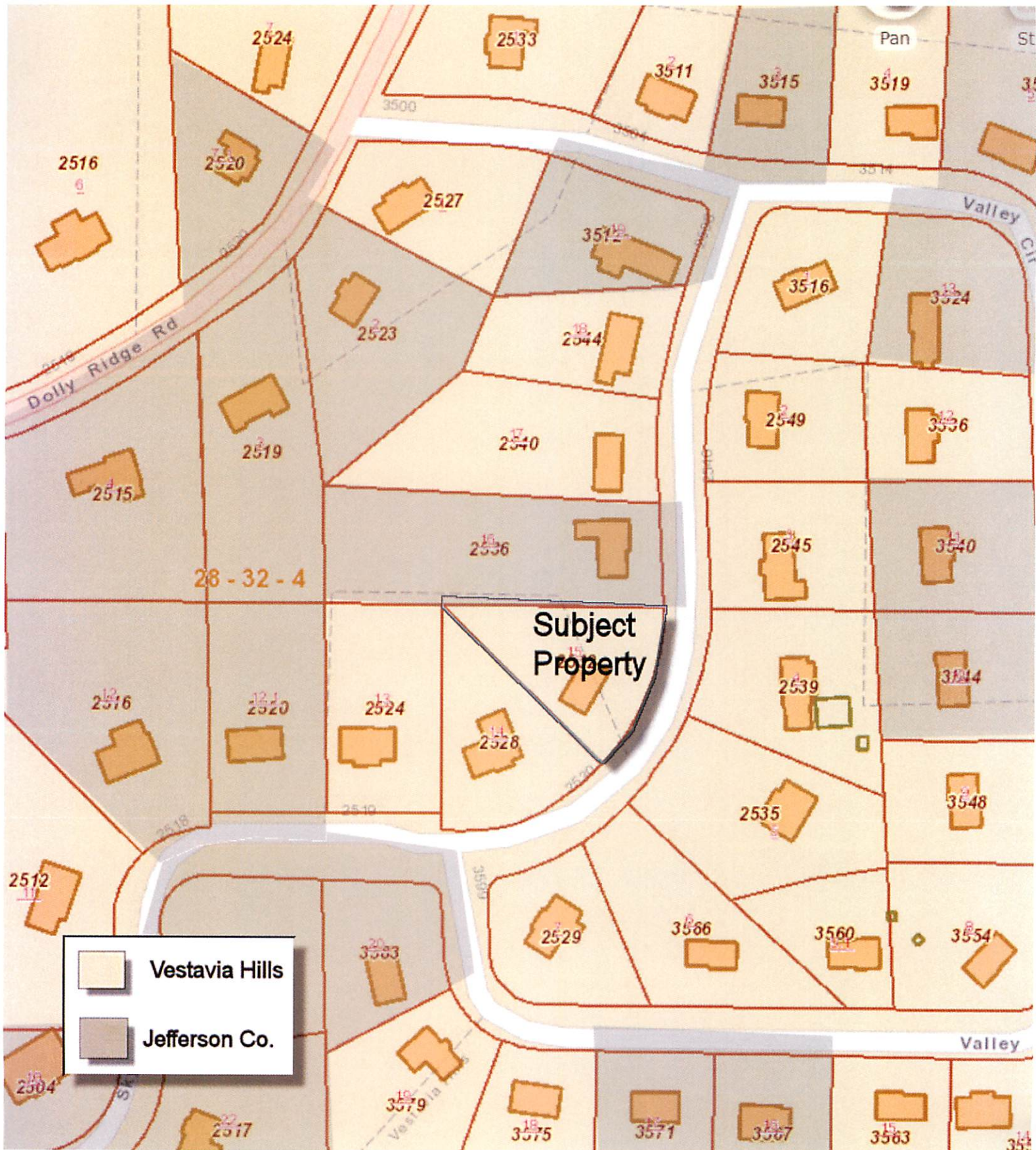


EXHIBIT "C"

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: 2532 Skyland Drive

Engineering:

Date: 8/15/18 Initials: C. Breda

2532 Skyland Drive -- concern noted related to a deteriorated stormwater drainage pipe within the roadway right of way and across this private property; roadway asphalt is in fair condition; the roadway width is more narrow than typical City standards and has little to no shoulders; a few neighboring properties will remain in unincorporated Jefferson County, so we anticipate roadway maintenance will remain a shared responsibility with the County.

Board of Education:

Date: 8/17/18 Initials: S Bendall

Comments: OK

Police Department:

Date: 08/17/18 Initials: cdw

Comments: VHPD has no problems with this addition at this time

Fire Department:

Date: 8/15/2018 Initials: (SR)

Comments: No problems noted.

Rebecca Leavings

From: Christopher Brady
Sent: Thursday, August 23, 2018 12:08 PM
To: Rebecca Leavings; George Pierce
Cc: Jeff Downes
Subject: RE: Annexation Committee Agenda
Attachments: 2532 Skyland Drive_survey markup.pdf; skyland_pics.pdf

Fyi

I wanted to provide an update on 2532 Skyland...

I met Wed, 8/22, with Mr. Sparks to discuss drainage pipe concerns on his property and within the roadway at the front of this property. I have also initiated discussions with Jefferson County, but have not yet received input from their review.

The attached sketch and pictures provide an overview of the rusted drainage pipe. There is approximately 100 LF of 30" pipe on his property that has substantially deteriorated; the bottom of the pipe is mostly rusted away. The pipe within the roadway right-of-way, approximately 60 LF of 30" pipe, and another 35 LF of 15", has little to no bottom remaining.

There are no surface concerns evident yet; no sinkholes or subsidence in the roadway. Mr. Sparks' driveway has settling and cracking, but no visible hazard or immediate concerns.



The property across the street, as well as numerous neighboring properties, are already within the City, so there is pre-existing City maintenance in this area. However, this was not a previously identified pipe replacement project.

Mr. Sparks' family has owned the property for 10+ years and claims to have not noted any issues in past. His mom also met with us on site and provided additional background on the property and noting improvements they have done to the property since owning.

Mr. Sparks stated a willingness to consider investing in improvements, and is awaiting additional guidance from the City and/or County. He intends to attend the Committee meeting on 29th and address this concern in any discussion as needed.

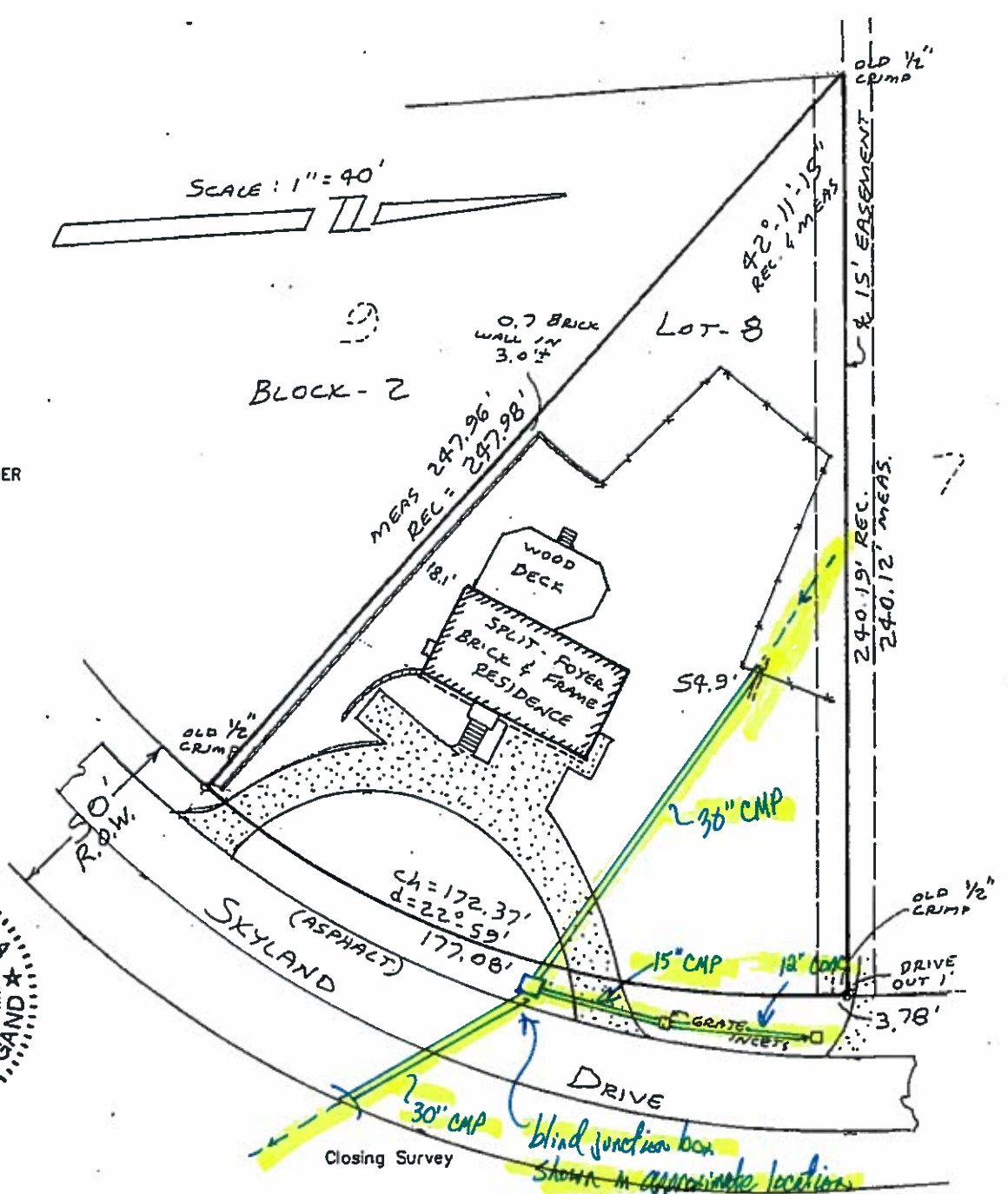
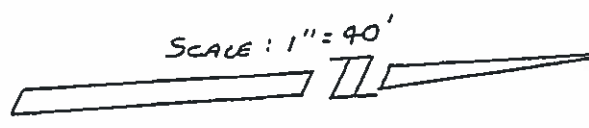


Christopher Brady, City Engineer
Department of Public Services
P 205 978 0150 | vhal.org
City of Vestavia Hills

  WWW.ALIFEABOVE.ORG

LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- CL CENTERLINE
- A/C AIR CONDITIONER
- POLE
- ANCHOR
- x- FENCE
- POWER LINE
- PVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- ▨ WALL



STATE OF ALABAMA
JEFFERSON COUNTY)

I, Laurence D. Weygand, a registered Engineer—Land Surveyor, or Roy Weygand, a Registered Land Surveyor, hereby certify that I have surveyed Lot 8, Block 2, AMENDED MAP OF DOLLY RIDGE ESTATES—SECOND ADDITION, as recorded in Map Volume _____ Page _____ in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no 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; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area"; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of AUGUST 15, 2006

Survey invalid if not sealed in red.
Order No.: 10458
Purchaser: SPARKS
Address: # 2532 SKYLAND DRIVE
Flood Zone: X Map Number: 01073C 0492E

Laurence D. Weygand
Laurence D. Weygand, Reg. P.E.—L.S. #10373
Roy Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
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Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are dead/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on dead/record map.

** drainage sketch added to show approximate location, size, material, etc. of drainage infrastructure.*



2532 Skyland Drive

PARCEL #: 28 00 32 4 005 015.000
OWNER: SPARKS JASON M & LAURA
ADDRESS: 2532 SKYLAND DR VESTAVIA AL 35243-4605
LOCATION: 2532 SKYLAND DR BHAM AL 35243

[111-C0] Baths: 2.5 H/C Sqft: 1,609
 18-034.0 Bed Rooms: 3 Land Sch: L1
 Land: 82,400 Imp: 122,200 Total: 204,600
 Acres: 0.000 Sales Info: 08/01/2006
 \$216,000

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

Tax Year : 2017

[SUMMARY](#) [LAND](#) [BUILDINGS](#) [SALES](#) [PHOTOGRAPHS](#) [MAPS](#)

LAND COMPUTATION

	Code	Acerage	Square Foot	Market Value	CU. Value
LOTS 3	111 HOUSEHOLD UNITS	0	0	\$82,390.00	

ROLLBACK/HOMESITE/MISCELLANEOUS

LEGAL DESCRIPTION

SUB DIVISON1: DOLLY RIDGE EST 2ND ADD MAP BOOK: 76 PAGE: 82
 SUB DIVISON2: MAP BOOK: 0 PAGE: 0

PRIMARY BLOCK: 2 SECONDARY BLOCK: 0
 PRIMARY LOT: 8 SECONDARY LOT: 0

METES AND BOUNDS: LOT 8 BLK 2 DOLLY RIDGE ESTS 2ND ADD EXC N 10 FT SD LOT

SALES INFORMATION

8/1/2006	\$216,000.00	1	BOOK: 200614 PAGE: 017638	Land & Building
6/1/2002	\$174,967.00	1	BOOK: 200208 PAGE: 002941	Land & Building
12/1/2001	\$145,000.00	1	BOOK: 200116 PAGE: 001350	Land & Building
4/1/2001	\$75,000.00	5	BOOK: 200105 PAGE: 006304	Land & Building

**Jason M. Sparks & Laura Sparks
2532 Skyland Drive
Vestavia, AL 35243**

April 9, 2018

To: Members, Vestavia Hills Annexation Committee and City Council

My name is Jason Sparks. I reside at 2532 Skyland Drive with my wife, Laura Sparks, and our son Mitchell. Both my wife and I have grown up in the Vestavia Hills community and attended the Vestavia schools from elementary school through high school graduation. Both of our families still live in Vestavia as well. (Mr. and Mrs. Mike Cobb; Dr. and Mrs. Jimmy Sparks). I represent BB&T Bank in the Vestavia Hills Chamber of Commerce and am also a member of the Vestavia Hills Sunrise Rotary Club that meets weekly at the City Hall.

Having enjoyed such long personal and professional ties to the Vestavia Hills community, I am now hoping that you will favorably consider my petition for annexation. You will notice from the application that we are largely surrounded by Vestavia Hills. We would very much like to participate in the interests of the community we are proud of, sharing its benefits and promoting the betterment of our neighborhood and of Vestavia Hills. I would add for your consideration that we have made substantial improvements to our home and property over the last few years, as have many of our neighbors. I believe that this trend is enhanced when all of us share a commitment to the interests of the community in common. I hope you will find that these considerations, along with my location relative to my Vestavia neighbors, makes this annexation logical and mutually beneficial.

My contact information is as follows if any additional information is needed:

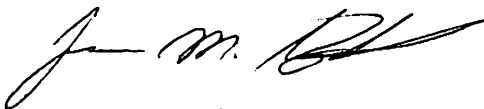
Cell # - (205)907-6030

Office # - (205)445-2346

Email – jsparks@bbandt.com

Thank you for your time in reviewing this request.

Sincerely,



Jason M. Sparks

(205)9076030

jsparks@bbandt.com

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: April 9, 2018

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.

Jason M. Sparks

(205) 907-6030 - cell #

(205) 445-2346 - work #

~~sparks@bbandt.com~~

jsparks@bbandt.com - email

EXHIBIT "A"

LOT: 8

BLOCK: 2

SURVEY: _____

RECORDED IN MAP BOOK 76, PAGE 82 IN THE
PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

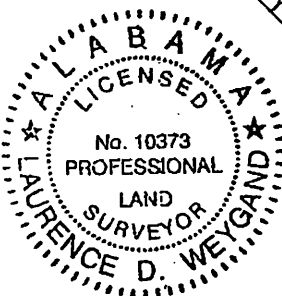
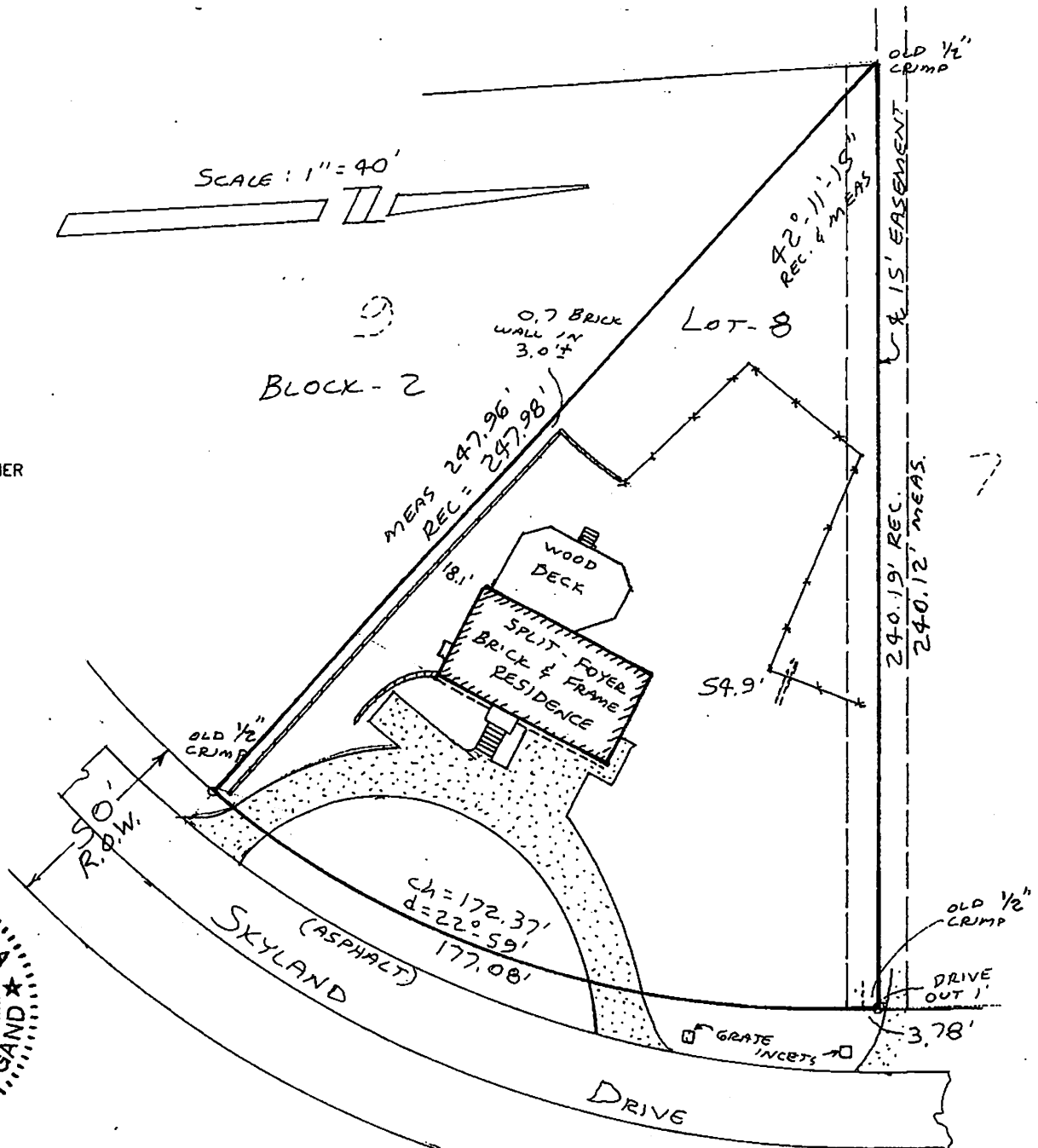
COUNTY ZONING: Class: 3 Mun Code: 2
COMPATIBLE CITY ZONING: Class: 3 Mun Code: 2

LEGAL DESCRIPTION (METES AND BOUNDS):

Lot 8, Block 2, According to the recorded map of Dolly
Ridge Estates, Second Addition as recorded in Map
Book 76, Page 82, in the probate office of Jefferson
County, Alabama, Birmingham Partition.
Less and except the north 10 feet of subject property
See Attached Exhibit A
Parcel # 28-00-32-4-005-015.000

LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- CL CENTERLINE
- A/C AIR CONDITIONER
- POLE
- ANCHOR
- X- FENCE
- V- POWER LINE
- PVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- ▨ WALL



STATE OF ALABAMA)
JEFFERSON COUNTY)

Closing Survey

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, or Ray Weygand, a Registered Land Surveyor, hereby certify that I have surveyed Lot 8, Block 2, AMENDED MAP OF DOLLY RIDGE ESTATES - SECOND ADDITION, as recorded in Map Volume _____ Page _____ in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no 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; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area"; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of AUGUST 15, 2006
Survey invalid if not sealed in red.

Order No.: 10458
Purchaser: SPARKS
Address: #2532 SKYLAND DRIVE
Flood Zone: X Map Number: 01073C 0492E

Laurence D. Weygand
Laurence D. Weygand, Reg. P.E.-L.S. #10373
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map.

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>Jason M. Sparks / Larrea Sparks</u>	Lot <u>8</u> Block <u>2</u> Survey _____
_____	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

Jason M. Sparks 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.

Jason M. Sparks
Signature of Certifier

Subscribed and sworn before me this the 9th day of April, 2018.

Renee Nelson Brown
Notary Public

My Commission Expires July 23, 2019.

My commission expires: _____

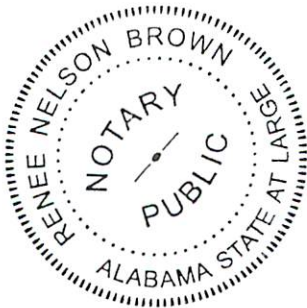


EXHIBIT "B"

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): Jason + Laura Sparks

Address: 2532 Skyland Drive

City: Vestavia State: AL Zip: 35243

Information on Children:

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

	Name(s)	Age	School Grade	Yes	No
1.	Mitchell D. Sparks	2	—	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.				<input type="checkbox"/>	<input type="checkbox"/>
3.				<input type="checkbox"/>	<input type="checkbox"/>
4.				<input type="checkbox"/>	<input type="checkbox"/>
5.				<input type="checkbox"/>	<input type="checkbox"/>
6.				<input type="checkbox"/>	<input type="checkbox"/>

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": 2020-2021

Jason M. Sparks : Car Tag: IBL9576
Laura C. Sparks : Car Tag: IBL9577



3421 Coventry Drive

Barbara French



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: 3421 Coventry Drive

Engineering: Date: 8/15/18 Initials: CB

3421 Coventry Drive -- no concerns noted; roadway asphalt is fair condition, meets City subdivision standards, and is already within our maintenance area.

Board of Education: Date: 8/17/18 Initials: SBendall

Comments: N/P

Police Department: Date: 08/17/18 Initials: cpw

Comments: VH/PD would welcome this addition because we already recently patrol the street now.

Fire Department: Date: 8/15/2018 Initials: SK

Comments: No problems noted.

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 3/15/2018

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.

Barbara French
fay3421@aol.com
205-967-4059

Molly French
mofrench@gmail.com
303-908-3832

EXHIBIT "A"

LOT: Country 1st & 2nd Sector PLOT: 6

BLOCK: P BLK: 25 LOT: 05

SURVEY: _____

RECORDED IN MAP BOOK 81, PAGE 31 IN THE

PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: _____

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS):

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

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
<u>Barbara C. French</u>	Lot <u>6</u> Block <u>9 S</u> Survey _____
_____	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY
Barbara C. French

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.

Barbara C. French
Signature of Certifier

Subscribed and sworn before me this the 15th day of March, 2018.

James H. [Signature]
Notary Public

My commission expires: 7/13/19

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): Barbara C. Daniel
Address: 3421 Coventry Dr.
City: Birmingham State: AL Zip: 35243

Information on Children:

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

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

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



3531 Valley Circle
Alan and Patricia Foster

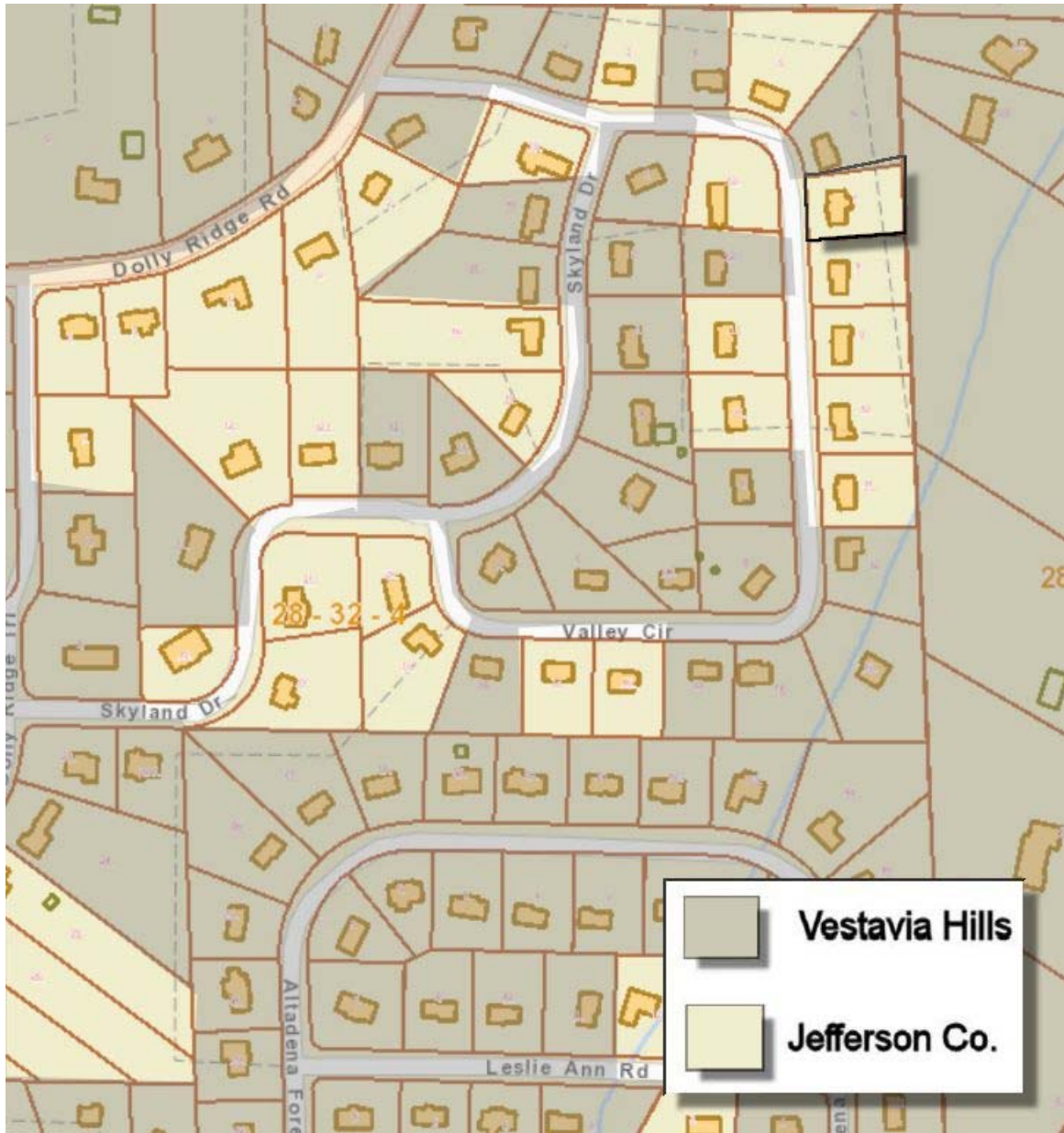


EXHIBIT "C"

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: 3531 Valley Circle

Engineering:

Date: 8/15/18 Initials: CB

3531 Valley Circle -- no significant concerns noted; roadway asphalt is in fair condition; the roadway width is more narrow than typical City standards and has little to no shoulders; a few neighboring properties will remain in unincorporated Jefferson County, so we anticipate roadway maintenance will remain a shared responsibility with the County.

Board of Education:

Date: 8/17/18 Initials: S Bendall

Comments: NIP

Police Department:

Date: 08/17/18 Initials: CHW

Comments: VHPD has no problem with this address and already patrols the street.

Fire Department:

Date: 8/15/2018 Initials: SO

Comments: No problems noted.

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: April 4, 2018

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.

altriciafoster@gmail.com

al fester 807-3904 - cell

Tricia fester 807-7872 - cell

EXHIBIT "A"

LOT: 6

BLOCK: 1

SURVEY: Amended map of Dolly Ridge Estates 2nd. Addition

RECORDED IN MAP BOOK 76, PAGE 82 IN THE

PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: JCR1

COMPATIBLE CITY ZONING: VHR2

LEGAL DESCRIPTION (METES AND BOUNDS):

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): Alan + Patricia Jester
Address: 3531 Valley Circle
City: Birmingham State: Al Zip: 35243

Information on Children:

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

	Name(s)	Age	School Grade	Yes	No
1.	<i>See attached</i>				
2.					
3.					
4.					
5.					
6.					

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

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>Alan N. Foster</u>	Lot <u>6</u> Block <u>1</u> Survey <u>(Amended Map of Dolly Ridge Estate 2nd Addition)</u>
<u>Patricia C. Foster</u>	Lot <u>6</u> Block <u>1</u> Survey <u>same</u>
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

Alan Foster 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.

Alan N. Foster

Signature of Certifier

Subscribed and sworn before me this the 4th day of April, 20 18.

[Signature]

Notary Public

My commission expires: 3/1/22



April 4, 2018

Honorable Mayor and City Council of the City of Vestavia Hills,

We are the new owners of 3531 Valley Circle in Dolly Ridge Estates. The property is currently rented. Our plan is to remodel the home, open up the kitchen to the den, new floors, new kitchen, paint inside and out, update the baths, and improve the yard. We paid \$177,500 for the house. Our Realtor says it will be worth at least \$329,000 when we finish, if in Vestavia Hills. We have successfully fixed up and sold 13 houses, most of which were in Vestavia Hills. We would like to have the house annexed into Vestavia Hills.

Sincerely, Al and Tricia Foster



De-Annexation Request

3961 Briar Oak Drive

Robert Butler

3961 Briar Oak Drive



PARCEL #: 28 00 11 4 001 051.000
OWNER: BUTLER ROBERT B
ADDRESS: 3961 BRIAR OAK DR MOUNTAIN BRK AL 35243-4838
LOCATION: 3961 BRIAR OAK DR BIRMINGHAM AL 35243

[111-S0] Baths: 5.0 H/C Sqft: 4,309
 14-027.0 Bed Rooms: 4 Land Sch: A314
 Land: 260,000 Imp: 704,300 Total: 964,300
 Acres: 12.000 Sales Info: 03/01/1990 \$190,000

<< Prev Next >> [2 / 5 Records] Processing...

Tax Year: 2018

[SUMMARY](#) [LAND](#) [BUILDINGS](#) [SALES](#) [PHOTOGRAPHS](#) [MAPS](#)

SUMMARY



ASSESSMENT

PROPERTY CLASS: 3 OVER 65 CODE:
 EXEMPT CODE: 2-2 DISABILITY CODE:
 MUN CODE: 20 VESTAVIA HILLS HS YEAR: 0
 SCHOOL DIST: EXM OVERRIDE AMT: \$0.00
 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 92.6

VALUE

LAND VALUE 10% \$260,000
 LAND VALUE 20% \$0
 CURRENT USE VALUE [DEACTIVATED] \$0

CLASS USE:
 FOREST ACRES: 12 TAX SALE:
 PREV YEAR VALUE: \$1,055,300.00 BOE VALUE: 0

CLASS 2
 CLASS 3
 BLDG 001 111 \$704,300

TOTAL MARKET VALUE [APPR. VALUE: \$964,300]: \$964,300

Assesment Override:

MARKET VALUE:

CU VALUE:

PENALTY:

ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	20	\$96,440	\$626.86	\$4,000	\$26.00	\$600.86
COUNTY	3	20	\$96,440	\$1,301.94	\$2,000	\$27.00	\$1,274.94
SCHOOL	3	20	\$96,440	\$790.81	\$0	\$0.00	\$790.81
DIST SCHOOL	3	20	\$96,440	\$0.00	\$0	\$0.00	\$0.00
CITY	3	20	\$96,440	\$4,754.49	\$0	\$0.00	\$4,754.49
FOREST	3	20	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	20	\$96,440	\$1,456.24	\$0	\$0.00	\$1,456.24
SPC SCHOOL2	3	20	\$96,440	\$0.00	\$0	\$0.00	\$0.00

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$96,440.00

\$8,930.34

GRAND TOTAL: \$8,882.34

Payoff Quote

DEEDS

INSTRUMENT NUMBER

[0-0](#)

PAYMENT INFO

DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
06/01/1994		2018		\$0.00
	11/7/2017	2017	ROBERT BRITT BUTLER	\$9,725.00
	1/5/2017	2016	ROBERT BRITT BUTLER	\$8,882.34
	11/18/2015	2015	ROBERT BUTLER	\$8,934.20
	1/6/2015	2014	ROBERT BRITT BUTLER	\$8,811.97
	1/4/2014	2013	-	\$8,811.97
	10/29/2012	2012	BUTLER ROBERT B	\$9,065.69
	20111015	2011	***	\$9,193.48
	20101231	2010	***	\$9,193.48
	20091103	2009	***	\$9,193.48
	20081031	2008	***	\$9,384.24
	20071231	2007	***	\$9,294.43
	20061231	2006	***	\$9,037.91
	20051208	2005	***	\$8,678.62
	20041228	2004	***	\$8,473.05
	20031231	2003	***	\$8,164.71
	20021021	2002	***	\$7,378.52
	20011231	2001	***	\$3,971.22
	20001231	2000	***	\$3,971.22
	19991231	1999	***	\$3,971.22
	19981106	1998	***	\$3,268.57
	19971011	1997	***	\$3,268.57
	19961204	1996	***	\$3,263.57



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Website Disclaimer

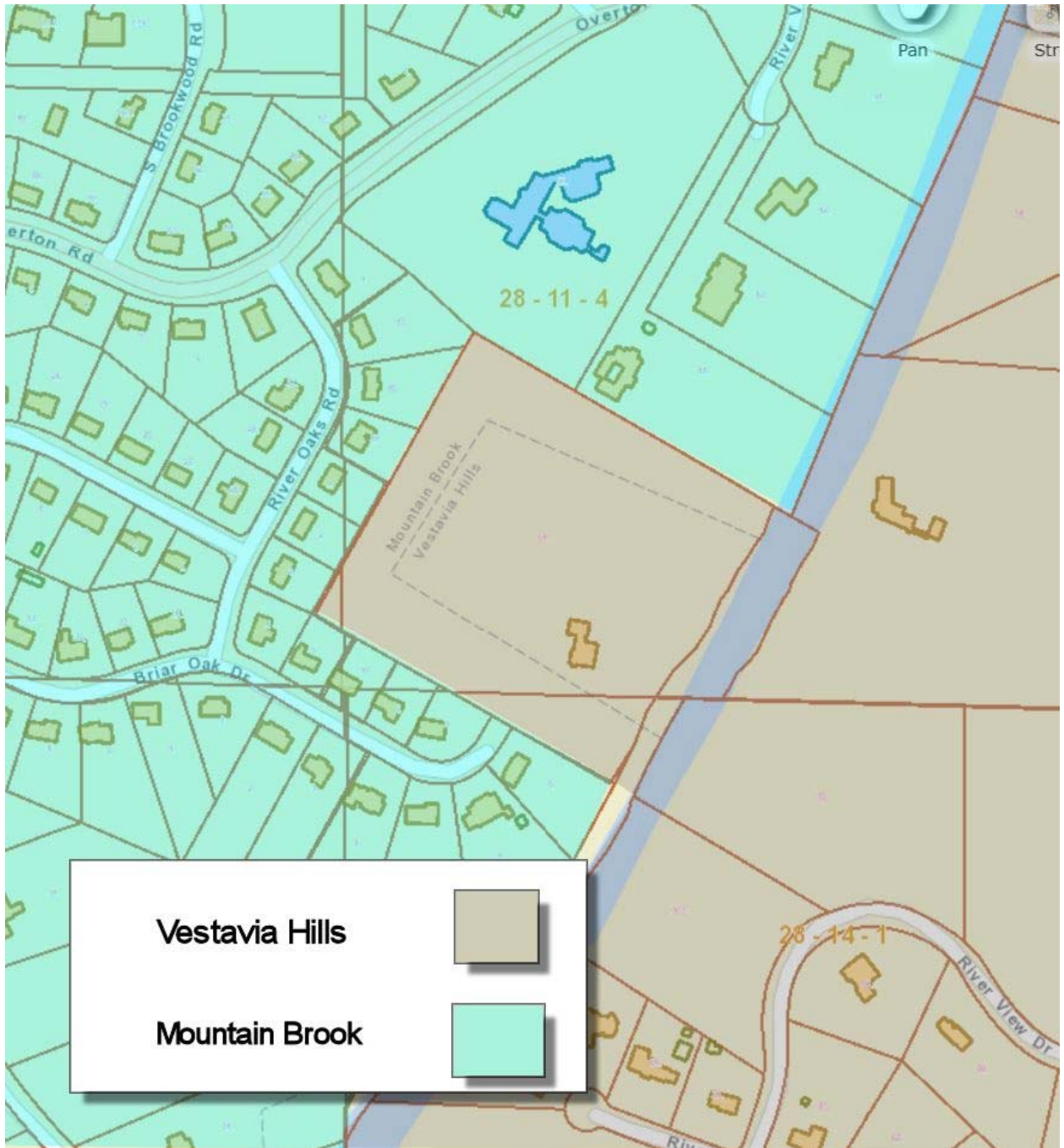


EXHIBIT "C"

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: 3961 Briar Oak Drive

Engineering:

Date: 8/15/17 Initials: CB

3961 Briar Oak Drive -- no concerns noted; roadway is not on City of Vestavia Hills maintenance list and is within City of Mountain Brook; City does provide garbage services to this one residence on this street, so likely will be of benefit to our collection contractor to eliminate this from our route; we have no recent record of providing any other service to this property.

Board of Education:

Date: 8/17 Initials: S Bendall

Comments: Hate to lose property

Police Department:

Date: 8/17/18 Initials: CHN

Comments: VAPD has no concern about this property at this time, regarding staying in the city or leaving.

Fire Department:

Date: 8/17/17 Initials: JKey

Comments: N/P



fcg3@galloway
scott.com

August 7, 2018

Via Hand Delivery

Mr. Jeffrey Downes, City Manager
City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, AL 35216

Re: Proposed deannexation of home located at 3961 Briar Oak Drive, Vestavia Hills, Alabama 35243

Dear Jeff:

As we briefly discussed last week, on behalf of the current owner (Robert Butler) and my clients, contract purchasers (Mr. and Mrs. Patrick Maguire), please consider this letter and its enclosures to be a request that the City of Vestavia Hills deannex the above-referenced property (the "Property"). To that end, I ask that the Council place this matter on a track so that it is formally considered at a Council meeting.

In support of this proposal, I offer the following:

1. A tax map from the Jefferson County Tax Assessor's office identifying the property (Exhibit 1).
2. A print-out from the Jefferson County website showing an aerial depiction of the Property. It is noteworthy that in this depiction Jefferson County erroneously shows that a material portion of the perimeter of the Property is in Mountain Brook (Exhibit 2).
3. A print-out from the 2018 Courthouse Retrieval System depicting the Property and the surrounding area (Exhibit 3).
4. A print-out from the Jefferson County Tax Assessor's office showing the Property as (a) being located in Birmingham, (b) having a Mountain Brook address, and (c) a Vestavia Hills "municipal code".
5. As shown on Exhibits 1 and 3, the Property is the last house on a dead-end segment of Briar Oak Drive. All other properties and houses on Briar Oak Drive are located in the City of Mountain Brook. Additionally, there are eight (8) other parcels that border the Property, and *all* of them are in the City of Mountain Brook.

Mr. Jeffrey Downes, City Manager
City of Vestavia Hills
August 7, 2018
Page 2

6. The easternmost border of the Property is the Cahaba River. On the opposite bank of the Cahaba River is land located in the City of Vestavia Hills. Realistically, this contiguous border affords no meaningful access to other Vestavia Hills property, and certainly provides no access for emergency vehicles.
7. The Property is the only Vestavia Hills property accessed off of Overton Road via River Oaks Road. There is obviously confusion in the public realm as to the Property's correct jurisdiction. This isolation creates inherent challenges for police, fire and ambulance services from Vestavia Hills to access the Property. It is not unlikely that in an emergency situation, resources from Vestavia Hills, Mountain Brook and perhaps Birmingham would respond and thus potentially compromise the ability of one of the municipalities to properly service their communities.
8. If deannexation of the Property is approved, it realistically could not be finalized until after October 1, 2018. Thus, the property taxes owing for the 2019 tax year would be paid to Vestavia Hills.

The Maguires' contract to purchase the Property is contingent on deannexation, so both Mr. Butler and the Maguires request that Vestavia Hills consider this matter in a timely fashion. Thank you in advance for your consideration of the foregoing request. If there is any application fee or other requirement that a payment be made in order for Vestavia Hills to consider a deannexation request, please let me know and my office will promptly forward such payment to your office.

Sincerely,



Frank C. Galloway III

FCGIII/jjg
Enclosures

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

E-Mail patrickboone@bellsouth.net

August 21, 2018

By Electronic Mail

City Clerk Rebecca Leavings
Vestavia Hills Municipal Center
P. O. Box 660854
Vestavia Hills, Alabama 35266-0854

In Re: Petition for De-annexation from the Corporate Boundaries of the City of Vestavia Hills,
Alabama

Dear Becky:

You have requested my written legal opinion regarding a Petition for De-annexation of real estate situated in the City of Vestavia Hills, Alabama (“City”) and arising out of the facts detailed below. The purpose of this legal opinion is to comply with your request.

I. FACTS

The real estate and improvements situated at 3961 Briar Oak Drive in the City of Vestavia Hills, Alabama (the “property”) has a single-family residential zoning classification. The property consists of approximately twelve (12) acres and was annexed to the City when the Cahaba Heights Fire District was annexed in 2002. It is my understanding that all other property situated on Briar Oak Drive is situated in the City of Mountain Brook, Alabama.

Attorney Frank C. Galloway, III represents a couple that wishes to purchase the property. Based upon a letter dated August 7, 2018 from Mr. Galloway to City Manager Jeffrey Downes, it is my understanding that his clients have agreed contractually to purchase the property provided it is de-annexed from the City of Vestavia Hills and annexed to the City of Mountain Brook. A copy of the letter is attached.

You have requested my written legal opinion regarding the legal obligations of the City regarding this petition for de-annexation. Hence this legal opinion.

II. ALABAMA LAW

A. ANNEXATION:

1. **Municipalities Have Legal Authority to Annex Real Property to the Corporate Boundaries of the City:** Annexation is a government’s function with authority and method granted to the city by the legislature. *Sanders v. City of Tuscaloosa*, 395 So.2d 86 (1981); *City of Hoover v. Rocky Ridge Fire Dist.*, 460 So.2d 192 (1984).

2. **Annexation is a Legislative Function:** The City acts in a legislative capacity when it annexes territory. *City of Birmingham v. Mead Corp.*, 372 So.2d 825 (1979).

3. **Municipalities Have a Very Broad Discretion of the Necessity of the Reasonableness of Annexations:**

“The legislative body of a municipality is given a very broad discretion in the determination of the necessity of the reasonableness of an annexation, and it has been repeatedly held that the courts will interfere only to correct an abuse of that discretion...” 1 Yokley, *Municipality Corporations*, §34, *supra*. *City of Birmingham v. Mead*, 372 So.2d 828 (1979).”

“The general rule is that if the reasonableness of a proposed annexation is fairly debatable, the courts will defer to the judgment of the city council in enacting the annexation ordinance...”

4. **Property Owners Cannot Require Municipalities to Annex Their Land:** If a municipality acts within its delegated authority in annexing territory, the wisdom or expediency of such annexation is not a concern of the courts. Where the question of extending city limits is one on which reasonable men would differ, determination of the question is for city council and city electorate and not for the court. *City of Birmingham v. Mead Corp.*, 372 So.2d 825 (1979).

5. **Methods of Annexation:** Alabama law allows for three methods through which a city’s corporate limits may be extended:

(a) **Legislative Act:** Any municipality’s corporate limits may be extended by an act of the legislature (*Alabama Constitution*, Article 4 §105);

(b) **Election:** Municipality’s governing body may pass a resolution that certain property be brought within corporate limits of municipality by a majority vote of electors living within boundaries of the property to be annexed (Title 11-42-2, *Code of Alabama*, 1975); and

(c) **Petition by the Owner:** The “unanimous consent” method applies when all of owners of land that is contiguous to corporate limits of municipality containing 2,000 inhabitants or more (and that does not lie within police jurisdiction of any other municipality) sign and file petition with the city clerk requesting annexation into municipality, which city may grant by adopting an ordinance.

(i) **Overnight (50-Yard Line):** *Code 1975, §§11-42-1, et seq., 11-42-20, et seq.; City of Attalla v. Dean Sausage Co., Inc., 889 So.2d 559 (2003).*

(ii) **Ninety Day Annexation:** The City of Vestavia Hills may also annex property pursuant to Act No. 32 of the 1964 Legislature, which allows municipalities in counties of this state having a population 600,000 or more to annex property without consideration to the boundary which is equidistant from the respective corporate limits of two municipalities.

6. **Owners of Property Annexed to a Municipality are Required to Pay Ad Valorem Taxes:** Citizens residing in areas annexed to a municipality are required to pay all ad valorem taxes unless the statutory authority for a specific type of annexation provides otherwise. *Young Women’s Christian Association v. Gunter, 162 So.2d 120, 122 (1935).*

7. **Cities are Required to Provide Municipal Services to Annexed Territory:** A municipality is required to provide municipal services to its residents but is not required to provide the same services to non-residents. *City of Attalla v. Dean Sausage Company, Inc., 889 So.2d 559 (2003)* and Title 11-45-1, *Code of Alabama, 1975.*

8. **Notice of Annexation Given to Probate Judge:** It shall be the duty of the governing body to file a description of the property or territory annexed into the city with the office of the Judge of Probate of the county in which the municipality is located. Title 11-42-21, *Code of Alabama, 1975.*

9. **Annexed Territory Subject to Laws and Ordinances of the City:** Title 11-42-72, *Code of Alabama, 1975,* reads as follows:

“All territory brought within the corporate limits of a city under the provisions of this article shall be subject to the laws and ordinances of said city, and the council or governing body of the city shall have and exercise the same jurisdiction over such territory as is exercised over the territory within the corporate limits of the city, except as by this article restricted and except as may be restricted by ordinance or resolution passed by the council or governing body of the city.”

B. REDUCTION OF CORPORATE LIMITS:

1. **Legal Authority:** Municipalities in Alabama may de-annex property from the corporate boundaries by using the process set forth in Titles 11-42-200 through 11-42-213, *Code of Alabama, 1975*. The first step is described in Title 11-42-200, *Code of Alabama, 1975*, which provides as follows:

“ARTICLE 7. REDUCTION OF CORPORATE LIMITS

§11-42-200. Resolution; generally. Whenever in the opinion of the council or governing body of any city or town the public health or public good requires that the corporate limits of such town or city be reduced and the boundaries thereof reestablished, said council shall pass a resolution defining the proposed corporate limits”

2. **De-Annexation Is A Legislative Decision:** In the case of *Evans v. Stone*, 473 So.2d 495 (Ala.1985), the Supreme Court of Alabama held that when the governing body of a city or town resolves to reduce its corporate limits, it acts in its legislative capacity just as it does when it determines to enlarge its corporate limits. Consequently, when the reasonableness of the proposed reduction is fairly debatable, the Courts will defer to the judgment of the governing body of the city or town and will interfere with its decision only to cure an abuse of discretion.

3. **Process If There Is A Protest To The De-Annexation:** Titles 11-42-202, 11-42-203 and 11-42-204, *Code of Alabama, 1975*, require an election to determine whether or not the proposed corporate limits shall be altered or reduced in the event there are any protests within the territory to be excluded by any person and reasonable cause is shown which, in the opinion of the Judge of Probate, requires that such question be submitted to the qualified electors of such city or town.

C. LEGISLATIVE DECISIONS: A court cannot substitute its judgment for a legislative decision of a municipality absent proof of unfair dealing, fraud or bad faith.

1. In the case of *Ex Parte James*, 836 So.2d 813 (Ala.2002), the Court held:

“This Court ‘shall *never* exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men.’ Ala.Const.1901, §43 (*emphasis added*). In Alabama, separation of powers is not merely an implicit ‘doctrine’ but rather an express command.”

August 21, 2018
page 5

2. In the case of *Guarisco v. City of Daphne*, 825 So.2d 750 (Ala.2002), the Court held:

“The Supreme Court is not given the power to review the wisdom or unwisdom, or the rightness or wrongness of laws passed by the governing bodies of municipalities.”

3. In the case of *Ex Parte City of Birmingham*, 624 So.2d 1018 (Ala.1993), the Court held:

“Finally, it is a well-established principal of law that a court cannot substitute its judgment for that of a municipality, absent proof of unfair dealing, fraud, or bad faith. *City of Birmingham v. Wilkinson*, 516 So.2d 585 (Ala.1987); *Bentley v. County Comm’n for Russell County*, 264 Ala. 106, 84 So.2d 490, 493 (1955); *Van Antwerp v. Board of Comm’rs of City of Mobile*, 217 Ala. 201, 115 So. 239, 243 (1928).”

III. LEGAL OPINION

If the Petition for De-Annexation comes before the City Council for consideration, then in such event the City Council will have two options, both of which shall be legislative decisions.

A. APPROVAL OF PETITION: If the petition is approved, then in such event the City Clerk will forward the petition, together with any and all other required documents to the Probate Court of Jefferson County, Alabama. If no objection is made to the Probate Court, then in such event the Court will enter the appropriate order.

If a protest is made, then in such event the Probate Court shall call for a general election for the electorate of the City to vote on the issue.

B. DENIAL OF PETITION: If the City Council denies the Petition for De-Annexation, then in such event it is my legal opinion that a Court will not substitute its judgment for the City Council unless it first determines that there has been unfair dealing, fraud or bad faith.

IV. CONCLUSION

No one filed a Court challenge to the annexation of Cahaba Heights in 2002. How could maintaining the status quo today be an abuse of discretion, unfair dealing, fraud or bad faith?

August 21, 2018
page 6

Please call me if you have any questions regarding this legal opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick H. Boone". The signature is written in a cursive style with a large initial "P".

Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

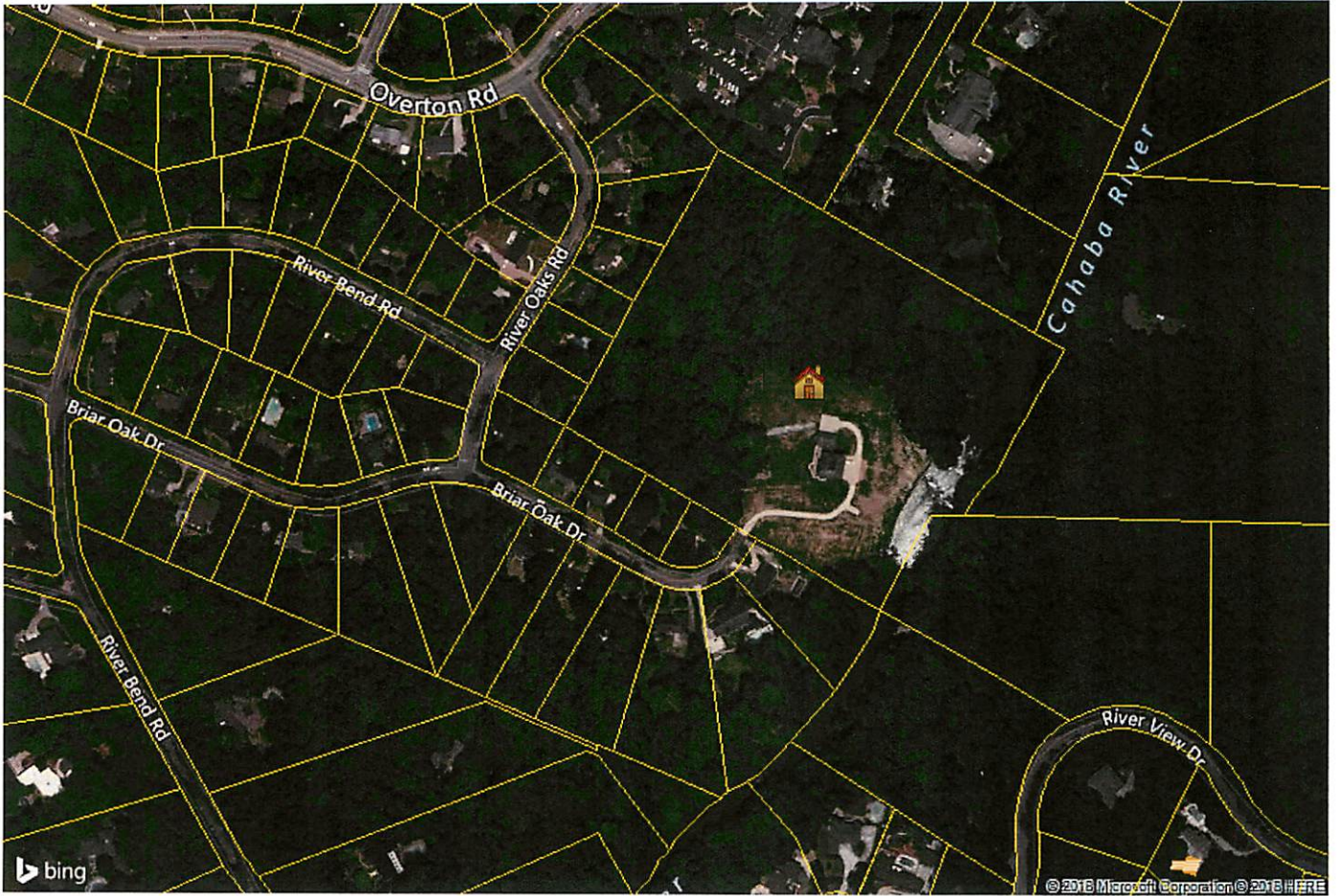
Enclosure

cc: City Manager Jeff Downes (w/encl.)

Identify Results
Google Street View Property Tax Info
Latitude 33.4757582 Longitude -86.716362

OBJECTID: 210822
SHAPE: Polygon
Owner Name: BUTLER ROBERT B
ParcelNo: 28 00 11 4 001 051.000
Parcel Identification: 2800114001051000
Building Number: 3961
Site Address: 3961 BRIAR OAK DR
Apartment:
ZIP: 35243
CITY: VESTAVIA HILLS
Subdivision: Vestavia Hills
Fire Department Services: RIVER RUN
Neighborhood Name: 3961 BRIAR OAK DR
Owner Mailing Address: MOUNTAIN BRK
Owner City Mail: AL

Parcels (Baseemap) [Empty]



Map for Parcel Address: 3961 Briar Oak Dr Mountain Brk, AL 35243-4838, Parcel ID: 28 00 11 4 001 051.000