Vestavia Hills City Council Agenda November 25, 2019 6:00 PM

- 1. Call to Order
- 2. Roll Call
- 3. Invocation Tom Bell; Vestavia Hills Chaplain
- 4. Pledge Of Allegiance
- 5. Announcements and Guest Recognition
- 6. Proclamation Trafficking Free Zone
- 7. City Manager's Report
- 8. Councilors' Reports
- 9. Approval Of Minutes November 13, 2019 (Regular Meeting)

Old Business

- 10. Resolution Number 5202 A Resolution To Provide Tier I Benefits To Tier II Plan Members Pursuant To Alabama Act 2019-132 *(public hearing)*
- 11. Ordinance Number 2502-A An Ordinance Amending Ordinance Number 2502 To Further Amend Chapter 8 Of The Vestavia Hills Code Of Ordinances Entitled "License And Business Regulations" To Add An Article To Establish A NAICS Code, Operating Standards And Definitions For Mobile Food Units Operating Within The City Of Vestavia Hills, Alabama And To Provide For Penalties For Violation Thereof (public hearing)
- 12. Ordinance Number 2885 Annexation 90 Day Final 3516 Squire Lane; Brook And Celine Russell, Owners (public hearing)
- 13. Ordinance Number 2886 Rezoning 3516 Squire Lane, Rezone From VH E-2 To VH R-1; Brook And Celine Russell, Owners (public hearing)
- Ordinance Number 2887 Annexation 90 Day Final 929 Mountain Branch Circle;
 Lot 40, Mountain Branch Sub; Honeycutt Real Estate Holdings, Owners (public hearing)
- 15. Ordinance Number 2888 Rezoning 929 Mountain Branch Circle; Lot 40, Mountain Branch Sub; Rezone From JC R-1 To VH R-2; Honeycutt Real Estate Holdings (Owners) (public hearing)
- 16. Ordinance Number 2889 Annexation 90 Day Final 2790 Acton Place; Hugh Humphrey, Owner *(public hearing)*

- 17. Ordinance Number 2890 Rezoning 2790 Acton Place; Rezone From JC R-1 To VH R-2; Hugh Humphrey, Owner (public hearing)
- 18. Ordinance Number 2891 Annexation 90 Day Final 2606 Acton Road; Lot 5, Altadena Valley Country Club; Mark And Jennifer Weldon (public hearing)
- Ordinance Number 2892 Rezoning 2606 Acton Road; Lot 5, Altadena Valley Country Club; Rezone from Jefferson County Agriculture to VH A; Mark and Jennifer Weldon (public hearing)
- 20. Ordinance Number 2893 Annexation 90 Day Final 2429 Kenvil Circle; Lot 36, Res Of Lots 18, 19, 20, 33, 34, 46, 47 & 48, Buckhead, Second Sector; William Ennis (public hearing)
- 21. Ordinance Number 2894 Rezoning 2429 Kenvil Circle; Lot 36, Res Of Lots 18, 19, 20, 33, 34, 46, 47 & 48, Buckhead, Second Sector; Rezone From Jefferson County E-2 To VH R-1; William Ennis (public hearing)
- 22. Ordinance Number 2895 Annexation 90 Day Final 2645 Alta Glen Drive; Paul And Gloria Russell (public hearing)
- 23. Ordinance Number 2896 Rezoning 2645 Alta Glen Drive; Rezone From JC E-1 To VH E-2; Paul And Gloria Russell (public hearing)
- 24. Ordinance Number 2897 Rezoning 4222 Dolly Ridge Road; Rezone From VH B-3 To Vestavia Hills B-1.2 For Construction Of A Commercial Building With A Residential Unit On 2nd Floor; Timothy Higgins, Owner (*public hearing*)
- 25. Ordinance Number 2899 An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver An Agreement With Jefferson County Commission To Join A Jefferson County GIS Consortium For The Utilization Of GIS Planimetric Data Over The Next 3 Years (public hearing)

New Business

- 26. Resolution Number 5206 A Resolution Authorizing The City Manager To Transfer Fifty Percent Of The FY2019 General Fund Surplus To The City's Capital Projects Fund
- 27. Ordinance Number 2902 An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver An Agreement With Maddox Enterprises, LP And The City Of Vestavia Hills In Order To Forgive A Portion Of A Lien And Authorizing The Development Of Lot 1 Along With Designating Certain Prohibited Uses On Lot 2

New Business (Requesting Unanimous Consent)

28. Resolution Number 5207 – A Resolution Declaring Water Damage At The Cahaba Heights Police Substation As An Emergency And Authorizing The City Manager To Take All Actions Necessary To Repair Said Damage *(public hearing)*

First Reading (No Action To Be Taken At This Meeting)

- 29. Ordinance Number 2900 Rezoning 2926 Columbiana Road (2927 Columbiana Court); Elevation Apartments (Formerly Windcliff Apartments); Rezone From Jefferson County R-4 (Multi-Family Residential) To Vestavia Hills R-5 (Multi-Family Residential), Compatible Zoning From A 1983 Annexation; ECG Vestavia, LLC; Summit Vestavia I, LLC; Summit Vestavia II, LLC As Tenants In Common, Owners (public hearing scheduled for December 16, 2019)
- 30. Ordinance Number 2901 Rezoning For A Revised Site Plan And A Conditional Use Approval 3127 Blue Lake Drive; Lot 10A-, Resurvey Of Lots 8, 9 & 10, Topfield Subdivision And Lot 11, Topfield Subdivision; The Purpose Of The Request Is To Revise A Site Plan Of A B-1.2 Zoned Development And A Conditional Use Approval To Allow An Additional 2,500 Square Foot To Allow For A Total 12,500 Square Foot Building; SWBP Investments, LLC, Owners (public hearing scheduled for December 16, 2019)
- 31. Citizens Comments
- 32. Motion for Adjournment

- WHEREAS, Birmingham, Alabama has been chosen to host The World Games 2021, an international sporting event that will bring thousands of athletes, as well as countless tourists and media, to the Birmingham metro area; and
- WHEREAS, an increase in tourists seeking entertainment, including commercial sex, increases the potential risk for exploitation and human trafficking. Traffickers are opportunistic hunters and see major sporting events as an opportunity for huge profits with little risk of penalty or punishment; and
- WHEREAS, human trafficking is a form of modern-day slavery in which victims are forced to work in various forms of exploitation, including debt bondage, forced marriage, labor & commercial sexual exploitation, that are induced through force, fraud or coercion; and
- WHEREAS, due to its isolating nature, many individuals are unaware that trafficking exists in their neighborhoods so the first step in eliminating human trafficking in our community is to educate others and make them aware of how to spot it; and
- WHEREAS, Vestavia Hills is committed to becoming a TraffickingFree Zone by ensuring that our community is prepared to recognize signs of human trafficking as well as implement and enforce a zero-tolerance policy against any act which may support human trafficking; and
- WHEREAS, Vestavia Hills will continue its efforts to combat the commercial sexual exploitation of our children and vulnerable adults and mitigate the associated public safety, economic and health risks to our community, in collaboration with the Child Trafficking Solutions Project, the U.S. Institute Against Human Trafficking, and other anti-human trafficking organizations.
- NOW, THEREFORE, I, Ashley C. Curry, by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim Vestavia Hills, Alabama a

HUMAN TRAFFICKINGFREE ZONE

and ask all citizens of Vestavia Hills to join us in promoting a shift away from the culture of tolerance toward human trafficking.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 25th day of November 2019.

Ashley C. Curry Mayor

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

NOVEMBER 13, 2019

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM, rescheduled from November 11, 2019, following publication and posting pursuant to Alabama law. Mayor Curry called the meeting to order and the City Clerk called the roll with the following:

MEMBERS PRESENT: Mayor Ashley C. Curry

Rusty Weaver, Mayor Pro-Tem Kimberly Cook, Councilor **

Paul Head, Councilor George Pierce, Councilor **arrived at 6:20 PM

OTHER OFFICIALS PRESENT: Rebecca Leavings, City Clerk

Melvin Turner, Finance Director

George Sawaya, Asst. Finance Director

Dan Rary, Police Chief Jason Hardin, Police Captain Marvin Green, Fire Chief

Christopher Brady, City Engineer

Cinnamon McCulley, Communications Specialist

Butch Williams; Vestavia Hills Senior Chaplain, led the invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION

- The Mayor stated that only one application was received for the upcoming vacancy of the Vestavia Hills Library Board and six applications for Parks and Recreation Board. Interviews will be held on the 26th of November for these vacancies.
- Mr. Pierce recognized Board Member James Robinson who was in attendance representing the Chamber of Commerce.
- Mr. Weaver announced that the Planning and Zoning Commission will meet in regular session tomorrow evening at 6 PM in the Council Chamber here at City Hall.
- Mr. Weaver welcomed Park Board Mitch Bevill to the meeting. He announced that the Parks and and Recreation Board's regular meeting will be held on November 19, 2019 beginning at 7 AM in the Executive Conference Room here at City Hall.

CITY MANAGER'S REPORT

- Mr. Downes showed the Council and the audience the projected year-end capital balance for FY 2019 with a balance of almost 1.4 million. He stated that the City has had a great year. Mr. Downes stated he would like to suggest taking that healthy fund balance and transfer some of it to the capital fund to match the expected 20% matches of the federal funded budgets that are upcoming. He stated that will be a future decision of the Council and he wanted to introduce it to them as food for thought.
 - The Mayor stated that he would feel better if the City positioned the matches of Massey Road and the Pedestrian Bridge over 31 so this sounds like a viable proposition.

COUNCILOR REPORTS

- Mr. Pierce stated that the keynote speaker at the Chamber luncheon was Tony Cooper, Executive Director of the Jimmie Hale Mission. He saluted Mr. Cooper for his work with Jimmie Hale missions and the community.
- Mr. Pierce highlighted several upcoming events from Holidays in the Hills including Shop Dine and Play Bingo, November 1-25; Deck the Heights, November 14; Christmas Tree Lighting, December 3; Breakfast with Santa, December 7; and the City Christmas Parade at Liberty Park Sports Complex on December 8. He encouraged everyone to eat and shop locally in Vestavia Hills.
- The Mayor stated that the Veterans event held last Thursday was a tremendous success. He stated that it highlighted the history of four WWII veterans. He looks forward to this event becoming an annual event.
 - o Mr. Weaver echoed the Mayor's comments stating that the Veterans Day event was wonderful. He commended everyone who put this event together and stated that the presentation was very well done and enjoyed by all.

FINANCIAL REPORTS

Melvin Turner, III, Finance Director, presented the financial reports for FY2019. He read and explained the closing balances.

APPROVAL OF MINUTES

The minutes of the following meeting were presented for approval: October 28, 2019 (Work Session).

MOTION Motion to dispense with the reading of the minutes of the October 28, 2019 (Work Session); and approve them as amended was by Mr. Weaver seconded by Mr. Pierce. Roll call vote as follows:

Mr. Head – yes
Mr. Weaver – yes
Mayor Curry – yes
Motion carried.

MOTION Motion to dispense with the reading of the minutes of the October 28, 2019 (Regular Meeting); and approve them as amended was by Mr. Weaver seconded by Mr. Pierce. Roll call vote as follows:

Mr. Head – yes
Mr. Pierce – yes
Mr. Weaver – yes
Mayor Curry – yes
Motion carried.

OLD BUSINESS

RESOLUTION NUMBER 5194

Resolution Number 5194 – Vacation – Lot Line/Utility Easements Located On Lots 1, 2, 3 And 4, Block 2, Meadowlawn Estates; 1st Addition; Tiebo, LLC, Owners (public hearing)

MOTION Motion to approve Resolution Number 5194 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Downes stated that these easements exists under a commercial business in Cahaba Heights. The utilities and engineer have signed off and this cleans up that lot.

Mayor Curry opened the floor for public hearing. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mr. Head – yes
Mr. Weaver – yes
Mr. Weaver – yes
Mayor Curry – yes
Motion carried.

RESOLUTION NUMBER 5200

Resolution Number 5200 – A Resolution To Reinstate Incentives For Serra Automotive Group And Anthony And Mary Margaret Serra For The Purpose Of Construction Of Land And Facility Improvements And Conveyance Of Property To Be Used For Public Purposes Within The Massey Road Project (public hearing)

MOTION Motion to approve Resolution Number 5200 was by Mr. Weaver seconded by Mr. Head.

Mr. Downes gave a brief background of this request on a dealership located at the south end of Montgomery Highway, owned by Serra Automotive Group. In 2012, a previous Council entered into an incentive agreement and later, the dealership experienced some flooding and closed. Since then, the dealership has done flood mitigation on the property to raise a portion of the property above flood elevation and lowering another portion to allow for water retention in flooding events in an effort to reopen. This request is to reinstate the old agreement to commence at the day the dealership opens or is validated by the courts. This agreement was amended to include some donation of property on the other side of the creek to be utilized by the City in the Massey Road project.

**Mrs. Cook entered the meeting at 6:20 PM.

Mr. Pierce asked about the projected opening of the dealership.

Alton Parker, attorney representing the Serras, explained that some landscaping needs to occur and then the paving of the parking lot. Once finished, high-end vehicles will be sold from the lot and they anticipate really good sales from the property. He stated they hope to give the property toward Massey Road to the City soon.

Mr. Pierce asked about DRB review.

Ms. Leavings stated that they have already been to DRB.

Keith Andrews, 3026 Massey Road, stated that there is signage availability but does the incentive follow if another dealership opens.

Mr. Downes explained an assignment clause in the agreement and the intent would be to keep an active business operating on this property.

Discussion ensued as to the reassignment clause of the agreement.

Mayor Curry opened the floor for public hearing. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes
Mr. Head – yes
Mr. Pierce – yes
Mr. Weaver – yes
Mayor Curry – yes
Motion carried.

ORDINANCE NUMBER 2880

Ordinance Number 2880 - An Ordinance To Amend Section 12-4 Of The Vestavia Hills Code Of Ordinances Entitled "Vestavia Hills Athletic Complex Cahaba Heights" To Rename The Park As "Cahaba Heights Park" (public hearing)

MOTION Motion to approve Ordinance Number 2880 was by Mr. Weaver seconded by Mr. Head.

Mr. Downes stated that the Parks and Recreation Board recommended renaming this park to be more encompassing and like other parks. Signage will include the city's logo and marketed to show it's in the City and an all-inclusive park rather than just fields.

Mayor Curry opened the floor for public hearing. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes Mr. Head – yes
Mr. Pierce – yes Mr. Weaver – yes
Mayor Curry – yes Motion carried.

RESOLUTION NUMBER 5196

Resolution Number 5196 – Annexation – 90 Day – 2312 St. Joseph Road; Lot 22, St. Joseph Retreat; Vincent And Julie Pappalardo, Owners (public hearing)

MOTION Motion to approve Resolution Number 5196 was by Mr. Weaver seconded by Mrs. Cook.

Mr. Pierce gave the annexation report for this property with no adverse information given.

Mr. and Mrs. Pappalardo were present in regard to this request.

Mayor Curry opened the floor for public hearing for both this resolution and the following ordinance. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes
Mr. Head – yes
Mr. Pierce – yes
Mr. Weaver – yes
Mayor Curry – yes
Motion carried.

ORDINANCE NUMBER 2881

Ordinance Number 2881 – Annexation – Overnight – 2312 St. Joseph Road; Lot 22, St. Joseph Retreat; Vincent And Julie Poppalardo, Owners (public hearing)

MOTION Motion to approve Ordinance Number 2881 was by Mr. Weaver seconded by Mr. Pierce.

Mayor Curry opened the floor for public hearing. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes
Mr. Head – yes
Mr. Pierce – yes
Mr. Weaver – yes
Mayor Curry – yes
Motion carried.

RESOLUTION NUMBER 5197

Resolution Number 5197 – Annexation – 90 Day – 2801 Gresham Drive; Lot 13, Gresham Woods Subdivision; Carla And Robert Ingram Jr., Owners (public hearing)

This request was withdrawn by the applicant.

ORDINANCE NUMBER 2881

Ordinance Number 2881 – Annexation – Overnight – 2801 Gresham Drive; Lot 13, Gresham Woods Subdivision; Carla And Robert Ingram Jr., Owners (public hearing)

This request was withdrawn by the applicant.

RESOLUTION NUMBER 5198

Resolution Number 5198 – Annexation – 90 Day – 2637 Alta Glen Drive; Jimit Parekh And Pallavi Shah, Owners (public hearing)

MOTION Motion to approve Resolution Number 5198 was by Mr. Weaver seconded by Mr. Head.

Mr. Pierce gave the annexation report for this property with no adverse information given other than a narrow road.

Pallavi Shah was present in regard to this request.

Mayor Curry opened the floor for public hearing for both this resolution and the following ordinance. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes Mr. Head – yes
Mr. Pierce – yes Mr. Weaver – yes
Mayor Curry – yes Motion carried.

ORDINANCE NUMBER 2883

Ordinance Number 2883 – Annexation – Overnight – 2637 Alta Glen Drive; Jimit Parekh And Pallavi Shah, Owners (public hearing)

MOTION Motion to approve Ordinance Number 2883 was by Mr. Weaver seconded by Mrs. Cook.

Mayor Curry opened the floor for public hearing. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes
Mr. Pierce – yes
Mr. Weaver – yes
Mayor Curry – yes
Motion carried.

ORDINANCE NUMBER 2884

Ordinance Number 2884 – An Ordinance Granting A Non-Exclusive Right-Of-Way Use Agreement To Level 3 Communications, 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 (public hearing)

MOTION Motion to approve Ordinance Number 2884 was by Mr. Pierce seconded by Mr. Weaver.

Mr. Downes explained that Level 3 Communications has approached the City for a franchise agreement for installation of fiber optic facilities within various rights-of-way of the City. He showed a map which depicts the area. Mr. Boone has reviewed the proposed agreement and finds no issues.

Mayor Curry opened the floor for public hearing. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes Mr. Head – yes
Mr. Pierce – yes Mr. Weaver – yes
Mayor Curry – yes Motion carried.

NEW BUSINESS

RESOLUTION NUMBER 5201

Resolution Number 5201 – A Resolution Changing The Regular Meeting Of The Vestavia Hills City Council From December 23, 2019 To December 16, 2019 Beginning

At 6 PM And Rescheduling The December 16, 2019 Work Session From 6 PM To 5 PM

MOTION Motion to approve Resolution Number 5201 was by Mr. Head seconded by Mr. Weaver.

There being no one to further address the Council, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes
Mr. Head – yes
Mr. Pierce – yes
Mr. Weaver – yes
Mayor Curry – yes
Motion carried.

RESOLUTION NUMBER 5203

Resolution Number 5203 – A Resolution To Allow A New Type Of Employee Contribution To The City's Deferred Compensation Plan Known As A Roth Contribution

MOTION Motion to approve Resolution Number 5203 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Downes stated that this is a 100% employee contribution plan for retirements which allows an employee to contribute should he/she choose to do so.

There being no one to further address the Council, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes
Mr. Head – yes
Mr. Weaver – yes
Mayor Curry – yes
Motion carried.

RESOLUTION NUMBER 5204

Resolution Number 5204 – A Resolution Authorizing The City Manager To Execute And Deliver All Agreements And Documents Necessary In Order To Secure Water Main Extensions And Three Fire Hydrants At Wald Park

MOTION Motion to approve Resolution Number 5204 was by Mr. Weaver seconded by Mrs. Cook.

Mr. Downes stated this was reviewed by the design team and recommended for approval.

There being no one to further address the Council, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes Mr. Head – yes Mr. Pierce – yes Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

RESOLUTION NUMBER 5205

Resolution Number 5205 – A Resolution Authorizing The City Manager To Execute And Deliver An Intergovernmental Purchasing Agreement With The North Alabama Cooperative Purchasing Association

MOTION Motion to approve Resolution Number 5205 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Downes stated that the FY2020 budget allowed the purchase of vehicles and since the state's bid list is behind, the only option found would be to purchase through this coop. He stated that the City belongs to several cooperatives like this. This allows the City to get into line for first come first purchase.

There being no one to further address the Council, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes
Mr. Head – yes
Mr. Pierce – yes
Mr. Weaver – yes
Mayor Curry – yes
Motion carried.

ORDINANCE NUMBER 2898

Ordinance Number 2898 - An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver Agreements With The Vestavia Hills Board Of Education Regarding Access To The School System's Live Fee Security System

MOTION Motion to approve Ordinance Number 2898 was by Mrs. Cook seconded by Mr. Head.

Mr. Downes stated that these agreements allow the City's police department and SRO's are treated as school employees to view live feeds of various school cameras.

There being no one to further address the Council, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes
Mr. Head – yes
Mr. Pierce – yes
Mr. Weaver – yes
Mayor Curry – yes
Motion carried.

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

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

The Mayor passed the gavel and Mr. Weaver, Mayor Pro-Tem, who announced that the following resolutions and/or ordinances will be presented at a public hearing at the Council's next regular meeting on November 25, 2019, at 6:00 PM.

- Resolution Number 5202 A Resolution To Provide Tier I Benefits To Tier II Plan Members Pursuant To Alabama Act 2019-132 (public hearing)
- Ordinance Number 2502-A An Ordinance Amending Ordinance Number 2502 To
 Further Amend Chapter 8 Of The Vestavia Hills Code Of Ordinances Entitled "License
 And Business Regulations" To Add An Article To Establish A NAICS Code, Operating
 Standards And Definitions For Mobile Food Units Operating Within The City Of
 Vestavia Hills, Alabama And To Provide For Penalties For Violation Thereof (public
 hearing)
- Ordinance Number 2885 Annexation 90 Day Final 3516 Squire Lane; Brook And Celine Russell, Owners (public hearing)
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- Ordinance Number 2889 Annexation 90 Day Final 2790 Acton Place; Hugh Humphrey, Owner (public hearing)
- Ordinance Number 2890 Rezoning 2790 Acton Place; Rezone From JC R-1 To VH R-2; Hugh Humphrey, Owner (public hearing)
- Ordinance Number 2891 Annexation 90 Day Final 2606 Acton Road; Lot 5, Altadena Valley Country Club; Mark And Jennifer Weldon (public hearing)
- Ordinance Number 2892 Rezoning 2606 Acton Road; Lot 5, Altadena Valley Country Club; Rezone from Jefferson County Agriculture to VH A; Mark and Jennifer Weldon (public hearing)
- Ordinance Number 2893 Annexation 90 Day Final 2429 Kenvil Circle; Lot 36, Res Of Lots 18, 19, 20, 33, 34, 46, 47 & 48, Buckhead, Second Sector; William Ennis (public hearing)
- Ordinance Number 2894 Rezoning 2429 Kenvil Circle; Lot 36, Res Of Lots 18, 19, 20, 33, 34, 46, 47 & 48, Buckhead, Second Sector; Rezone From Jefferson County E-2 To VH R-1; William Ennis (public hearing)
- Ordinance Number 2895 Annexation 90 Day Final 2645 Alta Glen Drive; Paul And Gloria Russell (public hearing)
- Ordinance Number 2896 Rezoning 2645 Alta Glen Drive; Rezone From JC E-1 To VH E-2; Paul And Gloria Russell (public hearing)

- Ordinance Number 2897 Rezoning 4222 Dolly Ridge Road; Rezone From VH B-3 To Vestavia Hills B-1.2 For Construction Of A Commercial Building With A Residential Unit On 2nd Floor; Timothy Higgins, Owner (public hearing)
- Ordinance Number 2899 An Ordinance Authorizing The Mayor And City Manager
 To Execute And Deliver An Agreement With Jefferson County Commission To Join
 A Jefferson County GIS Consortium For The Utilization Of GIS Planimetric Data Over
 The Next 3 Years (public hearing)

CITIZEN COMMENTS

None.

At 6:48 PM, Mr. Pierce made a motion to adjourn. The meeting adjourned at 6:49 PM.

Ashley C. Curry Mayor

ATTESTED BY:

Rebecca Leavings City Clerk

RESOLUTION NUMBER 5202

A RESOLUTION TO PROVIDE TIER I BENEFITS TO TIER II PLAN MEMBERS UNDER THE PROVISIONS OF ALABAMA ACT 2019-132

WHEREAS, under the provisions of Act 2019-132, employers who participate in the Employees' Retirement System pursuant to *Ala. Code* §36-27-6 may elect to provide Tier I retirement benefits to Tier 11 plan members, and

WHEREAS, the City of Vestavia Hills participates in the Employees' Retirement System pursuant to *Ala*. *Code* §36-27-6 and wishes to improve retirement benefits for its Tier II plan members;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the City of Vestavia Hills elects to provide Tier I retirement benefits to its Tier II plan members, subject to approval by the Employees' Retirement System Board of Control; that, if approved, such election shall be effective the following fiscal year and is irrevocable.

BE IT FURTHER RESOLVED that the City of Vestavia Hills has reviewed the actuarial cost estimates provided by the Employees' Retirement System for such election and agrees to pay any resulting increases in the employer contribution rate.

BE IT FURTHER RESOLVED that beginning in the Month that such election is effective, the City of Vestavia Hills's Tier II plan members shall contribute 7.5% of their earnable compensation to the Employees' Retirement System and the City of Vestavia Hills' Tier II plan members who are firefighters or law enforcement officers, as defined by Ala. Code § 36-27-59(a), shall contribute 8.5% of their earnable compensation to the Employees Retirement System, as required by Act 2019-132.

BE IT FURTHER RESOLVED that the City of Vestavia Hills has not increased the member contribution rates for its Tier I members as provided by Act 2011-676 and, as required by Ala. Code § 36-27-6.5, the City of Vestavia Hills has submitted to the Employees' Retirement System a plan to increase such rages as referenced as Exhibit A to this Resolution Number 5201.

This Resolution shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 25th day of November, 2019.

Ashley C. Curry, Mayor

ATTESTED BY:

Rebecca Leavings City Clerk



Employer Plan to Increase Tier I Member Contribution Rates Employees' Retirement System of Alabama PO Box 302150, Montgomery, Alabama 36130-2150 877.517.0020 • 334.517.7000 • www.rsa-al.gov



Employer nformation	Name of Agency City of Vastevie Hills Full name, no initials please
	Unit Code
Plan nformation If employer has not	As required by that Act 2019-132, employer submits the following plan to the Employees' Retirement System (ERS) to increase the member contribution rates for its Tier I plan members from 5% to 7.5% of earnable compensation, and for Tier I plan members who are firefighters or law enforcement officers, as defined by <i>Ala. Code</i> § 36-27-59(a), from 6% to 8.5% of earnable compensation.
increased Tier I member contribution rates as provided by Act 2011-	Plan Options
676 and has passed a	Employer shall increase the rates as set forth above if and when (Check One):
resolution to elect to provide Tier I retirement	☐ Employer's funding level drops below%.
benefits to Tier II plan nembers as provided by Act 2019-132, employer	☐ Employer's contribution rate increases above%.
must complete the following section.	Employer is unable to make its required employer contribution.
	☐ On (insert date).
	☐ Other (insert other circumstances):
mployer Certification	When the above conditions are met as provided by the plan, employer agrees to raise the Tier I plan member contribution rates by passing a resolution to do so as required by Act 2011-676 and provide such resolution to the ERS.
Sign Here →	
	Name and Title Jeffrey Downes City Manager
	Telephone Number 205 - 978 - 0195

ORDINANCE NUMBER 2502-A

AN ORDINANCE AMENDING ORDINANCE NUMBER 2502 TO FURTHER AMEND CHAPTER 8 OF THE VESTAVIA HILLS CODE OF ORDINANCES ENTITLED "LICENSES AND BUSINESS REGULATIONS" TO ADD AN ARTICLE TO ESTABLISH A NAICS CODE, OPERATING STANDARDS AND DEFINITIONS FOR MOBILE FOOD UNITS OPERATING WITHIN THE CITY OF VESTAVIA HILLS, ALABAMA AND TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF

WITNESSETH THIS ORDINANCE NUMBER 2502-A WHICH IS CONSIDERED AND APPROVED ON THIS THE 25th DAY OF NOVEMBER, 2019.

WITNESSETH THESE RECITALS

WHEREAS, on April 28, 2014, the City Council of the City of Vestavia Hills ("City") adopted and approved Ordinance Number 2498 to adopt a Code of Ordinances for the City of Vestavia Hills; and

WHEREAS, Chapter 8 of the Vestavia Hills Code of Ordinance, ("City Code") entitled "Licenses and Business Regulations" sets forth the requirements for operation of commercial businesses within the City of Vestavia Hills; and

WHEREAS, on July 14, 2014, the City Council adopted and approved Ordinance Number 2502 to establish a NAICS code, operating standards and definitions for mobile food units operating within the City; and

WHEREAS, the Mayor and City Council have determined that it is in the best public interest to further establish standards for the operation of Mobile Food Units which are intended to promote the public health, safety and welfare by amending Article 8 to establish standards and a definition for the operation of Mobile Food Units within the City to be detailed and amended in its entirety, as follows:

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

1. Chapter 8 of the City's Code is hereby amended for the addition of the following:

Article X - Establishing Standards and Definitions for Mobile Food Units Section 1. Definitions.

Mobile Food Unit – A self-contained vehicle, trailer or pushcart that serves prepared foods or prepares and serves food in various locations of the City.

Section 2. Standards and Requirements for Operation.

- All Mobile Food Unit operators shall obtain an annual business license issued by the City of Vestavia Hills Finance Department prior to commencing any food sales in the City. Said license shall be assigned the NAICS code 722330 and shall be subject to the Schedule 5A as detailed in Section 8-37, License Classifications.
- 2. In addition to an annual business license all Mobile Food Unit operators shall obtain an annual operating permit for each unit to be issued by City of Vestavia Hills City Clerk, unless otherwise exempted in this Chapter. Permits shall be issued for the period beginning January 1 and ending December 31 of each year. This permit shall be posted in a visible location on the Mobile Food Unit at all times while in operation. In order to obtain said permit, operators shall submit copies of all required and current health department approvals for both commissary and each Mobile Food Unit and current City business license. Applicant shall be responsible for having each unit inspected and approved by the City's Fire Marshal prior to issuance of permit. Temporary Permits may be issued upon issuance of a waiver from the City Manager pursuant to Section 4 of this Ordinance Number 2502-A.
- 3. Location and/or operation of all Mobile Food Units shall be only in areas and/or districts zoned non-residential.
- 4. Mobile Food Unit operators shall have approval of the property owner for each location at which the Mobile Food Unit operates. This approval shall be in writing, signed by the property owner and must be made available for inspection upon request of any City Official at any time during the operation of the Mobile Food Unit.
- 5. No Mobile Food Unit shall be allowed to operate in excess of eight (8) hours per day; operational meaning food sales (excluding food prep).
- 6. No Mobile Food Unit shall be allowed to operate in excess of three (3) consecutive days in any one location. During days of non-operation, the Mobile Food Unit and all associated vehicles and accessories including, but

- not limited to tables, chairs, picnic tables, benches, tents, popups, tarps, waste receptacles, etc., must be completely removed from the premises.
- 7. Hours of operation for all Mobile Food Units shall be limited to 6:00 AM to 9:00 PM, local time.
- 8. No Mobile Food Unit shall operate on more than two (2) individual sites within the City per day.
- 9. No more than one (1) Mobile Food Unit shall operate on the same site per day unless specially approved festivals, celebrations, etc., and at the approval of the City Manager pursuant to Section 4 of this Ordinance Number 2502-A.
- 10. Mobile Food Units shall not be located within two hundred (200) feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation.
- 11. Mobile Food Unit operators are responsible for the proper disposal of waste and trash associated with the operation. Operators shall remove all waste and trash every 24 hours to maintain the health and safety of the public and to prevent any adverse odors. City trash receptacles shall not be used for this purpose.
- 12. All associated equipment, including trash receptacles, must be located within three (3) feet of the Mobile Food Unit.
- 13. All Mobile Food Units shall be located a minimum of five (5) feet away from any fire hydrant, sidewalk, utility boxes, handicap ramps and/or building entrances.
- 14. Mobile Food Units must be located off the public rights-of-way. No fire lanes, vehicular access ways or pedestrian walkways may be obstructed or encroached upon by the Mobile Food Unit. For the safety of customers, all picnic tables, benches, chairs provided by the Mobile Food Unit shall be located a safe distance from the public rights-of-way and vehicular traffic.
- 15. No amplified microphones or bull horns, no flashing lights or any other distraction shall be permitted as a part of the Mobile Food Unit operation.

- 16. Mobile Food Units shall not occupy parking spaces required to fulfill the minimum requirements of a principal use, unless the hours of operation of the principal use do not coincide with those of the Mobile Food Unit except at the approval of the Zoning Official.
- 17. Signage is limited to signage located on Mobile Food Unit. No portable signage is allowed.

Section 3. Penalties.

Any person violating any provision of this article may be issued a citation by the Vestavia Hills Police Department or at the request of the Finance Director or his designee be issued a summons and shall be required to appear in the Vestavia Hills Municipal Court. Upon conviction, any person shall be subject to any fines and other applicable court costs which may be assessed by the Vestavia Hills Municipal Court.

Section 4. Exceptions.

The City Manager shall, at his discretion, be authorized to issue an exemption to any Mobile Food Unit who is operating in an organized civic event, festival, celebration, non-profit event or any other event where it is deemed as being in the public's interest in order to exempt the operator of the Mobile Food Unit from business license fees and permitting requirements; however, all operators are still responsible for the collection and remittance of sales taxes associated with the sale of said inventory, as well as inspection of food preparation facilities by the Fire Marshal.

Section 5. Severability.

If any part, section or subdivision of this resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this resolution, which shall continue in full force and effect notwithstanding such holding.

Section 6. Effective Date:

This Ordinance Number 2502-A shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, ADOPTED and APPROVED this the 25th day of November, 2019.

ATTESTED BY:	Ashley C. Curry Mayor
Rebecca Leavings City Clerk	
CERTIFICATION:	
that the above and foregoing copy of 1 (one) Ord	f the City of Vestavia Hills, Alabama, hereby certify dinance Number 2502-A is a true and correct copy of City Council of the City of Vestavia Hills on the 25 th al records of said City.
Posted at Vestavia Hills Municipal Center Hills Recreational Center this the day of	er, Vestavia Hills Library in the Forest, and Vestavia f, 2019.
	ebecca Leavings City Clerk

ORDINANCE NUMBER 2885

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

WHEREAS, on the 22nd day of July, 2019, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

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

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

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

3516 Squire Lane Brook and Celine Russell

The part of the Southwest 1/4 of the Northwest 1/4 of Section 28, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, more particularly described as follows: Begin at the Southeast corner of said 1/4 – 1/4 section and run thence Westwardly along the South line thereof for a distance of 413.25 feet to point of beginning of tract here described, from point of beginning thus obtained continue Westwardly along the South line of said 1/4 – 1/4 section for a distance of 265.20 feet; thence turn an angle to the right if 88 degrees 05 ½ minutes and run Northwardly for a distance of 328.31 feet; thence turn 'an angle to the right of 91 degrees 46 minutes and run Eastwardly for a distance of 265.20 feet; thence turn an angle to the right of 88 degrees 14 minutes and run Southwardly for a distance of 328.97 feet to the point of beginning.

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

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

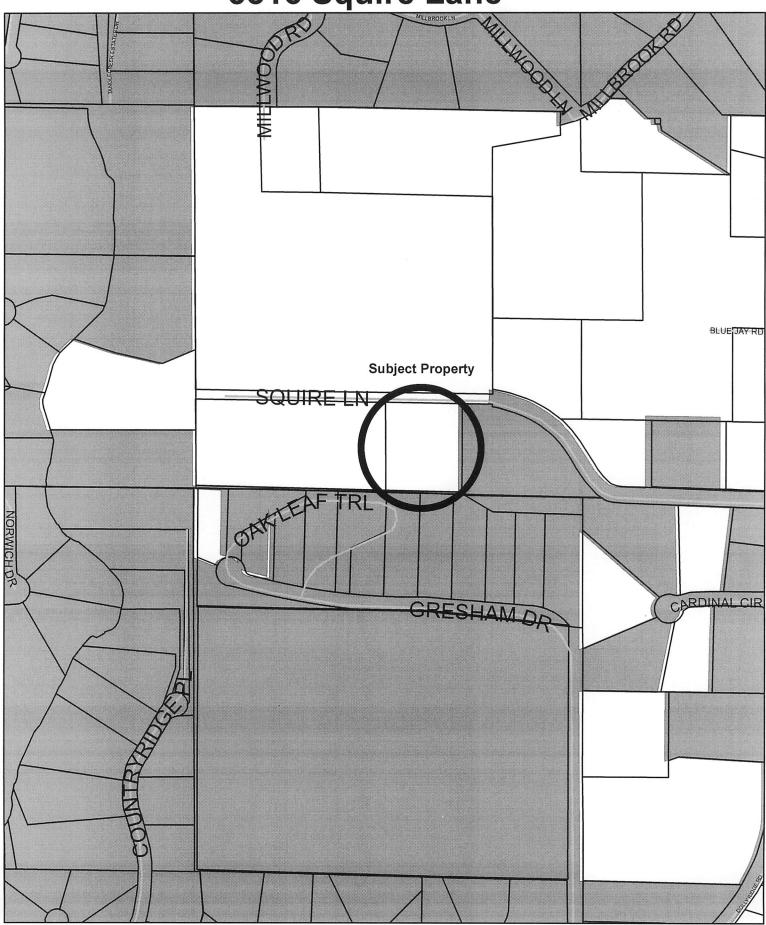
ADOPTING and APPROVED this the 25th day of November, 2019.

	Ashley C. Curry Mayor
ATTESTED BY:	
Rebecca Leavings City Clerk	
CERTIFICATION: I. Rebecca Leavings, as City Clerk of	of the City of Vestavia Hills, Alabama, hereby
certify that the above and foregoing copy of	1 (one) Ordinance # 2885 is a true and correct ed by the City Council of the City of Vestavia

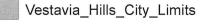
copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 25th day of November, 2019, as same appears in the official records of said City.

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 ______, 2019.

Rebecca Leavings City Clerk



Legend



City of Vestavia Hills Department of GIS April 24, 2019



3516 Squire Lane

28 00 28 2 001 026.000 PARCEL #: RUSSELL BROOK A & CELINE C OWNER:

ADDRESS: 3516 SQUIRE LANE BIRMINGHAM AL 35243

LOCATION: 3516 SQUIRE LN AL 35243

18-012.0 Bed Rooms: 3 Land: 257,500 Imp: 147,200

H/C Sqft: 2,399 Land Sch: A114 Total: 404,700

Sales Info: 08/15/2013 Acres: 0.000

Baths: 2.5

\$311,000

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

Tax Year : 2018 ✓

[111-C0]

SUMMARY LAND BUILDINGS SALES **PHOTOGRAPHS** MAPS

SUMMARY

ASSESSMENT VALUE

\$257,500 **PROPERTY** LAND VALUE 10% 3 OVER 65 CODE: CLASS: LAND VALUE 20% \$0 **CURRENT USE VALUE** [DEACTIVATED] \$0

CLASS 2

EXEMPT CODE: 2-2 DISABILITY CODE: MUN CODE: 01 COUNTY HS YEAR: 2014

EXM OVERRIDE

\$0.00 SCHOOL DIST: AMT:

OVR ASD CLASS 3 \$0.00 TOTAL MILLAGE: 50.1

VALUE: POOL VINYL 70

CLASS USE: FOREST ACRES: 0 TAX SALE:

PREV YEAR

\$404,700.00BOE VALUE: 0 VALUE:

29VP700 \$10,600 **BLDG 001** 111 \$136,600

TOTAL MARKET VALUE [APPR. VALUE: \$404,700]: \$404,700

Assesment Override:

MARKET VALUE: CU VALUE: PENALTY:

ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	1	\$40,480	\$263.12	\$4,000	\$26.00	\$237.12
COUNTY	3	1	\$40,480	\$546.48	\$2,000	\$27.00	\$519.48
SCHOOL	3	1	\$40,480	\$331.94	\$0	\$0.00	\$331.94
DIST SCHOOL	3	1	\$40,480	\$0.00	\$0	\$0.00	\$0.00
CITY	3	1	\$40,480	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	1	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	1	\$40,480	\$206.45	\$0	\$0.00	\$206.45
SPC SCHOOL2	3	1	\$40,480	\$680.06	\$0	\$0.00	\$680.06

TOTAL FEE & INTEREST: (Detail) \$5.00

GRAND TOTAL: \$1,980.05 ASSD. VALUE: \$40,480.00 \$2,028.05

FULLY PAID

DEEDS		PAYMENT I	NFO		
INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
201363-28738	8/15/2013	12/7/2018	2018	CORELOGIC INC	\$1,980.05
200811-24213	10/15/2008	11/17/2017	2017	CORE LOGIC INC	\$1,980.05
2427-910	11/28/1983	11/21/2016	2016	CORELOGIC	\$1,980.05
		12/1/2015	2015	CORELOGIC INC	\$2,465.06
		12/31/2014	2014	BROOK RUSSELL	\$1,966.02
		1/21/2014	2013	RUSSELL, BROOK	\$1,966.02
		11/21/2012	2012	CORFI OCIC INC	¢1 966 N7

Annexation Committee Petition Review

Pro	operty: 3516 Squire Lane
Ov	wners: Brook and Celine Russell
Da	te: 06-20-2019
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 #404, 400
6.	This street has fewer than 100% of the individual properties within the limits of the city Yes No
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

8.	Furthermor	e, voluntary	nistrative fee of \$100 has been paid to the city. contributions, including an application fee, of paid to offset costs associated with the annexation.
	Yes	No	Comment
9.			ar of hazardous waste, debris and materials. Comment
10.	Are there a Yes Conce Ariver	No No	from city departments? Comments: Fine, Peff, - By width and Long th of Myllican deveny with se
	Information	n on children	r: Number in family; Plan to enroll in `No; Plan to enroll in `
11.	schools Ye		
	schools Ye		
	schools Ye		

CITY OF VESTAVIA HILLS

Department Review of Proposed Annexation (To be completed by Official City Reviewers)

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.

Engineering; Public Service	Date: 3/24 Initials: Brady
3516 Squire Lane no signif condition; majority of roadwaresponsibility.	ficant concerns noted; roadway is narrow and asphalt is in poor to fair ay remains within Jefferson County and within their maintenance
Police Department:	Date: 5/28/18 Initials: 01
Comments: No	Date: S/28/18 Initials: OW
	-1 1
Fire Department:	Date: 5/2019 Initials: CV
Comments: Co	eway per City Ordinance.
Board of Education:	Date: 5/17/19 Initials: 58 via email
k you for the info. This seer	ms to be smaller annexations which should not affect school enroystem we would like to keep an eye on the subdivision of propertions are dwellings to be half the result of the subdivision of propertions.

STATE OF ALABAMA

JEFFERS ON COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition:		/24	/19
	A	,	/

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

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

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

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

Proble Russell 205. 283. 6228 Celine Russell 205. 482. 4542

brookarussell@gmail.com Celinelynn@gmail.com

EXHIBIT "A"

LOT:			
BLOCK:			
SURVEY:			
RECORDED IN MAP BOOK <u>LR201363</u>	, PAGE _	28738	IN THE
PROBATE OFFICE OF SEFFERSON	COUNTY	, ALABAMA.	
COUNTY ZONING:			
COMPATIBLE CITY ZONING:		-	
LEGAL DESCRIPTION (METES AND BOUN	IDS):		

See A Hached

EXHIBIT A Legal Description

The part of the Southwest ¼ of the Northwest ¼ of Section 28, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, more particularly described as follows: Begin at the Southeast corner of said ¼ - ¼ section and run thence Westwardly along the South line thereof for a distance of 413.25 feet to point of beginning of tract here described, from point of beginning thus obtained continue Westwardly along the South line of said ¼ - ¼ section for a distance of 265.20 feet; thence turn an angle to the right if 88 degrees 05 ½ minutes and run Northwardly for a distance if 328.31 feet; thence turn an angle to the right of 91 degrees 46 minutes and run Eastwardly for a distance of 265.20 feet; thence turn an angle to the right of 88 degrees 14 minutes and run Southwardly for a distance of 328.97 feet to the point of beginning.

20130827000938950 3/3 Bk: LR201363 Pg:28738 Jefferson County, Alabama 08/27/2013 12:13:27 PM D Fee - \$22.00 Deed Tax -\$94.00

Total of Fees and Taxes-\$116.00 CIBESS

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)		DESCRIP	TION OF PROPERTY	
Broch & Aussell	_Lot	_Block	Survey	
Celiniki SSCU	_Lot	_Block	Survey	
	_Lot	_Block	Survey	
(Use reverse side hereof for	r additior	nal signature	es and property descriptions, if ne	eded).
STATE OF ALABAMA				
STATE OF ALABAMA				
Jefferen co	UNTY			
signed the above petition, and I ce	rtify that	being duly	sworn says: I am one of the pers	ons who
of the described property.	itily that	bara petition	Toomains the signatures of air the	, o , , , , , , , , , , , , , , , , , ,
		<u> </u>	fold	_
		Signature	of Certifier	
		th.	To a 2010	
Subscribed and sworn before me the	nis the <u>L</u>	day of _	January , 20/9	•
		Notary Pu	blic -	_
				DEORD
		My comm	ISSION EXPITES NEW My Commission April 6, 2	1 Explico
			April 0, 2	

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway Vestavia Hills AL 35216

(To be completed by the City)

Date of Annexation P	etition		Action Taken: C	
Resolution: Overnight Ordinance: 90 Day Final Ordinan	Date: Date: Date:		Number: Number:	
	(To be complete	ed by Hon	neowner)	
Name(s) of Homeowr	ner(s): BROOK & CEL	INE F	2055822	
Address: 3516	SQUIRE ZANE			
City: BIRMINGH	State: A	L	Zip: 3	5247
	1			
Information on Chil	dren:			lan to Enroll In via Hills School
Information on Chil	<u>dren:</u>	Age		
		Age	Vesta	via Hills School
Name(s)			Vesta	via Hills School
Name(s) 1. PACE RUS			Vesta	via Hills School
Name(s) 1. PACE RUS 2.			Vesta	via Hills School
Name(s) 1. PACE RUS 2. 3.			Vesta	via Hills School

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes". FAII 2019

ORDINANCE NUMBER 2886

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

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

3516 Squire Lane Brook and Celine Russell, Owner(s)

The part of the Southwest 1/4 of the Northwest 1/4 of Section 28, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, more particularly described as follows: Begin at the Southeast corner of said 1/4 – 1/4 section and run thence Westwardly along the South line thereof for a distance of 413.25 feet to point of beginning of tract here described, from point of beginning thus obtained continue Westwardly along the South line of said 1/4 – 1/4 section for a distance of 265.20 feet; thence turn an angle to the right if 88 degrees 05 ½ minutes and run Northwardly for a distance of 328.31 feet; thence turn 'an angle to the right of 91 degrees 46 minutes and run Eastwardly for a distance of 265.20 feet; thence turn an angle to the right of 88 degrees 14 minutes and run Southwardly for a distance of 328.97 feet to the point of beginning.

APPROVED and ADOPTED this the 25th day of November, 2019.

Ashley	C.	Curry
Mayor		

ATTESTED BY:

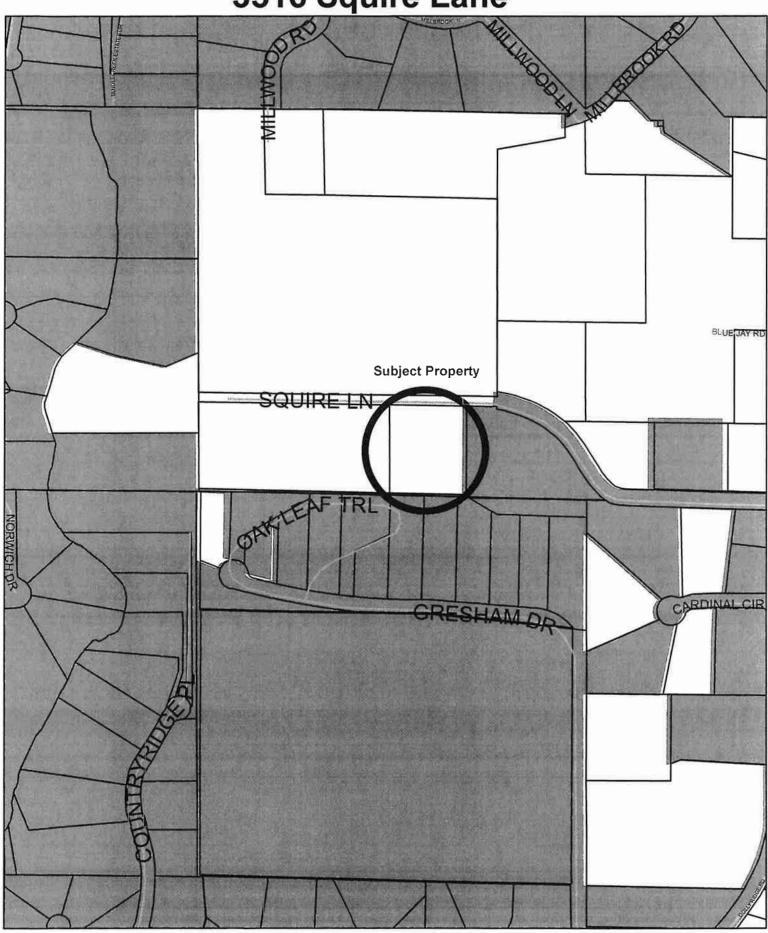
Rebecca Leavings City Clerk

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 # 2886 is a true and correct copy of such 25th day of November, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings City Clerk 3516 Squire Lane



Legend



City of Vestavia Hills Department of GIS April 24, 2019



CITY OF VESTAVIA HILLS

SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **OCTOBER 10, 2019**

- <u>CASE</u>: P-1019-52
- **REQUESTED ACTION:** Rezoning JC E-2 to Vestavia Hills R-1
- <u>ADDRESS/LOCATION</u>: 3516 Squire Ln.
- <u>APPLICANT/OWNER</u>: Brook Russell
- **GENERAL DISCUSSION:** This is a rezoning of annexed property on 3516 Squire Ln. from JC E-2 to VH R-21. Property was annexed overnight by Ordinance 2859 on 8/12/19.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with low density residential but does not exist in the Comprehensive Plan.

• <u>STAFF REVIEW AND RECOMMENDATION</u>:

1. City Planner Review: I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation

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

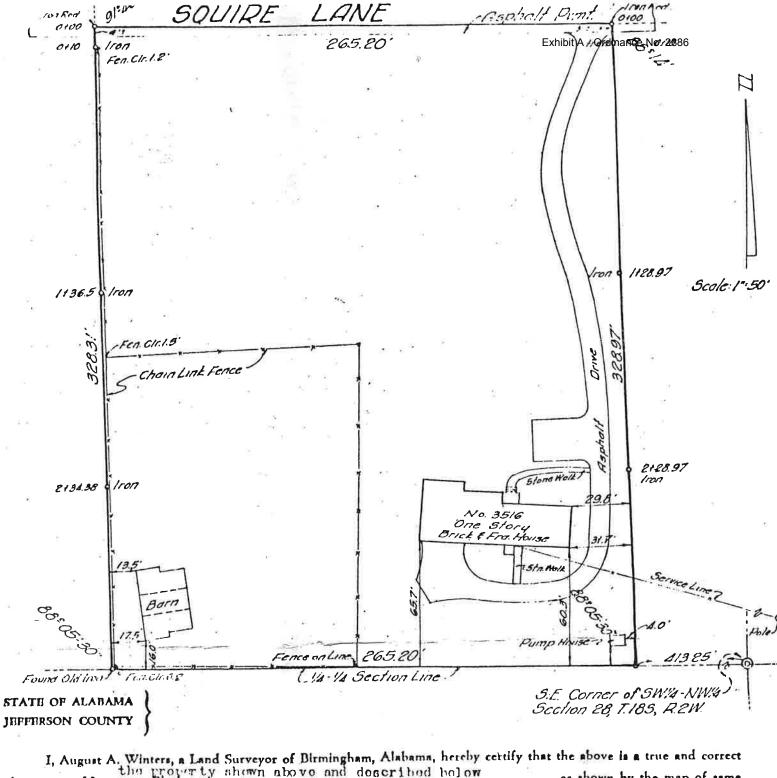
MOTION Ms. Cobb made a motion to recommend Rezoning from JC E-2 to Vestavia Hills R-1 for the property located At 3516 Squire Ln. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes

Mr. Romeo – yes

Mr. Gilchrist – yes Ms. Cobb – yes Mrs. Barnes – yes Motion carried.

Mr. Sykes– yes Mr. Larson – yes



I, August A. Winters, a Land Surveyor of Birmingham, Alabama, hereby certify that the above is a true and correct the property shown above and described hellow, as shown by the map of same recorded in Map Book. Page, in the office of the Judge of Probate of Jefferson County, Alabama, that the building now on said lot is within the bounds of said lot, that there are no visible encroachments, except those shown, from adjoining properties and that there are no rights-of-way, essements, of joint driveways over or across said land visible on the surface except as shown; that there are no visible electric or telephone wires (excluding wires which serve the premises only) or structures or a supports therefor including poles, anchors and guy wires, on or over said premises except as shown.

The correct street address is No. 3516 Squire Lane Rirmingham, Alabama.

According to my survey this 9th day of February, 1972

SHEPARD & WINTERS, ENGINEERS
721-722 MASSEY BUILDING
BIRMINGHAM, ALABAMA

August A Winters - Reg. No. 2386

ORDINANCE NUMBER 2887

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

WHEREAS, on the 12th day of August, 2019, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

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

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

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

929 Mountain Branch Circle Lot 40, Mountain Branch Subdivision Honeycutt Real Estate Holdings LLC, Owner(s)

- 2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.
- 3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof with the Probate Judge of Jefferson County, Alabama.

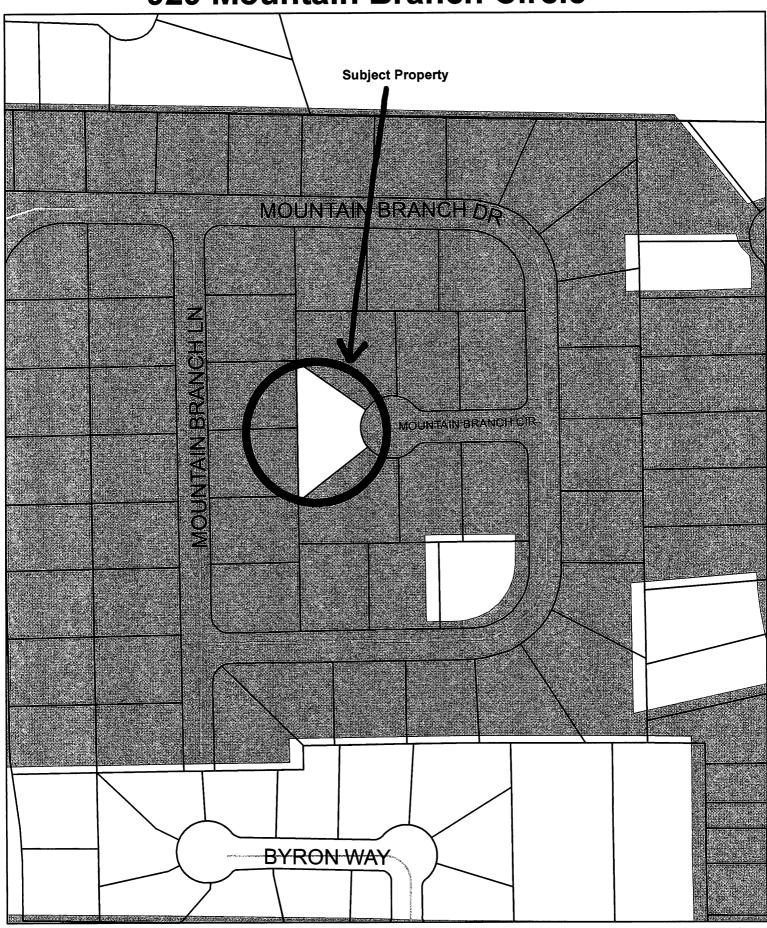
ADOPTING and APPROVED this the 25th day of November, 2019.

Ashley C. Curry 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 # 2887 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 25th day of November, 2019, 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, 2019.

Rebecca Leavings City Clerk

929 Mountain Branch Circle Mountain Branch Circle



Legend



City of Vestavia Hills Department of GIS April 24, 2019



Sales Info: 05/16/2018

\$222,000

Tax Year : |2018 ✓

< < Prev

PARCEL #: 39 00 02 2 001 028.036 [111-B0] Baths: 2.0 H/C Sqft: **2,351** OWNER: 18-057.0 Bed Rooms: 3 Land Sch: G2 OGLESBY WILLIAM E & SUSAN P **ADDRESS:** 929 MOUNTAIN BRANCH CIR VESTAVIA AL Land: 84,000 Imp: 237,200 Total: 321,200

35226-1805

LOCATION: 929 MOUNTAIN BRANCH CIR BIRMINGHAM AL

35226

Next >>

LAND **BUILDINGS** SALES **PHOTOGRAPHS** MAPS **SUMMARY SUMMARY**

Acres: 0.000

ASSESSMENT VALUE

[1/0 Records] Processing...

LAND VALUE 10% \$84,000 **PROPERTY** OVER 65 CODE: 3 Χ CLASS: LAND VALUE 20% \$0 EXEMPT CODE: 5-5 **DISABILITY CODE:** [DEACTIVATED] **CURRENT USE VALUE** \$0

02 COUNTY HS YEAR: 0 MUN CODE:

EXM OVERRIDE CLASS 2 SCHOOL DIST: \$0.00 AMT:

OVR ASD

CLASS 3 \$0.00 TOTAL MILLAGE: 50.1 VALUE: **BLDG 001** 111 \$237,200

CLASS USE:

TOTAL MARKET VALUE [APPR. VALUE: \$321,200]: \$321,200 FOREST ACRES: 0 TAX SALE:

Assesment Override: PREV YEAR \$270,800.00BOE VALUE: 0

VALUE:

MARKET VALUE: CU VALUE: PENALTY:

ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$32,120	\$208.78	\$32,120	\$208.78	\$0.00
COUNTY	3	2	\$32,120	\$433.62	\$32,120	\$433.62	\$0.00
SCHOOL	3	2	\$32,120	\$263.38	\$32,120	\$263.38	\$0.00
DIST SCHOOL	3	2	\$32,120	\$0.00	\$32,120	\$0.00	\$0.00
CITY	3	2	\$32,120	\$0.00	\$32,120	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$32,120	\$163.81	\$32,120	\$163.81	\$0.00
SPC SCHOOL2	3	2	\$32,120	\$539.62	\$32,120	\$539.62	\$0.00

ASSD. VALUE: \$32,120.00 \$1,609.21 **GRAND TOTAL: \$0.00**

FULLY PAID

DEEDS		PAYMENT INFO					
INSTRUMENT NUMBER	DATE	PAY DATE TAX	PAID BY	AMOUNT			
2018050919	5/16/2018	2018		\$0.00			
<u>1594-386</u>	04/28/1978	2017		\$0.00			
		11/21/2016 2016	CORELOGIC	\$1,374.84			
		12/1/2015 2015	CORELOGIC INC	\$1,308.71			
		12/2/2014 2014	CORELOGIC INC	\$1,300.69			
		11/8/2013 2013	BAC TAX SERVICES CORPORATION	\$1,098.29			
		11/16/2012 2012	BAC TAX SERVICES CORPORATION	\$1,291.18			

Annexation Committee Petition Review

Owners: Honeycutt Real Estate Holdings	
Date: _06-20-2019	
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 Pol Task Force Report as an area of interest to the city for annexation. Yes No Comments	icy - -
4. Streets and drainage structures are in substantial compliance with city regulation and building odes, and in good condition at the time of the annexation. Yes No Comments	ons - -
5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of \$\frac{\psi}{2} \frac{3}{\lambda}(\beta \infty \infty)\cdot \text{.} Meets city criteria: Yes \(\begin{align*} \text{No} \\ \text{Comment:} \end{align*}	
6. This street has fewer than 100% of the individual properties within the limits the city Yes No	of —
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, their payment proven to the city. Agreed to by petitioner: Yes No Comment	and

Pro	perty: 929 Mountain Branch Circle
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 VF schools Yes No Comments:
Oth	er Comments:
orge airn	Pierce 6-21-19

CITY OF VESTAVIA HILLS

Department Review of Proposed Annexation (To be completed by Official City Reviewers)

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.

Engineering; Public Service	Date: 5/24/19 Initials: CBrady
929 Mountain Branch Circle condition; neighborhood is a	no concerns noted; asphalt and valley gutter in cul-de-sac is in goo lready within City maintenance area
Police Department:	Date: 120/19 Initials: 01
Comments:	psves
Fire Department:	Date: 5/30/19 Initials: CV
•	o 149264
Board of Education:	Date: 5/17/19 Initials: 58 via email
pecca, comments:	
ond what is expected. As a s	ems to be smaller annexations which should not affect school system we would like to keep an eye on the subdivision of prong more dwellings to be built than what is originally intended.
ank you,	

Resolution Number 3824 Page 6

STATE OF ALABAMA

JEFFESSON
COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: APRIL 22, 2019

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 TEFFENSON 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.

EMAIL: ghonexutt@drummondco.com. 205-5203511

EXHIBIT "A"

929 MOUNTAIN BRANCH CIRCLE
VESTAVIA, ALABAMA 35226
LOT: LOT 40 - MOUNTAIN BRANCH SUBDIVISION IST ADDITION
BLOCK:
SURVEY: MAP BOOK 112 PAGE 24 LOUNTY PROBATE OFFICE - JEFFERSON
LOUNTY PROBATE OFFICE - JEFFERSON
RECORDED IN MAP BOOK 112, PAGE PAGE 24 IN THE
PROBATE OFFICE OF TEFFERSOLL COUNTY, ALABAMA.

COUNTY ZONING: 2-1

COMPATIBLE CITY ZONING: PESIDENTIAL

LOT AREA - 15450 SF

LEGAL DESCRIPTION (METES AND BOUNDS):

NW 14 OF NW 14 AND NE 14 OF NW 14 OF SECTION 2, TOWNSHIP 19 SOUTH PANGE 1 WEST JEFFERSON COUNTY ALABAMA

LOT 40 MOUNTAIN BRANCH- 1ST EDITION

AS DESCRIBED BY MAP BOOK 112

PAGE 24 OF JEFFERSON COUNTY PROBATE OFFICE

AS SUDVEYED BY JOHN C. GUSTIN III

APRIL 25, 1978 (BETHEL, WHITSON CO, TNC.

IN ACCORDANCE WITH THE ATTACHED SUPVEY

MAPS.

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)		DESCRI	PTION OF PROPERTY	
* Clary X + Dug a City	1 ot 4	n Block	Survey MAP BOOK 112 PAGE 24 JEFFEROL COUNTY PROBLEM	Di.
- Charges III	LOt	DIOCK	JEFFERAL COUNTY PROB	AT
	Lot	Block	Survey	Œ
	Lot	Block	Survey	
(II	C 1 1:4:	1		
(Use reverse side hereof)	or additio	nal signatur	res and property descriptions, if needed). IT REALESTATE HOLDINGS	Ĺ
A AS SOLE DEMOCK	24 HO	2011	WERLESTATE HOUNAS	
STATE OF ALABAMA	IN -	304L	WHITE DAK DRIVE	_
3			BIRANWAHAM AL 3524	
JEFFERSON CO	DUNTY			
ナル・エリ		(0)		
EUGENED. Honey	<u> </u>	Heing duly	y sworn says: I am one of the persons who	
	ertify tha	t said petition	on contains the signatures of all the owners	
of the described property.				
			1	
		1211		
		Signature	of Certifier	
		- L g	.0	
Subscribed and sworn before me	this the	3 day of	Hori , 20 9.	
Substitute and twom service me	mis me_z	uu	, 20/1.	
	11	\int_{Ω}	2 22 . 2 .	
WINDY RUSS		an J	MOON	
William St.	10	Nofary Pi	ublic November 8, 2020	
# NOTARL		M		
A: ••••••••••••••••••••••••••••••••••••		iviy comn	nission expires:	
AUBLIC :				
The second second				

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway Vestavia Hills AL 35216

(To be completed by the City)

		(10 be complete	ieu by in	e City)			
Date of	Annexation Petition_				Grant Deny		
Resolut	ion:	Date:		Number:			
Overnig	ght Ordinance:	Date:		Number:			
	Final Ordinance:	Date:		Number:			
•		-					
Address		IGHLAND V	T RE	DIZIVE			== .5 LL
City:	BIEMING HA	M State: A	t	Zip:	3524	2	
Inform NO	ation on Children: 以ビ			Vesta	Plan to I via Hill		
N	ame(s)		Age	School Grade	Yes	No	
1.							
2.							
3.							
4.							
5.	, , , , , , , , , , , , , , , , , , ,						
6.							
Approx "yes"	imate date for enrol	ling students in Vo		Hills City Schools	if abov	e respon	ise is

ORDINANCE NUMBER 2888

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

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

929 Mountain Branch Circle Lot 40, Mountain Branch Subdivision Honeycutt Real Estate Holdings, Owner(s)

APPROVED and ADOPTED this the 25th day of November, 2019.

Ashley C. Curry Mayor

ATTESTED BY:

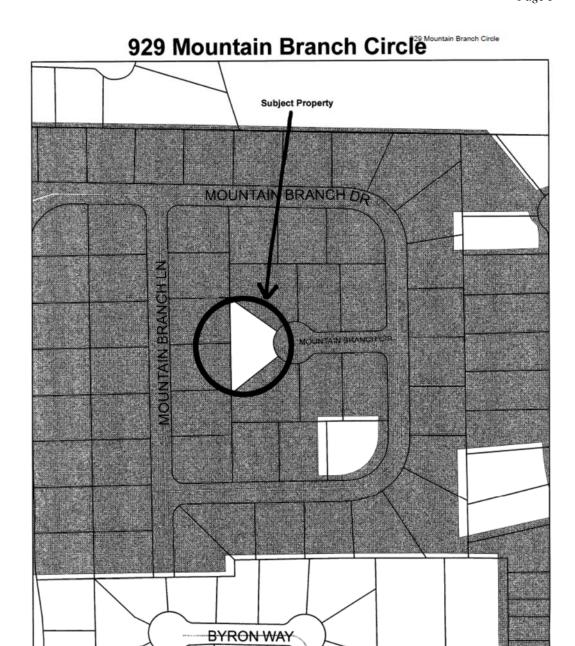
Rebecca Leavings City Clerk

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 # 2888 is a true and correct
copy of such 25th day of November, 2019, as same appears in the official records of said
City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings City Clerk



CITY OF VESTAVIA HILLS

SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **OCTOBER 10, 2019**

- <u>CASE</u>: P-1019-50
- **REQUESTED ACTION:** Rezoning JC R-1 to Vestavia Hills R-2
- ADDRESS/LOCATION: 929 Mountain Branch Cir.
- APPLICANT/OWNER: Honeycutt Real Estate Holdings, LLC
- **GENERAL DISCUSSION:** This is a rezoning of annexed property on 929 Mountain Branch Cir. from JC R-1 to VH R-2. Property was annexed overnight by Ordinance 2860 on 8/12/19.
- <u>VESTAVIA HILLS COMPREHENSIVE PLAN:</u> The request is consistent with the plan for low density residential.

• <u>STAFF REVIEW AND RECOMMENDATION</u>:

1. City Planner Review: I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation

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

MOTION Mr. Gilchrist made a motion to recommend Rezoning from JC R-1 to Vestavia Hills R-2 for the property located At 929 Mountain Branch Cir. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes

Mr. Romeo – yes

Mr. Gilchrist – yes Ms. Cobb – yes Mrs. Barnes – yes Motion carried.

Mr. Sykes– yes Mr. Larson – yes

ORDINANCE NUMBER 2889

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

WHEREAS, on the 12th day of August, 2019, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

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

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

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

2790 Acton Place Hugh Humphrey

More particularly described as follows:

Commence at the SW corner of the SW ¼ of the NW ¼ of Section 34, Township 18 South, Range 2 West, thence run S 90 degrees 00'00" E along the south line thereof for a distance of 481.18 feet; thence run N 30 degrees 55'00" E for a distance of 81.93"; thence run N 79 degrees 25'00" E for a distance of 128.06' to the point of beginning; thence run N 79 degrees 25'00" E for a distance of 161.08'; thence run N 10 degrees 35'00" W for a distance of 86.00'; thence run N 71 degrees 30'45" W for a distance of 150.14' to a point on the southeasterly right-of-way of Acton Road. Sid point being located on a curve to the right having a central angle of 05 degrees 10'22" and a radius of 1216.77' and a chord bearing of S 22 degrees 34'03" W; thence run along the arc of said curve for a distance of 109.85'; thence run S 34 degrees 50'46" for a distance of 73.50' to the point of beginning.

- 2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.
- 3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 25th day of November, 2019.

Ashley C. Curry Mayor

ATTESTED BY:

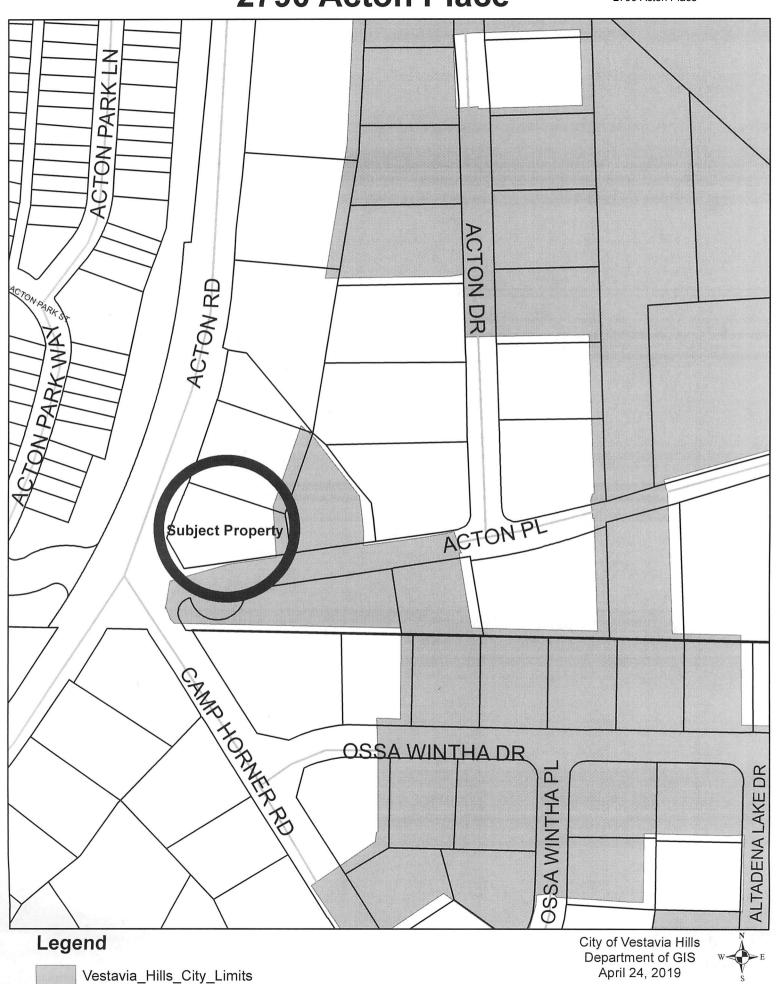
Rebecca Leavings City Clerk

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 # 2889 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 25th day of November, 2019, 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 _______, 2019.

Rebecca Leavings City Clerk



2790 Acton Place

H/C Sqft: 3,327 28 00 34 2 000 020.001 [111-B0] Baths: 3.0 PARCEL #: 18-040.0 Bed Rooms: 4 Land Sch: G2 OWNER: HUMPHREY HUGH R Land: 102,900 Imp: 284,300 Total: 387,200 2790 ACTON PL VESTAVIA AL 35243-2534 ADDRESS: LOCATION: 2790 ACTON PL BHAM AL 35243 Acres: 0.000 Sales Info: 06/25/2014 \$0

Tax Year : 2018 ∨ << Prev Next >> [1 / 0 Records] Processing...

> BUILDINGS **PHOTOGRAPHS** SUMMARY LAND SALES MAPS

SUMMARY

ASSESSMENT				VALUE		
PROPERTY CLASS:	3	OVER 65 CODE:	X	LAND VALUE 10% LAND VALUE 20%		\$102,900 \$0
EXEMPT CODE:	5-5	DISABILITY CODE	:	CURRENT USE VALUE	[DEACTIVATED]	\$0
MUN CODE:	01 COUNTY	HS YEAR:	0			
SCHOOL DIST:		EXM OVERRIDE AMT:	\$0.00	CLASS 2		
OVR ASD VALUE:	\$0.00	TOTAL MILLAGE:	50.1	CLASS 3 BLDG 001	111	\$284,300

CLASS USE:

FOREST ACRES: 0 TAX SALE:

PREV YEAR \$384,500.00BOE VALUE: 0 VALUE:

TOTAL MARKET VALUE [APPR. VALUE: \$387,200]: \$387,200

Assesment Override:

MARKET VALUE: CU VALUE: PENALTY:

ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	1	\$38,720	\$251.68	\$38,720	\$251.68	\$0.00
COUNTY	3	1	\$38,720	\$522.72	\$38,720	\$522.72	\$0.00
SCHOOL	3	1	\$38,720	\$317.50	\$38,720	\$317.50	\$0.00
DIST SCHOOL	3	1	\$38,720	\$0.00	\$38,720	\$0.00	\$0.00
CITY	3	1	\$38,720	\$0.00	\$38,720	\$0.00	\$0.00
FOREST	3	1	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	1	\$38,720	\$197.47	\$38,720	\$197.47	\$0.00
SPC SCHOOL2	3	1	\$38,720	\$650.50	\$38,720	\$650.50	\$0.00

ASSD. VALUE: \$38,720.00 \$1,939.87 **GRAND TOTAL: \$0.00**

FULLY PAID

DEEDS		PAYMENT IN	IFO		
INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
201415-2830	6/25/2014		2018		\$0.00
9601-9499	01/25/1996		2017		\$0.00
			2016		\$0.00
			2015		\$0.00
			2014		\$0.00
			2013		\$0.00
			2012		\$0.00
		20081231	2008	***	\$1,482.87

Annexation Committee Petition Review

Pro	perty: 279 Acton Place
Ow	wners: Hugh Humphreys
Da	te: <u>06-20-2019</u>
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 C_L-de-SAC 1 < 10 fook Condition . Needs + Ree Removal .
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 9387, 2001. Meets city criteria: Yes No No
6.	This street has fewer than 100% of the individual properties within the limits of the city Yes
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

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: City encineer Cul-do-sec in floor Condition Request Thee Removed flush To STREET Reflain
11.	Information on children: Number in family; Plan to enroll in V schools Yes No Comments:;
Oth	er Comments:

CITY OF VESTAVIA HILLS

Department Review of Proposed Annexation
(To be completed by Official City Reviewers)

Police Department: Comments: Date: 5/28/10 Initials: CAN Comments: Date: 5/28/10 Initials: CAN Fire Department: Date: 5/28/10 Initials: CAN Comments: Date: 5/28/10 Initials: CAN Date: 5/28/10 Initials: CAN Comments: Date: 5/28/10 Initials: CAN Date: 5/28/10 Initials: CAN Comments: Date: 5/28/10 Initials: CAN Date: 5/28/10 Initials: CAN Comments: Date: 5/28/10 Initials: CAN Date: 5/28/10 Initials: CAN Date: 5/28/10 Initials: CAN Comments: Date: 5/28/10 Initials: CAN Date: 5/28/10 Ini	2790 Actor condition; we would a roadways v	n: 279 Acton Place n Place no significant concerns noted; property fronts a cul-de-sac that is in poor to fair it appears roots from one or more trees along this property frontage has damaged asphalt, ask for property owner to potentially coordinate this tree removal prior to asphalt repair; area vary in widths and are more narrow than typical City subdivision standards; the City currently ome maintenance responsibility in this area in coordination with Jefferson County.
Board of Education: Date: 5/17/19 Initials: 5B yra email Date of Education: Date: 5/17/19 Initials: 5B yra email Date of Education: Date: 5/17/19 Initials: 5B yra email Date of Education: Date: 5/17/19 Initials: 5B yra email Date of Education: Date: 5/17/19 Initials: 5B yra email Date of Education: Date: 5/17/19 Initials: 5B yra email Date of Education: Date: 5/17/19 Initials: 5B yra email Date:		Department: Date: 5/28/19 Initials: CAN Comments: No ISSUES
ebecca, Comments: nank you for the info. This seems to be smaller annexations which should not affect school enroll by yound what is expected. As a system we would like to keep an eye on the subdivision of propertie		
nank you for the info. This seems to be smaller annexations which should not affect school enroll by yound what is expected. As a system we would like to keep an eye on the subdivision of properties	1	
-	ank you fo yond what	or the info. This seems to be smaller annexations which should not affect school enroll is expected. As a system we would like to keep an eye on the subdivision of properties

STATE OF ALABAMA

Setterson COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: Feb 19, 2019

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

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

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

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

Tim Gully - timothygully@gmail.com
(205) 937-8772

EXHIBIT "A"

LOT:
BLOCK:
SURVEY:
RECORDED IN MAP BOOK 201415 , PAGE 2830 IN THE
PROBATE OFFICE OF <u>JEFFERSO H</u> COUNTY, ALABAMA.
COUNTY ZONING:
COMPATIBLE CITY ZONING:
LEGAL DESCRIPTION (METES AND BOUNDS):
COM AT SW COR OF LOT 16 ALTADENA VALLEY ZND SECT 137/43 TH SWLY 138 FT TO POB TH NLY 56 FT TH NW 155 FT TH SW 95 FT TH SE 58 FT TH NE 170 FT TO POB SECT 34 TWSP 185 RANGE ZW

EXHIBIT "A"

A thirty-two percent (32%) undivided interest in the following described real property:

Commence at the SW corner of the SW 1/4 of the NW 1/4 of Section 34, Township 18 South, Range 2 West, thence run S 90 deg. 00'00" E along the south line thereof for a distance of 481.18'; thence run N 30 deg. 55'00" E for a distance of 81.93'; thence run N 79 deg. 25'00" E for a distance of 128.06' to the point of beginning; thence run N 79 deg. 25'00" E for a distance of 161.08'; thence run N 10 deg. 35'00" W for a distance of 86.00'; thence run N 71 deg. 30'45" W for a distance of 150.14' to a point on the southesterly right of way of Acton Road. Said point being located on a curve to the right having a central angle of 05 deg. 10'22" and a radius of 1216.77' and a chord bearing of S 22 deg. 34'03" W; thence run along the arc of said curve for a distance of 109.85'; thence run S 34 deg. 50'46" E for a distance of 73.50' to the point of beginning.

in Charles

State of Alabama - Jefferson County
I certify this instrument filed on:
1996 JAN 29 P.M. 14:40

Recorded and \$

Mtg. Tax

and \$ 7.00

Deed Tax and Fee Amt.

GEORGE R. REYNOLDS, Judge of Probate

9601/9500

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>DESCRI</u>	PTION OF PROPERTY	
Lot	Block	Survey	
Lot	Block	Survey	
Lot	Block	Survey	
or additio	onal signatu	res and property descriptions, i	f needed).
erti f y tha	t said petition	on contains the signatures of all	ersons who the owners
	7	- Λ	9.
	LotLot	Lot Block Lot Block Lot Block Or additional signature DUNTY being duly ertify that said petition Signature	Lot Block Survey Lot Block Survey Or additional signatures and property descriptions, is DUNTY being duly sworn says: I am one of the pertity that said petition contains the signatures of all Signature of Certifier

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway Vestavia Hills AL 35216

(To be completed by the City)

	(== se comprer	21. 37 11.			
Date of Annexation Petition			Action Taken: (
Resolution: Date:			Nyamah am	Deny	
Overnight Ordinance:	Date:		Number:Number:	-	
90 Day Final Ordinance:	Date:		Number: Number:		
	(To be completed	l by Hon	neowner)		
Name(s) of Homeowner(s):					
Address:	1				
City:	State:		Zip:		
Information on Children:					
					Enroll In s School?
			Vesta	via Hill	s School?
Name(s)		Age			
Name(s)		Age	Vesta	via Hill	s School?
		Age	Vesta	via Hill	s School?
1.		Age	Vesta	via Hill	s School?
1. 2.		Age	Vesta	via Hill	s School?
1. 2. 3.		Age	Vesta	via Hill	s School?
1. 2. 3. 4.		Age	Vesta	via Hill	s School?

ORDINANCE NUMBER 2890

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

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

2790 Acton Place Hugh Humphrey

More particularly described as follows:

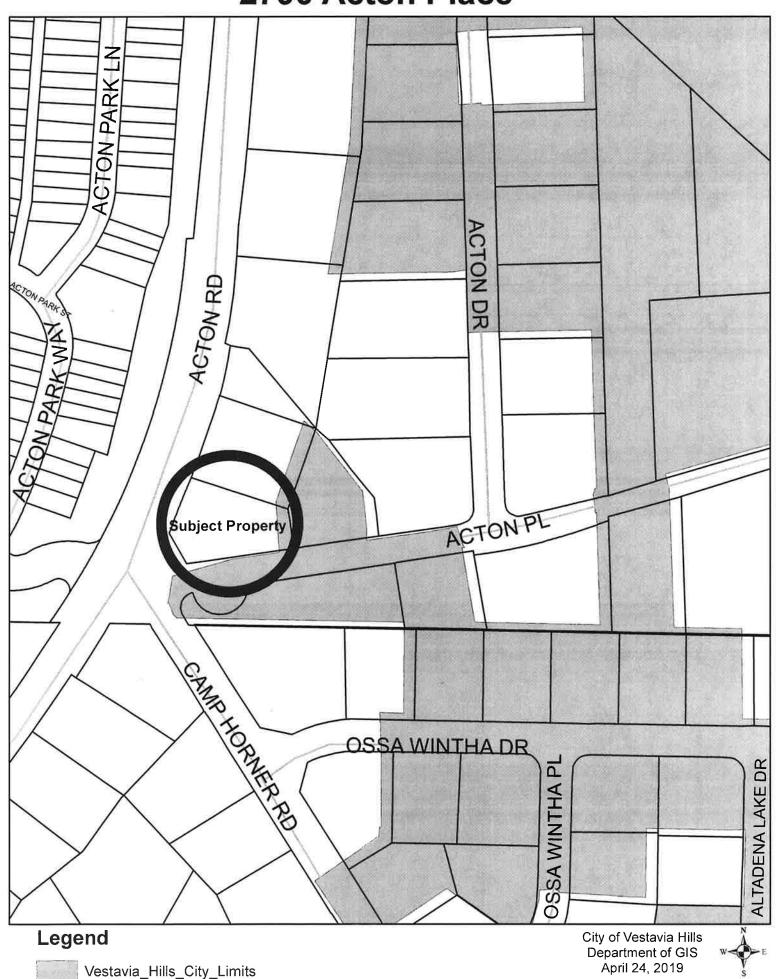
Commence at the SW corner of the SW ¼ of the NW ¼ of Section 34, Township 18 South, Range 2 West, thence run S 90 degrees 00'00" E along the south line thereof for a distance of 481.18 feet; thence run N 30 degrees 55'00" E for a distance of 81.93'; thence run N 79 degrees 25'00" E for a distance of 128.06' to the point of beginning; thence run N 79 degrees 25'00" E for a distance of 161.08'; thence run N 10 degrees 35'00" W for a distance of 86.00'; thence run N 71 degrees 30'45" W for a distance of 150.14' to a point on the southeasterly right-of-way of Acton Road. Sid point being located on a curve to the right having a central angle of 05 degrees 10'22" and a radius of 1216.77' and a chord bearing of S 22 degrees 34'03" W; thence run along the arc of said curve for a distance of 109.85'; thence run S 34 degrees 50'46" for a distance of 73.50' to the point of beginning.

APPROVED and ADOPTED this the 25th day of November, 2019.

Ashley C. Curry 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 # 2890 is a true and correct copy of such 25 th day of November, 2019, as same appears in the official records of said City.
Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the day of, 2019.
Rebecca Leavings City Clerk

2790 Acton Place



CITY OF VESTAVIA HILLS

SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **OCTOBER 10, 2019**

- <u>CASE</u>: P-1019-47
- **REQUESTED ACTION:** Rezoning JC R-1 to Vestavia Hills R-2
- ADDRESS/LOCATION: 2790 Acton Pl.
- **APPLICANT/OWNER:** Hugh R. Humphrey
- **GENERAL DISCUSSION:** This is a rezoning of annexed property on Acton Place from JC R-1 to VH R-2. Property was annexed overnight by Ordinance 2863 on 8/12/19.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan for low density residential.

• <u>STAFF REVIEW AND RECOMMENDATION</u>:

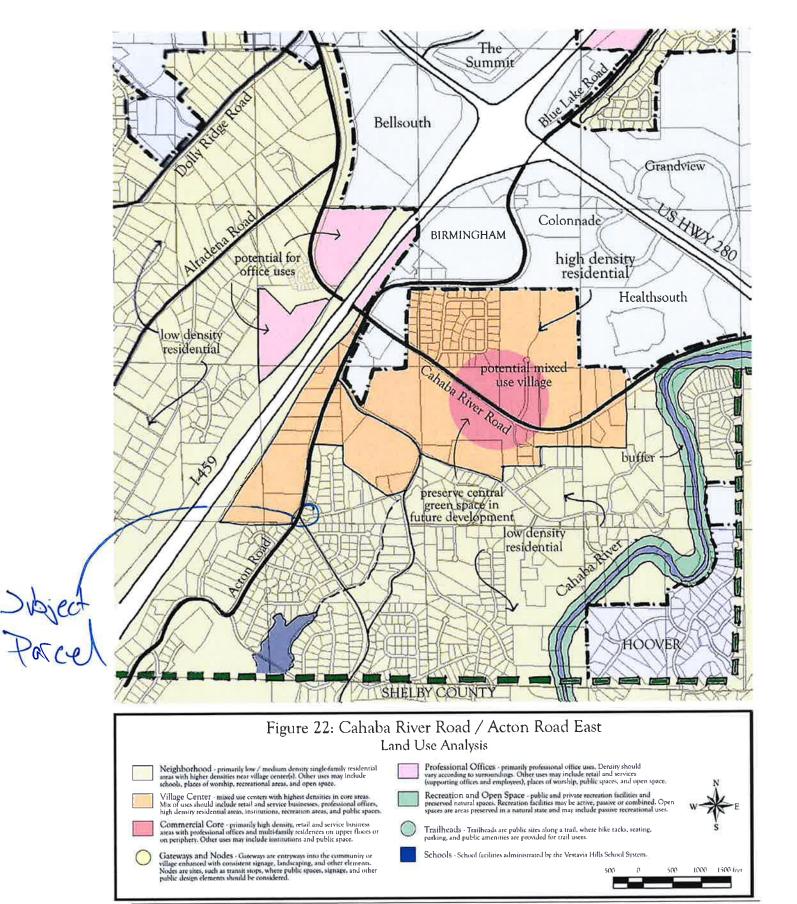
1. City Planner Review: I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation

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

MOTION Ms. Cobb made a motion to recommend Rezoning from JC R-1 to Vestavia Hills R-2 for the property located At 2790 Acton Pl. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes Mr. Gilchrist – yes Mr. Sykes– yes Ms. Cobb – yes Mrs. Barnes – yes Motion carried. Mr. Larson – yes



ORDINANCE NUMBER 2891

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

WHEREAS, on the 12th day of August, 2019, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

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

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

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

2606 Acton Road Lot 5, Altadena Valley Country Club Mark and Jennifer Weldon, Owner(s)

- 2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.
- 3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 25th day of November, 2019.

Ashley C. Curry 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 # 2891 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 25th day of November, 2019, 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, 2019.

Rebecca Leavings City Clerk

2606 Acton Road

PARCEL #: 28 00 33 4 001 008.000

OWNER: WELDON MARK W & JENNIFER S TRUSTEE -

WELDON LIVING ..

ADDRESS: 2606 ACTON ROAD BIRMINGHAM AL 35243

LOCATION: 2606 ACTON RD BIRMINGHAM AL 35243 [111-B-] Baths: 3.0 18-036.0

Bed Rooms: 4

H/C Saft: 2,706 Land Sch: A116

Land: 50,200 Imp: 230,100 Total: 280,300

Acres: 0.000 Sales Info:

Tax Year : 2018 ∨ [1/0 Records] Processing...

0

BUILDINGS PHOTOGRAPHS SUMMARY LAND SALES MAPS

SUMMARY

ASSESSMENT VALUE

\$50,160 **PROPERTY** LAND VALUE 10% OVER 65 CODE: 3 X CLASS: LAND VALUE 20% \$0 EXEMPT CODE: 5-5 **DISABILITY CODE:** [DEACTIVATED] **CURRENT USE VALUE** \$0

MUN CODE: 02 COUNTY HS YEAR: 0

EXM OVERRIDE CLASS 2 SCHOOL DIST: \$0.00

AMT:

OVR ASD CLASS 3 \$0.00 TOTAL MILLAGE: 50.1

VALUE: UTILITY STEELOR \$900 26SAPFA **BLDG 001** \$229,200 111

CLASS USE:

VALUE:

FOREST ACRES: 0 TAX SALE:

PREV YEAR \$248,700.00BOE VALUE: TOTAL MARKET VALUE [APPR. VALUE: \$280,300]: \$280,260

Assesment Override:

MARKET VALUE: CU VALUE: PENALTY:

ASSESSED VALUE:

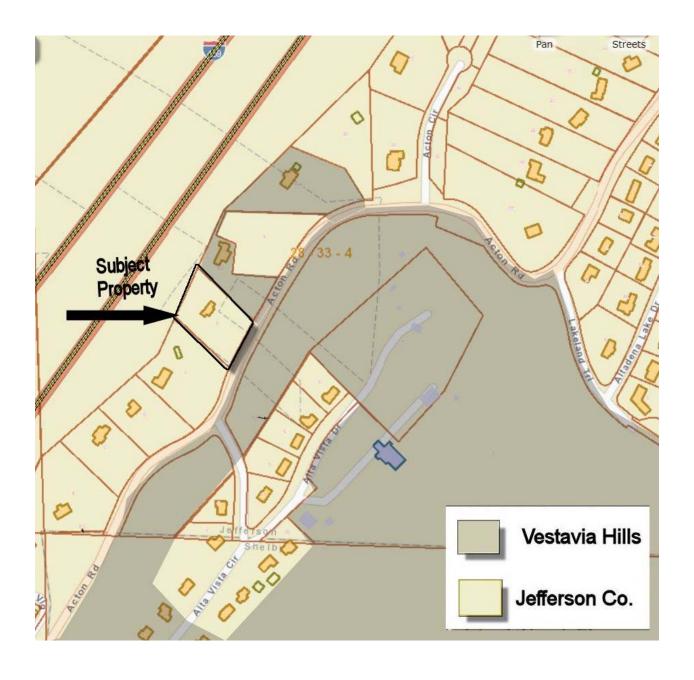
TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$28,040	\$182.26	\$28,040	\$182.26	\$0.00
COUNTY	3	2	\$28,040	\$378.54	\$28,040	\$378.54	\$0.00
SCHOOL	3	2	\$28,040	\$229.93	\$28,040	\$229.93	\$0.00
DIST SCHOOL	3	2	\$28,040	\$0.00	\$28,040	\$0.00	\$0.00
CITY	3	2	\$28,040	\$0.00	\$28,040	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$28,040	\$143.00	\$28,040	\$143.00	\$0.00
SPC SCHOOL2	3	2	\$28,040	\$471.07	\$28,040	\$471.07	\$0.00

ASSD. VALUE: \$28,040.00 \$1,404.80 **GRAND TOTAL: \$0.00**

FULLY PAID

DEEDS			PAYMENT INFO				
	INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT	
	2016105347	9/12/2016		2018		\$0.00	
				2017		\$0.00	
			12/19/2016	2016	JENNIFER S WELDON	\$2,491.97	
			1/8/2016	2015	-	\$2,491.97	
			12/5/2014	2014	MARK W. OR JENNIFER S. WELDON	\$2,325.61	
			10/22/2013	3 2013	-	\$2,460.88	
			12/20/2012	2012	DCD DDODEDTIES II C	+2 460 00	



Annexation Committee Petition Review

Pro	operty: 2606 Acton Road
Ov	wners: Mark and Jennifer Weldon
Da	te: 06-20-2019
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 360, 360 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
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

			ntive fee of \$100 ributions, includ		•
					the annexation.
Yes	N	0	Comment		
			hazardous wast Comment		naterials.
10. Are Yes _/ \(\sum_{\textit{D}}	there any con No P' Free No	cerns from	city departments: F	ts? -neo-fo: - scess neg ven	ssibly exce Niscussed Icles
	rmation on ch	ildren: N	umber in family	nments:	; Plan to enroll
scho					
scho ——	omments:	DUBIN D'INTE TSH Nom	Agul fip Ames Cxenps	e unda	se Tru'en Ums

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: 2606 Acton Road Anitials: **Engineering:** 2606 Acton Road -- no significant concerns noted; Acton Road is a Jefferson County maintained roadway; driveway to home is 9' wide and exceeds distance from roadway that may limit emergency vehicle access to home; drainage pipe under driveway may need maintenance and follow up inspection, it was filled with leaves at time of initial inspection. Initials: Senolal Board of Education: Comments: Date: 17/28/18 Initials: CUM **Police Department:** (NOVA) Comments: Date: 12 28 2018 Initials: St Fire Department: Possibly exceeds 150' Comments:

STATE OF ALABAMA

JEFFERSON COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 10-18-2018

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

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.

EMAIL weldonjen 1@gmail.com

phoue (205) 913-3384 (all)

(205) 490-6412 (home)

EXHIBIT "A"

LOT: 5
BLOCK:
SURVEY:
RECORDED IN MAP BOOK 64, PAGE 25 IN THE
PROBATE OFFICE OF TECESON COUNTY, ALABAMA.
COUNTY ZONING: A 1
COMPATIBLE CITY ZONING:
LEGAL DESCRIPTION (METES AND BOUNDS):
Altadina valley Country Club Fairway Sector
subdivision parcel # 2800334001008.000
ROW in 459
207.2X 290S IRR

My Commission Expires
November 8, 2020

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)	DESCRIP	PTION OF PROPI	ERTY
Jennyer S. Stelder	Lot_5_Block	Survey	
		Survey	
	_otBlock	Survey	
(Use reverse side hereof for a	additional signature	es and property des	scriptions, if needed).
STATE OF ALABAMA			
JEFFERSON COU	NTY		
signed the above petition, and I certi			one of the persons who atures of all the owners
	Signature	of Certifier	Im_
Subscribed and sworn before me this	th 26 day of 2	October	
	Notary Pu	blic	
	My comm	ission expires:	My Commission Expires November 8, 2920

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway Vestavia Hills AL 35216

(To be completed by the City)

(10 de complete	cu by in	e Cuy)		
Date of Annexation Petition		Action Taken: C	Grant Deny	
Resolution: Date: Overnight Ordinance: Date:		_ Number: Number:		
90 Day Final Ordinance: Date:		Number:		
(To be completed	by Hon	neowner)		
Name(s) of Homeowner(s): Tennifer	5.	Welden		
Name(s) of Homeowner(s): <u>Jennifer</u> Address: <u>2606</u> Acton Ro	ad			
City: Brungham State: AL	~	Zip:	3521	13
Information on Children:		n	11 4- T	E II T
				Enroll In s School?
Name(s)	Age	School Grade	Yes	No
1.				
2.				
3.				
4.				
4. 5.				

Rebecca Leavings

From: Jennifer. S. Weldon < weldonjen1@gmail.com >

Sent: Friday, October 26, 2018 11:49 AM **To:** Mark Weldon; Rebecca Leavings

Subject: Application request for 2606 Acton Road into Vestavia.

To: Rebecca Leavings, Committee and Council

I would like to submit my thoughts on annexing for you to consider as you evaluate my request for annexing my property into Vestavia Hills. My Dad had this house built in the '60's. I moved back here after my parents passed away in 2012 and 2014. I have always felt more a part of the Vestavia community having attended events at the community center throughout the years and at the library and parks more recently with my grandchildren. The post office and most all my mail is addressed as Vestavia. Unfortunately for me, the house is 2 story and the stairs make it not a great retirement home for my husband and myself. My son already owns his home in Vestavia and my daughter owns property in Hoover so neither are interested in the property. The house would be attractive to a family with children so our hope is to make it most attractive to a new family with young children who can enjoy the schools, recreational and community centers which are easily accessible to our location.

2606 Acton Road is a desirable property. It has a spacious lot with a tall oak canopy. Woods between homes give a sense of privacy yet it's just a short walk to our next door neighbor. Ours is a roomy well built home that's been updated inside and out. We are hopeful that a young family will love it as much as we have and enjoy all It has to offer.

Thank you for your consideration.

Jennifer Schmittou Weldon

To: Rebecca Leavings, Committee and Council

I would like to submit my thoughts on annexing for you to consider as you evaluate my request for annexing my property into Vestavia Hills. My Dad had this house built in the '60's. I moved back here after my parents passed away in 2012 and 2014. I have always felt more a part of the Vestavia community having attended events at the community center throughout the years and at the library and parks more recently with my grandchildren. The post office and most all my mail is addressed as Vestavia. Unfortunately for me, the house is 2 story and the stairs make it not a great retirement home for my husband and myself. My son already owns his home in Vestavia and my daughter owns property in Hoover so neither are interested in the property. The house would be attractive to a family with children so our hope is to make it most attractive to a new family with young children who can enjoy the schools, recreational and community centers which are easily accessible to our location.

2606 Acton Road is a desirable property. It has a spacious lot with a tall oak canopy. Woods between homes give a sense of privacy yet it's just a short walk to our next door neighbor. Ours is a roomy well built home that's been updated inside and out. We are hopeful that a young family will love it as much as we have and enjoy all It has to offer.

Thank you for your consideration.

Jennifer Schmittou Weldon

ORDINANCE NUMBER 2892

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

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

2606 Acton Road Lot 5, Altadena Valley Country Club Mark and Jennifer Weldon, Owners

APPROVED and ADOPTED this the 25th day of November, 2019.

Ashley C. Curry Mayor

ATTESTED BY:

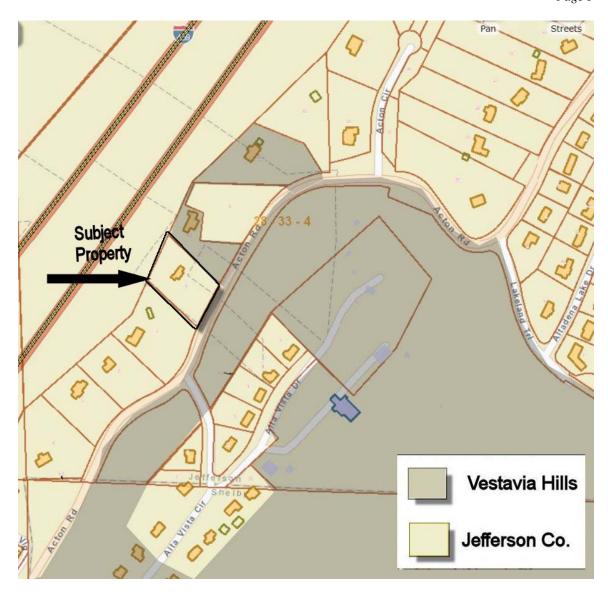
Rebecca Leavings City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, h	iereby
certify that the above and foregoing copy of 1 (one) Ordinance # 2892 is a true and c	orrect
copy of such 25th day of November, 2019, as same appears in the official records of	of said
City.	

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings City Clerk



CITY OF VESTAVIA HILLS

SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **OCTOBER 10, 2019**

- CASE: P-1019-49
- **REQUESTED ACTION:** Rezoning JC A-1 to Vestavia Hills Agriculture
- **ADDRESS/LOCATION**: 2606 Acton Rd.
- **APPLICANT/OWNER:** Jennifer S. Weldon
- **GENERAL DISCUSSION:** This is a rezoning of annexed property on Acton Rd. from JC A-1 to VH Agriculture. Property was annexed overnight by Ordinance 2862 on 8/12/19.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan for low density residential.

• <u>STAFF REVIEW AND RECOMMENDATION</u>:

1. City Planner Review: I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation

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

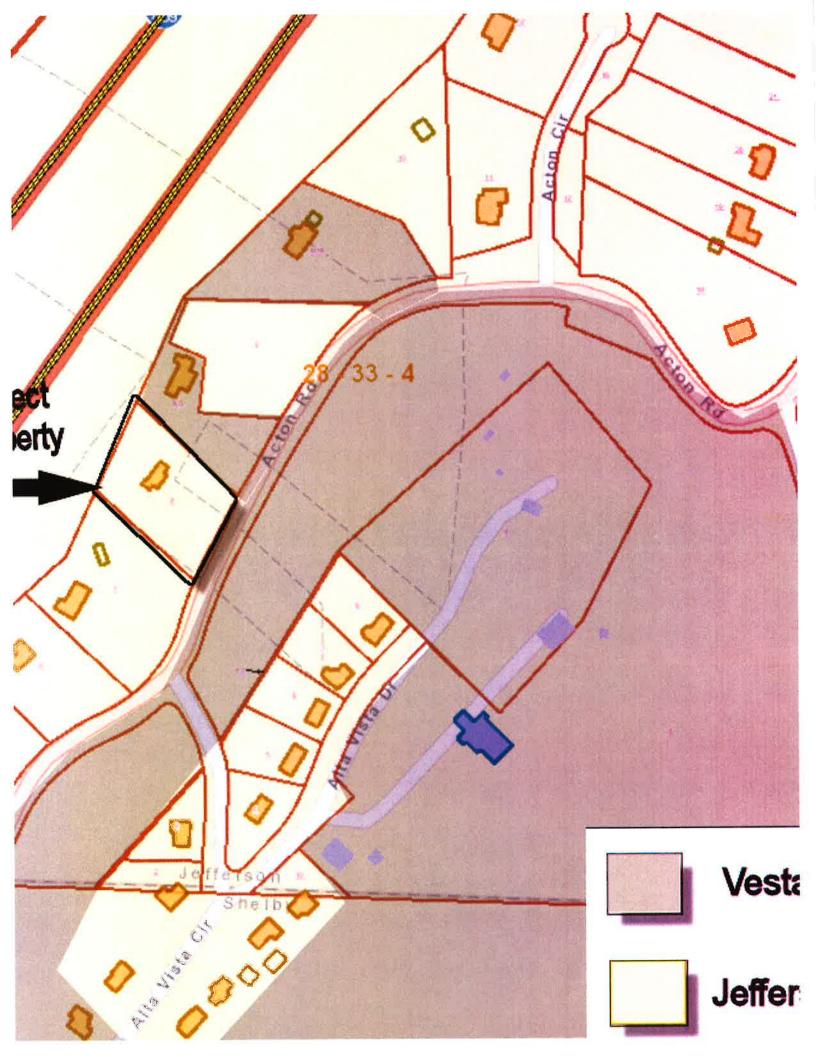
MOTION Mr. Sykes made a motion to recommend Rezoning from JC A-1 to Vestavia Hills Agriculture for the property located At 2606 Acton Rd. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

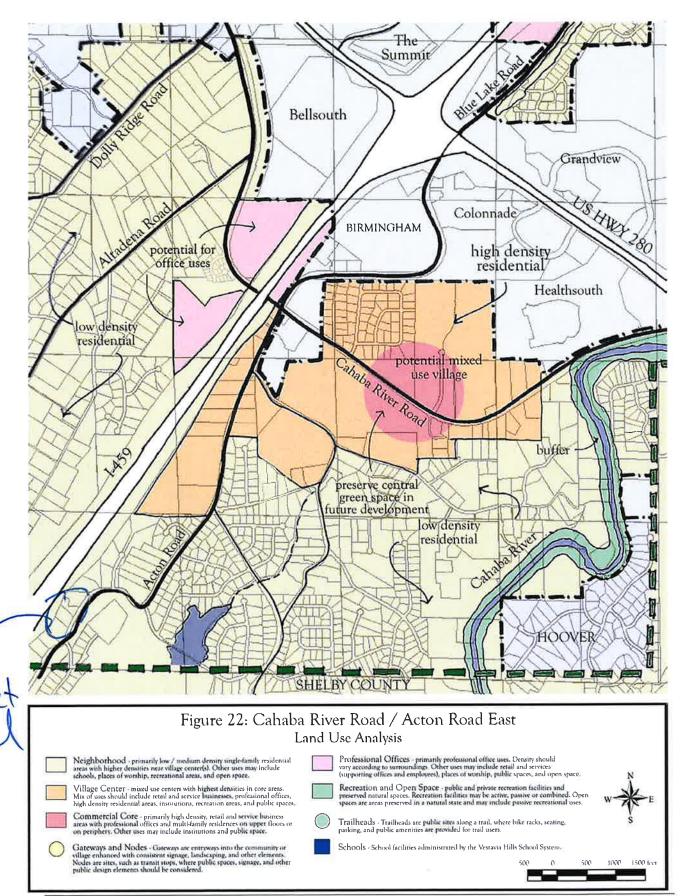
Mr. Goodwin – yes

Mr. Romeo – yes

Mr. Gilchrist – yes Ms. Cobb – yes Mrs. Barnes – yes Motion carried.

Mr. Sykes– yes Mr. Larson – yes





ORDINANCE NUMBER 2893

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

WHEREAS, on the 12th day of August, 2019, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

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

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

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

2429 Kenvil Circle

Lot 36, Resurvey of Lots 18, 19, 20, 33, 34, 46, 47 and 48, Buckhead, 2nd Sector William Ennis, Owner(s)

- 2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.
- 3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof with the Probate Judge of Jefferson County, Alabama.

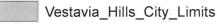
ADOPTING and APPROVED this the 25th day of November, 2019.

Ashley C. Curry Mayor

ATTESTED BY:	
Rebecca Leavings City Clerk	
certify that the above and foregoing copy of 1 copy of such Ordinance that was duly adopted Hills on the 25th day of November, 2019, as	by the City Council of the City of Vestavia
Posted at Vestavia Hills Municipal C Vestavia Hills New Merkle House and Vestav day of	enter, Vestavia Hills Library in the Forest, ria Hills Recreational Center this the
	Rebecca Leavings City Clerk



Legend



City of Vestavia Hills Department of GIS May 16, 2019



2429 Kenvil Circle

PARCEL #: 40 00 05 2 001 012.000 OWNER:

ENNIS WILLIAM MCGRATH

2429 KENVIL CIR VESTAVIA AL 35243-2803

LOCATION: 2429 KENVIL CIR BHAM AL 35243

[111-D+] Baths: 2.0 18-015.0

Bed Rooms: 3 Land: 123,400 Imp: 106,600 Total: 230,000

H/C Sqft: 1,352 Land Sch: L1

Sales Info: 06/01/2010 Acres: 0.000

\$232,500

<< Prev Next >>

[1/0 Records] Processing...

SUMMARY LAND **Tax Year** : 2018 ∨

BUILDINGS

[DEACTIVATED]

111

SALES

PHOTOGRAPHS MAPS

\$123,380

\$106,600

\$0

\$0

SUMMARY

ADDRESS:

ASSESSMENT

PROPERTY 3 CLASS:

OVER 65 CODE:

EXEMPT 2-2 CODE:

DISABILITY CODE: 02 COUNTY HS YEAR:

SCHOOL DIST:

OVR ASD \$0.00 VALUE:

TOTAL MILLAGE:

AMT:

0 CLASS 2 **EXM OVERRIDE** \$0.00

50.1

0

CLASS 3 **BLDG 001**

VALUE

Assesment Override:

LAND VALUE 10%

LAND VALUE 20%

CURRENT USE VALUE

TOTAL MARKET VALUE [APPR. VALUE: \$230,000]: \$229,980

CLASS USE: **FOREST**

VALUE:

MUN CODE:

ACRES: PREV YEAR 0 TAX SALE:

\$221,600.00BOE VALUE:

MARKET VALUE:

CU VALUE: PENALTY:

ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$23,000	\$149.50	\$4,000	\$26.00	\$123.50
COUNTY	3	2	\$23,000	\$310.50	\$2,000	\$27.00	\$283.50
SCHOOL	3	2	\$23,000	\$188.60	\$0	\$0.00	\$188.60
DIST SCHOOL	3	2	\$23,000	\$0.00	\$0	\$0.00	\$0.00
CITY	3	2	\$23,000	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$23,000	\$117.30	\$0	\$0.00	\$117.30
SPC SCHOOL2	3	2	\$23,000	\$386.40	\$0	\$0.00	\$386.40

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$23,000.00 \$1,152.30 GRAND TOTAL: \$1,104.30

FULLY PAID

DEEDS		PAYMENT INFO	
INSTRUMENT NUMBER	DATE	PAY DATE TAX YEAR PAID	BY AMOUNT
2018129832	12/18/2018	12/31/2018 2018 WILLI	AM ENNIS \$1,104.30
201005-24788	06/21/2010	11/29/2017 2017	\$1,062.22
3969-267	12/27/1990	12/28/2016 2016 -	\$1,019.13
		12/22/2015 2015 ENNIS	\$ WILLIAM \$1,019.13
		12/19/2014 2014 WILLI	AM MCGRATH ENNIS \$1,055.20
		1/11/2014 2013 WILLI	AM MCGRATH ENNIS \$1,011.11
		12/31/2012 2012 ENNIS	WILLIAM MCGRATH \$1,010.62
		20111231 2011 ***	\$1,019.13
		20101231 2010 ***	\$1,019.13
		20091231 2009 ***	\$1,019.13

Annexation Committee Petition Review

Pro	pperty: 2429 Kenvil Circle
Ov	wners: William Ennis
Da	te: 06-20-2019
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 229, 980 . 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
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

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 V schools Yes No Comments:
Oth	ner Comments:

CITY OF VESTAVIA HILLS

Department Review of Proposed Annexation (To be completed by Official City Reviewers)

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.

Engineering; Public Services	Date: \$24/19 Initials: Break
9.	ficant concerns noted; the roadway is more narrow that typical City
subdivision standards (16' wic perform maintenance along tl	de), but majority of subdivision is already within the City and City does his street; existing 12" concrete pipe within the roadway at this prope City standards, but appears to be in good condition and perform
= adequately.	
Police Department:	Date: $5/2\delta/19$ Initials: 0
Comments:	Date: 5/28/19 Initials: OW
Fire Department:	Date: 5/30/19 Initials: CV
Comments: No	i35466
Board of Education:	Date: 5/17/19 Initials: 58 via email
eca, Comments:	
id what is expected. As a syst	s to be smaller annexations which should not affect school enrotem we would like to keep an eye on the subdivision of propert nore dwellings to be built than what is originally intended.

STATE OF ALABAMA

Jefferson	COLINTY
3611613011	COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: March 13, 2019

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.

Contacts

From Ennis (205) 907-9953 ennis Du Eyanov. com

Lacy Phillips (205) 903-8514 lacy Exestyncture co. oom

EXHIBIT "A"

LOT: 36		
BLOCK:		
SURVEY: Resurvey of Lots 18, 19, 20, 33, 34, 46,	47, and 48 Buckhead, Second Se	ector
RECORDED IN MAP BOOK33	, PAGE22	_ IN THE
PROBATE OFFICE OFJefferson	COUNTY, ALABAMA.	
COLDITY TONDIC.		
COUNTY ZONING: E-2		
COMPATIBLE CITY ZONING: E-2	-	
LEGAL DESCRIPTION (METES AND BOUN	IDS):	

Lot 36 according to resurvey of Lots 18, 19, 20, 33, 34, 36, 37, 46, 47 and 48 Buckhead, Second Sector as recorded in Map Book 33, Page 22 in the Probate Office of Jefferson County, Alabama.

Parcel ID Number: 01-40-00-05-2-001-012.000

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			
JAK:	Lot 36	Block	Survey Resurvey of Lots 18, 19, 20, 33, 34, 46, 47, and 48 Buckhead, Second Section	
	Lot	Block	Survey	
	Lot	Block	Survey	
(Use reverse side hereof for	addition	al signatures	and property descriptions, if needed).	
STATE OF ALABAMA				
Jefferm cou	JNTY			
signed the above petition, and I cer of the described property.	tify that s	being duly sy aid petition of Signature of	worn says: I am one of the persons who contains the signatures of all the owners Certifier	
		•		
Subscribed and sworn before me the	is the	day of M	ann , 20 <u>19</u> .	
	Sa	Notary Publ	ic	
		My commiss	sion expires:	
•			LACEY G. PHILLIPS Notary Public, Alabama State At Large My Commission Expires April 7, 2020	

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					
Resolution: Overnight Ordinance: 90 Day Final Ordinance:	Date:Date:					
Name(s) of Homeowner(s):	(To be completed	,	neowner) Ennis Living Trust, date	d 12/18/2	2018	
Address: 2429 Kenvil Circ	le					
City: Birmingham	State: AL		Zip: <u>3</u>	35243	<u>_</u>	
Information on Children:					Enroll I s Schoo	
Name(s)		Age	School Grade	Yes	No	

	Name(s)	Age	School Grade	Yes	No
1.	Bristol Marie Murray	8	2nd	✓	
2.					•
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is

"yes". Day 1 of the 2019-2020 school year

ORDINANCE NUMBER 2894

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

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

2429 Kenvil Circle Lot 36, Resurvey of Lots 18, 19, 20, 33, 34, 46, 47 and 48, Buckhead, 2nd Sector William Ennis, Owner

APPROVED and ADOPTED this the 25th day of November, 2019.

Ashley C. Curry Mayor

ATTESTED BY:

Rebecca Leavings City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, he	ereby
certify that the above and foregoing copy of 1 (one) Ordinance # 2894 is a true and co	rrect
copy of such 25th day of November, 2019, as same appears in the official records of	i said
City.	

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings City Clerk



CITY OF VESTAVIA HILLS

SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **OCTOBER 10, 2019**

- <u>CASE</u>: P-1019-51
- **REQUESTED ACTION:** Rezoning JC E-2 to Vestavia Hills R-1
- ADDRESS/LOCATION: 2429 Kenvil Cir.
- **APPLICANT/OWNER:** William Ennis
- **GENERAL DISCUSSION:** This is a rezoning of annexed property on 2429 Kenvil Cir. from JC E-2 to VH R-21. Property was annexed overnight by Ordinance 2864 on 8/12/19.
- <u>VESTAVIA HILLS COMPREHENSIVE PLAN:</u> The request is consistent with the plan for low density residential.

• <u>STAFF REVIEW AND RECOMMENDATION</u>:

1. City Planner Review: I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

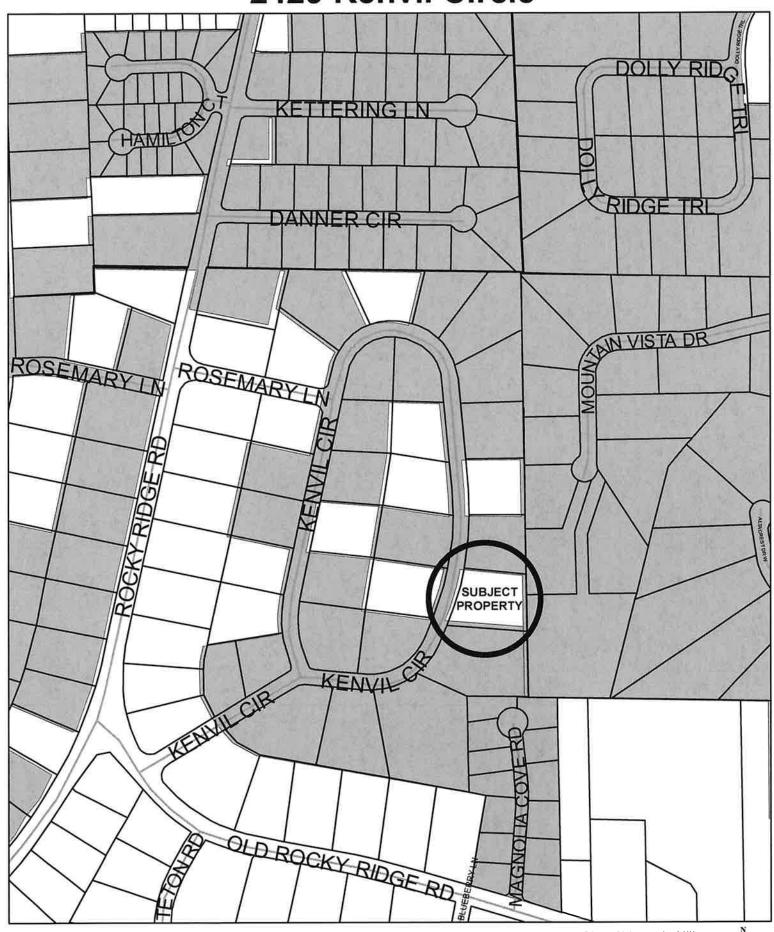
City Planner Recommendation: No recommendation

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

MOTION Mr. Gilchrist made a motion to recommend Rezoning from JC E-2 to Vestavia Hills R-1 for the property located At 2429 Kenvil Cir. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes Mr. Gilchrist – yes Mr. Sykes– yes Ms. Cobb – yes Mrs. Barnes – yes Motion carried. Mr. Larson – yes

2429 Kenvil Circle

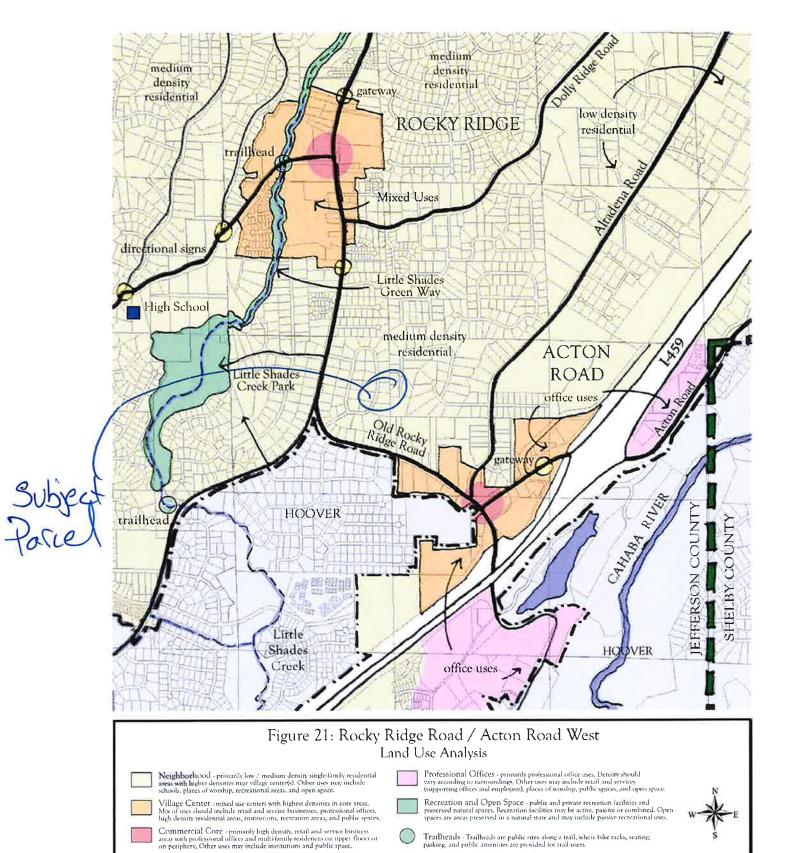


Legend

Vestavia_Hills_City_Limits

City of Vestavia Hills Department of GIS May 16, 2019





Schools - School facilities administrated by the Vestavia Hills School System,

Gateways and Nodes - Gateways are entryways into the community or village enhanced with consistent signage, landscaping, and other elements. Nodes are sites, such as transit stops, where public spaces, signage, and other public design elements should be considered.

1500 feet

ORDINANCE NUMBER 2895

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

WHEREAS, on the 12th day of August, 2019, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

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

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

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

2645 Alta Glen Drive Paul and Gloria Russell

More particularly described as follows:

Part of the SW ¼ of the NE ¼ of Section 33, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particular described as follows:

From the NE corner of said SW ¼ of the Northeast ¼ of said Section 33, run in a Westerly direction along the North line of said 1/4-1/4 section for a distance of 351.77 feet, more or less, to a point on the SE right-of-way line of Alta Glen Drive; thence turn an angle to the left of 63 degrees 23 minutes and run in a Southwesterly direction along the SE right-of-way line of Alta Glen Drive for a distance of 75.0 feet to an existing iron pin; thence continue in a Southwesterly direction along the last mentioned course and along the SE right-of-way of Alta Glen Drive for a distance of 215.5 feet to an existing iron pin; thence continue in a Southwesterly direction along the SE right-of-way line of Alta Glen Drive for a distance of 217.15 feet to an existing #5 iron rebar being the point of beginning; thence continue in a Southwesterly direction along the SE right-of-way line of Alta Glen Drive for a distance of 445.51 feet to an existing iron rebar set by Weygand; thence

turn an angle to the left of 85 degrees 29 minutes 05 seconds and run Southeasterly direction for a distance of 350.00 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 94 degrees 23 minutes 01 seconds and run in an Northeasterly direction for a distance of 472.88 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 90 degrees 06 minutes 11 seconds and run in a Northwesterly direction for a distance of 350.0 feet, more or less, to the point of beginning.

- 2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.
- 3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 25th day of November, 2019.

Ashley C. Curry 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 # 2895 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 25th day of November, 2019, 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 ______, 2019.

Rebecca Leavings City Clerk



Legend



City of Vestavia Hills Department of GIS April 24, 2019



2645 Alta Glen Drive

28 00 33 1 001 005.001 PARCEL #:

OWNER: MILES VICK ADAIR(1/2INT) & MILES AUSTIN

BRANTLEY(...

ADDRESS: 2680 ALTA GLEN DR VESTAVIA AL 35243

LOCATION: 2645 ALTA GLEN DR BHAM AL 35243 18-013.0

Baths: 3.0 Bed Rooms: 4 H/C Sqft: 2,789 Land Sch: A414

Land: 282,800 Imp: 186,800 Total: 469,600 Sales Info: 04/16/2018

Acres: 0.000

\$450,000

[1/0 Records] Processing...

0

0

\$0.00

SUMMARY

LAND

Tax Year : 2018 ✓ BUILDINGS

SALES

[DEACTIVATED]

PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT PROPERTY 2

CLASS:

EXEMPT CODE: MUN CODE:

01 COUNTY HS YEAR: **EXM OVERRIDE**

SCHOOL DIST:

OVR ASD VALUE:

\$0.00

TOTAL MILLAGE: 50.1

OVER 65 CODE:

AMT:

TAX SALE:

DISABILITY CODE:

CLASS USE:

FOREST ACRES: 0 PREV YEAR

VALUE:

\$478,100.00BOE VALUE:

VALUE

LAND VALUE 10% LAND VALUE 20%

CURRENT USE VALUE

[111-B0]

UTILITY WOOD OR

BLDG 001

111

\$800 \$186,000

\$0

\$0

\$282,780

CLASS 3

CLASS 2

TOTAL MARKET VALUE [APPR. VALUE: \$469,600]: \$469,580

26WCCAV

Assesment Override:

MARKET VALUE: CU VALUE: PENALTY:

ASSESSED VALUE:

TAX INFO

IAX ZIVI O								
	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX	
STATE	2	1	\$93,920	\$610.48	\$0	\$0.00	\$610.48	
COUNTY	2	1	\$93,920	\$1,267.92	\$0	\$0.00	\$1,267.92	
SCHOOL	2	1	\$93,920	\$770.14	\$0	\$0.00	\$770.14	
DIST SCHOOL	2	1	\$93,920	\$0.00	\$0	\$0.00	\$0.00	
CITY	2	1	\$93,920	\$0.00	\$0	\$0.00	\$0.00	
FOREST	2	1	\$0	\$0.00	\$0	\$0.00	\$0.00	
SPC SCHOOL1	2	1	\$93,920	\$478.99	\$0	\$0.00	\$478.99	
SPC SCHOOL2	2	1	\$93,920	\$1,577.86	\$0	\$0.00	\$1,577.86	

** DELINQUENT **

ASSD. VALUE: \$93,920.00

\$4,705.39

GRAND TOTAL: \$4,758.38

TOTAL FEE & INTEREST: (Detail)

\$52.99

FULLY PAID

DEEDS	
INSTRUMENT NUMBER	DATE
2018039580	4/16/2018
201512300113773	11/16/2015
200512-5381	07/29/2005

PAYMENT	INFO		
PAY DATE	TAX YEAR	PAID BY	AMOUNT
2/1/2019	2018	RUSSELL PAUL E	\$4,758.38
12/15/2017	2017	AUDREY V MILES TTEE VICK ADAIR MILES TTEE	\$4,790.56
11/18/2016	2016	MILES VICK ADAIR	\$4,536.05
11/18/2015	2015	-	\$1,947.21
10/21/2014	2014	-	\$1,907.10
11/19/2013	3 2013	-	\$1,907.10

Annexation Committee Petition Review

Pro	operty: 2645 Alta Glen Drive
Оw	vners: Paul and Gloria Russell
Da	te: 06-20-2019
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
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

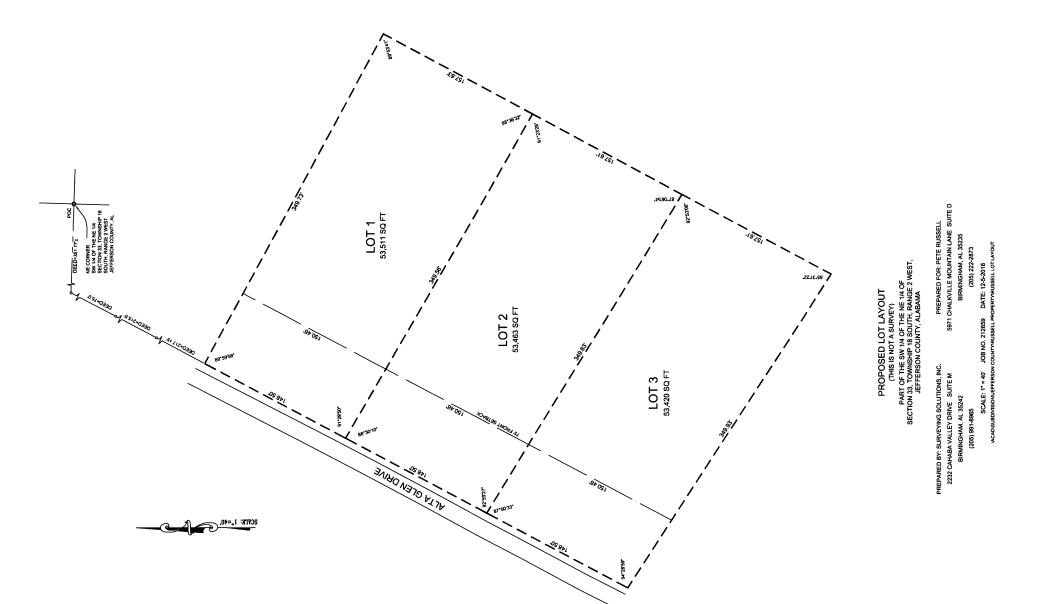
Pr	operty: 2645 Alta Glen Drive
8.	A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$ will be paid to offset costs associated with the annexation. Yes No Comment
9.	Property is free and clear of hazardous waste, debris and materials. Yes No Comment
	Are there any concerns from city departments? Yes No Comments: Road is narrow. Road Improvements should be made Oluring Constructions
11	. Information on children: Number in family; Plan to enroll in VH schools Yes No Comments:
Otl	ner Comments:
Der	veloper Plans to subdivide Lot into 3 est 101
	A. Disasse
eorg hairí	e Pierce man

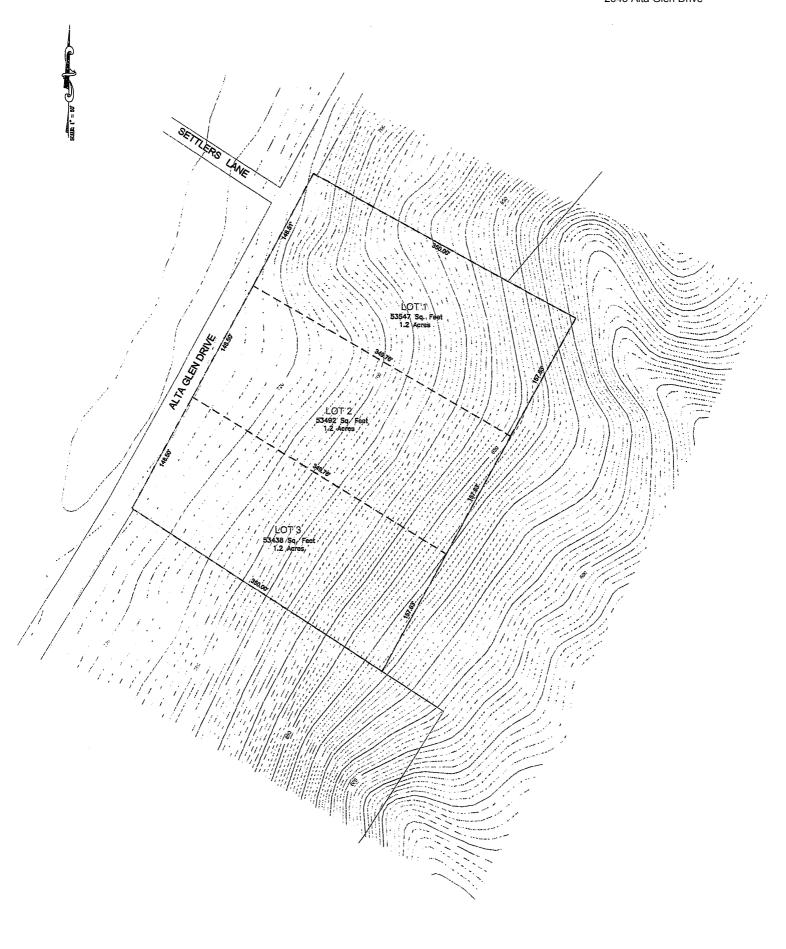
CITY OF VESTAVIA HILLS

Department Review of Proposed Annexation (To be completed by Official City Reviewers)

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: 2645 Alta Glen Drive					
Engineering; Public Services	Date: 5/24 Initials: Brady				
narrow and in poor to fair condition; consider some road widening or show this section of roadway is maintained	t concerns noted; this roadway and other area roadways are as part of development of this property, we would ask developer ulder improvements to improve pre-existing conditions; currently, by Jefferson County.				
Police Department:	Date: 5/28/17 Initials: No.				
Comments: No sa	is Ves				
Fire Department:	Date: 5/30/19 Initials: CV				
Comments: No 199	Ne ^{di} z				
Board of Education:	Date: 5/17/19 Initials: 5B via enail				
ecca, ments:					
nd what is expected. As a system	be smaller annexations which should not affect school enrolling we would like to keep an eye on the subdivision of propertic dwellings to be built than what is originally intended.				
ık you,					





Jefferson COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: January 10, 2019

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 Sefferson 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.

Contact: Allison West Peter Russel (305)240-04604 222-2873

peterussell@Albtate.

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-METERY COUNTS			
Baul & Kent	Lot	Block	Survey	See"Exhibit A".	
	Lot	Block	Survey		
	Lot	Block	Survey		
(Use reverse side hereof f	or additio	onal signatur	res and property de	escriptions, if needed).	
STATE OF ALABAMA Tefferson CO Paul E. Russell signed the above petition, and I co of the described property.	DUNTY ertify tha	_ being duly t said petitio	sworn says: I am on contains the sign	one of the persons who natures of all the owners	
Gaul & Rus M Signature of Certifier					
		Signature	of Certifier		
Subscribed and sworn before me	this the	Notary Pu	y D M.	1-22-21	
		My comm	ission expires:	1-50-2	

EXHIBIT "A"

LOT:

BLOCK:		
SURVEY:		
RECORDED IN MAP BOOK	, PAGE	IN THE
PROBATE OFFICE OF		
COUNTY ZONING: The COMPATIBLE CITY ZONING: VH		
LEGAL DESCRIPTION (METES AND Com At Int of S Li The Ne Ala Said Rd	na of Na V.	SER/W Alta Gen Dr Coot No Mard 11505
The Ne Alg Said Rd 9 S Se 350ft S Sw	450ft SNW 3	50ft S To Pob

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway Vestavia Hills AL 35216

(To be completed by the City)

Res	olution: Date: Day Final Ordinance: Date: Date: Date:		Number: Number:	Deny		
(To be completed by Homeowner) Name(s) of Homeowner(s): Paul F Russell Address: 2045 Alta Gen Drive City: Birminghom State: AL Zip: 35243 Information on Children: Plan to Enroll In Vestavia Hills School?						
	Name(s)	Age	School Grade	Yes	No	
1.	none				X	
2.						
3.						
4.						
5.						
6.						
App:	roximate date for enrolling students in "	Vestavia I	Hills City Schools	if abov	e respo	nse is

ORDINANCE NUMBER 2896

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

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

2645 Alta Glen Drive Paul and Gloria Russell

More particularly described as follows:

Part of the SW ¼ of the NE ¼ of Section 33, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particular described as follows:

From the NE corner of said SW ¼ of the Northeast ¼ of said Section 33, run in a Westerly direction along the North line of said 1/4-1/4 section for a distance of 351.77 feet, more or less, to a point on the SE right-of-way line of Alta Glen Drive; thence turn an angle to the left of 63 degrees 23 minutes and run in a Southwesterly direction along the SE right-of-way line of Alta Glen Drive for a distance of 75.0 feet to an existing iron pin; thence continue in a Southwesterly direction along the last mentioned course and along the SE right-of-way of Alta Glen Drive for a distance of 215.5 feet to an existing iron pin; thence continue in a Southwesterly direction along the SE right-of-way line of Alta Glen Drive for a distance of 217.15 feet to an existing #5 iron rebar being the point of beginning; thence continue in a Southwesterly direction along the SE right-of-way line of Alta Glen Drive for a distance of 445.51 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 85 degrees 29 minutes 05 seconds and run Southeasterly direction for a distance of 350.00 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 94 degrees 23 minutes 01 seconds and run in an Northeasterly direction for a distance of 472.88 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 90 degrees 06 minutes 11 seconds and run in a Northwesterly direction for a distance of 350.0 feet, more or less, to the point of beginning.

APPROVED and ADOPTED this the 25th day of November, 2019.

ATTESTED BY:	Ashley C. Curry Mayor
Rebecca Leavings City Clerk	
CERTIFICATION:	
certify that the above and foregoing copy of	of the City of Vestavia Hills, Alabama, hereby 1 (one) Ordinance # 2896 is a true and correct as same appears in the official records of said
	estavia Hills Library in the Forest, New Merkle ter this the day of,

Rebecca Leavings City Clerk



CITY OF VESTAVIA HILLS

SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **OCTOBER 10, 2019**

- CASE: P-1019-46
- **REQUESTED ACTION:** Rezoning JC E-1 to Vestavia Hills E-2
- ADDRESS/LOCATION: 2645 Alta Glen Dr.
- APPLICANT/OWNER: Paul E. Russell
- **GENERAL DISCUSSION:** This is a rezoning of annexed property on Alta Glenn Drive from JC E-1 to VH-E-2. Property was annexed overnight by Ordinance 2861 on 8/12/19. Applicant plans to subdivide parent parcel into three lots. All meet the minimum requirements of an E-2 zone.
- <u>VESTAVIA HILLS COMPREHENSIVE PLAN:</u> The request is consistent with the plan for low density residential.

• STAFF REVIEW AND RECOMMENDATION:

1. City Planner Review: I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

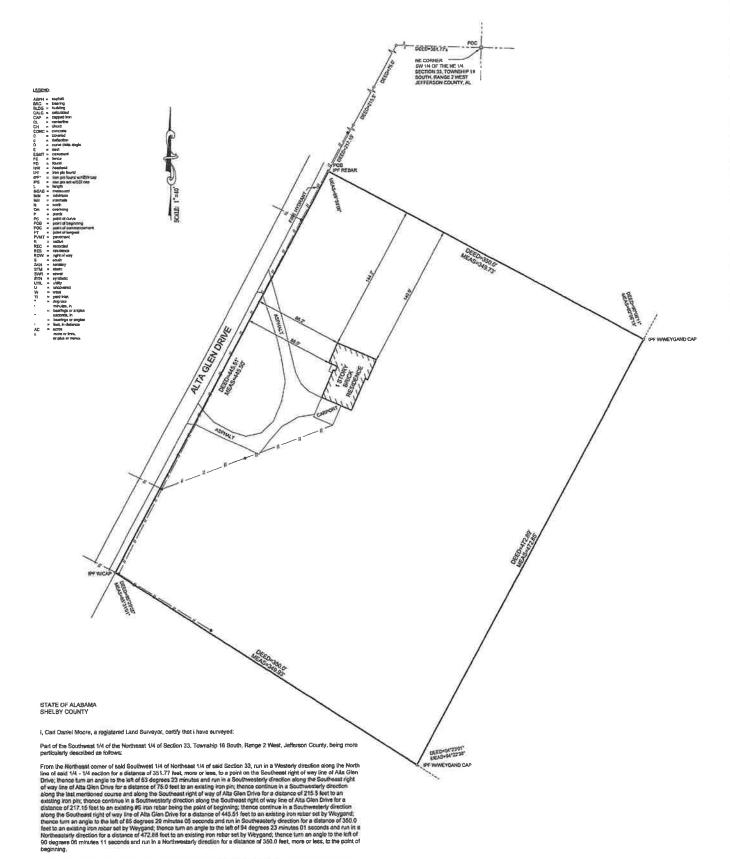
City Planner Recommendation: No recommendation

- 2. **City Engineer Review:** 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. Larson made a motion to recommend Rezoning from JC E-1 to Vestavia Hills E-2 for the property located At 2645 Alta Glen Dr. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes Mr. Gilchrist – yes Ms. Cobb – yes Mrs. Barnes – yes Motion carried.

Mr. Romeo – yes Mr. Sykes– yes Mr. Larson – yes



I furthermore certify 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, that the correct address is as follows: 2945 ANS Giffs Drive, according to my survey of December 4, 2016. Survey is not valid unless it is assed with embossed seed or stamped in red.

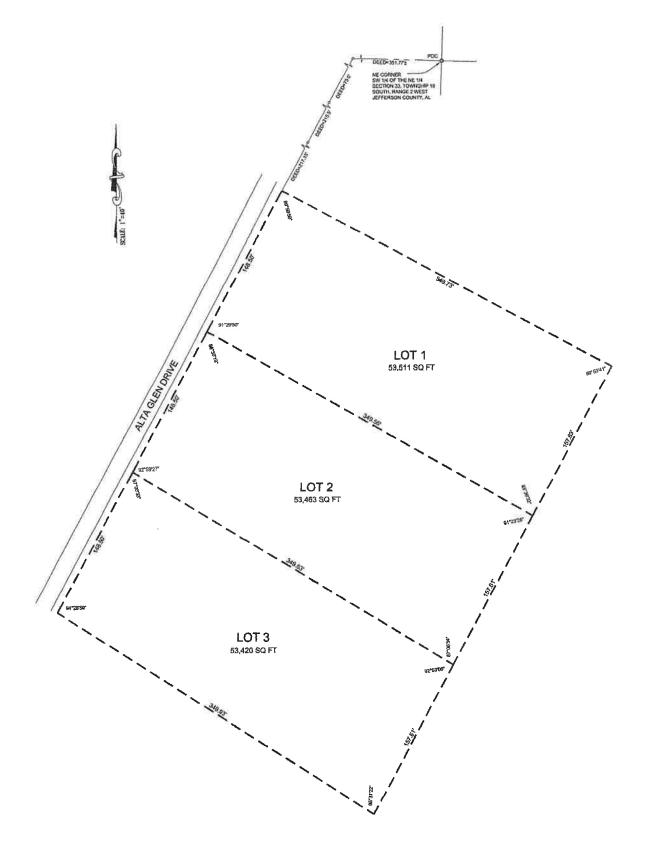
SURVEYING SOLUTIONS, INC. 2232 CAHABA VALLEY ORIVE SUITE M BIRMINGHAM, AL 38242 PHONE: 205-991-8985

Carl Daniel Moore, Reg. LS. #12159

12 - 05 - 18 Date of Signature



Order No. 212659 Purchaser: Rusself Type of Survey: Closing



PROPOSED LOT LAYOUT (THIS IS NOT A SURVEY) PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA

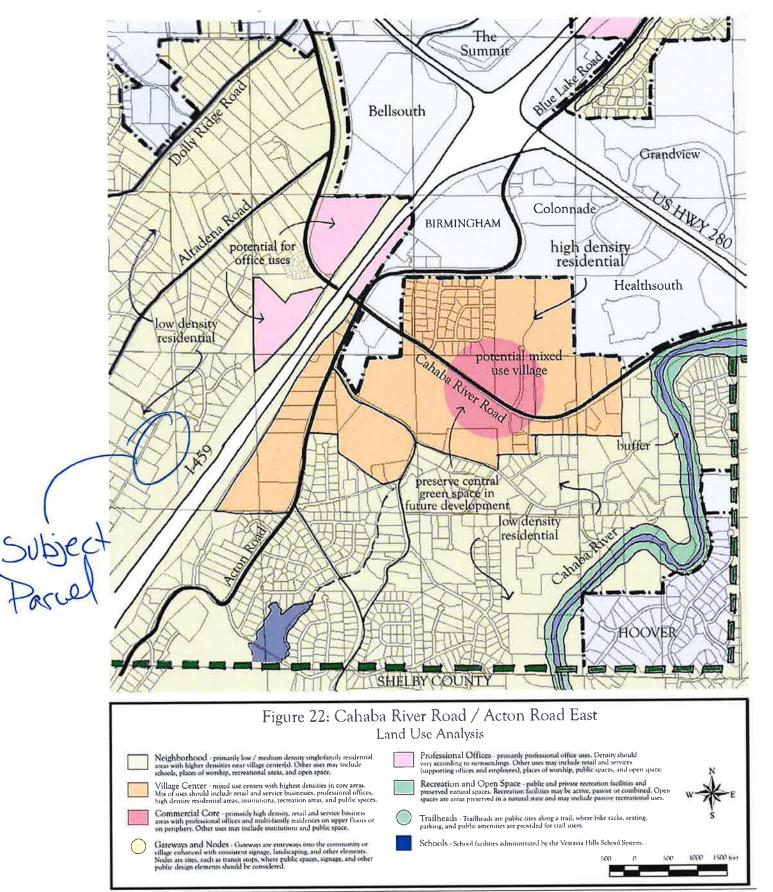
PREPARED BY: SURVEYING SOLUTIONS, INC. 2232 CAHABA VALLEY DRIVE SUITE M BIRMINGHAM, AL 36242 PREPARED FOR: PETE RUSSELL 5971 CHALKVILLE MOUNTAIN LANE SUITE D

BIRMINGHAM, AL 35235 (206) 222-2873

(205) 991-8965 (206) 222-2873

SCALE: 1" = 40' JOB NO. 212659 DATE: 12-5-2018

WACADISUBDIVISIONLEFFERBON COUNTYRUSSELL PROPERTIVALISSELL LOT LAYOUT



ORDINANCE NUMBER 2897

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS B-3 TO VESTAVIA HILLS B-1.2

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills B-3 (conditional business district) to Vestavia Hills B-1.2 (neighborhood mixed-use district):

4222 Dolly Ridge Road Lot 8B, Resurvey of a Resurvey of Parts of Lots 7 & 8, New Merkle Heights Timothy Higgins, Owner

APPROVED and ADOPTED this the 25th day of November, 2019.

Ashley C. Curry 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 # 2897 is a true and correct
copy of such 25th day of November, 2019, as same appears in the official records of said
City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings City Clerk



CITY OF VESTAVIA HILLS

SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **OCTOBER 10, 2019**

• <u>CASE</u>: P-1019-55

• **REQUESTED ACTION:** Vestavia Hills B-3 to Vestavia Hills B-1.2

• **ADDRESS/LOCATION**: 4222 Dolly Ridge Rd.

• **APPLICANT/OWNER:** Timothy B. Higgins

- **GENERAL DISCUSSION:** This is a rezoning of a lot next to "In The Making". Applicants are requesting B-1.2 zoning for a retail shop on the first floor with a single residential unit above. The proposed setbacks are 53' in the front. 10' on the right, 11' on the left and 136' in the rear. Parking will be shared with the neighboring building. Covenants will be recorded limiting the building of one single dwelling unit that cannot be rented.
- <u>CAHABA HEIGHTS VILLAGE PLAN:</u> The request is consistent with low density residential but does not exist in the Comprehensive Plan.

• STAFF REVIEW AND RECOMMENDATION:

1. City Planner Review: I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation

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

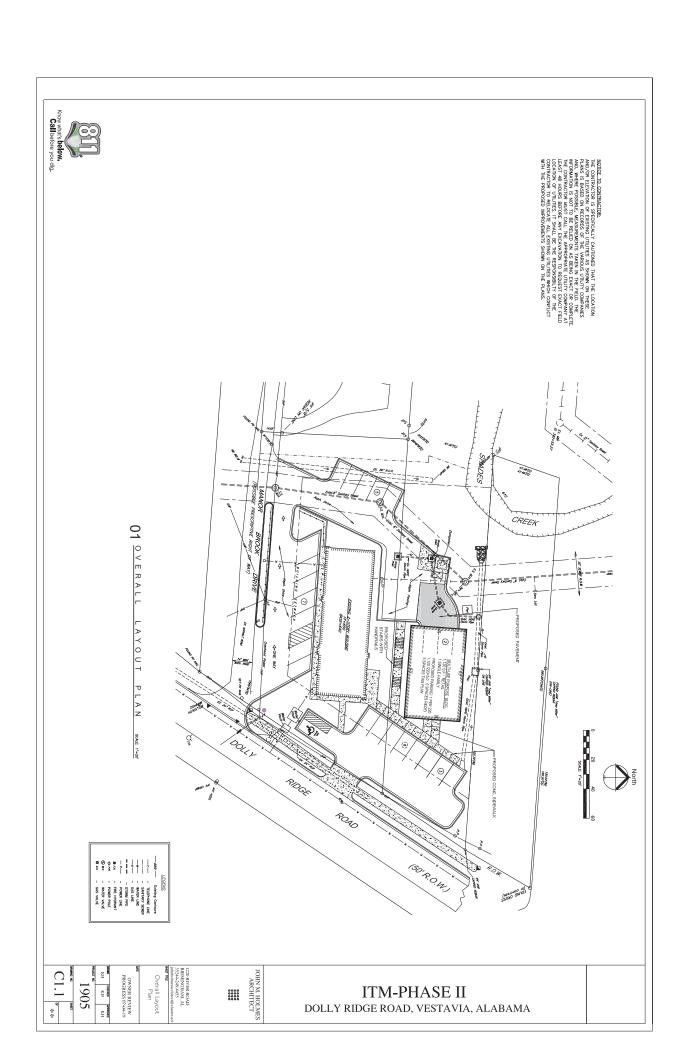
MOTION Mr. Gilchrist made a motion to recommend Rezoning from Vestavia Hills B-3 to Vestavia Hills B-1.2 with the condition that covenants attached be recorded before zoning is

official for the property located At 4222 Dolly Ridge Rd. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Gilchrist – yes
Mr. Sykes – yes
Ms. Cobb – yes
Mr. Larson – yes

Mrs. Barnes – yes Motion carried.

28. All fill about the compacted to 95% AASHD standard compaction unless otherwise noted on the plans or ALDOT Std. Specification (ALTSE EDITION). 29. All contriction defins and other water motified shall be disposed of off-site by the confrostor in accordance with applicable regulatory agency requirements. 30. Controllar hall readone oil disturbed areas to existing conditions or better. 31. All rootinesy and drinings construction materials shall be in accordance with the applications and requirements of the City of Hoover, if not otherwise specified, all storm own pipe joints will have nuclear the control of the City of Hoover and the control of the City of Hoover, and the control of the City of Hoover, if not otherwise specified, all storm own pipe joints will have nuclear type gasket joints that meet the requirements of ALDOT standard specifications Section 646.01 (d). (AIREST EDITION) 33. Concrete legis shall be a minimum of Closes III RCP with a minimum diameter of 18 inches, unless otherwise indicated on the plans.	14. All devolutions are in feet. 15. All controller about verify scope of work prior to construction. 16. Controller about verify scope of work prior to construction. 17. All dimensions are to BDCC of curt, unless and one approximate. 18. All pipe lengths are horizontal distances and are approximate. 19. Do not sole drawings for actual dimensions as it is a reproduction and subject to distortion. 20. Final limits of demostican to be determined based on field stakeout of proposed grading utility and site improvement. 21. All construction and improvements shall be in accordance with all boad city and/or complete the proposed and proposed and proposed and proposed and proposed and proposed are seen obtained from all regulatory authorities. 22. Prior or soft up of construction controllers shall weify that all required permits and approvals have been obtained from all regulatory authorities. 23. Contractor shall been as earthwork amonably with the existing grades. 24. Contractor shall insure positive drainage drain proposed curt and quiter. 25. Contractor shall be a construction of the proposed contractor and the public are property owners. 26. Approval of this plan is not authorization to grade disjoint properties. 27. The proposed continum about in drives, parking lats, and distanced are included and /propring deaths to residuation contracts. Refer to powers to construction are all and proposed property and distanced and property are and proposed contracts are included and proposed contracts about the death of the proposed contracts about the proposed contracts are included property owners.	field which may impete the progress of construction due to unforcesse with confidences and all se wifting prick to proceeding with work. It controcted or replace to controctor's time and separate of confidences with a self-separate controctor's time and separate of confidences with a self-separate controctor's time and separate of confidences and self-separate controctor's time and separate of controctors are represented for posterior process of the self-separate controctor is responsible for bottless and the self-separate controctors and the self-separate controctors and the self-separate controctors and the self-separate controctors and to be reported to self-separate controctors and to be reported to self-separate controctors in responsible for the report of any property domage controctors are construction modularly but not limited to flow, public utilities, powersent, ferces, curb gatter, etc. 8. Controctor is responsible for semage to any existing item and maderial issade or controction involves to any existing item and maderial issade or controction and coordinate removal, relocation and commention of utilities with 10. Controctors aboil coordinate new and existing utility service with local inspection for the expense utility powers for this project. 12. Controctors aboil coordinate new and existing utility service with local inspection for the expense utility powers for this project.	General Notes (Applies To All Sheets) 1. HopperCo, LLC shall not be in control of, or charge of, and shall not be negative precisions of control of the method with recording the control of the process of the control
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DOLLY RIDGE ROAD, VESTAVIA, ALABAMA



CONSTRUCTION EXIT PAD LEGEND Improvements structures within an existing or proposed Jefferson County right-of-way shall be all distinctive structures within an existing expeditations. This comment does not apply to rights-of-way within a proposed subdivision.

(A) SAWCUT AND REMOVE EXISTING ASPHALT
(B) SAWCUT AND REMOVE A PORTION OF EXISTING
CONCRETE CURB & GUTTER

DEMOLITION KEYNOTE LEGEND

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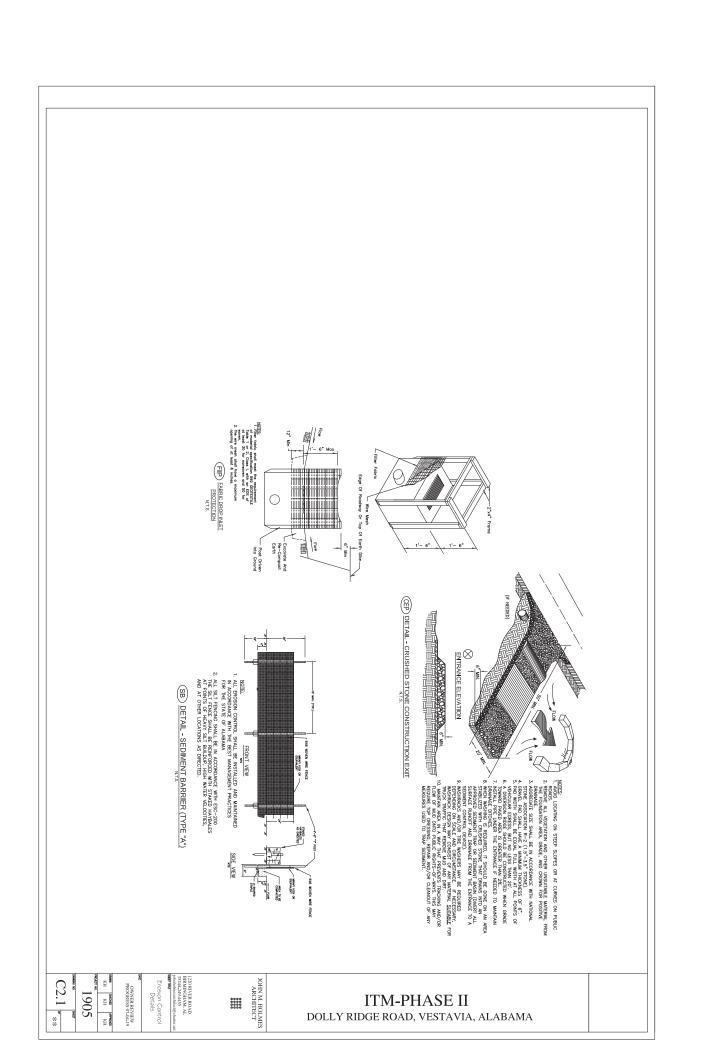
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01 DEMOLITION & EROSION CONTROL PLAN

Demolition ¢ Erosion Control Plan OWNER REVIEW PROGRESS 07-04-1

C2.0

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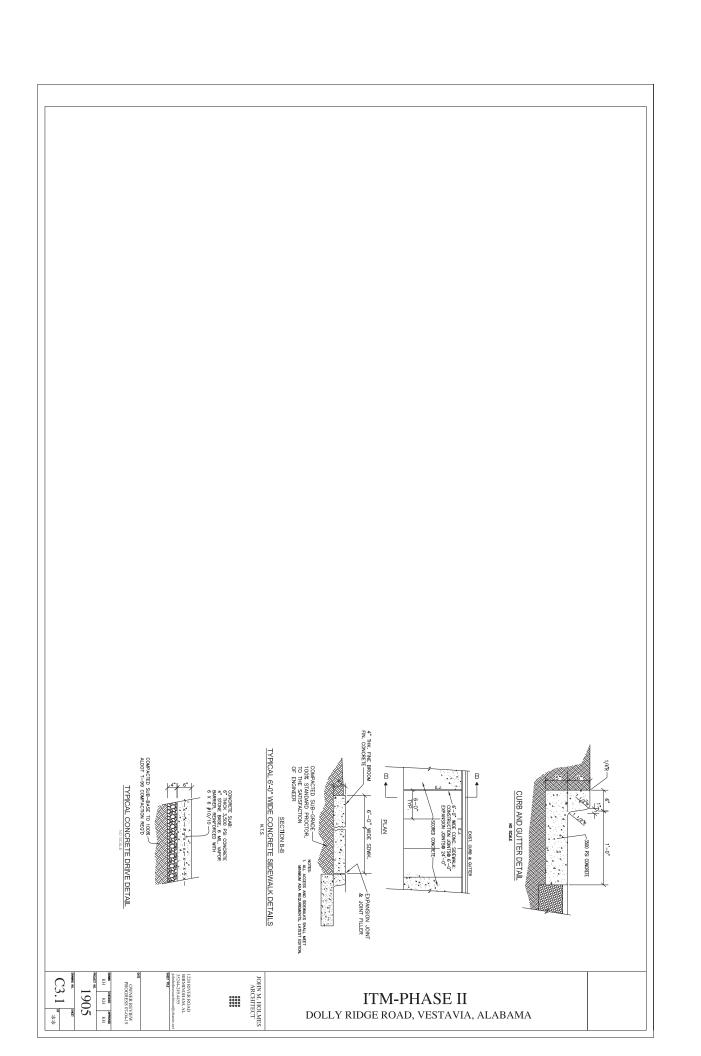
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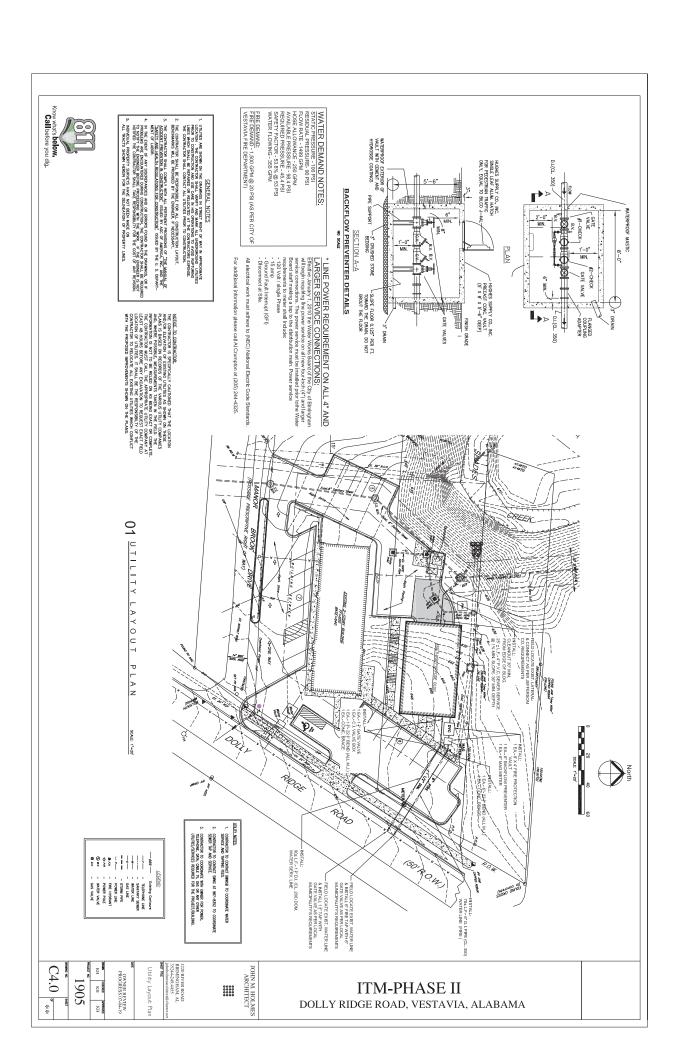
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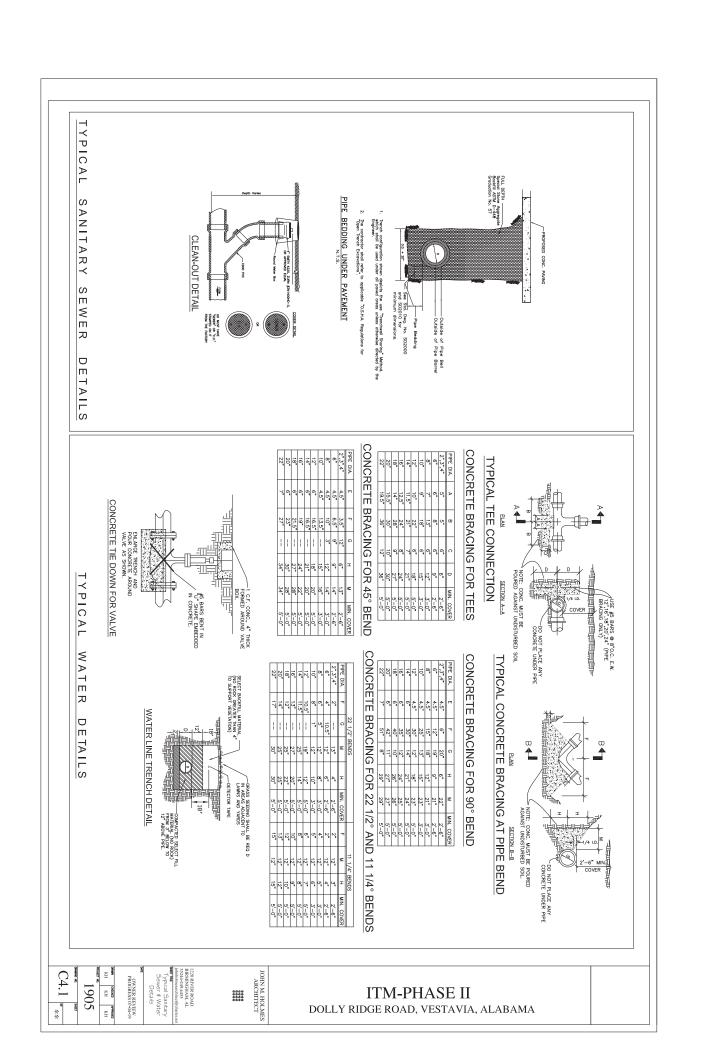
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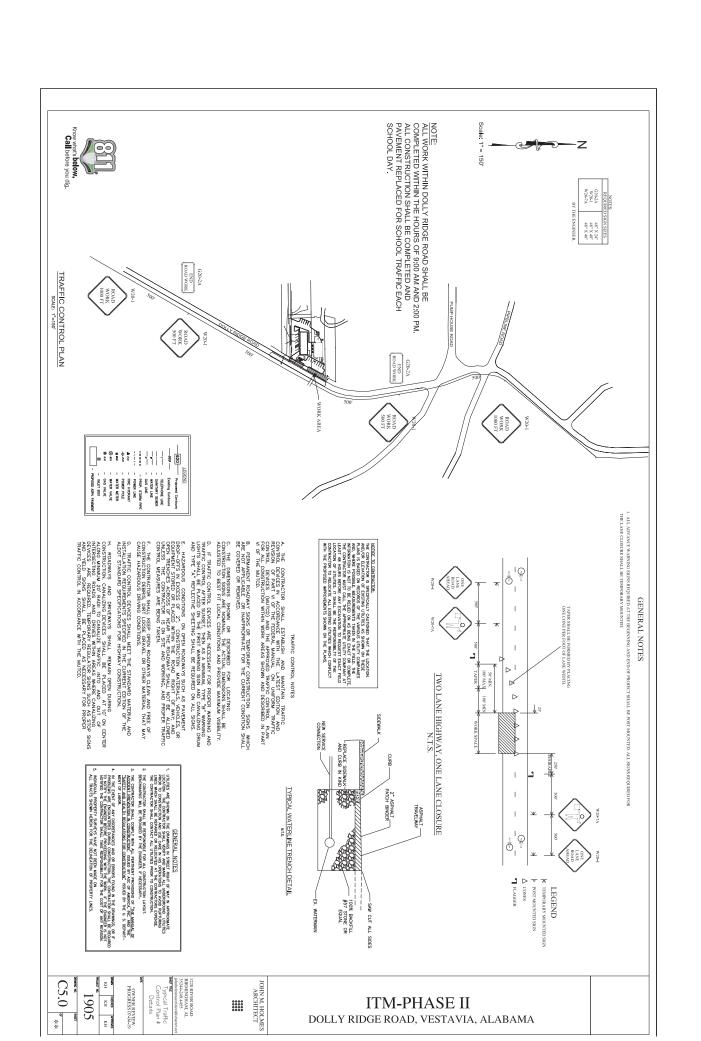
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10 the utility connections, possible relocations, and other work proposed within the property of the construction of the property of the property of the construction of the property of the construction of the property of the property of the construction of the property of age structures within an existing or proposed Jefferson County right-of-way shall be place and meet or exceed ALDOT specifications. This comment does not apply to resymmetry within a proposed subdivision. Reflectioning in an approximated location. The Contractor shall welfy and the distinguished to constantion or use over a his approximation to avoid all the processor of the contractor of the processor. The Contractor plant is construction. Call before you dlg. SEE UTILITY LAYO MODIFY EX. INLET TOP GRATE INLET TOP CREEK 01 SITE / GRADING PLAN EXSTRG 2-STORY BULDA FF-650 BASE-640 SCALE: 1"=20" Motor (80. PO.12) 100 S.Y.-4" THK. CONC. RIDEWALK C3.0 *** JOHN M. HOLMES ARCHITECT OWNER REVIEW PROGRESS 07-04-1 1905 HN HN GROOM ITM-PHASE II 0000 DOLLY RIDGE ROAD, VESTAVIA, ALABAMA









GENERAL TRAFFIC CONTROL PLAN NOTES

DENOTES NOTES THAT APPLY TO THIS PROJECT

- (ja) (700) THE TRAFFIC CONTROL DEVICES PART 6, 2009 EDITION. THE TRAFFIC CONTROL DEVICES PART 6, 2009 EDITION. THE TRAFFIC CONTROL DEVICES NICIOALTED REPRESENT CONDITIONS KNOWN DURNG PLAN DEVELOPMENT. IN THE EVENT ACTUAL PHYSICAL CONDITIONS WARRANT ADDITIONAL TRAFFIC CONTROL DEVICES, THEY SHALL BE NISTALLED IN CONCERNANCE WITH THE WALLTOLD PART 6 AS DIRECTED BY THE ENGINEER. COST SHALL BE PAID FOR UNDER THE APPROPRIATE PAY ITEM.
- ALL BLACK ON ORANGE CONSTRUCTION SIGNS SHALL BE FABRICATED USING TYPES IV OR VII FLUORESCENT ORANGE REFLECTIVE SHEETING MATERIAL FOR THE SIGN BACKGROUND.
- 703 702 DURING NON-MORKING HOUSE NO EQUIPMENT OR MUTERAL SHALL BE PAREDD OR STORED CLOSER
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- WHERE THE LOCATION OF A REQUIRED SIGN FALLS IN A DRIVEWAY, SIDEWALK, BRIDGE ETC. OR WHERE THE VISBULTY OF A SOIN SE LIMITED TO THE TRAVELING PUBLIC, THE LOCATION SHALL BE AUJUSTED AS DIRECTED BY THE ENGINEER.
- 704 THE CONTRACTOR IS TO REMOYE, RELOCATE OR COVER DURING CONSTRUCTION AND THEN RESET OR UNCOVER UPON COMPLETION OF A PARTICULAR SECTION ANY CONFLICTION ON P-EXACE RADIANY SONS AND DELINEATIONS, AS DIRECTED BY THE ENGINEER. SIGNS RECURRING REMOVAL SHALL BE STOCKPILED AS DIRECTED BY THE ENGINEER AND SHALL BECOME PROPERTY OF THE ALDOT. COST SHALL BE A SUBSIDIARY OBLIGATION OF ITEM 740B.
- (3) DURNING ALL PHASES OF WORK, NON-APPLICABLE PANDLING STREPING OR MARRINGS SHALL BE PLACED AS EXPEDITIONS AND APPRICABLE TENENDED. SHARWINGS SHALL BE PLACED AS EXPEDITIONS Y AS PRACTICAL, BIT IN ALL CASES, SHALL BE IN PLACE BY MISHTFALL ON ANY ROADWAY CARRYNG HEATING, EXCEPT ON SHOPT TIESD OPERATIONS, MEETER ITS DETERMINED BY THE PROMETER, THAT SUCH REMOVAL AND REPLACEMENT IS MORE HAZARDOUS THAN LEAVING PASTA AS ASSISTANCEY CREACHED HEALT COSTO. ANY REMOVAL SHALL BE PAID TOR UNDER ITEM 7010 OR AS A SUBSTIDANT SELICATION OF ITEM 7010.
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- THE CONTRACTOR SHALL PLACE ALL ADVANCE WARNING SIGNS BEFORE PROCEEDING WITH HIS WORK. SIGNS SHALL BE PLACED IN ORDER, IN THE DIRECTION OF TRAFFIC AND REMOVED IN REVERSE ORDER.
- 709 708 ALL VEHICLES, EQUIPMENT, PERSONNEL (EXCEPT FLAGGERS), AND THEIR ACTIVITIES, ARE RESTRICTED AT ALL TIMES TO ONE SIDE OF THE PAVEMENT UNLESS OTHERWISE AUTHORIZED BY
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- (<u>1</u> 710 CONSTRUCTION SIGNS MOUNTED ON TEMPORARY SUPPORTS SHALL BE MOUNTED AT A MINIMUM HEIGHT OF 5 FEET.
- FLAGGERS SHALL BE PROPERLY ATTRED, EQUIPPED WITH STAFF MOUNTED STOP/SLOW PADDLES IN SIGHT OF EACH OTHER, OR HAVE DIRECT COMMUNICATION AT ALL TIMES. FLAGGER STATION LOCATION MAY BE VARED FROM THOSE SHOWN BASED ON ROADWAY ALGMENT AND CONDITIONS AT THE TIME OF THE LANE CLOSURE.

(712)

- PLAGERS ARE TO BE USED WHEN DIRECTED BY THE ENGINEER. SIGNS SHALL BE PLACED AT THE APPROPRIATE TIME, AND SHALL BE CONERED OR REMOVED WHEN PLAGERS ARE NOT ON DUTY AND DURING NON-MOKING HOURS.
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- 715 ALL CONTRACTOR'S EMPLOYEES' FRESONAL YEMICLES, AND CONTRACTOR'S EQUIPMEN NOT IN OPERATION, SHALL BE PARKED A MINIMUM OF THRITY (30) FEET FROM THE TRANELED WAY DURING WORKING HOURS, AS NOT TO CREATE A HAZARD.

OMITTED

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- 717 718 REQUIRED IELHOPARAY ROUTE MARCER ASSUBLIES THAT ARE TO BE LOCATED IN THE VIONITY OF EXSTING ROUTE MARCERS SHOULD BE PLACED ALONG SIDE OF THOSE ALFEADY IN PLACE. SOME ENSINING ROUTE MARCERS MAY HAVE TO BE COMPERD OF REMOYED, AS DIRECTED BY THE ENGINEER. COST SHALL BE A SUBSIDIARY OBLICATION OF ITEM 740B.

- 719 ALL TRAFFIC CONTROL DEVICES THAT ARE NOT APPLICABLE AT ANY SPECIFIC TIME SHALL BE COVERED OR REMOVED AS DIRECTED BY THE ENGINEER.
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- 724 ALL SIGNS SHALL BE POST-MOUNTED IF THE WORK PEROD EXCEEDS FOUR DAYS, EXCEPT FOR THOSE SIGNS WHICH ARE MOUNTED ON BARRICADES. FOR REPEATED DAY OFFERTIONS, SIGNS MAY BE MOUNTED ON TEMPORARY SUPPORTS AND REMOVED AT THE COMPLETION OF THE DAY'S OMITTED
- 726 727 BE MOUNTED ON OPERATION.
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- 728 729 SIGNS ON TEMPORARY SUPPORTS ARE TO BE REMOVED OR COVERED WHEN NO WORK IS BEING PERFORMED OR AT THE COMPLETION OF THE DAY'S OPERATION. A DIFFERINCE IN ELEVATION OF APPROXIMATELY 2 INCHES OR LESS AT THE CENTRELINE MAY BE ALLONED DURING NON-MORKING HOURS WITHOUT ADDITIONAL TRAFFIC CONTROL. DEED/AL CONDITIONS MAY EXIST WHERE PROTECTION SHOULD BE PROVIDED WHERE THE DIFFERENCE IS 2 INCHES OR LESS.
- OMITTED
- 730 OMITTED
- 733 733 CHANNELIZING DRUMS PLACED TO PROTECT COMPLETED WORK NOT OPEN TO TRAFFIC, SHOULD BE SPACED AT 50 FOOT INTERVALS. CHANNELIZING DRUMS SHOULD BE PLACED ON 10 FOOT INTERVALS IN RADII.
- (734) CHANNELIZING DRUMS PLACED IN THE EXCAVATED AREA AHEAD OF PAVING OPERATIONS, SHOULD BE SPACED AT 50 FOOT INTERVALS.
- 735 CHANNELIZING DRUMS PLACED ON PAVEMENT DURING WORKING HOURS SHALL BE SHIFTED TO THE EDGE OF SHOULDER DURING NON-WORKING HOURS AND DURING PEAK PERIODS.
- 737
- CHANNELIZING DRUMS SHOULD BE PLACED ON 25 FOOT INTERVALS THROUGHOUT ALL TAPERS.
- CHANNELIZING DEVICES SHALL EXTEND TO A POINT WHERE THEY ARE VISIBLE TO APPROACHING TRAFFIC.
- 738 739 OMITTED

740

- THE QUANTITIES SHOWN IN THE TRAFFIC CONTROL SUMMARY BOX ARE CONSIDERED TO BE THE MINIMUM REQUIREMENT FOR HANDLING TRAFFIC AT ANY GIVEN TIME DURING CONSTRUCTION.
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- FOR DIVIDED ROADWAYS, THE REQUIRED ADVANCE WARNING SIGNS SHALL BE POSTED ON BOTH THE RIGHT AND LEFT SIDE OF THE ROADWAY.
- THE CONTRACTOR SHALL CLOSE THE LANE ADJACENT TO THE WORK AREA ANYTIME WORK OUTSIDE THE EXISTING TRAVEL LANES ENCROACHES WITHIN 2 FEET OF THE EXISTING EDGE OF
- 743 OMITTED

742

- THE TRANSTION TAPER LENGTH (L) IS SHOWN IN TABLE 6C-4, AND THE BUFFER LENGTH IS SHOWN IN TABLE 6C-2 OF THE MUTCD, PART 6, 2009 EDITION.

745 744

OMITTED

- UNEVEN LANES SIGNS SHALL BE COVERED OR REMOVED WHEN NO UNEVEN PAVEMENT CONDITIONS EXIST.
- 746 747 MOVING OPERATIONS SHALL BE CONFINED TO ONE LANE IN THE DIRECTION OF TRAFFIC.

- 748 RIG-3, AND RIG-3-3 SONS SHALL BE REQUIRED FOR PERFY PROJECT ON STATE ROUTES AND INTERSTATE HIGHWAYS. THEY SHALL BE POSTED AT THE BECOMING AND DUD OF THE PROJECT, AN R2-1 SON SHALL ALMAYS BE REQUIRED FOLLOWING AN RIG-3 SIGN, ADDITIONAL RIG-3 SONS SHALL BE POSTED AT MAXIMUM THREE MILE INTERVALS THROUGHOUT THE PROJECT LIMITS. ADDITIONAL RIG-3 SONS SHALL BE REQUIRED WITH A W3-55 SON AND R2-1 SIGN WHENEVER A REDUCTION IN SPEED IS REQUIRED.
- 749 SIGNS) AND THE W3-56 (REDUCED SPEED AHEAD) SIGNS AT THE END OF THE WORK DAY UNLESS OTHERWISE DIRECTED BY THE ENGINEER. WHEN A CONSTRUCTION WORK ZONE SPEED LIMIT REDUCTION IS REQUIRED, THE CONTRACTOR SHALL COVER OR REMOVE THE R2-1 (REGULATORY SPEED
- DIBBNO REPLACEMENT OF CUARDRAL AND/OR CUARDRAL END ANCHORS, A RETLECTORIZED DOME WITH A LOUFINGOUTT POE B WARRING LOUT (PRICHING 3.3 POUNDS OR LESS) SHALL BE PLACED BEFORE THE END OF ANY EPOCED COLARDRAL AT NORTH WHERE THE CUARDRAL END ANCHOR CHANCE OR EPPLACED IN OWN ENY'S TIME.

750

- CONSTRUCTION SIGNS MOUNTED ON A SINGLE OR DUAL SQUARE TUBULAR OR U-CHANNEL POST SHALL BE INSTALLED AS SHOWN ON SPECIAL DRAWING NOS HS-710-21 AND HS-710-23. SINGULAR OR DUAL 4 X 4 WOOD POSTS ARE IHS-710-21 AND IHS-710 CONSIDERED BREAKAWAY.
- THE CONTRACTOR AND THE CONSTRUCTION ENGINEER SHALL DISCUSS AND PLAN FOR THE HANDLING OF TRAFFIC FOR ALL HOLDAYS BEFORE DAY WORK BEGINS. UNLESS OTHERWISE PRE—APPROVED BY THE DIVISION ENGINEER, THE FOLLOWING SHALL HOLD:

752

751

- THE CONTRACTOR SHALL NOT HAVE A LANE CLOSURE DURING THE FOLLOWING PERIODS UNLESS OTHERWISE DIRECTED BY THE ENGINEER OR ALDOT:
- FOR CHRISTMAS AND NEW YEARS DAY: FROM 11:59 PM DECEMBER 23 THROUGH 11:59 PM JANUARY 2.
- FOR NATIONAL MEMORIAL DAY AND LABOR DAY:
 FROM 12:00 NOON THE FRIDAY BEFORE THE HOLIDAY THROUGH 11:59
 THE DAY OF THE HOLIDAY.
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 FROM 12:00 NOON THE DAY BEFORE THE HOUDAY THROUGH 11:59 PM
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- FOR THANKSCIVING DAY:
 FROM 12:00 NOON THE WEDNESDAY BEFORE THANKSGIVING DAY THROUGH
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- THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER AND LOCAL GOVERNMENT ON TRAFFIC AND/OR WORK RESTRICTIONS FOR LOCAL HOLIDAYS OR EVENTS NOT LISTED ON ALDOT'S LIST OF OFFICIAL STATE HOLIDAYS.

ITM-PHASE II DOLLY RIDGE ROAD, VESTAVIA, ALABAMA

JOHN M. HOLMES ARCHITECT

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OWNER REVIEW PROGRESS 07-04-1 Traffic Contro

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GENERAL TRAFFIC CONTROL PLAN NOTES

DENOTES NOTES THAT APPLY TO THIS PROJECT

- (ja) (700) THE TRAFFIC CONTROL DEVICES PART 6, 2009 EDITION. THE TRAFFIC CONTROL DEVICES PART 6, 2009 EDITION. THE TRAFFIC CONTROL DEVICES NICIOALTED REPRESENT CONDITIONS KNOWN DURNG PLAN DEVELOPMENT. IN THE EVENT ACTUAL PHYSICAL CONDITIONS WARRANT ADDITIONAL TRAFFIC CONTROL DEVICES, THEY SHALL BE NISTALLED IN CONCERNANCE WITH THE WALLTOLD PART 6 AS DIRECTED BY THE ENGINEER. COST SHALL BE PAID FOR UNDER THE APPROPRIATE PAY ITEM.
- ALL BLACK ON ORANGE CONSTRUCTION SIGNS SHALL BE FABRICATED USING TYPES IV OR VII FLUORESCENT ORANGE REFLECTIVE SHEETING MATERIAL FOR THE SIGN BACKGROUND.
- 703 702 DURING NON-MORKING HOUSE NO EQUIPMENT OR MUTERAL SHALL BE PAREDD OR STORED CLOSER
 THAN 30 FETT TO THE DOES OF ANY HOUSEN'S TRAFFIC, WHEN THIS IS NOT
 PRACTICAL, IT SHALL BE PLACED IN AN AEFA DESIGNATED BY THE PROBLETE AND DELINEATED
 BY RELECTIONED DURING THE NUMBER STORMED OF THAFFIC CONTROL DEVICES SUCH AS
 TRALES MUNITED OR OTHER TELEPHORMY SOINS, BARRICADES, DRUMS, ETC., MHICH ARE NOT
 TO THE ALDOY. GET SECTION ON SECTION OF THE CONTROLCTOR WITHOUT COST
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ITM-PHASE II DOLLY RIDGE ROAD, VESTAVIA, ALABAMA

JOHN M. HOLMES ARCHITECT

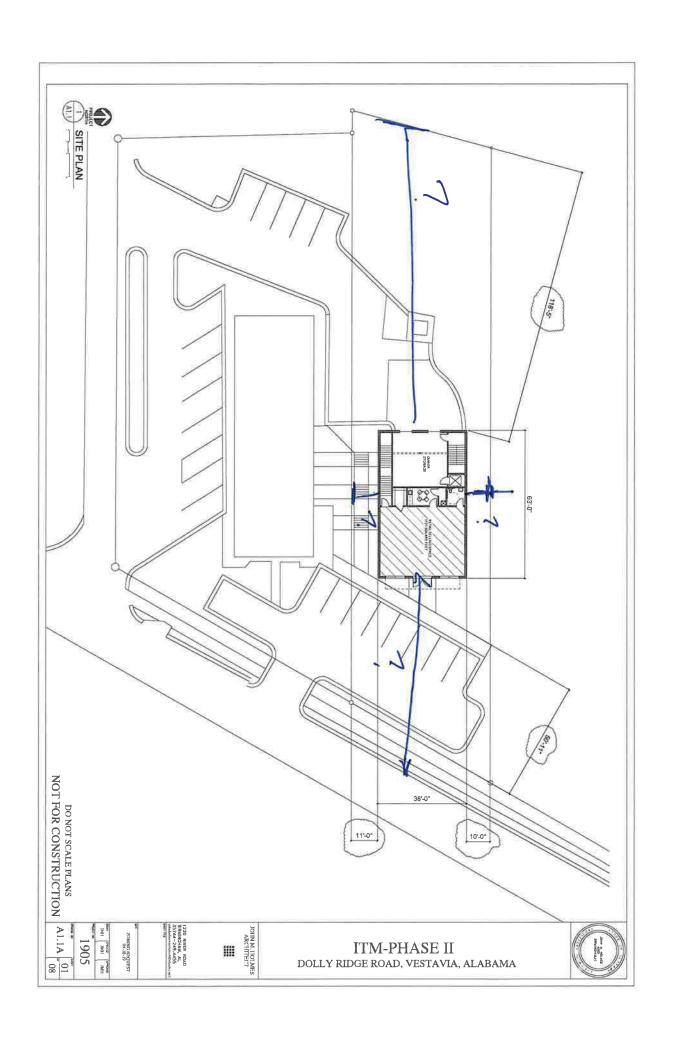
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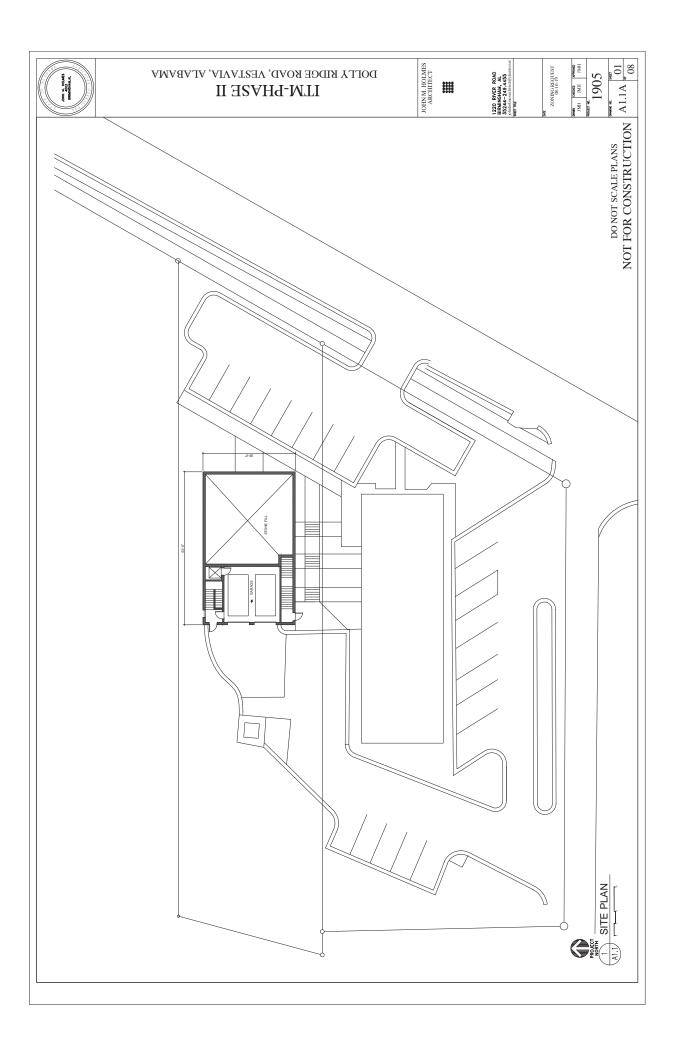
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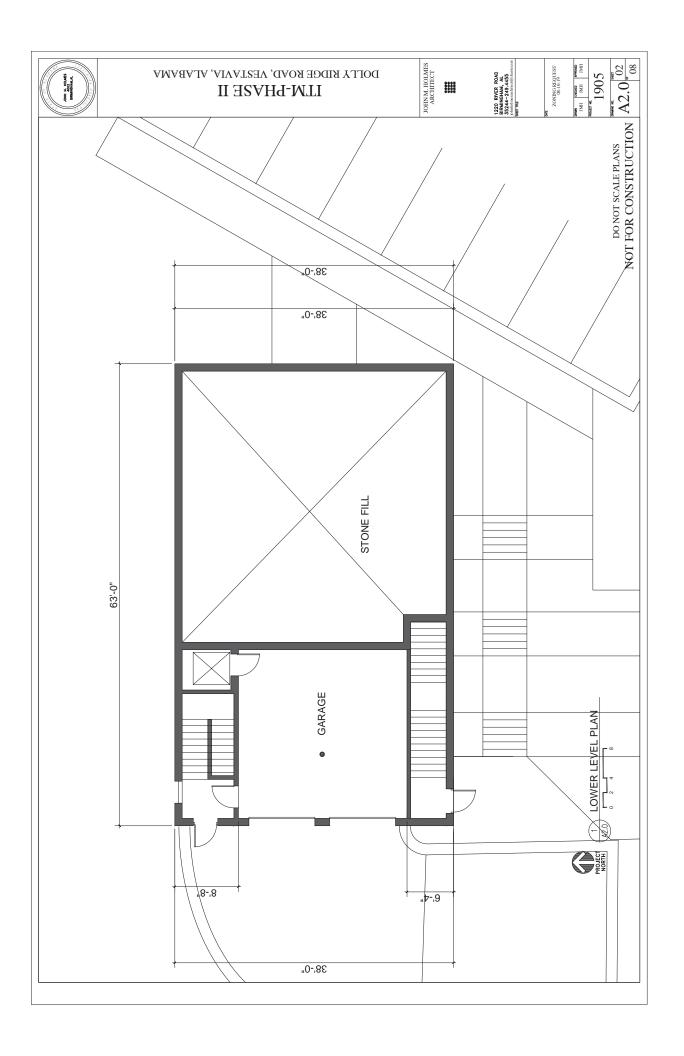
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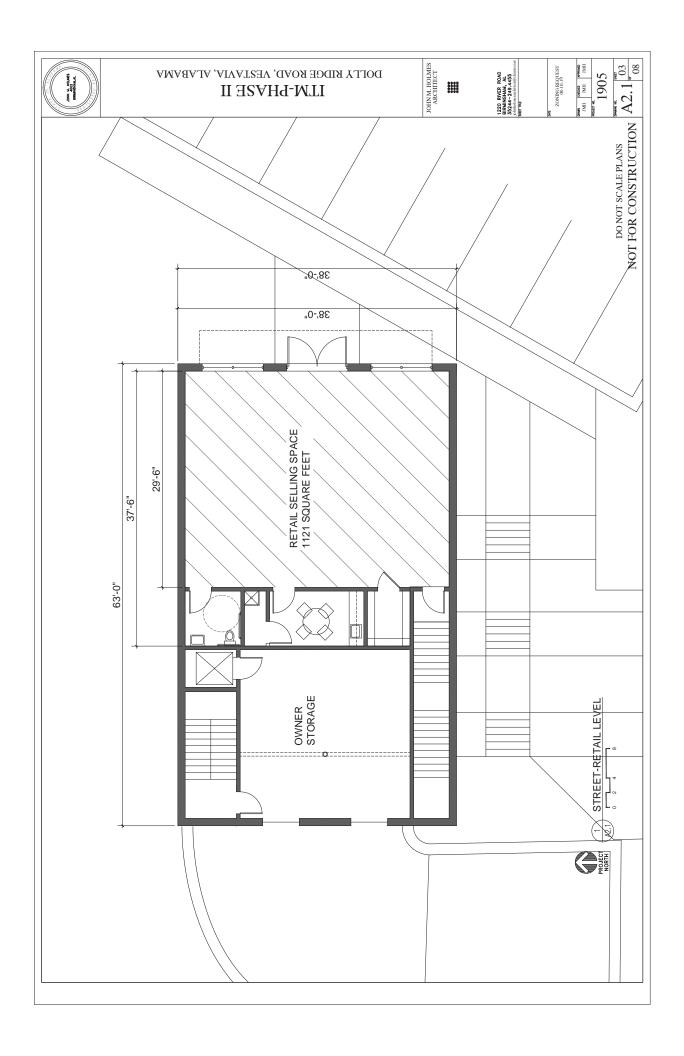
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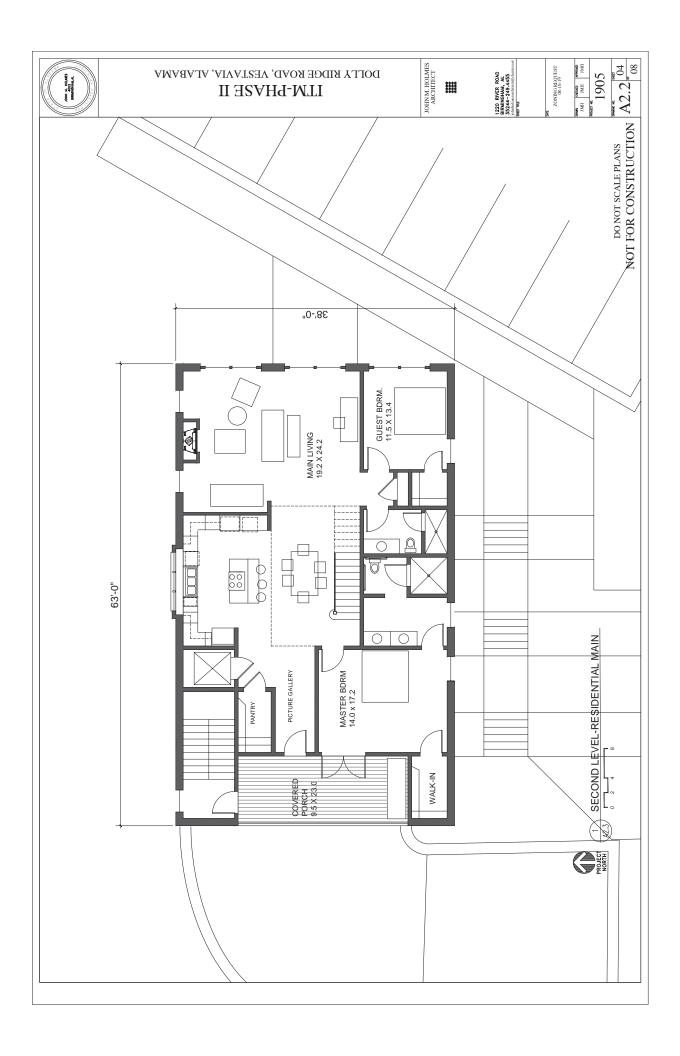
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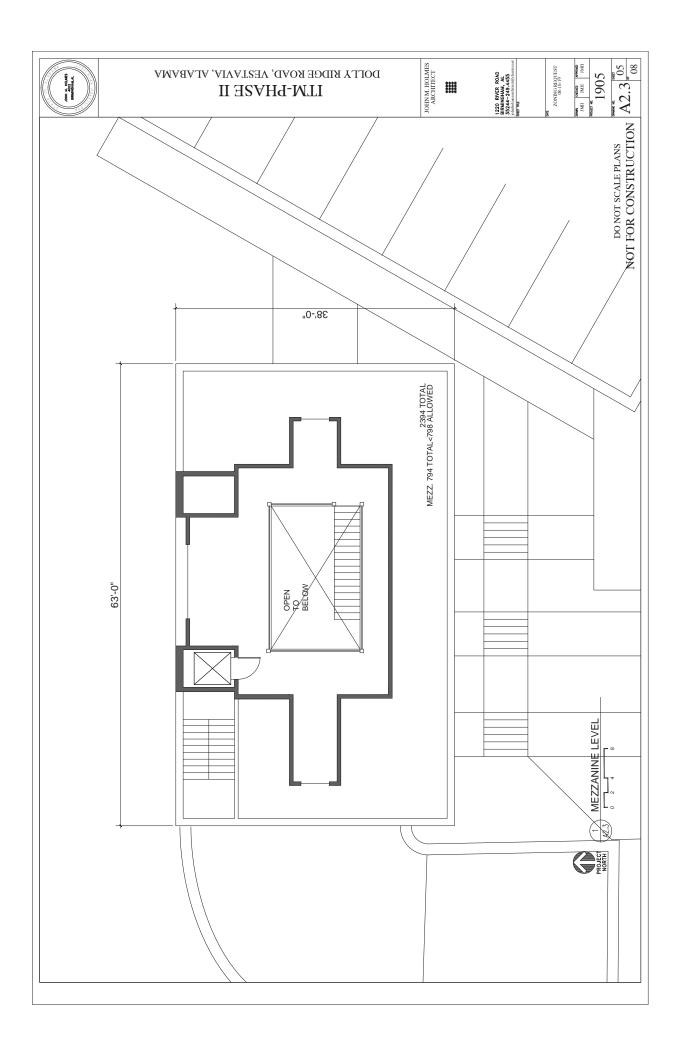


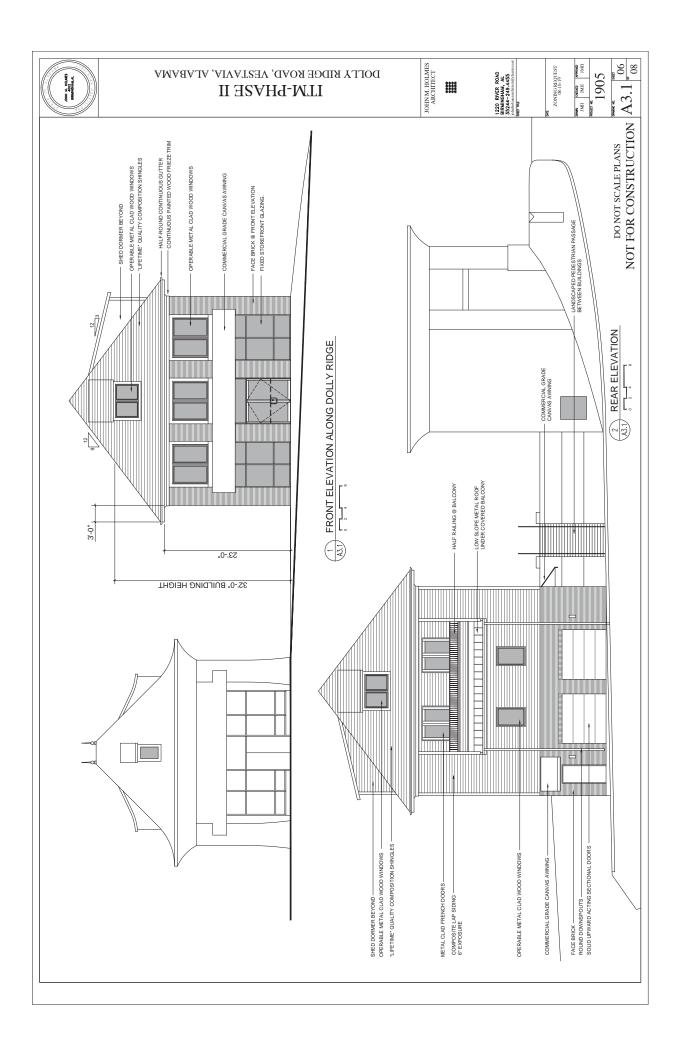


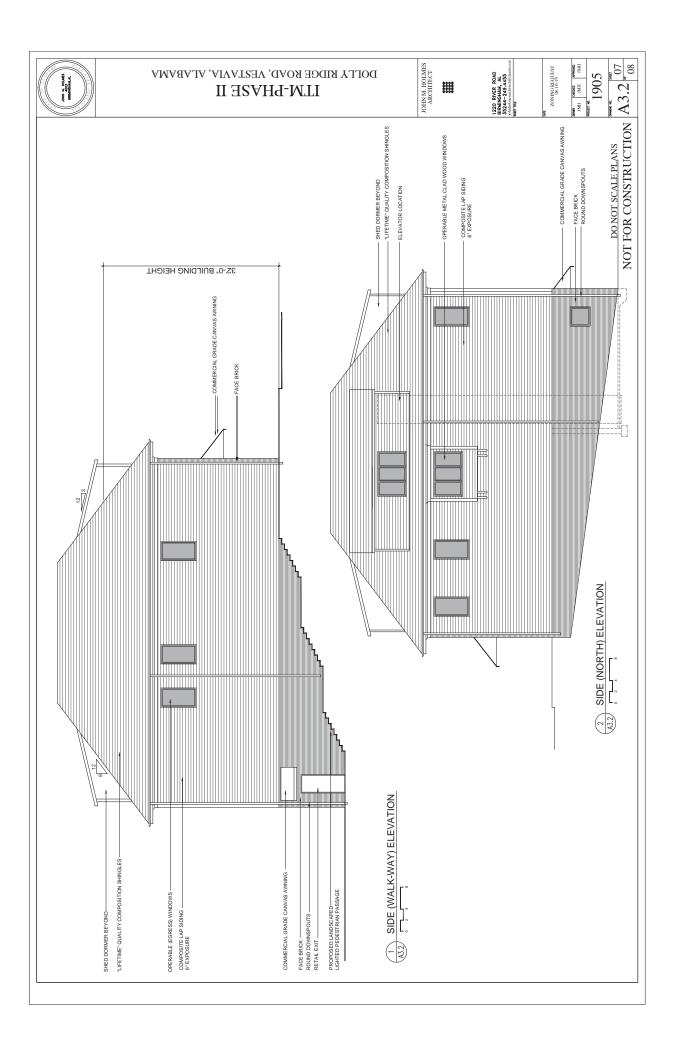


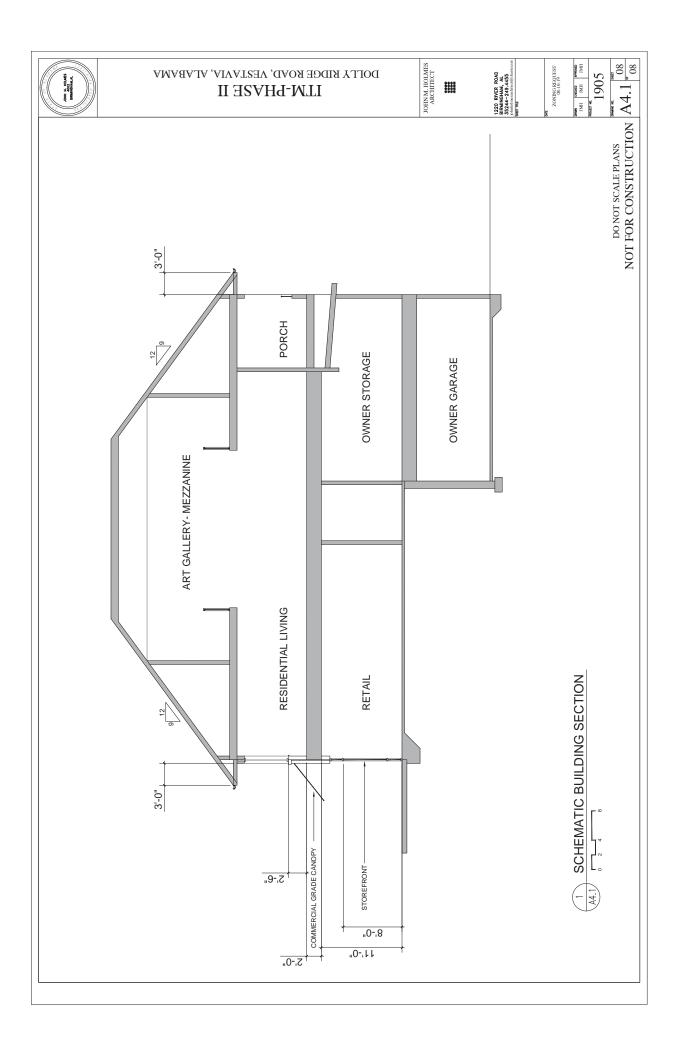


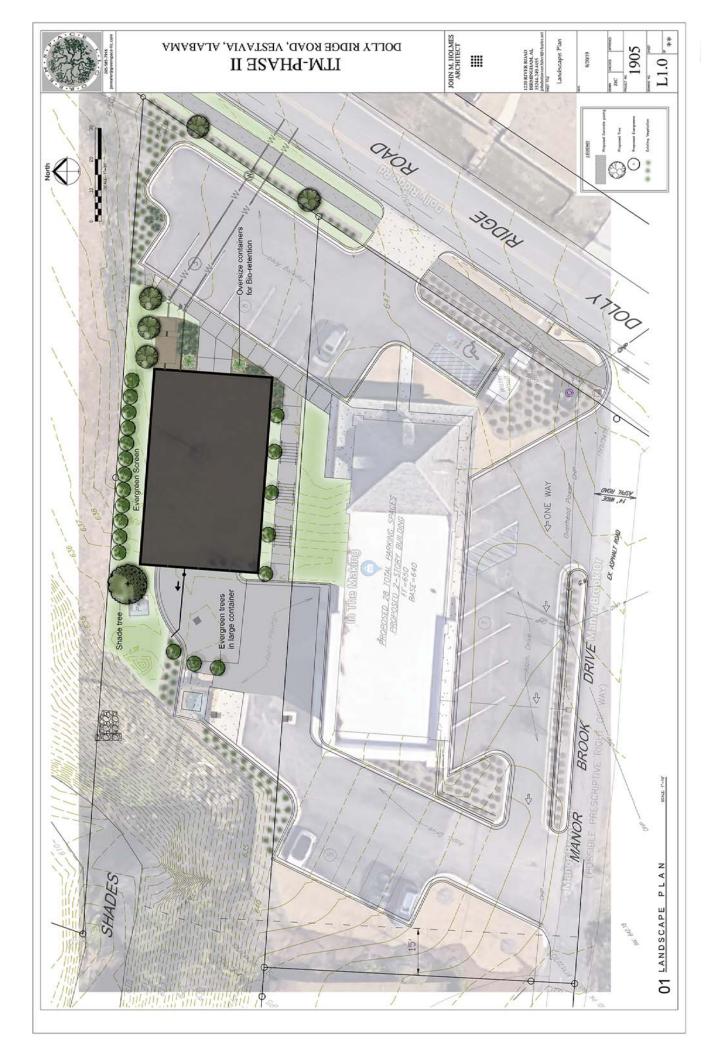












Prepared by and when recorded return to:

Sarah P. Thomson Leitman, Siegal & Payne, P.C. 420 North 20th Street, Suite 2000 Birmingham, Alabama 35203

STATE OF ALABAMA

COUNTY OF JEFFERSON

DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL PERSONS BY THESE PRESENTS, that:

WHEREAS, the undersigned, Timothy B. Higgins, is the owner of that certain real property located in Jefferson County, Alabama, more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein (the "Property");

WHEREAS, the Property is currently classified as a mixed-use property as defined by the City of Vestavia Hills, Alabama Code of Ordinances; and

WHEREAS, the undersigned desires to subject said Property to the conditions, limitations, and restrictions hereinafter set forth.

NOW, THEREFORE, the undersigned does hereby expressly adopt the following restrictive covenants, conditions, and limitations for said Property, to-wit:

- 1. For as long as there is a residential dwelling on the Property, the residential dwelling on the Property shall be used or occupied exclusively as one (1) single-family dwelling.
 - 2. The residential dwelling on the Property shall not be rented as an apartment.

[signature on the following page]

IN WITNESS WHEREOF, Time Restrictive Covenants to be executed on thi					of
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					_
STATE OF ALABAMA COUNTY OF JEFFERSON					
I, the undersigned, a Notary Public that TIMOTHY B. HIGGINS, whose name known to me, acknowledged before me on the executed the same voluntarily on the day	ne is sign this day	ned to the that, bein	foregoing g informed	instrument, and who i	s
Given under my hand and official se	eal this _	day o	of	, 2019.	
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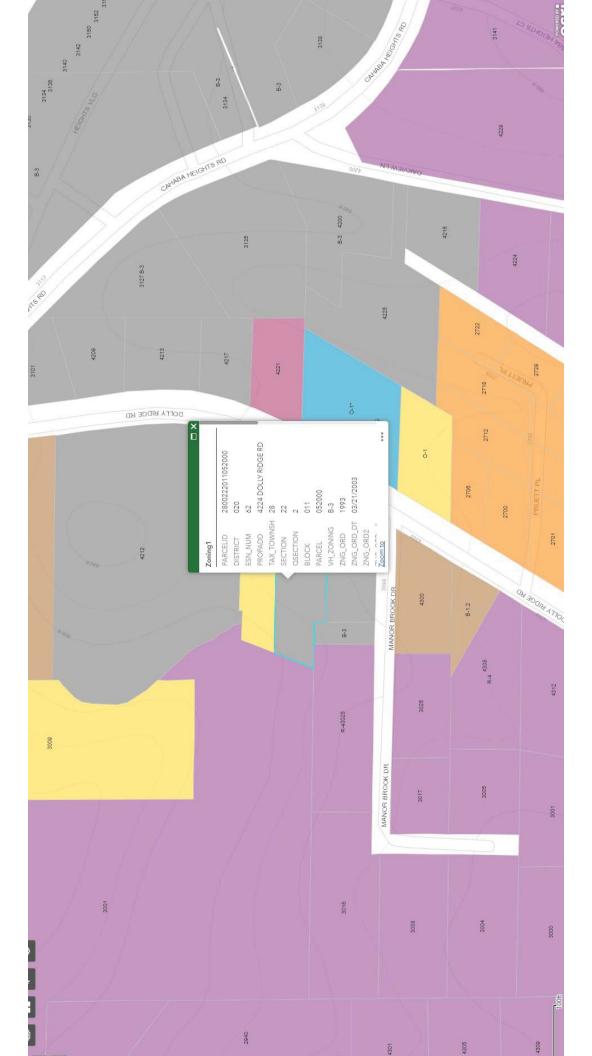
EXHIBIT "A"

A parcel of land situated in the Southeast one-quarter of the Northwest one-quarter of Section 22, Township 18 South, Range 2 West Jefferson County, Alabama, said parcel being a part of lot 8, Block B-1, according to the map of New Merkle Heights as recorded in Map Book 16, page 20 as recorded in the Office of the Judge of Probate Jefferson County, Alabama and being more particularly described as follows:

Begin at the Southwest comer of said lot 8 and run in a Northeasterly direction along the West line thereof for a distance of 61.00 feet to a set 5/8" capped rebar; thence leaving said West line, turn an interior angle of 105 degrees 10 minutes 08 seconds to the left and run in an Easterly direction for a distance of 269.87 feet to a found 5/8" capped rebar stamped (JAM) on the Northwestern-most right of way of Dolly Ridge Road (50' right of way); thence turn an interior angle of 59 degrees 54 minutes 23 seconds to the left and run in a Southwesterly direction along said right of way for a distance of 68.36 feet to a set 5/8" capped rebar, said point being the Southeast comer of said lot 8; thence leaving said right of way, turn an interior angle of 120 degrees 01 minutes 55 seconds to the left and run in a Westerly direction along the South line of said lot 8 for a distance of 251.55 feet to the POINT OF BEGINNING.

Subject Face

Subject force



ORDINANCE NUMBER 2899

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT WITH JEFFERSON COUNTY COMMISSION TO JOIN A GIS CONSORTIUM TO CONTACT WITH G-SQUARED FOR PLANIMETRIC GIS DATA OVER THE NEXT 3 YEARS

WHEREAS, Geographic Information Services ("GIS") has become an integral part of the City's information base for several departments including planning, zoning, engineering, VHPD, VHFD, Public Services, etc.; and

WHEREAS, Jefferson County began the Jefferson County Consortium ("the Consortium") of several Jefferson County entities to cooperate together in order to contract with G-Squared, for delivery of planimetric data including, but not limited to buildings, pavement, paves and unpaved roads and other layers with an migration from 10 to 50 engineering grade scale; and

WHEREAS, this detailed information will provide accurate and high quality orthophotography and planimetric data annually for a period of three years, higher accuracy imagery, buildings, street data; and

WHEREAS, the City Manager has reviewed and recommended participation in the Jefferson County GIS Consortium at the minimum participation graduated rates of: \$19,000 (year 2020); \$30,000 (year 2021) and \$45,000 (year 2022); and

WHEREAS, the Mayor and City Council find it is in the best public interest to consent to participation in the Consortium as described above.

NOW, THEREFORE, BE IT ORDAINED 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 for participation in the Consortium at the graduated rates of \$19,000 (year 2020); \$30,000 (year 2021) and \$45,000 (year 2022); and
- 2. A copy of said agreement is marked as Exhibit A, attached and incorporated into this Ordinance Number 2899 as if written fully therein; and
- 3. This Ordinance Number 2899 shall become effective immediately upon adoption and approval and posting/publishing pursuant to Alabama law.

ADOPTED and APPROVED this the 25th day of November, 2019.

Ashley C. Curry Mayor

ATTESTED BY:

Rebecca Leavings City Clerk

INTEROFFICE MEMORANDUM

DATE: October 21, 2019

TO: Jeff Downes, City Manager

FROM: Rebecca Leavings, City Clerk/Zoning Official

Jack Wakefield, Planner and GIS Technician

Brian Davis, Public Services Director Christopher Brady, City Engineer

RE: Jefferson County GIS Consortium and G-Squared Contract

Geographic Information Services was begun in the City Clerks Office many years ago to be utilized as an informational land base and has since become an integral part of many departments including Engineering, VHPD, VHFD, Public Services, etc. The utilization of GIS is constant in our departments in order to derive information concerning all aspects of our jobs and the questions and/or requests that derive from contractors, attorneys, engineers and the general public regarding land in the City.

Recently, our department had the opportunity to join with the Jefferson County Consortium on a new partnership with G-Squared for delivery of planimetric data (planimetric - showing only the horizontal position of features on the Earth's surface which show geographic objects, natural and cultural physical features, and entities without topographic features such as roads, buildings, and water bodies that are visible and identifiable on aerial photographs) including, but not limited to buildings, pavement, paved and unpaved roads and other layers with a migration from 10 to 50 engineering grade scale. This will open up Planimetric Areas of Change detection of properties and related taxes in city and zoning processing. Benefits include:

- Regular higher quality and accuracy orthophotography and planimetric data (every year). Previous contracted projects were every 3-5 years and only with Jefferson County and only accessible via internet through the public viewing system.
- Having higher accuracy imagery, buildings and streets data will help JC cities and agencies with:
 - Public Safety and Emergency Response teams (accurate and updated streets and buildings)
 - Engineering projects and field operations
 - Tax Map (parcels) Modernization project the new 50 scale imagery and data is critical to the update parcels and cities boundaries
- JC Consortium cost sharing makes feasible for all agencies to have <u>yearly</u> aerial survey and mapping updates for all JC cities & agencies
- The ability for the City to import the planimetric data into the City's GIS system for better analysis of properties, ability to identify planimetric data, etc. for utilization into the City's maps.

Within this consortium, Vestavia Hills was given the projected minimum level partner contribution at a rate of 5% with a 3-year funding commitment with the understanding that if more partners are recruited, the possibility of a reduced rate could be recognized.

The GIS Consortium is requesting the following in commitments from the seven current partners for the years 2020-2022 (3-year commitment).

JC GIS Consortium Partners	G-Squared Contract Funding			
	3 years Funding Commitment		Cost Sharing by Partners %	
Jefferson County				
Commission	\$	679,000	35.9%	
Birmingham	\$	140,000	7.40%	
JCHD	\$	140,000	7.4%	
JC 911	\$	305,000	16.1%	
911 Birmingham	\$	305,000	16.1%	
City of Hoover	\$	132,000	7.0%	
Vestavia Hills	\$	94,000	5.0%	
GIS Consortium Total	\$	1,892,000	100%	

With this the City has an option to pay a graduated cost of \$19,000 (year 2020); \$30,000 (year 2021) and \$45,000 (year 2022). The City is paying the minimum partner amount, however, all information will be provided to the City as it is for all other entities.

In order for the fly to occur during the winter months, commitment must be obtained soon. Therefore, the City Zoning Staff join together to request that the Council approve the agreement that is attached to this memorandum along with the pre-commitment of the 3-year or total \$94,000 commitment for this planimetric data.

Thank you, in advance for your consideration. If you need more information, please feel free to contact Rebecca Leavings, City Clerk.

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

October 21, 2019

By Electronic Mail

City Manager Jeffrey D. Downes Vestavia Hills Municipal Center 1032 Montgomery Highway Vestavia Hills, Alabama 35216

In Re: Proposed Contract Agreement Between Jefferson County Commission and the City of Vestavia Hills

Dear Mr. Downes:

On October 21, 2019, City Clerk Rebecca Leavings sent to me via electronic mail a proposed Contract Agreement ("contract") between Jefferson County Commission ("County") and the City of Vestavia Hills ("Consortium Partner") with a request that a review the contract and provide my written legal opinion. The purpose of this letter is to comply with her request.

I. <u>FACTS</u>

The proposed contract proposes that the County and Consortium Partner will purchase updated orthophotography and planimetric data in order to maintain their respective existing GSI data sets. The contract is for a period not to exceed four (4) years. The maximum contract price for the Consortium Partner will not exceed \$94,000.00.

II. LEGAL OPINIONS

A. <u>Validity of Contract</u>: The Alabama Competitive Bid Law at Title 41-16-50(b), *Code of Alabama*, 1975, permits the Jefferson County Commission and the City Council of the City of Vestavia Hills to provide by joint agreement for the purchase of labor, services or work or for the purchase or lease of materials, equipment, supplies or other personal property for use by their respective agencies. Therefore, it is my legal opinion that the County and City may legally enter into this agreement.

October 21, 2019 Page 2

B. <u>TERMS, PROVISIONS AND CONDITIONS:</u> I have carefully reviewed the proposed contract and do not have any recommended additions, deletions, changes and/or corrections. Therefore, I approve the contract as written from a legal standpoint.

Please call me if you have any questions regarding any matters set forth in this legal opinion.

Sincerely,

Patrick H. Boone Vestavia Hills City Attorney

Blint Brone

PHB:gp

cc: City Clerk Rebecca Leavings (by e-mail)

CONTRACT AGREEMENT

TERMS AND CONDITIONS Between

Jefferson County Commission
And
The City of Vestavia Hills

Contract No. ####
Orthophotography and Planimetric Data Cost Sharing
Jefferson County, Alabama

CONTRACT FORM

THIS AGREEMENT made this _____ day of _____, 2019, by and between, **Jefferson County Commission (COUNTY)** with its offices at 716 Richard Arrington Jr. Blvd. N Birmingham, AL 35203 and **The City of Vestavia Hills,** with its offices at 1032 Montgomery Hwy, Vestavia Hills, AL 35216, hereinafter referred to as "Consortium Partner".

For the purposes of this Contract, the following terms are defined as follows:

- 1. "Contract" means this Agreement.
- 2. "Consortium Partner" means The City of Vestavia Hills.
- 3. "Contract Administrator" means Jefferson County Commission, and its duly authorized representatives.

WHEREAS, COUNTY and Consortium Partner mutually desire to maintain their existing GIS data sets through regular updates, and it is in the best interest of those served by COUNTY and Consortium Partner to financially share the cost of data acquisition updates; and

WHEREAS, COUNTY has contracted with G Squared, LLC for three years (3), until December 31, 2022, with an option to extend for one (1) additional year, to migrate existing planimetric features from 100 scale to 50 scale, to provide updated orthophotography and planimetric data; and

WHEREAS, Consortium Partners who providing funding toward the project, through economies of scale, will be able to mutually obtain the countywide data sets at a significant savings compared to one agency contracting for the services as a single entity; and

WHEREAS, Consortium Partner has committed funds toward the project as set forth in this AGREEMENT.

ARTICLE 1. STATEMENT OF WORK (SOW)

I. Jefferson County, Alabama 2020 - 2022 Countywide 1" = 50' Scale Photogrammetric Mapping and Orthoimagery Project SOW

The objective of the project is to establish an intergovernmental funding consortium in order to obtain new digital color orthorectified aerial photography and updated planimetric data sets for Jefferson County,

Alabama encompassing an area of approximately 1153 square miles. The data will be used for infrastructure analysis and management, property valuation, law enforcement, emergency management, land and transportation planning, permitting, stormwater management, tax mapping, preliminary engineering, and to support other business processes within agency departments. The project area shall be defined as the geographic entirety of Jefferson County.

The specifications for this project are in accordance with the Alabama Department of Revenue, Property Tax Division specifications (ADV-25), Effective June 2010. The products and/or services to be provided by COUNTY hereunder (hereinafter referred to collectively as "Deliverables") are defined below and are governed by the ALDOT/ALDOR/NMAS specifications for 1" = 100' map accuracy standards:

Products and/or Services to Be Provided (Countywide):

- Color orthophotography with 3" resolution at 1" = 50' scale in Mr. Sid and geo-tiff format
- Planimetric Map features listed in Attachment B in Microstation and ESRI Geodatabase format
- Change Detection parcel layer with Excel Spreadsheet of parcel numbers
- Updated Terrain model data for the areas of change in ESRI shapefile format

Schedule:

Year 1:

January 15, 2020 - Ground control and flight planning complete

January 15, 2020 - March 15, 2020 - Aerial Acquisition complete

October 1, 2020 - Orthophotography delivered

December 31, 2021 - Planimetric Updated where areas have changed delivered

December 31, 2021 – Data migration of existing planimetric features from 100 scale to 50 scale (in progress)

Year 2:

January 15, 2021 - Ground control and flight planning complete

January 15, 2021 - March 15, 2021 - Aerial Acquisition complete

October 1, 2021 - Orthophotography and Building Footprints update delivered

December 31, 2021 - Remaining Planimetric Updated (Areas of change) delivered

December 31, 2021 – Data migration of existing planimetric features from 100 scale to 50 scale (in

progress)

Year 3:

January 15, 2022 - Ground control and flight planning complete

January 15, 2022 - March 15, 2022 - Aerial Acquisition complete

October 1, 2022 – Orthophotography and Building Footprints update delivered

December 31, 2022 - Remaining Planimetric Updated (Areas of change) delivered

December 31, 2022 – Data migration of existing planimetric features from 100 scale to 50 scale (complete)

ARTICLE 2. INSPECTION / ACCEPTANCE

Responsibility for final inspecting, approving and accepting equipment, software, data and/or services rendered by G Squared, LLC in the performance of the project deliverables shall rest solely with the COUNTY. Deliverables will be inspected for conformance with the project requirements prior to acceptance.

Consortium Partner may elect, if they so desire, to participate in contributing to the inspection process. All requests for rework of any nonconforming deliverables will be provided in writing to the COUNTY within 10 calendar days from receipt of the Deliverables.

ARTICLE 3. CONSIDERATION

Consortium Partner will pay COUNTY an amount not to exceed **Ninety Four Thousand Dollars and Zero Cents - \$94,000.00**. The price is in exchange for the COUNTY providing Consortium Partner a copy of received data products as delivered by G Squared, LLC under the Orthophotography and Planimetric Mapping Update project. These products are being provided for the countywide acquisition of orthophotography data and planimetric data set update according to ALDOR/ALDOT specification guidelines, orthorectified digital color aerial photography, photogrammetrically updated planimetric feature data sets, and LiDAR data sets.

The SCHEDULE OF PAYMENTS to be made by Consortium Partner is as follows:

For each calendar year, full payment is due to County by September 30. County shall submit its invoice by August 30th, with payment due from Consortium Partner within 30 days.

- in 2020 year the Consortium Partner payments will not exceed \$19,000
- in 2021 year the Consortium Partner payments will not exceed \$30,000
- in 2022 year the Consortium Partner payments will not exceed \$45,000

ARTICLE 4. TERM

The duration of this contract shall not exceed four years from the date of its final execution or end of the **Project**, whichever first occurs.

ARTICLE 5. TERMINATION

This agreement can be terminated by the COUNTY or Consortium Partner upon a thirty (30) day written notice for any reason. Upon termination of this Agreement for any reason whatsoever, Consortium Partner shall retain all data provided by the COUNTY for which payment has been received from Consortium Partner by the COUNTY prior to the termination, but Consortium Partner will remove all data provided by the COUNTY from their respective computer systems for which payment has not been received from Consortium Partner by the COUNTY.

ARTICLE 6. RIGHT OF OWNERSHIP

All items developed and delivered as a result of Article 3 under this AGREEMENT shall become the property of the funding partners as outlined below:

- Orthorectified digital color aerial photography (owned by Jefferson County, Consortium Partner).
 Each party retains full ownership in the data to use as it deems appropriate.
- Photogrammetrically updated Digital Terrain Model (owned by Jefferson County, Consortium Partner). Each party retains full ownership on the data to use as it deems appropriate.
- Photogrammetrically updated Planimetric mapping data layers (owned by Jefferson County).
 Consortium Partner is granted an exclusive use license to this data. This license provides that Consortium Partner shall use the Planimetric data for their respective internal business purposes and may be provided to consultants, contractors, etc. who are formally working for them.

ARTICLE 7. CONFIDENTIALITY

To the extent allowed by law, a Party may designate information to be deemed confidential because of considerations of individual privacy, safety and health, corporate proprietary claims, and other reasons in the best interests of the public or that would violate agreements with other entities.

Neither party shall be liable in damages for any disclosures pursuant to judicial actions or for inadvertent disclosure where proper degree of care has been exercised; provided, that upon discovery of such disclosure, it shall have endeavored to prevent any further inadvertent disclosure.

The receiving party shall not disclose or deliver, directly or indirectly, any technical data or product to any person to whom disclosure or delivery is prohibited by the U.S. Government, nor export, directly or indirectly, any technical data or product to any county for which the U.S. Government or any agency requires an export license or Government approval without first obtaining such license or approval.

ARTICLE 8. FORCE MAJEURE

- a. For the purpose hereof, force majeure shall be any of the following events: acts of God, compliance with any order, regulation, decree of governmental authority or agency purporting to act therefore, acts of war, public disorder, rebellion, terrorism or floods, hurricanes or other storms; or strikes or disputes, or any other cause, not within the reasonable control of the party affected.
- b. A delay in or failure of performance of either COUNTY or Consortium Partner shall not constitute a default hereunder nor be the basis for any claim for damages, if such delay or failure is caused by force majeure.
- c. The party prevented from performing by force majeure (i) shall be obligated within a period not to exceed 14 days after the occurrence or detection of such event to give notice to the other party setting forth in reasonable detail the nature therefore and the anticipated extent of the delay, and (ii) shall remedy such cause as soon as reasonably possible.

ARTICLE 9. COMPLIANCE WITH LAWS

Both parties shall comply with known and applicable laws, regulations, ordinances and other rules of governments and governmental agencies having jurisdiction over any portion of performance under this AGREEMENT.

ARTICLE 10. WAIVERS

Any failure by either party to enforce performance of the terms and conditions of this AGREEMENT shall not constitute a waiver of, or affect said party's right to avail itself of, such remedies as it may have for any subsequent breach of the terms of this AGREEMENT.

ARTICLE 11. NOTICES

Any notice or communication given pursuant to this AGREEMENT shall be in writing, as a document or in electronic form, and deemed received when delivered in person, electronic mail, facsimile, or sent prepaid via Express Mail, Federal Express or other private courier, or US certified mail, return receipt requested.

Consortium Partner agrees that any data provided will be relied upon at its own risk. COUNTY will not be responsible for incidental, consequential, or special damages, or any other damages of any type or character arising out of the use of any data, information, or products which may be furnished by the COUNTY. COUNTY does not warrant, either expressed or implied, of fitness of such data, information, or products for a particular purpose or any other use or purpose.

ARTICLE 12. NO THIRD PARTIES BENEFITED

This agreement is made and entered into solely for the benefit of the respective Parties, their successors and permitted assigns, and no other person or entity shall have any rights hereunder.

ARTICLE 13. GOVERNING LAW

This AGREEMENT shall be deemed to be a contract made under the laws of the State of Alabama and for all purposes it shall be construed in accordance with and governed by the laws of such state, conflict of law rules notwithstanding.

ARTICLE 14. IMMIGRATION LAW COMPLIANCE

By signing this Contract, the contracting parties affirm, for the duration of the Agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a

contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.

ARTICLE 15. COMPLETE AGREEMENT

This Contract document constitutes the entire AGREEMENT between the parties. This Contract may only be amended by execution of a written bilateral amendment.

ARTICLE 16. SEVERABILITY

If any provision of this agreement is declared by a court having jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected; the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain the particular provision held to be invalid.

The City of Vestavia Hills	Jefferson County Commission
Authorized Signature	Authorized Signature
Printed Name	Printed Name
Title	Title
Date	Date
Authorized Signature	
Printed Name	
Title	
 Date	

RESOLUTION NUMBER 5206

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TRANSFER 50% OF THE FY2019 GENERAL FUND SURPLUS TO THE CAPITAL PROJECTS FUND IN ANTICIPATION OF CERTAIN UPCOMING PROJECTS

WHEREAS, the unaudited FY2019 General Fund surplus for the City of Vestavia Hills, Alabama; is estimated at \$1.4 million; and

WHEREAS, the City Manager has identified certain upcoming projects, including, but not limited to ALDOT projects which require a 20% local match; and

WHEREAS, the City's Reserves Fund reflects a healthy balance which has progressively increased through the years; and

WHEREAS, the City Manager, in his analysis of all City funds, has recommended that fifty percent (50%) of the FY2019 General Fund surplus be transferred to the City's Capital Projects Fund to assist with certain upcoming projects and project matches; and

WHEREAS, the Mayor and the City Council agree it is in the best public interest to prepare in anticipation of upcoming projects and accept the City Manager's recommendation to transfer fifty percent of the City's FY2019 surplus to the Capital Projects Fund.

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

- The City Manager is hereby authorized to direct the Finance Director to transfer fifty percent of the audited FY2019 General Fund surplus to the City's Capital Projects Fund; and
- 2. This Resolution Number 5206 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 25th day of November, 2019.

Ashley C. Curry Mayor ATTESTED BY:

Rebecca Leavings City Clerk

ORDINANCE NUMBER 2902

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT WITH MADDOX ENTERPRISES, LP AND THE CITY OF VESTAVIA HILLS REGARDING FORGIVENESS OF A PORTION OF A LIEN AGAINST PROPERTY LOCATED AT 1459 MONTGOMERY HIGHWAY; DEVELOPMENT OF A PORTION OF THE PROPERTY AND PROHIBITING CERTAIN TEMPORARY USES ON THE REMAINING PORTION

WHEREAS, Maddox Enterprises, LP owns property situated at 1459 Montgomery Highway in the City of Vestavia Hills, Alabama which has recently been subdivided into two lots; and

WHEREAS, pursuant to City Council actions in 2013, the City Council approved and adopted Resolution Number 4463 to assess a lien against the property located at 1459 Montgomery Highway in the amount of Seventy-five Thousand Dollars (\$75,000); and

WHEREAS, a copy of said lien was filed in the Office of the Judge of Probate of Jefferson County, Alabama and recorded at BK: LR201315, Pg. 16803; and

WHEREAS, the owners are desirous to sell Lot 1 for development of a restaurant and retain ownership of Lot 2; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to stimulate development in the southern corridor of Montgomery Highway and therefore are willing to consider forgiveness of a portion of the lien conditioned upon the sale of Lot 1 and the execution of an agreement regarding the uses of Lot 2; and

WHEREAS, an agreement was drafted which allows forgiveness of fifty percent of the recorded lien upon certain conditions and the uses of Lot 2, a copy of which is marked as Exhibit A, attached to and incorporated into this Ordinance Number 2902 as if written fully therein; and

WHEREAS, the Mayor and the City Council feel it is in the best public interest to authorize the execution and delivery of the agreement marked as Exhibit A regarding the development of property located at 1459 Montgomery Highway.

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

- 1. The Mayor and City Manager are hereby authorized to execute and deliver the agreement detailed in Exhibit A with Maddox Enterprises, LP and take all actions necessary to complete all provisions of said agreement; and
- 2. A copy of the executed agreement shall be retained in the Office of the City Clerk; and
- 3. This Ordinance Number shall become effective immediately upon adoption and posting/publication pursuant to Alabama law.

ADOPTED and APPROVED this the 25th day of November, 2019.

Ashley C. Curry Mayor

ATTESTED BY:

Rebecca Leavings City Clerk

STATE OF ALABAMA

JEFFERSON COUNTY

AGREEMENT

THIS AGREEMENT ("the Agreement"), is hereby made and entered on this the _____ day of September, 2019 by and between Maddox Enterprises, LP (hereinafter referred to as "Maddox") and the City of Vestavia Hills, Alabama, a municipal corporation (hereinafter referred to as "City").

WITNESSETH THESE RECITALS:

WHEREAS, Maddox owns the real estate situated at 1459 Montgomery Highway in the City of Vestavia Hills, Jefferson County, Alabama having Parcel ID number 39-01-1-001-002.000-RR-2, hereinafter referred to as "Parcel I" more particularly described in Exhibit 1, which is attached hereto and incorporated into this Agreement by reference as though set out fully herein); and

WHEREAS, Maddox also owns the real estate situated at 1459 Montgomery Highway in the City of Vestavia Hills, Jefferson County, Alabama having Parcel ID number 29-36-4-007-005.000-RR6, hereinafter referred to as "Parcel II" more particularly described in Exhibit 2, which is attached hereto and incorporated into this Agreement by reference as though set out fully herein); and

WHEREAS, Parcel I and Parcel II are zoned B-3 Conditional Business District pursuant to City Zoning Code Ordinance Number 2331, which permits said parcels to be used for those purposes set forth in Table 6 of said *Zoning Code*, a copy of which is attached hereto, marked as Exhibit 3 and incorporated into this Agreement by reference as though set out fully herein; and

WHEREAS, Maddox utilized Parcel I and Parcel II for the operation of a hotel and restaurant for many years; and

WHEREAS, on July 23, 2012 the City Council approved and adopted Resolution Number 4322 declaring the building on Parcel I and Parcel II to be unsafe to the extent that it was a public nuisance and subject to demolition; and

WHEREAS, Maddox disagreed with the decision of the City Council and filed a Notice of Appeal in the Civil Division of the Circuit Court of Jefferson County, Alabama in case number CV-2012-01905 styled *City of Vestavia Hills v. Maddox Enterprises, LP, et al* (the "lawsuit"); and

WHEREAS, the lawsuit was settled by mediation on May 22, 2013, which Settlement Agreement provided that Maddox would demolish the building within a seven-month period at its sole expense; and

WHEREAS, on May 29, 2013, the City Council approved and adopted Resolution Number 4455 approving the settlement; and

Agreement Page 2

WHEREAS, Maddox failed and refused to demolish the building as agreed upon in the lawsuit; and

WHEREAS, the City hired Tomlin Excavating and Demolition to demolish the building; and

WHEREAS, Tomlin Excavating and Demolition demolished the building; and

WHEREAS, on June 24, 2013, the City Council approved and adopted Resolution Number 4463 and assessed the sum of Seventy-five Thousand Dollars (\$75,000.00) to be the cost reasonably incurred by the City through May 22, 2013 in connection with the prosecution of the demolition action of the building and established a lien ("lien") against Parcel I and Parcel II for that amount; and

WHEREAS, a copy of the lien was filed in the office of the Judge of Probate of Jefferson County, Alabama on June 28, 2013 and recorded at BK: LR201315, Pg. 16803, a copy of which is attached hereto, marked as Exhibit 4 and incorporated into this Agreement by reference as though set out fully herein; and

WHEREAS, to date Maddox has paid none of the indebtedness secured by the lien; and

WHEREAS, Maddox has requested the City to forgive the indebtedness of the lien and to release Parcel I and Parcel II for the encumbrance of said lien; and

WHEREAS, Section 94 of the *Constitution of Alabama*, as amended by Amendments 112 and 558, prohibits a city from lending its credit or to grant public money or thing of value in aide of or to any individual, association or corporation whatsoever; and

WHEREAS, the Supreme Court of Alabama has interpreted the language of Section 94 of the *Constitution of Alabama*, and held that governmental bodies such as a city may spend municipal funds only for public purposes (*Slawson v. Alabama Forestry Commission*, 631 So.2d 953 (1994)); and

WHEREAS, on April 6, 2004, the Legislature of the State of Alabama enacted Act 2004-094 to propose an amendment to the *Constitution of Alabama of 1901*. The proposed constitutional amendment appeared as Amendment Number 3 on the ballot for the statewide referendum conducted during the National Election on November 11, 2004. Voters in Alabama approved the constitutional amendment by a vote of 727,630 in favor and 584,014 against. The constitutional amendment known as "Amendment 772" was, therefore, ratified and brought forward as Article IV, §94.01, which reads in pertinent part as follows:

Agreement Page 3

- "(a) The governing body of any county, and the governing body of any municipality located therein, for which a local constitutional amendment has not been adopted authorizing any of the following, shall have full and continuing power to do any of the following:
 - (3) Lend its credit to or grant public funds and things of value in aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of the county or the municipality.
 - (c) Neither the county nor any municipality located therein shall lend its credit to or grant any public funds or thing of value to or in aid of any private entity under the authority of this amendment unless prior thereto both of the following are satisfied:
 - (1) The action proposed to be taken by the county or municipality is approved at a public meeting of the governing body of the county or municipality, as the case may be, by a resolution containing a determination by the governing body that the expenditure of public funds for the purpose specified will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.
 - (2) At least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or municipality, as the case may be, describing in reasonable detail the action proposed to be taken, a description of the public benefits sought to be achieved by the action, and identifying each individual, firm, corporation, or other business entity to whom or for whose benefit the county or the municipality proposes to lend its credit or grant public funds or thing of value.

For purposes of the foregoing, any sale, lease, or other disposition of property for a price equal to the fair market value thereof shall not constitute the lending of credit or a grant of public funds or thing of value in aid of a private entity."; and

WHEREAS, the Supreme Court of Alabama has held that predisposing an issue before it is heard and considered by the governing body can constitute a denial of due process (*Chandler v. City of Lanett*, 424 So.2d 1307 (1982); and *City of Huntsville v. Biles*, 489 So.2d 509 (1986)); and

WHEREAS, the Alabama Open Meetings Act ("OMA") set forth at Title 36-25A-1, et seq., *Code of Alabama*, 1975, requires that the deliberative process of conducting business by governmental bodies shall be open to the public during meetings and that no meeting may be held without providing notice as required by OMA; and

Agreement Page 4

WHEREAS, based upon the legal authorities cited above, the City cannot act upon the request by Maddox unless and until the City has completed the process as required by §94.01 of the *Constitution of Alabama* at a public meeting in compliance with the Alabama Open Meetings Act; and

WHEREAS, Maddox is interested in selling both Parcel I and Parcel II and feels that the ultimate development of Parcel I and Parcel II will promote economic development and thereby benefit the City; and

WHEREAS, Maddox represents and warrants that it will proceed with the execution and delivery to the Vestavia Hills Planning and Zoning Commission of an application and other required documents and information to replat Parcel I and Parcel II into one subdivision consisting of two (2) separate lots designated as Lot 1 and Lot 2; and

WHEREAS, Maddox has informed the City that it is presently negotiating the possible sale of Lot 1 (after replatting) to an entity that plans to utilize said Lot 1 (after replatting) for the operation of a Waffle House restaurant; and

WHEREAS, Maddox continues to request the City to forgive the indebtedness of the lien and to release Parcel I and Parcel II from the encumbrance of said lien; and

WHEREAS, Maddox has requested that the City enter into this Agreement in order for the City Council to consider the request by Maddox pursuant to Article IV §94.01 of the Constitution of Alabama.

NOW, THEREFORE, in consideration of the premises, the mutual covenants hereinafter contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, City and Maddox hereby mutually covenant and agree as follows:

I. RECITALS

The recitals set forth in the premises above are hereby incorporated into this Development Agreement by reference as though set out fully herein.

II. REPLATTING OF PARCEL I AND PARCEL II

Maddox shall, within ninety (90) days from the date of this Agreement, complete the legal process as required by Alabama law and the ordinances, regulations and rules of the City, to replat Parcel I and Parcel II into one subdivision consisting of two (2) separate lots, designated as Lot 1 and Lot 2.

III. APPLICATION FOR SATISFACTION AND RELEASE OF LIEN

If Maddox, at any time following the approval of the subdivision plat by the Vestavia Hills Planning and Zoning Commission as described in section II above, receives a written offer from a proposed purchaser to buy Lot 1, in the form of a contract or agreement for the sale and purchase of real estate ("contract"), then in such event Maddox shall:

- **A.** Present a copy of the contract, together with a written request for the City to:
- 1. Conduct a public hearing at a regularly scheduled or special meeting of the City Council meeting ("hearing" pursuant to the process and for the purpose described in Article IV Section 94.01 of the *Alabama Constitution*.
 - 2. Release Lot 1 from the encumbrance of the lien.
- 3. Apply a credit of Thirty-seven Thousand Five Hundred Dollars (\$37,500.00) as partial payment of the indebtedness secured by the lien.
- **4**. A written acknowledgment and agreement that should the request be approved, then in such event the lien shall remain an encumbrance against Lot 2 in the amount of Thirty-seven Thousand Five Hundred Dollars (\$37,500.00).
- **B.** The purchaser named in the contract shall be present in person at the public hearing for the purpose of informing the City and members of the public about the type and kind of business proposed to be operated on Lot 1 and to answer any questions asked by members of the City Council.

IV. PUBLIC HEARING

A. <u>Prerequisites:</u> The City will schedule the public hearing; provided, however, Maddox shall have first completed the replatting as required by Section II and submitted the written request as required by Section III. The City will not schedule the public hearing until after Maddox has complied with the requirements of Sections II and III of this Agreement.

V. ISSUE

The issue for the City Council to decide at the public hearing is whether or not approving the request will promote economic development and serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

Agreement Page 6

VI. LOT 2

The terms, provisions and conditions of this Agreement shall also apply to Lot 2 if Maddox ultimately makes such a request regarding said Lot 2.

VII. FUTURE USE OF PROPERTY

If this Agreement is approved by the City Council, then in such event the property described in Exhibit 1, Exhibit 2 and the contemplated replatted subdivision shall be used by Maddox or lessees for businesses that are operated in buildings as defined in Section 2.1.17 of the City *Zoning Code*. This covenant shall apply to the successors and assigns of Maddox Enterprises, LP and all future owners of said property.

VIII. <u>INTENT OF THIS AGREEMENT</u>

The approval of this Agreement shall in no way be considered, interpreted or otherwise construed as an approval for the satisfaction of any portion or all of the indebtedness owed by Maddox to the City and secured by the lien on Parcel I and Parcel II. The sole and exclusive purpose of the approval, execution and delivery of this Agreement is to provide a legal procedure for the City Council to consider the request.

IX. OWNERSHIP AND AUTHORITY

Maddox represents, covenants and warrants that Maddox Enterprises, LP is the legal owner of the real estate described in Exhibit 1 and Exhibit 2 and has the legal authority to execute and deliver this Agreement.

X. MISCELLANEOUS

- **A.** GOVERNING LAW: This Agreement and the rights and obligations of the parties hereto shall be governed by and construed in accordance with the laws of the State of Alabama. The jurisdiction and venue for the resolution of any dispute shall be in Jefferson County, Alabama.
- **B.** <u>BINDING AGREEMENT:</u> This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.
- C. <u>No Waiver</u>: The failure of either party to exercise any rights under this Agreement shall not constitute a waiver of any right, nor excuse the other party's full performance. No express waiver of any matter shall affect any other matter under this Agreement. Express waivers are only effective if in writing.

Agreement Page 7

- **D.** <u>Construction of Terms</u>: Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision. Any ambiguities of this Agreement shall be construed fairly and equitably regardless of the participation of either party in drafting this Agreement. The reference in terms to gender and number shall be modified as may be appropriate.
- **E.** <u>SEVERABILITY:</u> In case of any of the provisions of this Agreement shall for any reason be held invalid, illegal or unenforceable by any court of competent jurisdiction in any respect, the remaining provisions shall remain in effect and the Agreement be performed in a fair and equitable manner as to any uncertainties arising from the unenforceable provisions.
- **F.** <u>DATES:</u> If any date provided in this Agreement falls on a Saturday, Sunday or holiday, the date shall be the next business day.
- G. <u>EXECUTION IN COUNTERPARTS:</u> This Agreement may be executed simultaneously in any number of counterparts, each of which shall be an original, but all of which shall constitute but one and the same instrument.
- **H.** ENTIRE AGREEMENT: This written Agreement contains the entire agreement between the parties, incorporating all prior agreements, and may only be amended by approval of the City Council and in writing executed by both parties.

IN WITNESS WHEREOF, City and Maddox have executed this Agreement to be executed as of the date first above written.

MADDOX ENTERPRISES, LP

By		
	Its	
ATTESTED:		
By		

Agreement Page 8

		CITYOF VESTAVIA HILLS, ALABAMA nicipal Corporation
	Ву	Ashley C. Curry Mayor
	Ву	Jeffrey D. Downes City Manager
ATTESTED:		
By		
STATE OF ALABAMA JEFFERSON COUNTY		
ACKNO	OWLE	DGMENT
of Maddox Enterprises, LP, is signed to tacknowledged before me on this day that bei	the fore	c, in and for said County, in said State, hereby, whose name as going Agreement, and who is known to me, med of the contents of the Agreement, he/she in cuted the same voluntarily for and as the act of
said Maddox Enterprises, LP on the day the	•	•
Given under my hand and official se	eal, this	the day of September, 2019.
		Notary Public
My Commission Expires:		
SEAL		

Agreement Page 9

STATE OF ALABAMA JEFFERSON COUNTY

ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Ashley C. Curry, whose name as Mayor of the City of Vestavia Hills, Alabama, a municipal corporation, is signed to the foregoing Agreement, and who is known to me, acknowledged before me on this day that being informed of the contents of the Agreement, he in his capacity as such and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama, a municipal corporation, on the day the same bears date.

Given under my hand and official seal, this the day of September, 2019.
Notary Public
My Commission Expires:
SEAL
STATE OF ALABAMA JEFFERSON COUNTY ACKNOWLEDGMENT
I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Jeffrey D. Downes, whose name as City Manager of the City of Vestavia Hills, Alabama, a municipal corporation, is signed to the foregoing Agreement, and who is known to me, acknowledged before me on this day that being informed of the contents of the Agreement, he in his capacity as such and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama, a municipal corporation, on the day the same bears date.
Given under my hand and official seal, this the day of September, 2019.
Notary Public
My Commission Expires:
SEAL

<u>LEGAL DESCRIPTION – PARCEL I</u>

Lot 1, according to the Survey of Motel Investors Addition to Vestavia Hills, as recorded in Map Book 86, Page 14, in the Office of the Judge of Probate of Jefferson County, Alabama.

Less and except that part conveyed to Koger Properties, Inc. by deed recorded in Real Volume 2138, page 797 and that part conveyed to SouthPark, Ltd. by deed recorded in Real Volume 2138, page 802.

LEGAL DESCRIPTION - PARCEL II

A part of Lot 6, according to the Survey of Shad Springs, Meek's First Addition, as recorded in Map Book 15, Page 31, in the Office of the Judge of Probate of Jefferson County, Alabama, being situated in the Southwest ¼ of the Southeast ¼ of Section 36, Township 18 South, Range 3 West, Jefferson County, Alabama and being more particularly described as follows:

Commence at the southeast corner of the Southwest ¼ of the Southeast ¼ of Section 36, Township 18 South, Range 3 West, Jefferson County, Alabama; thence run in a Westerly direction along the South line of said \(\frac{1}{4}\)-\(\frac{1}{4}\) Section line 242.17 feet to the Point of Beginning; thence 32 degrees 49 minutes 16 seconds right, and run in a Northwesterly direction along a line that is 3.00 feet South of and parallel to the edge of a 102" by 62" concrete pipe to a point on a curve, said point being on the easterly right-of-way line of U.S. Highway 31; thence 86 degrees 20 minutes 01 seconds left to the tangent of said curve having a central angle of 01 degrees 20 minutes 16 seconds and a radius of 4,483.65 feet; thence run in a Southwesterly direction along said right-of-way 104.69 feet to the South 1/4-1/4 Section line of said 1/4 section; thence 54 degrees 51 minutes 00 seconds left to the tangent of the preceding curve and leaving said rightof-way, run 92 feet in an Easterly direction to the Point of Beginning.

Article 6 NON-RESIDENTIAL DISTRICTS

Table 6 t	Jse Regul	lations for	r Non-Re	esidentia	l District	S		
USES / DISTRICTS:	A	B-1	B-1.2	B-2	B-3	0-1	0-2	INST
AGRICULTURAL			1	+	1 -	-	0-2	11/51
Farm, Raising of Crops only	Y	+	+	-				
Farm, Raising of Livestock	L	-	-					
Farm Support Business	SE			-				
Forestry	Y		-		C			
Stable	Y	-	+	+				
RESIDENTIAL	1	1	-			-	-	-
Assisted Living Facility		-	C	-		-		
Independent Living Facility		 	Y			-		Y
Multi-family dwelling		-	Y					
Townhouse			Y	-		-		
LODGING		 	1	-	-	-		
Bed and Breakfast, §7.4	+c	-	-	-				
Hotel	-	 						
Motel				Y	Y			
INSTITUTIONAL	-	1	-		Y	-		
Animal Shelter, §7.6	Y	-						
Private Club	1	Y	1	C	C			С
Day Care Center, §7.7		L	Y L	Y	Y	Y	Y	Y
Hospital			L	Y	Y	C	C	С
Nursing Home					C		C	Y
Place of Assembly	C	L	L	Y	C			Y
Public Facility	L	L	L	Y	Y	L	Y	Y
Public Utility Facility	SE	SE	SE	SE	Y	L	Y	Y
School, Commercial	C	L	L	Y	SE	SE	SE	SE
School, Not-for-Profit	C	L	L	Y .	Y	L	Y	Y
School, Public	C	L	L	Y	Y	L	Y	Y
BUSINESS				1	I	L	Y	Y
Automotive Repair Service, Major					- 0			
Automotive Repair Service, Minor				C Y	C			
Automotive Sales				C	Y			
Bank or Financial Service		L	L	Y	C Y	77		
roadcast Studio				. Y	Y	Y	Y	
usiness or Professional Office		L	L	Y	Y	Y	Y	
usiness Support Service		L	L	Y	Y	Y	Y	
ar Wash, Freestanding (non-accessory)				C	C	1	Y	
onvenience Store		Y	Y	Y	Y			
ntertainment, Indoor				Y	Y			
ntertainment, Outdoor				c	C			
ineral Home				C	Y			
arden Center/ Nursery		L	L	Y	Y			
- The use is permitted by right							1	- 1

Y - The use is permitted by right.

L - Permitted to limits set by district regulations

SE – Special Exception Use, requires approval by BZA (see §12.3). May also be subject to district limitations.

C – Conditional Use, requires approval by the Council (see §13.3). May also be subject to district limitations. A use not listed may be requested for approval as a Conditional Use per §13.3.

A use followed by a numeric cross-reference is subject to Use-Specific Regulations in Article 7.

A blank cell indicates that the use is not permitted.

Ordinance Number 2331 Vestavia Hills Zoning Code

USES / DISTRICTS:	A	B-1	B-1.2	B-2	B-3	0-1	0-2	INST
Gas Station, §7.2			C	Y	Y			
Hardware Store		L	L	Y	Y			
Home Improvement Center	-			Y	Y			
Kennel, §7.6	Y				C			
Laundromat			Y	Y	Y			
Laundry and Dry Cleaning, Retail		Y	Y	Y	Y	Y	Y	
Laundry, Industrial				C	C			
Liquor Lounge		С	C	C.	C			
Maintenance Service				C	C			
Medical Clinic			L	Y	Y	Y	Y	Y
Medical Support Service			L	Y	Y	Y	Y	Y
Personal Service		L	L	Y	Y			
Produce Market	Y	Y	Y	Y	Y			
Restaurant, Fast Food		L	L	Y	Y			
Restaurant, Standard		L	L	Y	Y			
Retail, General, Enclosed				Y	Y			
Retail, General, Unenclosed				С	Y			
Retail, Neighborhood		L	L	L	L			
Services, Neighborhood		L	L	L	L			
Service Station, §7.2			С	Y	Y			
Studio, Artist		Y	Y	Y	Y			
Veterinary Hospital, §7.6				С	С			
OTHER								
Airport					С			
Cemetery	C							C
Construction Service					С			
Country Club	C							
Heliport					С		С	C
Landfill					С			
Manufacturing, Light					С			
Mixed Use, General			L					
Mixed Use, Live-Work			L					
Parks, Gardens, Playgrounds	Y	Y	Y	Y	Y			Y
Recreation, Indoor				Y	Y			
Recreation, Outdoor				С	С			Y
Rehabilitation Facility					С			Y
Research Laboratory					С		С	
Salvage Yard					С		С	
Storage, Mini-warehouse, §7.5				С	С			
Storage, Outdoor					С			
Telecommunications Facilities, §7.9	С	С	C	С	С	С	С	C
Warehousing, Wholesale, Distribution				С	С			

Y - The use is permitted by right.

L – Permitted to limits set by district regulations

SE – Special Exception Use, requires approval by BZA (see §12.3). May also be subject to district limitations.

C – Conditional Use, requires approval by the Council (see §13.3). May also be subject to district limitations.

A use not listed may be requested for approval as a Conditional Use per §13.3.

A use followed by a numeric cross-reference is subject to Use-Specific Regulations in Article 7.

A blank cell indicates that the use is not permitted.



RESOLUTION NO. 4463

A RESOLUTION ASCERTAINING, FIXING AND DETERMINING THE AMOUNT OF ASSESSMENT TO BE CHARGED AS A LIEN ON THE PROPERTY KNOWN AS 1459 MONTGOMERY HIGHWAY, VESTAVIA HILLS, ALABAMA 35216; PARCEL ID# 39-01-1-001-002.000-RR-2 AND 29-36-4-007-005.000-RR6, IN THE CITY OF VESTAVIA HILLS AS A RESULT OF THE CITY OF VESTAVIA HILLS ORDERING THE DEMOLITION OF THE BUILDING ON THE PROPERTY PURSUANT TO ORDINANCE NO. 2382

WHEREAS, heretofore the City Council of the City of Vestavia Hills, after due and lawful notice was given and a public hearing held in accordance with Ordinance No. 2382, declared that a building located within the City of Vestavia Hills was unsafe to the extent that it was a public nuisance and ordered the demolition of said building located on the following described property, to wit:

STREET ADDRESS:

1459 Montgomery Highway, Vestavia Hills, Alabama

LEGAL DESCRIPTION:

Parcel I:

Lot 1, according to the Survey of Motel Investors Addition to Vestavia Hills, as recorded in Map Book 86, Page 14, in the Office of the Judge of Probate of Jefferson County, Alabama.

Less and except that part conveyed to Koger Properties, Inc. by deed recorded in Real Volume 2138, page 797 and that part conveyed to SouthPark, Ltd. by deed recorded in Real Volume 2138, page 802.

Parcel II:

A part of Lot 6, according to the Survey of Shad Springs, Meek's First Addition, as recorded in Map Book 15, Page 31, in the Office of the Judge of Probate of Jefferson County, Alabama, being situated in the Southwest ¼ of the Southeast ¼ of Section 36, Township 18 South, Range 3 West, Jefferson County, Alabama and being more particularly described as follows:

Commence at the southeast corner of the Southwest ¼ of the Southeast ¼ of Section 36, Township 18 South, Range 3

West, Jefferson County, Alabama; thence run in a Westerly direction along the South line of said ½-½ Section line 242.17 feet to the Point of Beginning; thence 32 degrees 49 minutes 16 seconds right, and run in a Northwesterly direction along a line that is 3.00 feet South of and parallel to the edge of a 102" by 62" concrete pipe to a point on a curve, said point being on the easterly right-of-way line of U.S. Highway 31; thence 86 degrees 20 minutes 01 seconds left to the tangent of said curve having a central angle of 01 degrees 20 minutes 16 seconds and a radius of 4,483.65 feet; thence run in a Southwesterly direction along said right-of-way 104.69 feet to the South ½-½ Section line of said ½ section; thence 54 degrees 51 minutes 00 seconds left to the tangent of the preceding curve and leaving said right-of-way, run 92 feet in an Easterly direction to the Point of Beginning.

PARCEL IDENTIFICATION NUMBER:

39-01-1-001-002.000-RR2 and 29-36-4-007-005.000-RR6

INTERESTED PERSONS:

Maddox Enterprises LP;
Jefferson County;
Total Fire Protection;
Karen Maddox;
Larry C. Maddox;
Richard M. Maddox;
Jefferson County Sewer Service Office;
Birmingham Water Works

WHEREAS, after litigation, the property owners and the City have entered into a Memorandum of Settlement allowing the City to assess a lien against the property for the City's fees and expenses arising through May 22, 2013, from the prosecution of the demolition action; and

WHEREAS, the appropriate municipal official has made a report to the City Council of said costs, including the cost of complying with Ordinance No. 2382, the sum of which was \$75,000; and

WHEREAS, the City Clerk set the report of costs for a public hearing and gave no less than ten (10) days notice of the public hearing by first-class mail to all persons or entities listed in Section 4-114(b)(1) of Ordinance No. 2382; and

WHEREAS, said public hearing was held by the City Council; and

WHEREAS, it is now the desire of the City Council of the City of Vestavia Hills to fix the costs which it finds were reasonably incurred through May 22, 2013, in connection with the prosecution of the demolition action and assess the costs against the previously described land upon which said building is located.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vestavia Hills, Alabama while in regular session on Monday, June 24, 2013 at 5:00 p.m. as follows:

Section 1. That the City Council hereby assesses the sum of \$75,000 to be the costs reasonably incurred by the City of Vestavia Hills through May 22, 2013, in connection with the prosecution of the demolition action of the building located on the following described property, to wit:

STREET ADDRESS:

1459 Montgomery Highway, Vestavia Hills, Alabama

LEGAL DESCRIPTION:

Parcel I:

Lot 1, according to the Survey of Motel Investors Addition to Vestavia Hills, as recorded in Map Book 86, Page 14, in the Office of the Judge of Probate of Jefferson County, Alabama.

Less and except that part conveyed to Koger Properties, Inc. by deed recorded in Real Volume 2138, page 797 and that part conveyed to SouthPark, Ltd. by deed recorded in Real Volume 2138, page 802.

Parcel II:

A part of Lot 6, according to the Survey of Shad Springs, Meek's First Addition, as recorded in Map Book 15, Page 31, in the Office of the Judge of Probate of Jefferson County, Alabama, being situated in the Southwest ¼ of the Southeast ¼ of Section 36, Township 18 South, Range 3 West, Jefferson County, Alabama and being more particularly described as follows:

Commence at the southeast corner of the Southwest ¼ of the Southeast ¼ of Section 36, Township 18 South, Range 3 West, Jefferson County, Alabama; thence run in a Westerly direction along the South line of said ¼-¼ Section line 242.17 feet to the Point of Beginning; thence 32 degrees 49 minutes 16 seconds right, and run in a Northwesterly

direction along a line that is 3.00 feet South of and parallel to the edge of a 102" by 62" concrete pipe to a point on a curve, said point being on the easterly right-of-way line of U.S. Highway 31; thence 86 degrees 20 minutes 01 seconds left to the tangent of said curve having a central angle of 01 degrees 20 minutes 16 seconds and a radius of 4,483.65 feet; thence run in a Southwesterly direction along said right-of-way 104.69 feet to the South 1/4-1/4 Section line of said 1/4 section; thence 54 degrees 51 minutes 00 seconds left to the tangent of the preceding curve and leaving said right-of-way, run 92 feet in an Easterly direction to the Point of Beginning.

PARCEL IDENTIFICATION NUMBER:

39-01-1-001-002.000-RR2 and 29-36-4-007-005.000-RR6

INTERESTED PERSONS:

Maddox Enterprises LP;
Jefferson County;
Total Fire Protection;
Karen Maddox;
Larry C. Maddox;
Richard M. Maddox;
Jefferson County Sewer Service Office;
Birmingham Water Works

Section 2. That the City Council hereby reserves the right if necessary to fix an additional lien for costs reasonably incurred by the City of Vestavia Hills after May 22, 2013, in connection with the prosecution of the demolition of the property described in Section 1.

Section 3. That the City Clerk be authorized and directed to file a certified copy of this resolution in the offices of the Judge of Probate of Jefferson County, Alabama, Birmingham Division.

ADOPTED this June 24, 2013.

A PPP OVED

UD. __

Parto C /Zamarana In Mar

ATTEST:

Rebecca Leavings, City Clef

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA	,
JEFFERSON COUNTY	

I, Rebecca Leavings, City Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the City Council of the City of Vestavia Hills, Alabama, on June 24, 2013 while in regular session on Monday, June 24, 2013, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this June 24, 2013.

Rebecca Leavings, City Clerk

539158

20130628000698650 5/5 **Bk: LR201315 Pg:16803 Jefferson County, Alabama** 06/28/2013 10:48:23 AM LN Fee - \$28.00

Total of Fees and Taxes-\$28.00

RESOLUTION NUMBER 5207

A RESOLUTION DECLARING WATER DAMAGE AT THE CAHABA HEIGHTS POLICE SUBSTATION AS AN EMERGENCY AND

AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS

NECESSARY TO REPAIR SAID DAMAGES

WHEREAS, the Cahaba Heights Police Substation recently experienced a plumbing

issues that caused extensive damage to the building; and

WHEREAS, the cost to repair said damage is estimated at approximately \$8,251.25 as

detailed in m an estimated marked as Exhibit A, attached to and incorporated into this Resolution

Number 5207 as though written fully therein; and

WHEREAS, the Police Chief, in an email to the City Manager dated November 20, 2019

has indicated that repairs are needed immediately in order to keep the facility functioning; and

WHEREAS, the Mayor and the City Council feel it is in the best public interest to declare

said repairs as an emergency and authorize the City Manager to repair said damage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY

COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. The repairs needed at the Cahaba Heights Police Substation are deemed essential and are

deemed an emergency situation; and

2. The City Manager is hereby authorized to take all actions necessary to repair said damage

at an expense not to exceed \$9,000 pursuant to the estimate detailed in the attached Exhibit

A; and

3. This Resolution Number 5207 is effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 25th day of November, 2019.

Ashley C.
Curry Mayor

ATTESTED BY:

Rebecca Leavings City Clerk



Estimate

Date	Estimate No
11/19/2019	6236

Name / Address

CITY OF VESTAVIA HILLS ATTN: KEITH BLANTON 1032 MONTGOMERY HIGHWAY VESTAVIA HILLS, AL 35216-1807

REP	JOB NAME
SPL	Vestavia Police

ITEM	DESCRIPTION	COST	Total
150 320 130 270 250 180 140 300 240	CITY OF VESTAVIA HILLS - CAHABA HEIGHTS POLICE DEPARTMENT DEMOLITION WALLS & PATCH - Prep walls CEILINGS PLUMBING PAINT FLOOR COVERINGS/COVE BASE CLEAN UP PROJECT MANAGEMENT OVERHEAD AND PROFIT	250.00 1,450.00 475.00 350.00 2,500.00 1,450.00 350.00 1,076.25	250.00 1,450.00 475.00 350.00 2,500.00 1,450.00 350.00 1,076.25

AGL is not responsible for errors or omissions in drawings or changes without confirmed notification.

Total

Rebecca Leavings

From: Danny Rary

Sent: Wednesday, November 20, 2019 10:38 AM

To: Jeff Downes
Cc: Rebecca Leavings
Subject: Council agenda request

Attachments: Quote from AGL to Repair Plumbing Leak at CH Sub dated 11-19-2019.pdf

Mr. Downes,

On 28 Oct 2019 the Cahaba Heights Police sub-station experienced a plumbing issue causing extensive damage. I am requesting council action to appropriate the money to fix this damage. We do not have allocated funds for this type of unusual repair in the budget for Fiscal Year 2020.

FY 2020 Budget Account 51-5390-000-200

Maintenance/Repair Electric & Plumbing Cahaba

Heights 3,500.00

While the above amount is the average regular amount spent annually for repairs, this major damage far exceeds allocated funds.

Estimate to repair damage to Cahaba Heights substation is \$8,251.25.

I am requesting that this request for funding be placed on the agenda for the City Council regular scheduled meeting Monday 25 November 2019.

Attached is the estimate.



Danny P. Rary Chief of Police Vestavia Hills Police Department 1032 Montgomery Highway Vestavia Hills, Alabama 35216 205-978-0109 drary@vhal.org

ORDINANCE NUMBER 2900

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM JEFFERSON COUNTY R-4 TO VESTAVIA HILLS R-5

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County R-4 (multifamily residential) to Vestavia Hills R-5 (multi-family residential):

2926 Columbiana Road (2927 Columbiana Court)
Elevation Apartments (formerly Windcliff Apartments)
ECG Vestavia, LLC; Summit Vestavia I, LLC; Summit Vestavia II, LLC as tenants in common, Owners

Real property in the City of Vestavia Hills, County of Jefferson, State of Alabama, described as follows:

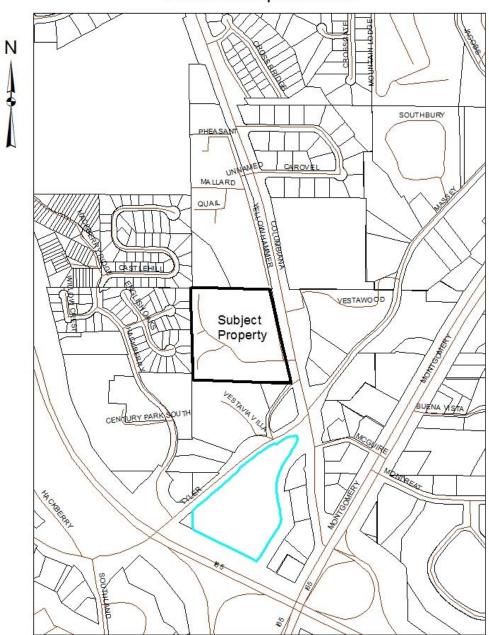
A part of the Northeast quarter of the Northwest quarter of Section I, Township 19 South, Range 3 West, situated in Jefferson County, Alabama, lying North of the property conveyed to Wessel B. and Frances L. Fleming by deed recorded in Volume 4659, Page 46 6 and lying West and Northwest of Oxmoor Camp Branch Road, (also known as Old Columbiana Road), said property also lying West of the property conveyed to Jonas Schwab and wife, to W. F. and Mary Ethel Pilcher by deed recorded in Volume 1421, Page 530 and West of the property conveyed by J.M. Oglesby and wife, to W.W.M. and Lillian F. Riddle by deed recorded in Volume 3727, Page 218, LESS AND EXCEPT that part conveyed to Jefferson County, Alabama as recorded in Volume 6605, Page 287, the above described parcel of land being more particularly described as follows: Begin at the Northwest comer of the Northeast guarter of the Northwest guarter of Section 1, Township 19 South, Range 3 West; thence in an Easterly direction along the North line of said quarter-quarter section a distance of 584 .02 feet to a point on the Westerly right of way line of the Green Springs Highway; thence 77° 21' right in a Southeasterly direction along said right of way line a distance of 648 .81 feet; thence 48 ° 25' right in a Southwesterly direction a distance of 28 .29 feet; thence 54 ° 06' right in a Westerly direction a distance of 695.2 2 feet to a point in the Westerly line of said quarter-quarter section; thence 88 ° 53' right in a Northerly direction along the Westerly line of said quarter-quarter section a distance of 657 .80 feet to the point of beginning.

APPROVED and ADOPTED this the 16th day of December, 2019.

ATTESTED BY:	Ashley C. Curry Mayor
Rebecca Leavings City Clerk	
CERTIFICATION:	
certify that the above and foregoing copy of	of the City of Vestavia Hills, Alabama, hereby 1 (one) Ordinance # 2900 is a true and correct as same appears in the official records of said
	estavia Hills Library in the Forest, New Merkle nter this the day of,
	Rebecca Leavings

City Clerk

Elevation Apartments



CITY OF VESTAVIA HILLS

SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **NOVEMBER 14, 2019**

- <u>CASE</u>: P-1119-60
- **REQUESTED ACTION:** Rezoning JC R-4 to Vestavia Hills R-5
- ADDRESS/LOCATION: 2926 Columbiana Rd.
- <u>APPLICANT/OWNER</u>: ECG Vestavia, LLC; Et Al.
- **GENERAL DISCUSSION:** This is a rezoning of a property on Columbiana Rd. Property was annexed into the City on 8/8/84 but never compatibly rezoned, as is not customary. This request will compatibly rezone the property in accordance with zoning code.
- <u>VESTAVIA HILLS COMPREHENSIVE PLAN:</u> The request is consistent with the plan for Village Center.

• STAFF REVIEW AND RECOMMENDATION:

1. City Planner Review: I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation

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

MOTION Mr. Weaver made a motion to recommend Rezoning from JC R-4 to Vestavia Hills R-5 for the property located At 2926 Columbiana Rd.. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes

Mr. Vercher – yes

Mr. Farrell – yes Ms. Cobb – yes Mr. Weaver – yes Motion carried.

Mr. Sykes– yes Mr. Larson – yes Mrs. Barnes – yes

ORDINANCE NUMBER 701

ANNEXING CERTAIN TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF VESTAVIA HILLS AL

WHEREAS, on the 16th day of April, 1984, a petition was presented to the City Council of the City of Vestavia Hills AL, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32, of the Special Session of the Alabama Legislature of 1964; and

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

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, as follows:

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

> Windcliff Apartments 2946 Columbiana Court Birmingham AL 35216

Legal Description:

A part of the NE 1/4 of the NW 1/4 of Section 1, Township 19 South, Range 3 West, situated in Jefferson County, Alabama, lying North of the property conveyed to Wessel B. and Frances L. Fleming by Deed recorded in Volume 4659, Page 466, and lying West and Northwest of Oxmoor Camp Branch Road (also known as Old Columbiana Road), said property also lying West of the property conveyed to Jonas Schwab and wife, to W.F. and Mary Ethel Pilcher by Deed recorded in Volume 1421, Page 530, and West of the property conveyed by J. M. Oglesby and wife, to W.M. and Lillian F. Riddle by Deed recorded in Volume 3727, page 218, less and except that part conveyed to Jefferson County, Alabama as recorded in Volume 6605, Page 287, the above described parcel of land being more particularly described as follows: Begin at the NW corner of the NE 1/4 of the NW 1/4 Section 1, Township 19 South, Range 3 West; thence in an easterly direction along the North line of said 1/4 - 1/4 section, a distance of 584.02 feet to a point on the Westerly R/W Line of the Green Springs Highway; thence 77 degrees 21 minutes right, in a Southeasterly direction along said R/W line, a distance of 648.81; thence 48 degrees 25 minutes right in a southwesterly direction. A distance of 28.29 feet; thence 54 degrees 06 minutes right, in a westerly direction, a distance of 695.22 feet to a point in the westerly line of said 1/4-1/4 section; thence 88 degrees 53 minutes right, in a northerly direction along the Westerly line of said 1/4-1/4 section, a distance of 657.80 feet to the point of beginning.

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

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

Ord. #701 page 3

ADOPTED and APPROVED this the 6th day of August. 1984

JACK O. GRACE MAYOR

ATTEST *

Thelma Moon, City Clerk

CERTIFICATION.

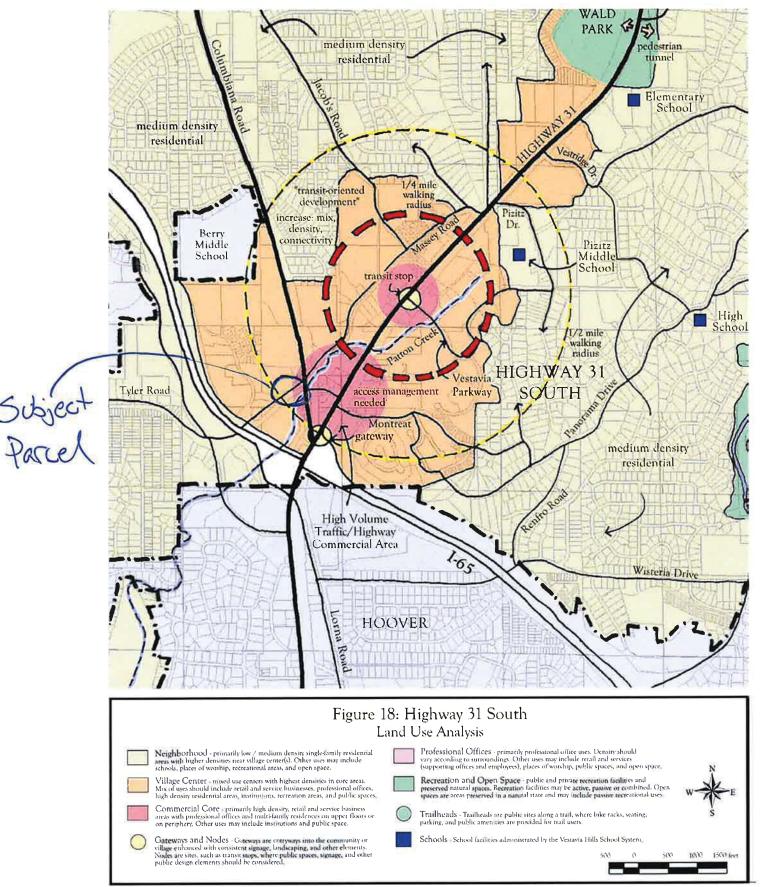
I. Thelma R. Moon, as City Clerk of the City of Vestavia Hills. Alabama, hereby certify that the above and foregoing copy of 1 Ordinance #701, is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 8th day of August 1984, as same appears in the Official records of said City.

Thelma Moon

Posted at Vestavia Hills City Hall. Vestavia Post Office and Sears Vestavia Mall, this 1th Day of Gray 198 %.

The mi Moon





ORDINANCE NUMBER 2901

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS B-1.2 TO VESTAVIA HILLS B-1.2 WITH A REVISED SITE PLAN

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills B-1.2 to Vestavia Hills B-1.2 with a revised site plan:

3127 Blue Lake Drive Lot 10-A, Resurvey Lots 8, 9 &10 Topfield and Lot 11 Topfield Subdivision SWBP Investments LLC, Owners

BE IT FURTHER RESOLVED that said development is permitted as a conditional use, an additional 2,500 square feet for a 12,500 square foot building pursuant to the Vestavia Hills Zoning Code.

APPROVED and ADOPTED this the 16th day of December, 2019.

Ashley C. Curry Mayor

ATTESTED BY:

Rebecca Leavings City Clerk

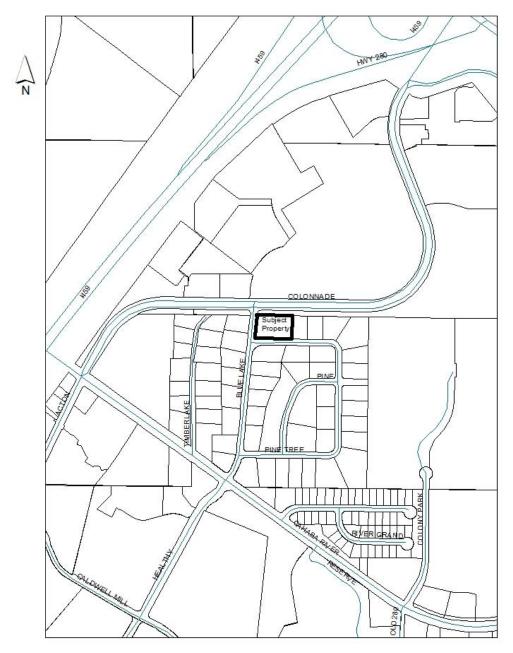
CERTIFICATION:

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 # 2901 is a true and correct
copy of such 16th day of December, 2019, as same appears in the official records of said
City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings City Clerk





CITY OF VESTAVIA HILLS

SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: **FEBRUARY 14, 2019**

- <u>CASE</u>: P-1119-61
- **REQUESTED ACTION:** Site Plan Amendment And Conditional Use Approval 2,500 Square Feet Of Gross Floor Area
- ADDRESS/LOCATION: 3127 Blue Lake Dr.
- **APPLICANT/OWNER:** SWBP Investments, LLC
- **REPRESENTING AGENT:** Shannon Waltchack
- GENERAL DISCUSSION: Applicant is seeking a site plan amendment for a medical office for the property at 3127 Blue Lake Dr. This property and the adjoining property were originally rezoned from R-1 to B-1.2 in October 2015 (Ordinance Number 2605) and conditioned on the site plan as presented at that time. The property is currently in purchase/sale, requiring a site plan change. This revised site plan will include one proposed building with the required parking and landscaping. The proposed building would be 12,500 square feet. Section 6.3.1.1 of the Zoning Ordinance states that any building over 10,000 square feet requires Conditional Use approval (see attached).

• 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:** Building to be designed in a residential style and compatible with other new construction in the Blue Lake area
- 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. Weaver made a motion to recommend the Site Plan Amendment and Conditional Use for an Additional 2,500 square feet for the property located At 3127 Blue Lake Dr. Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Farrell – yes
Mr. Sykes– yes
Ms. Cobb – yes
Mr. Larson – yes
Mr. Weaver – yes
Mrs. Barnes – yes

Motion carried.

P1119-61//2800274001017.000 3127 Blue Lake Drive Amened Site Plan & Cond. Use SWBP Investments, LLC

Exhibit - Ordinance No. 2901

P&Z Application Page 4

CITY OF VESTAVIA HILLS

1019 OCT -9 A 10: 591

APPLICATION

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

B-1.2

- (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:	SWBP Investments, LLC			
	ADDRESS:	1616 2nd Avenue South, Suite 100			
	Birmingham,	AL 35233			
	MAILING AD	DRESS (if different from above)			
	PHONE NUM	BER: Home (205) 977-9908 Office (205) 977-9908			
	NAME OF RE	PRESENTING ATTORNEY OR OTHER AGENT:			
	Shannon Wa	tchack, LLC / Len Shannon			

P1119-61//2800274001017.000 3127 Blue Lake Drive

Amened Site Plan & Cond. Use SWBP Investments, LLC

P&Z Application Page 5

III. ACTION REQUESTED

B-1.2

	Request	t that the above described property be zoned/rezoned
	From:	B1.2
	To:	B12 - Amended for site plan revision. with Conditional use for
		intended purpose of: Medical Office AddL 2,500 sf for A of 12,500 sf Build
	(Examp	ole: From "VH R-1" to "VH O-1" for office building) Iditional information is needed, please attached full description of request**
IV.		ERTY DESCRIPTION: (address, legal, etc.)
	Lot 10	D-A / Topfiled Subdivision (MB. 56 PG 40) and
	Lot 1	1 / Topfield Subdivision (MB. 42 PG. 72)
	Proper	ty size:
V.	√	RMATION ATTACHED: Attached Checklist complete with all required information. Application fees submitted.
VI.	I do h appoi	hereby declare the above statements are true and that I, the owner, and/or my duly nited representative will be at the scheduled hearing.
4	Z Owner	Signature/Date La Col 8/19 Representing Agent (if any)/date
Give this_	n under	my hand and seal day of OCTOOCR, 20 19.
My day		ion expires 10th 1905t , 20 22.

Exhibit - Ordi

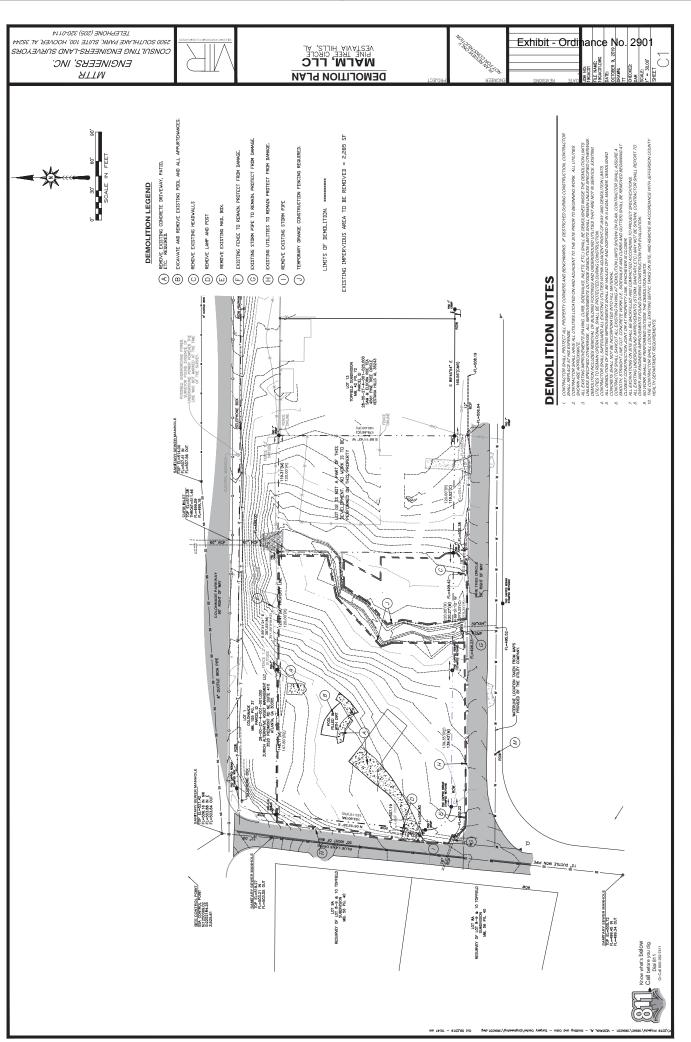
COVER SHEET

MALM, LLC 3127 BLUE LAKE DRIVE VESTAVIA HILLS, ALABAMA



COVER SHEET
DEMOLITION PLAN
SITE LAYOUT PLAN
STREEDSTON CONTROL COVER
EROSION CONTROL NOTES
EROSION CONTROL PLAN
EROSION CONTROL PLAN
SITE UTILITY PLAN
SECTIONS AND DETAILS SHEET INDEX

VESTAVIA HILLS, ALABAMA



LETEPHONE (205) 320-0114 2000 SOUTHLAKE PARK, SUITE 100, HOOVER, AL 35244 CONSULTING ENGINEERS-LAND SURVEYORS

MALM, LLC PINE TREE CIRCLE VESTAVIA HILLS, AL NAJ9 TUOYAJ ETIR Exhibit - Ordinance No. 2901

ENGINEERS' INC. MITR





SITE DATA TABLE

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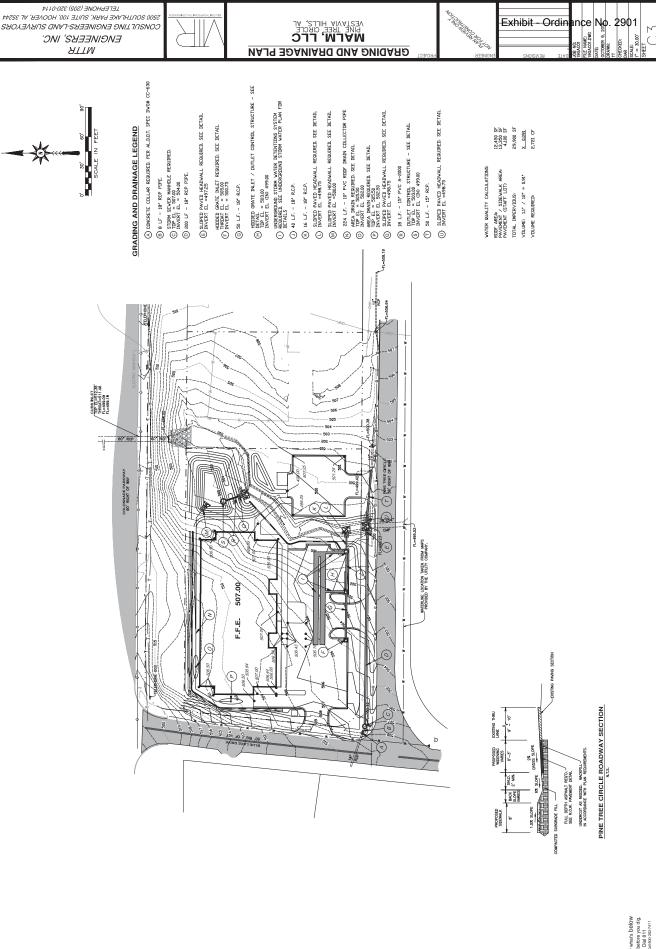
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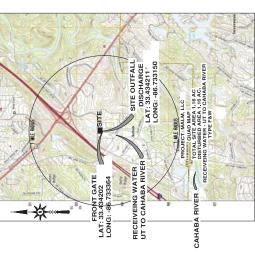
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MALM, LLC 3127 BLUE LAKE DRIVE, VESTAVIA HILLS, ALABAMA







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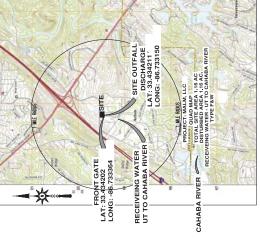
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or call 800-2227411





ENGINEERS, INC. MTTR

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	 (c) For non-linear projects, a
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	qualifying precipitation event
The eXCII system can be accessed at the following link	 (d) For linear projects where
issum central modifications of the existing permit should all be submitted through the eNOI system. All	sublication, asite inspection st

dioris, to undidioris, visitis, or	disturbance.
	 Such daily observations may be performed by appropriate site personnel.
infensible, is utilized;	 The Permittee shall maintain alog of all daily observations and record in such log any minful
activing water.	3. Stellsenctions
0 NTUs above background. For	(a) Asite in prection shall consist of a contribete and commedensive observation of the entire con-
he influence of man-made or	used for storage of materials that are exposed to precipitation, equipment storage and maintenance a
	well as all outfalls, receiving waters and stream banks to determine if, and ensure that:
discharge is consistent with the	 Effective crossin controls and sodiment controls have been fully implemented and maintained
	Alabam Hanbook
the listed impairment.	 (i) Pollutant discharges are being prevented/minimized to the maximum extent practicable, and
	of applicable State water quality standards for the receiving stream(s) or other waters impacted or all
	 Site inspections shall be performed by a QCL QQP, a qualified person under the direct super-
	 For non-linear projects, a site impaction shall be performed once each month and after any q.
liastification as to why the	possible, but no later than 24thours after resuming or continuing active construction or disturbance,
	qualifying proceitation event
	 For linear projects where active construction or areas where premial vegetation has not been
ed through the eNOI system. All	subligation, astic impection shall be performed at least once amonth and after any qualifying prec
	promptly as possible, but no later than 24-hours after resuring or continuing active construction or
	the qualifying precipitation event;
	 Asite inspection shall also be performed as often as is necessary until any poorly functioning
	dischages, or any other deficiencies observed during a prior impection are corrected and document
	permit.
	 On all active disturbance, deedging, excavation, or construction undertaken or beated within
	equipment/vehicle crossings, pipelines, or othertransmission line installation, conveyor structure in
	subligation, or other alterations, a site inspection shall be performed at least once a week and as oft-
	waterbody is complete and reclamation or effective stormwater quality remediation is achieved.
	 (g) The inspection shall be recorded in a written format acceptable to the Department. The input
	 The ske name and location, discharge point number, date, time and exact place of any sampli.

	 The six man end hostion, darkney point untried, date, time and excep have of any sampling performed; The name(s) of personic who performed the impostion and order samples or measurements taken; The dates and times of the inspection and only samples or measurements taken;
an buffer zone adjacent schoold be preserved and internitions streams, res and should not be	 Materian or partial partial materials are not be added to the control and make inside the control of the control
e state. ided the Permittee	(xiiiLoctions where additional BMF) are meded that did are exist at the time of the inspection. This requirement is applicable only to site in performed by a QCP or qualified persons under the divex supervision of a QCP. (b) Rosalis of all required appearing additions ambite for impections placer than 15 days following the date of the impections, monitorin
combination achieves	 Repeats shall be legible and bear an original signature or in the case of electronic reports, an electronic signature. CBMPP Evaluations.
chieve the sediment load	 (a) The QCP shall perform an entire evaluation of all evolven and sediment courteds being implemented for adequacy and consistency with (b) The CBMPP evaluation shall be performed as often as necessary until portly functioning or deringed evolven controls or sediment controls.
dissipation devices if	and, it a minimum, once every six months. (c) If, based on the CBMPP evaluation, the QCP identifies any needed modifications or additions to envison and sediment controls, the CB
z bjur	updated in accordance with Part ILLDA. (d) The Penniture shall resintain appropriate documentation of the CIBMPP evaluation.

	4. THE CALL THAN ON APPROVIDE BY THE APPEARING FOUND THE POWNER OF THE DESIGNATING HE CANS.	SESSO
	(a) The option between the Administration of the Administration of the Conference of this permits.	of the
	(c) The evaluation of construction sites to ensure that QCP designed and certified ension controls and sediment controls detailed in a CBMPP are effectively	4 -
	implemented and maintain ed; (d) The evaluation of comer uses structures, receiving waters and adjacent immacted offsite more to ensure the re-acciding of water quality and commitment	Ř
	with the requirements of this permit, and 3. Each individual holding a OCT Certification used not be on-site continuously and they may conduct site impections at multiple sites permitted by them or	different contractions of the contraction of the co
	their employe. 4 Each infeithabh de no CCI certification shall detain amanal certification of subdictors commission of formal reference maintenance maintenance maintenance.	age jage
	general coston courses and sediment contrats, the requirements of this permit, and the general operation of a united by meter or similar device intended for the	3 3
	institution of the control of the co	(e)
	H. Inspection Requirements I. Pre-Construction Observations	83
	 A pre-construction stot impaction shall be conducted prior the piacement of any BMPs, or the commencement of and disturbing acts taxe. (b) Pre-construction impaction shall consist of a complete and comprehensive inspection of the entire proposed construction site including all preposed areas 	i i
	of land disturbance, proposed areas used for storage of materials that may be exposed to precipitation, affected district, and other stormwater conveyances, as	1.
	(c) Precurated impedons shall be enduced by the QCP.	Dept
	 (d) The importion shall be documented and made available to the Department upon request; (e) Pro-construction importion shall include dated electronic photographic documentation of all areas described in paragraph (b) above; 	O É
	 The Permittee shall maintain record of the pre-construction ske inspection parasint to Part IV.J. Daily Osservations 	doud
	 (a) Each day there is activity at the site, the Permittee shall visually observe that portion of the construction project where active disturbance, work, or construction occurred to action as restell a reconstruction control to a reserve BMP deficiencies in the new of server. 	ä.
	distributes.	exer
	 Such daily observations may be performed by appropriate strepersonnel. The Permittee shall maintain alog of all daily observations and record in such log any rainfall measurements and BMP deficiencies observed. 	g,
jo.	 Site Inspections A site inspection is 	de g
	used for storage of materials that are exposed to precipitation, expirent storage and maintenance areas, affected dathes and other storages correspondes, as well as all notified receiving an expirence to the property of the formal parties of	Perm
he	we are noticely, recently water any presentation to recently the part of the second and resistance with this pennit, the site CBMP, and the	He D
	Amount manyon. (ii) Polluant docharges are being presented minimized to the maximum extent practicable, and Docharges are not and have not resulted in a contravention	The li
	 Site inspections shall be performed by a QCL QCP, a quiffied person under the direct supervision of a QCP. 	:: ::
	(c) For modificar projects, a sak impaction shall reperformed once each month and after any qualitying precipitation reveit, communing as primplity as possible, but no later than 2-thours after resuming or continuing native construction or disturbance, and completed no later than 72-thours following the	P. P.
	quality ng proceptizion event. (d) For linear projects where active construction or areas where perential vegetation has not been fully established, meeting the definition of final.	~ 1
W	stabilization, astic inspection shall be performed at least once amount and offer any qualifying precipitation event since the last impaction, beginning as groundly as possible, but no lazer than 34-bases after resuring or continuing active construction or disturbance and completed no later than five (5) days after	4
	thequality ing precipitation event; (a) A this invariant bell in the heard-timed on often on in account with one month for produce controlling an eventual processing the second of the controlling of the	ψ.
	(v) A year injection man and representation to take the artificial protein an expensive contraction of the contraction and discharges, or any other deficiencies observed during a prior impaction are convexed and the currented as being in compliance with the requirements of this contraction.	_ 3
	cents. (i) On all active disturbance, deelging, excension, or construction undersion or beated within the banks of a waterholy, including but not limited to,	23
	equipmentwithe cossings, pipeints, or other ratestation than the analysis fatetare instantion, and wateroof recentain, are substitution, or other alter atoms, a site impaction shall be performed at least once a week and as discusses you till the disturbance activity impacting the	8 2
	waterbody is complete and reclamation or effective storemwater quality remediation is achieved. (g) The inspection shall be reconcided in a written format acceptable to the Department. The inspection record shall include:	(e)
	 The site name and location, discharge point number, date, time and exact place of any sampling performed; The name(s) of person(s) who performed the inspection and/or obtained any samples or measurements taken; 	tothe
	 (iii) The dates and times of the inspection and any samples or measurements taken; (iv) A description of any samples and analytical portuitates or methods used including source of method much number. 	dech.
yace Q	(v) The results of any analyses performed:	:3
nume,	(vii) Description of any discharges of soliment or other pollutaris from the site;	£ 8
,	 (viii) Loxations of doctuages of sediment or other politation from the site; (iv) Loxations of BMPs that need to be maintained; 	3 2
	 (x) Lexitions of BMPs that failed to operate an designed: (vi) Levitions above RAB's continued to the CRAMP are not invariant to the continued and the CRAMP and 	_ :
	(xill axions where additional BMPs are needed that did not exist at the function. This requirement is applicable only to site inspections	repor
	personness by a QQP or quanted persons under the development of a QQP. (b) Results of all required importants shall be encolated in important to later than 15 days following the date of the importants, monitoring or sampling.	Direc
5	 Repeats shall be legible and bear an original signature or in the case of electronic reports, an electronic signature. CBMPP Enclusions 	
load	 (a) The QCP shall perform an envire reduction of all environment controls being implemented for adequacy and consistency with site conditions. (b) The QCD MRR condition shall be reformed as then as accounted and period functioning or demonstrate or reduce controls are controlled. 	New
-	and at a minimum, once every six months.	3354
	(c) II, there is necessary contained, any increase incommunity of distinct contains the contains and the contains of the contains and the cont	- j
	 (d) The Permittee shall maintain appropriate documentation of the CIMPP evaluation. L. Corrective Action 	chim 30 de
	Any pearly functioning cooken concrete or sediment contrads, non-compliant discharges, or any other deficiencies observed during the inspection required under Part III G2 shall be corrected as soon as posible, but not to exceed five (3) days of the inspection unless prevented by unsafe weather conditions.	M.
	 In the event of a treach or a sediment beach pand temporary containment measures shall be taken within 34 hours after the impection. Permanent corrective measures shall be implemented within five (5) days of the impection; however, if permanent corrective measures cannot be implemented within the 	No.
	teneformsprovided becein the Permittee shall contact the Department, and 6. The operator shall promptly take all reasonable steps to remove, to the maximum extent practical, pollutants deposited offsite or in any waredody or	- 3
B	storm water corresponds structure. J. Saspension of Monitoring	
orpo	Suspension of applicable maniboling and inspection requirements for phase d projects or developments may be granted provided: 1. The Department is maified in writing at least thirty days prior to the requested suspension.	35
	 The Permittoe and the QCP certify in the request for all disturbance has been graded, subfited, and or failty regutard or otherwise permanently covered, and that are certific cilicative stones have been and will be taken for the Permittoe to ensure correlations with the recurrence of this next it and correint that 	338
	fice investigation and the second sec	3 %
	See retain containing violence use no perceive popular formasses. The request should be accompared by a construction formation report confirming permanent stabilization of all previously disturbed areas.	a ř
*	another greatest engine and permanent in white which is the permanent and permanent or can instead be permanent of the most plane, and the best permanent in white which is the specie to resumption of disturbance or commencement of the most plane of development and the benefits of the benefit permanent in white permanent in the permanent of the plane of the benefit permanent of the plane development.	l o
	K. Precipitation Menurement	335¢
	in retrainment man man an extent an exception and contract and an extending the man removement and contract and daily reading of an onlite rain gauge, daily exchange of an affete precipitation gauge forested objects to eri a fore precipitation gauge forested objects to eri a fore precipitation gauge forested objects to eri a fore precipitation and an extension of the contract and an analysis of the contract and an affect of the contract and are a feet of the contra	a
	Remitted 8 site.	ų,
AÇA.	1. The Permitter was a man to control the control of the control o	, g
		provi
	demonstrate the discharges, as controlled by the Pearsities, do not cause or contribute to the impairment. The CBMPP trast detail the BMPs that are being utilized to control discharges of pollutarts associated with the impairment. If existing BMPs are not a utilized to active eithis demonstration, the Pearsittee mast,	S.F
the		1000

1. The special case accounted by contribution the contribution of

	demostrate the taketures, as controlled by the Pentition, of notices or contribution the imperiment. The CDROPP mad detail the BAB's that are being unlined being controlled they are for a self-cere to achieve the demonstrate, the Pentition to make a self-cere to achieve the demonstrate, the Pentition with a with a say (100 lays (disway the publishment the Pentition that Demonstrate the pentition to the leaves that \$3.31(d) into Department of electrone date of this permit, where a revised
rested in a	CEMPP detailing new or modified BMP. The CEMPP match revised as directed by the Department and the new or modified BMPs mat be implemented within intexy 000 days from the publication of the latest final \$93 kd list or Department designation. 3. Permittees deckinging from contensation sites into waters with \$PDs-Approved TVMLs, and its FPA Enablished TVMDs.
	(a) The Pennitree mad determine whether its construction site discharges to a waterbody for which a total maximum daily load (TMDA) has been established or approved by EPA. If an MSA discharges into a water body with an EPA approved or established TMDL, then the CBAEPP must include IMPs targeted to or approved by EPA. If an MSA discharges into a water body with an EPA approved or established TMDL, then the CBAEPP must include IMPs targeted to
mittery waste	meet the assumptions and requirements of the TMEL. If additional BMPs will be necessary to meet therequirements of the TMEL, the CBMPP must instande a schedule for installation and retrievenents of our BMPs.
ing activities;	(b) If, during this permit cycle, a TMDL is approved by IPA or a TMDL is established by IPA for any waterboth into which a construction site discharges, the Permittee mast review the applicable TMDL to see if it includes requirements for control of stormwater discharges from the construction site.
schrege.	(i) If it is found that the Permittee must implement operate allocations of the TMDs, it must assess whether the assurptions and requirements of the TMDs, are being mater through implementation of existing BMPs or if additional BMPs are assessery. The CBMPP must include BMPs targed to meet the comparison and maniferent the Pmmter must within sixty (in) tare distances are exhibitors of the and maniferent to the TMDs. If registing BMPs are not uniform the Pmmter must within sixty (in) tare distances are achieved or exhibitors of the
w 303(d)	TMEL by EPA, submit a revised CBMPP detailing new or modified BMPs to be utilized along with a schedule of installation and or implementation of such BMPs. Any new or modified BMPs must be implemented.

	fance constitutes a violation of the AWPCA and the	ermit; denial of a permit ren <i>eval</i> application; a	d by the AWPCA, the FWPCA, and Code of Alabams 1975, \$2222-1 et. seq., as emended.	under this Permit and not specifically included in the	impliance with this permit.
T IV Standard and General Permit Conditions (PART)	Days to Comply. The Pormittee mat comply with all terms and concluions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the	CA and is grounds for, enforcement action, termination, orsuspension of coverage under this permit, denial of a permit renewal application, a remover that the Permittee submit an application for an individual NPDES permit.	For any violation(s) of this Permit, the Permittee may be subject to a civil penalty as authorized by the AWPCA, the PWPCA, and Code of Alabama 882.222-1 et. seq., as amended, and vera criminal penalty as authorized by Code of Alabama 1975, 82.222-1 et. seq., as amended.	The discharge of a politant from a source not specifically identified in the NOI to be covered under this Permit and not specifically included in the	pation of an outfull (where applicable) in this permit is not authorized and shall constitute moneampliance with this permit.

e apparate) in this paritie is not a final daily state constitute in paratie and state of the parities of the parities.	JOHN CASE
shall be construed to preclude or negate the Permittee's responsibility or liability to apply for, obtain, or comply with other	W. Com
government permits, certifications, licenses, or other approvals.	I. Outh
	terms and or
od to discharge under this General Permit, who wishes to continue to discharge upon the expiration of this permit, shall submit	Permittee fo
issued General Permit. Such NOI shall be submitted at least 30 days prior to the expiration date of this General Permit.	the Departm
e to subtrit a complete NOI for results riske in this permit at least 30 days prior to the permit's expination will wind the	conferent
authorization to discharge under this permit as provided by ADEM Admin. Code r. 335-6-6.06. Should the permit not be	2 Comp
to is equintion date, Permittees who failed to meet the 30-day asteritual deadline will be illegally discharging without a permit	contraventio
pennik	pursuant to
ce Activity Not a Defense	regulations.
re Permittee in an enforcement action that it would have been necessary to halt or reduce construction activities in order to	3. If the
condition of the name	mean outro

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common one parameter and the state of the state of the state of the PAPCA, arother state whose waters may be affected by a discher go. Upon failing of the state on only pollutars which is not limited in the permt exceeds the level which can be achieved by the axtensing based.	Inbillies, or
at requencies agreeme to the distring which of LPR LASICH 944. To correct technical misters, with an extension includation, a maintain or interpretations of the law made in determining permit conditions; Then the permit limitations are found into the preservoir 94arq quality standards or	
ber any applicable cause set farth in 40 CPR Sections 122 61, 122 63, 102 63, 102 64 (1994). Johlyect to the public procedures of rule 375 6-21, the Director may terminate this General Permit during its term for any of the causes for	
responsible Manufacture (1984) Annufacture (1984) A	
restrict Belans, restrict Belans and restrict re	
The Pental International Decease, while a resounds time, any information which the Director may request to determine whether cause The Pental Burstle to the Director, while a resounds to the pental Director and Pental Directo	
In the Zonger, idjert expect, they consider a good on the good of the Consideration of the Co	
if the Printine to reposate that is failed to statut any referent facts in the NGL or substituted incornect information in the NGL or in any report to the matter teams assets that it failed to substitute any referent facts or information with a withten explication for the metable and vivourission. In the contract of the property of the contract of	
mittee shall allow the Director, or an authorized representative, upon the presentation of reckentials and other documents as may be required by law	
FIRST UPON THE VORTINGS STREETS WHERE A POPULATED BATTLY IS BUTTON OF WHINE OCCUPANTION FIRST OF BIFLY THE CONDITION OF THE PARTY OF THE CONDITION OF THE PARTY.	
hepect at resonable times any facilities, equipment (including menhoring and control equipment), practices, or operations regulated or required its Pornic, and	
ere per matter at resemble times, for the paposes of assuing permit complanteer as oftensise autorized by the AWPCAs, any activities, ces or parameters for a bendion. Neuromplante development	
The Penniton main tails for Department if for any reason, the Pennitse's discitings: Benshilly threaters burn that he well are.	
cause an in-stream waterquality caterion to be exceeded; Does not comply with an applicable textepolatear effluent standard or prohibition earbibled under Section 307(a) of the PWPCA, 33 U.S.C.	
and an applied of hearbase which have described our handful to their best best best wife the field of the state of the st	
To. Witten upon dual be in a forms exceptable to the Department and shall include: Adverginged of the encounterplant ext. a beautiful and beautiful and the encounterplants is especial to continue. The proof of menousplants in a shall sea and it mess or, if me servered the emissiplant lime the minorplants is especial to continue.	
A description of the steps taken and/or being taken to reduce or eliminate the monorrophying discharge and to prevent its recurrence.	
<u>Requisited Records</u> . The Report and the records and the records monitoring information, tabulate all calibration and instrument records and all regime for Promisers of the records and all regime for the records and the regime for a period of a beautiful reason assessment for the records and all regime of the records and the records and all regiment of the records and and the Review of the records and th	
s stalls be yet wit the impost in a recolved. It would expired to be kept for a privace for the Ci) years shall be kept at the permitted facility or an alternate becalon identified to the next in whiting and shall be available for impostion upon respon-	
And in the continues of information submitted to the Director shall be signed and continued according to the requirement of ADEM Admin Code r. Transfers. Transfers.	
entil any intercrassional without mixes on the Discourt and subsequent modification or revexation and resistance of the Permit. In the case of a in states, ownership or control of the Permittee's premises, a request for permit modification in a format acceptable to the Discourt is required at least from to the change.	
Digings. And Market and Control of the American States of the States of the States of the Control of the Contr	
gost. Balliste of an Upset. An upset constitutes an affirmative defense to an action brought for noncompliance with rechnology based permit limitation if the reverse of a beneamen 33.64.4. David, one me	
neaso no wepengque de 2000 e a de 1000. A Pennines who wishes to entidish the affirmative defense of an upereshall demonstrate requesty signed, contemperations operating logs, or other referent evidence that:	
An upset occurred and that the Permittee can identify the medific canaets for the upset:	

construction of any physical structures or facilities or the undertaking of any work in any waters of the state or of the United States. H. — Date to Posside Information	half furnish to the Director, within a resonable time, any information which the Director may request to determine when	exists for modifying, revoking and re-issuing, suspending, or terminating this permit or to determine compliance with this Permit. The Perm	to the Extreme upon respect, copies of recents required to be again by mis-remin. The Permittee shall inform the Director in writing of any change in the Permittee's trailing address or releibbane number or in the Per	designation of a facility contact or officer having the authority and responsibility to prevent and about violations of the AWPCA, the Depart	the terms and conditions of this permit no later than ten (10) days after such change. Upon request of the Director, the Denotings shall contain an and an of our information monitoid in the MOI	If the Perintree becomes aware that it failed to submittany relevant facts in the NCR; or submitted incorrect information in the NOB; or	the Director, it shall promptly submit such facts or information with a written explanation for the mistake and oromission.	T. W.
restruction of any physical structures. That is to Possido Information.	The Petralities shall farmish to th	ists for modifying, revoking and re-	The Permittee shall inform the I	signation of a facility contactor offi-	eterms and conditions of this permit	If the Permittee becomes aware	e Director, it shall promptly submit a	Inspection and Entry

designation of a facility contact of they having the authority and responsibility to prevent and about violations of the Awar, A., the Layurinent	he teems and conditions of this permit no later than ten (10) days after such change. Upon request of the Director, the Pennitree shall famish an update of any information provided in the NOL.	If the Permittee becomes aware that it failed to submit any referent facts in the NOT; or submitted incorrect information in the NOE or in an	the Director, it shall promptly submit such facts or imformation with a written explanation for the mistake and bromission.	his pection and Entry	The Permittee shall allow the Director, or an authorized representative, upon the presentation of creekstrials and other documents as may be require		Enter upon the Permittee's premises where a regulated activity is facuted or conducted, or where records must be kept under the conditions		Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Pennit;	Impect at reasonable times any facilities, equipment (nactualing membering and control equipment), practices, or operations regulated or rec	Permit; and	Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any acti	adistances or parameters at any heation.	Name and the same of National Action
ation of a facility	ms and conditions tee shall fumish a	If the Permitteeb	rector, it shall pror	Inspection and E	emittee shall alloy		Exter upon the Pe		Have access to an	Inspect at receous	anderthis Perrit; and	Sample or monito	nees or parameters	Noncommunication
deseg.	Permi	_	he Di	٠	The P	:00	_	Pelli	, i	_	under		ubstr	

fish or aquatic life; wate rquality criterion to be exceeded;	Does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C.		Contains a quantity of a hazar-dous substance which has been determined may be harmful to the public health or welfare under Section 311(b)	FWPCA, 33 U.S.C. § 1321(6)(4). The Permittee shall orally report the occurrence, describing the circumstances and potential effects of such dis	e Directorno later than 24-bours after the Permittee becomes aware of the occurrence of such discharge. In addition to the onal report, the Permi	I submit to the Director a written report as provided in Part IV.12 below, no laterthan five (5) days after becoming aware of the occurrence of sa		The written report shall be in a format acceptable to the Department and shall include:	A description of the noncompliant event, its cause, if harown, and location;	The period of noncompliance, including exact distes and times or, if not corrected, the anticipated time the noncompliance is expected to conti
Potentially threatens fish or aquatic life; Causes an in-stream waterquality criterion to be exceeded;	Does not comply with an applicable toxic	Plait or	Contains a quantity of a humrdon's substan	FWPCA, 33 U.S.C. §1321(6)(4). The Permit	to Directorno later than 24-bours after the P.	I submit to the Director a written report as pr	harge.	The written report shall be in a formst acc	Adescription of the noncomplant event,	The period of noncompliance, including e

that recoking of continuous mentioning insurmentation, copies of all opports copied by permit, and records of all data used to compare as a forest there of 3 were the continuous mentioning the case of the continuous mentioning the security and the continuous mentioning the case of the continuous continuous articles are secured as a final per electronic and the continuous action to the articles are continuous and the continuous action and the continuous actions are continuous actions and the continuous actions are continuous actions and action action action action actions are continuous actions.	is shall be kept until the linguinn a resolved. All records required to be kept of a pred of three (3) years shall be kept at the permitted facility or an alternate location identified to the irrant in writing and shall be arraible for proportion upon reques.	ren Requirements. COI and it repeats or information substained to the Director shall be signed and centified according to the requirement of ADEM Astrim Code 6-503. Where experted by this Fermit documents will also be signed by a QCP or QCI.	Transier of the restrict and the Perrite and albequet modification or revestion and retsuance of the Perrit, is the c the modest map and the restrict of the Perrite of premies, arequed for perrit modification in a formal acceptable to the Discouri surplied for perrit modification in a formal acceptable to the Discouri surplied performance.
that recordings for centituous mentoring instrumentals to, for a period of at least three (3) years from the date of for at any time. If litigation or other enforcement action.	3.8 shall be kept until the integration is resolved. All records required to be kept for a period of three (3) years shall street in writing and shall be available for inspection upon request.	for Requirements Of and all reports or information submitted to the Direct 6-0.9. Where required by this Permit, documents will al	Transfers Petris may no the transferred with our notice to the Direct in name, ownership or control of the Petritize o's premi- ys-prior to the change.

ad by ADEIM Admin Code r. 335 -66-, 12(m).			a proper by signed, contemporaneous operating lags, or other referrant evidence that: An upper excerned and that the Permittee can identify the specific casacts to the upper.	The waterwater treatment fite fitty was at the time being properly operated; The Pennines submitted patics of the unset as resulted in substantanth 335-66-12106; and	The Permittee compiled with any remedial measures required unake pungraph 33.56-6-12/d). Bardon of Proof, hi any ord excement proceeding the Permittee seeking to establish the excurrence of an upset has the bu
2 2	Effect of an Upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology I energies of substantials 33-56-6-1, 2012, are met.	Conditions Necessary for Demonstration of an Upset. A Permittee who wishes to establish the affirmative defense of an	2.5	FF	F#

R. Request for Individual Permit by General Permit Hadder	 Any person covered by this General Permit may apply for termination of coverage by applying for an individual NRMES permit. A permit. 	submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this General Permit shall be processed in ac	with the rules found in ADEM Admin. Code ch. 3356-6 applicable to individual permits.	Any person may petition the Director for withdrawal of this General Permit authority from a discharger. The Director shall consider the inf	submitted by the petition or and any other information he may be aware of and may obtain additional information from the discharger and through	inspections by Department stuff and shall decide if coverage should be withdrawn. The petition or shall be informed of the Director's decision and	provided a summary of the information considered.	S. Termination of Coverage	The Director may suspend or terminate coverage under this permit for cause without the consent of the Permittee. Cause shall include, but not be 1	noncompliance with this permit or the applicable requirements of Department rules, or a finding that this permit does not control the summator d	sufficiently to protect water quality.	1. Notice of Termination	The Permittee mas salemia a Netice of Termination (NOT) in a format acceptable to the Department within thiny (30) days of one of the followin	Sea Cities o
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The NOT shall include:	(a) The Permittee name, permit number, and location of the site; and	 (b) Certification by the Permittee and the QCP that all construction activity covered by this permit has been completed and final 	achieved, or	 (c) Mentification, including complete contact information, of the person that has assumed legal or operational control over the c 	 Loss of operational control does not relieve the operator from liability and responsibility for compliance with the provision. 	complete and correct request for termination is received by the Department.	 Sale or transfer of operational responsibility for the steeby the operator prior to the succeeding operator obtaining permit co 	chapter, does not relieve the operator from the responsibility to comply with the requirements of this permit	
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terminated. Such sign shall display the name of the Permittee, "ADMA NEMM ALRIO" to lowed by the five digit NPDMS permit number,	facility or project name, and other descriptive information deemed appropriate by the Permittee.	U. Schedule of Compliance	The Permittee shall achieve compliance with the requirements of this permit on the effective date of coverage under this permit.	V. Discharge of Wastewater Generated by Others	The declarage of waterwater generated by any process, facility, or by any other means not under the operational control of the Permittee or not	identified in the application for this are not identified an editional in the description of an authority is not authorized by this
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of Alabama	V. Discharge of Washwater Generaled by Others
	The discharge of waterwater generated by any process, facility, or by any other means not under the operational control of the Permittee or not
uded in the	identified in the application for this permit or not identified specifically in the description of an outfall in this permit is not authorized by this
vith other	permit except as allowed by Part I. W. Compliance with Wafer Quality Standards and Other Provisions
	 On the basis of the Permittee's application, plans, or other available information, the Department has determined that compliance with the
	terms and conditions of this Permit will assure compliance with applicable water quality standards. However, this Permit does not relieve the
shall submit	Permittee from compliance with applicable State water quality standards established in ADBM Admin. Orde ch. 335-6-10, and does not preclude
enrik.	the Department from taking action as appropriate to address the potential for contravention of applicable State water quality standards which
vill void the	could result from discharges of pollutants from the permitted facility.
it not be	 Compliance with Permit terms and conditions notwith standing, if the Permittee's discharge(s) cause(s) or contribute(s) to a condition in
hose a permit	contravention of State water quality standards, the Department may require abstracts action to be taken by the Permittee, modify the Permit
	parameter to the Department's rules and
	rogalishine, or both.
order to	 If the Department determines, on the basis of any investigation, inspection, or sampling, that a modification of this Permit is necessary to
	assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWFCA, the Expartment may require such
	솈
any permit	X. Civil and Criminal Liability
	 Tampering: Any person who fishifres, tumpers with, or knowingly renders inaccurate any monitoring device or method required to be
	maintained or performed under this Permit shall, upon corniction, be subject to penalties and/or imprisonment as provided by the AWPCA
ich are	analyse the ABMA.
	 Fulse Statements: Any person who knowingly makes any filse statement, representation, or certification in any record or ofter document.
olky	submitted or required to be maintained under this Permit, including manitoring reports or reports of compliance or macompliance shall, upon
e conditions	corriction, be punished as provided by
	applicable State and Fosberal law.
	 Permit Enfrocement: This NPDES Permit is a Permit for the purpose of the AWPCA, the AEMA, and the FWICA, and as such all terms.
Coder	conditions, or limitations of this Permit are embrecable under State and Foderal law.
	 Refed From Liability: Boopt as provided in Part IV.M. (Bypass) and Part IV.N. (Upset), nothing in this Permitshall be construed to
ntion of	relieve the Permittee of civil or criminal liability under the AWPCA, AEMA, or PWPCA for noncompliance with any term or condition of this
	Permit.
msorby	Y. Oll and Hazardous Substance Liability
	Nothing in this Permit shall be constanted to preschade the institution of arrelessed action or redieve the Permittee from any reasonabilities.

PART IVS A. Duty	FWPCAun
one by site staff or by loxel, state, or focked officials determine that the existing sediment ment spractices are ineffective or do not meet the requirements of this permit. All necessary toler days following neaffectation of the imprection unless granted an extension of time by the	sures, or other size management practices prove in effective in protecting water quality or need in control measures, or other size in management martices are necessary to meet the confirments.

The control and realized and previous closured control and control	in the property of the whom of the ages content of plantans for which constructing values in provided. The Permitter of the whom of the ages content of plantans for which construction and cheeners for the content of the plantans of the pl	physical constraints white CPR in general units expend by the general and the CPR is easily evaluable out the to too the constraint of the CPR in the constraints of the point, the Pennies while cause that. They pay halls because that constraints of the point, the Pennies while cause that the pennies while cause that the pennies while cause that the pennies while cause the constraint of the pennies and cause the cause the constraints of the pennies are constraints and constraints and constraints and constraints are constraints and constraints and constraints are constraints and constraints are constraints and constraints are constraints and constraints are constraints.
Inference and maintain a spill see, 1.2() for all applicable on six Adams Coder 33 e.6e. 1.2() for ability or privately owned recur The Permittee shall implement at the Permittee shall implement at eventuary apile of pullurans from sements of 40 CIR Part 1.2 and 1. extend of maxerials compatible with	ning 110 precent of the volume or readily available sufficient oil d inused by paint or chemical spill ee.	ployed or contracted with a QCI necessary to ensure full complian up byce shall be certified as a Qci od Credenialed hypector Pogra

primote to present the properties of the Alakam NPDES rules.	recenses to this permit: The permits of this permits that QCP designed and certified ecosion costrols and sodiment controls detailed in a CBMP all remitted or.	ormorphisms of common are securing waters and adjacent impacted officia mean to ensure the protection of water quality an of this neuriti and	ividual holding a QCT Cetification need not be on-site continuously and they may conduct site impections at multiple sites perm	checkeda ladelig (Continuismo that decisi annut setti restorior of sedaciono completion of feminismo checke reducedor or mis tanta del maniero conteste, de requesentes coltais permit, and the specard operation of instudigi motor or animal coloris, in tallatify. The contraction of the contraction o	
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telpanteeting, stain besubject to acceptance by the Larrector prior to use.	hispection Requirements	A pre-construction site impection shall be conducted prior thep becamer of any 19419s, or the commencement of land disturbing a Pre-construction impection shall consist of a complete and comprehensive inspection of the entire proposed construction site in the	and disturbance, proposed areas used forstorage of materials that may be exposed to precipitation, affected disches, and other stormwi	i is all proposed outhints, receiving waters and stream banks to astermine if there are pre-costing areas of concern. Pre-construction impections shall be conducted by the QCP;	The impection shall be documented and made available to the Department upon request. Processession insocions dual include dated electronic desconnels in commensation of all some described in nanomed dot above.	The Permittee shall maintain record of the pre-construction site inspection parsurat to Part IV J.	Daily Observations	Each day free is activity at the site, the Premitee shall visually observe that portion of the construction project. where active datus	
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of land disturbance, proposed areas used for storage of materials that may be exposed to precipitation, affected disches, and other	well as all proposed outfalls, receiving waters and stream banks to determine if there are pre-existing areas of concern.	The impaction shall be documented and made available to the Department upon request.	Pre-construction in prection shall include dated electronic photographic documentation of all areas described in pampraph	The Permittee shall maintain record of the pre-construction site inspection parsurat to Part IV.J.	Daily Observations	Each day there is activity at the site, the Permittee shall visually observe that portion of the construction project where acti	construction occurred to note any minful measurements occurring since the previous observation, and any apparent RMP deficies	9	Such daily observations may be performed by appropriate site personnel.	The Permittee shall maintain a log of all daily observations and record in such log any minfull measurements and BMP de	Site Impections	A site in spection shall consist of a complete and comprehensive observation of the entire construction site including all are	used for storing of materials that are exposed to precipitation, equipment storing cand maintenance areas, affected ditches and oth	well as all outfalls, receiving waters and stream banks to determine if, and ensure trac	Effective erosion controls and sodiment controls have been fully implemented and maintained in accordance with this perm	Alabam Hanbook	Pollutant discharges are being prevented/minimized to the maximum extent practicable, and Discharges are not and have or	of applicable State water quality standards for the receiving stream (s) or other waters impacted or affected by the Permittee.
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in the control of the	permit. (i) On all active disturbance, deed ging, excensation, or construction undertaken or bested within the banks of a waterbody.	qualify in greedplanfon over t	(c) For non-times projects, a saw inspection stem respectionary cace cach manus and ance any quantying precipitation or possible, but no later than 24th cars after resuming or continuing active construction or disturbance, and completed no later it	(b) Site impactions shall be performed by a QCL, QCP, a qualified preson under the direct supervision of a QCP.	 Pollutant discharges are being prevented/minimized to the maximum extent practicable, and Discharges are not and he applicable State-water quality standards for the receiving stream(s) or other waters impacted or affected by the Permittee. 	Aubarra Handrook;	 Effective erosion controls and sodiment controls have been fully implemented and maintained in accordance with this 	well as all outfalls, receiving waters and stream banks to determine if, and ensure that:	used for storme of materials that are exposed to precipitation, equipment storme cand maintenance areas, affected discloss an	
permit. On all perion distributions developes are constitute and exteller and exteller the banks of a construction.		(d) For linest property whereavier outmention or two when promited suggestion has not sub-parabilished, menti-subdistingto, as the special rolls by precision halls by precision halls by precision halls by precision and by the subdistington and after any qualifying precipitation over unlines he is promptly up possible, but no later than 34-hours after evanting or continuing any continuing any continuing any precision of the subdisting and the subdisting are continuing any continuing any precision of a part of any any any and a part of a p	quality to previous over the receive contantian or sens when permain vagation has not been tally entailabed, meeting for the prompt is passed to the contant of the prompt is passed to that the contant of the contant	(c) Franchise protects, in the regions all disperience at a must have any quiliportation required to the region of the region of the region of the region of the region and region and region all regions for contrastive of the regions. The regions refer to recomming to containing a region of the region of the region of the region of the regions of the regions are regional to the region of the regions of the region of	(b) Sin majoran halfarpationari by CEC (2002) and calculation and can always and calculation a	Considerable and the property of the property	Advance in the property of the	(I) Experience control and additionable here has followed and instances within a control and an additional control and an additional control and additional control additional control and additional control and additional control addit	and and other coverage and many interesting to the contract of	with a sign of the
(c) A tate trajection that also be performed as often as a recessary unit may poorly institutioning evolum committee relate discharges, or any other challencies downward admiring a principle and discharges, or any other committees the committee of the commit	(e) A site impection shall also be performed as often as is necessary until any poorly functioning resolun cortrols or sedar discharges, or any other deficiencies observed during a prior impection are corrected and documented as being in compliance	(d) For linear projects where active construction or areas where prenatial vegetation has not been fully established, meetin stabilization, a site inspection shall be performed at least once amonth and after any qualifying precipitation event since the la	qualify ng procibitation event. (al Per fines projects where exist economization or areas where preuntal vagetation has not been faith enablished, meetin sublimation, as the specials while he performed at least once a month and after any qualifying precipitation event since the la sublimation, as the specials on hell be performed at least once a month and after any qualifying precipitation event since the	(c) For making propose, the important performance are ment and and application (of the contraction of the	(c) Be in negational addrespending of ECC, QCA, and apple nour under the cup reprised or ACC. (c) Resil problems upon the complexes the impacts of an impact of the problems of the complexes of the complexes of the problems of the complexes of the complexes of the problems of the complexes of the complexes of the problems of the complexes of	 The first of sharp as evilage even definition for insurance and profession and behavior on maintie. The first of sharp as evilage even definition for insurance and even and are sharped to the first of the first inspection shallong-endoughty. COCO, and the first of the first inspection shallong-endoughty. COCO, and the first inspection shall be even and the first appropriate or coco and the first inspection shall be even and the first appropriate or coco and the first appropriate or coc	And design indicate, and an experience of the property of the	Of Register control and additional to be less by present and an additional control and an additional control and a	will an effective queue and institution between its particular and management with the office of the properties of the	and to study created accessive dispetation expensions and an extraction of the control of the co
prompty in possible, but north and A bons after resuning or continuing active construction or disturbance and complete to equalitying propriation remark. (i) A fair appears that also heperformed as often as a recovery unit any poorly assistanting peasing controls or evalual alterators, or or appear of addistances to describe the present controls of any construction of the completence point. [iv] Or all vision destinations harding accordance reconstruction controls the control state for a completence of the control and	pourply up possible, but to later that 34 bits a the routing or continuing active construction or distributes and complex frequibility precliptions even; to see the proper process of the proper particularing ensists consider settled of A the topecond which this has been processed as the processed as the proper particularing ensists considerated distributes or every drive deficiencies deserved thinging a prior impection are convexed and determined action in complement		qualify ing precipitation event	(c) For majorizar projects, a site inspection shall be performed once each month and after any qualifying precipitation over possible, but no literal than 24-thours after resuming or continuing active construction or disturbance, and completed no lateral qualifying precipitation overar.	 Ste ingression stablisherprised by a CLR Copt, and afficient such et the date wherein or d. CR. For meister procket, as its inspection all the preformed uses each ments and fact may quilifying proceedings or possible, but an efter find 2-thors rafter resuming or continuing active construction or disordence, and completed into larvel, qualifying procedurion record. 	(1) Rhant delagase bricking personal personal initiated to the inflammen contemporal, and Deckings on trainful of applicable Sheavaster quality instantish for recovering parentist or there was improved or inflavorily be the trainer. Nea impression addition of production of the contemporal parentist or their waster improved or inflavorily be the trainer. Nea impression and addition of their contemporal parent in the superior and experient or delay. Resident to an invasion project, as in impaction delibergement of contemporal and addition any qualifying procedures and production of the production of the contemporal production of qualifying providence over. 	Adean induced address are being record intition to the meature corn practable, and Dedangs are not and be (i) Register address are being recorded intition to the team for the foreign and the Demands (ii) Research for the properties of the Company of the Company of the Company of the Company (iii) (ii) The melioner propers, as in specials address the Company of	(c) Effective each contributed and contraction which is provided in the contraction of th	and a milk discount and milk milk milk milk milk milk milk milk	with a simple control and a si

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duily confidence facility. Permittee L. H. T. I. T. I.	daily readings of an ensite min gauge, daily readings of an offsite precipitation gauge located adjacent to or in close presenting (maximum	facility, or by other measurement devices acceptable to the Department (e.g., on in e resources). Precipitation measurements must be repres	7.8380.	L. Impaired Waters and Total Maximum Daily Lead (TMDL) Waters	The Pennince must determine whether the discharge from any part of the construction site courr bures directly or indirectly to a war	included on the latest \$3.0k d) list or designated by the Department as impaired;	If the Permittee's construction site discharges to a waterbody included on the latest §303(d) or designated by the Department as imp	demonstrate the discharges, as controlled by the Permittee, do not cause or contribute to the impairment. The CRMPP must detail the BMI	utilized to centrol discharges of pollutants associated with the impairment. If existing BMPs are not sufficient to achieve this demonstration	with a stay (40) days following the publication of the latest final § 303 (d list, Department designation, or the effective date of this permit	Charles And Annual Control of the Co
	daily readings of an c	facility, or by other in	Permittee's site.	L. Impoired Wa	1. The Permittee	included on the latest	If the Permitte	demonstrate the disch	utilized to centrol dis	within sixty (60) days	Charles Assistant

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PART II Notice of Intent (NOI) Requirements (PART)	A promisery potentials and a production of the NOI electronically, using the Department's eNOIsystem, unless the Pennitee submits in writing wild justification as to the Pennitee submits in writing wild justification as to the Pennitee submits in writing wild justification as to the Pennitee submits in writing wild justification as to the Pennitee submits in writing wild justification as to the Pennitee submits in writing wild justification as to the Pennitee submits in writing wild justification as to the Pennitee submits in writing wild justification as to the Pennitee submits in writing wild justification as to the Pennitee submits in writing wild justification as to the Pennitee submits in writing wild justification as to the Pennitee submits in writing wild justification as to the Pennitee submits in the P	the Department approxes to writing the instance of Land Agreement in Early States and the following links the contract and and a contract the contract and a contract the contract and a contract the contract and and at the animated through the debt of the contract applied to be submitted to the Department by this garrent permit shallest delivered to the	
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Administration of the continuous of the continuo	PART III Stormwater Pollution Prevention Requirements (PART)	 Provide Natural Buffers or Equivalent Soliment Controls Buffer one restriction to be a first new selection of the control of the c	to all streams at the construction site shall be preserved, to the maximum extent practicable, daring construction activation at the site. The figure in ball	between the top of stream bank and the disturbed construction area. The water quality buffer zone aids in the protection of waters of the state (e.g., per	evers, lakes, well and a located within or immediately adjacent to the boundaries of the period. Natural buffer zones are not normary sealment control
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_	1. Compliance Abernatives
3	Provide and maintain a 25-foot undisturbed natural buffer, or
8	If land disturbances are obcuted 25 feet or further from surface water, then compliance with this alternative has been achieved.
3	Rehabilitation and enhancement of annuaral buffer zone is allowed, if necessary, for improvement of its offectiveness of protection of the waters of the sta
0	 Any preexisting structures (e.g., buildings, parking lots, roadways, utility lines, structures, imprevious surfaces) are allowed in the natural buffer, provided
retain	retains and pratects from disturbance any additional natural buffer area contained within the buffer zone but outside the preexisting structures fourprint.
æ	 Provide and maintain an undisturbed natural buffer that is less than 25 feet and is supplemented by additional ension and sediment controls, which in corr
the se	the sediment had reduction equivalent to a 25-foot undisturbed natural buffer, or
3	 If it is infeciable to provide and maintain an undisturbed natural buffer of any size, the Permittee must implement ecosion and sediment controls that achiev
mduc	reduction equivalent to a 25-foot and isturbed natural buffer.
g	(d) All discharges from the area of earth disturbance to the natural buffer must find be treated by the site's enosion and sediment controls, and use velocity dis-
9000	necessary to prevent cosion caused by stormwater within the buffer.
9	 All compliance alternatives must be documented in the CBMPP and comply with all requirements. The buffer boundary should be indicated on the site pit.
8	Compliance alternatives must be maintained throughout the duration of permit coverage.
(0)	 All natural buffer arose should be delin cond. and closely marked off with flows, tree, or similar marking.

Configuration and configuratio
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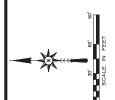
ENGINEERS' INC. MITR



MALM, LLC PINE TREE CIRCLE VESTAVIA HILLS, AL **EROSION CONTROL PHASE I**

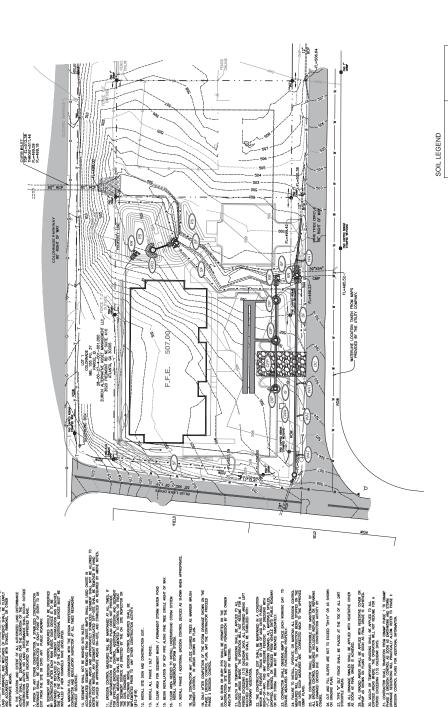


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ILE NAME:
ILE NAME: 2901 Exhibit - Or



UCTURAL	PRACTICE	SILT FENCE	CONSTRUCTION	NOTAMATON SIGN	RP RAP	DONED INLET PROTECTION	ODMORETE WISH OUT	12" WATLE	ROCK FLIER CHECK DAM
STRU	CODE	(9)	(a)	(<u>a</u>)	(§)	(ald)	(C)	(WAT	(RFO

SETATIVE ASURES	PRACTICE	STABLIZATION STABLIZATION (MTH MULCHIN) CNL)	DISTURBED AREA STABILIZATION (MITH TEMPORARY SEEDING)	DISTURBED AREA STABLIZATION (SCOONG)	DUST CONTROL ON DISTURBED ARENS	EHOSION CONTROL BLANNET
炎띺	CODE	(M)	(2)	(S)	(8)	(8)





4. THE ESCAPE OF SIZIANDNI PROM THE SITE SHULL BE PREVENTED BY
THE INSTILLATION OF EROSION AND SEDIMENT CONTROL MESSURES.
ARTHURS PRICE TO OR CONCLIREET WITH LAND-DISTURBING
ARTHURS PROR TO THE LAND DISTURBING ACTIVITY. THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION METING WITH THE SITE INSPECTOR. S. A COPY OF THE APPROVED LAND DISTURBANCE PLAN AND PERM SMALL BE PRESENT CHRITE AT ALL TRUES. THE LAND DISTURBANCE PERMIT SHALL BE POSTED ON THE PERMIT SIGN AS SHOWN ON P

BORTRO COMBEIGNO LAND DISTURBANDE ACTIVITY. THE LIMITS OF DISTURBANCE, AND WETLANDS (IF PRESENT) SHALL BE CLEDARY ACCURATED? TO DAWKATED WITH STAKES, REBONS, OR OTHER DREAMT MANS. 6. THE LOCATION AND EXTENT OF ALL AUTHORIZED LAND DISTURBANCE ACTION'S SHALL BE DEMANDED FOR THE DEPANDS OF THE CONSTRUCTION ACTION'S NO LAND DISTURBANCE SHALL OCCUR OUTSDET THE APPROVED LANTS INDICATED ON THE APPROVED LANDS INDICATED ON THE APPROVED LANDS. 7. PRIOR TO ANY OTHER CONSTRUCTION, A STABLIZED CONSTRUCTION OPPRANCE SHALL BE CONSTRUCTED AT EACH POINT OF EMENY TO OR SOT FROM THE SITE OR ONTO ANY PUBLIC ROADWAY. SEDMENT AND ENOSION CONTROL MEGANES SHOULD BE OBSERVED TO CONTROLLEN BEACH SHOULD SHOKE IS TO BE NOW HOW WITHOUT WE SEDMENT ACCIDILLATION WE SELVED WITH THE CANADIDATION WE SELVED WITH THE CANADIDATION WE DEVICE ADDITIONAL DEVICES MUST BE SHALLD IF WAR CHARMEDS WAS REPLACED. 9. MANTAN PULL COORDANTON WITH THE DISSON PROFESSIONAL, CONTRACTOR AND REGULATORY INSPECTOR AT ALL TIMES REGARDING PROJECT SEQUENCE.

11. INCOM CONTROL MUSINES BILL OF MATCHAD AT ALL THES, THE WILLIAM CONTROL OF THE APPROACH OF THE OWNER OF THE CONTROL MUSINES SHALL OF THE APPROACH OF THE THE CONTROL OF THE OWNER OF THE OWNER OF THE THE CONTROL OF THE OWNER OWNER OWNER OF THE THE CONTROL OF THE OWNER O . SITE SIGN AND CONSTRUCTION EXIT.

13. NESTAL ALL PHORE I SET PROCE.
14. NESTAL ALL PHORE I SET PROCE.
15. RESAN REPUBBLISH RESAY I PROMISED STORM WEIR PORD
15. RESAN REPUBBLISH RESAY I PROMISED STORM STORM.
15. RESAN REPUBBLISH RESAY I PROMISED STORM STORM.
16. RESAY ARRESTED IN SERVICE AND PROCESS AS SHOWN WITHOUT STORM.
17. NESTAL ALL PHORE I SET PROCE.

18. THE CONTRACTOR MY UTILIZE CLEMBED TREES AS BAMPRER BRUS SEDIMENT CONTROL. IN AREAS SHOWN ON PLAN. 19. ONLY AFTER COMPLETION OF THE STORM DRAINGE SHOWN ON PHASE I EROSION CONTROL. PLAN, MAT THE CONTRACTOR PROCEED PHASE II EROSION CONTROL. 20. NO BURN OR BURY PITS SHALL BE PERMISSION ON THE CONSTRUCTION SITE WITHOUT WRITTEN PERMISSION BY THE OWNER AND/OR THE ENGINEER OF RECORD.

21. MUCH OR TEMPORARY ORASSNO SHALL BE APPLED TO ALL DESCRIPTION WHEN THE ORASSNOW SHALL BE STREET FOR A PERSON EXCEEDING FINA SO DAYS SHALL BE STREETED WITH TEMPORARY VESTATION. A, FAILURE TO INSTALL, OPENATE, OR MANTAN ALL EROSION CONTRACADES WILL RESULT IN ALL CONSTRUCTION REING STOPPED ON 1 YOU BUTHE. SUCH MENGURES ARE. CONFECTED BACK TO THE APPROVAGURE. HE CONSTRUCTION OF SALE REMANDER IN COGNIDA MENCH HELL REMANDER TO SHALE REMANDER IN COGNIDA MENCH HELL REMANDER TO SHALE REMANDER TO PERSON WITH 1-5" OF STORE, AS CHARITON OF THE WASHINGTHEN SHALES. OR THO STORE THE MENCH TO SHALE MAY DEPENDED TO CONTINUE SHALE THE MENCH TO SHALE MAY DEPENDED TO CONTINUE SHALE THE MENCH TO SHALE THE MENCH TO PENCH TO STORE THE MENCH THE SHALE THE MENCH TO TO CONTINUE SHALE SHALE THE MENCH THE MENCH TO TO CONTINUE SHALE SHALE THE MENCH THE SHALE THE MENCH THE PENCH THE SHALE THE MENCH THE SHALE TH 25. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MANTENANCE O ALL BROSION CONTROL MEASURES INCLUDING REPLACING OR REDPA TO DEMAGED DEVICES DUE TO ANY CONSTRUCTION ACTIVITY BY MAHRE

29. ALL OPLOED AREAS SHALL BE APPLIED WITH VEGETATIVE COVER OR SIPPLAP AS SHOWN ON PLAYS AS SOON AS FINAL GRADE IS ACHEVED. 11. CONTRACTOR SHALL TRANSITION PROJA CIBIANP PHASE 1 TO CIBIAN PHASE 2 BECANSON CONTRIG. AS SOON AS EMPERATOR AND STORM SECULIARION WILL PRACTICALLY ALLOR. RETER TO PHASE I PROSIGIO CONTROL PAARS FOR ADDITIONAL, INFORMATION. O, NUICH OR TEMPORARY GRASSING SHALL BE APPLED TO ALL XPOSED AREAS WHERE THE OPERATION WILL NOT RESUME FOR A ENDD EXCEDING (13) CALENDAR DAYS. 28. ALL DRAINAGE SHALES SHALL BE APPLIED WITH VEGETATIVE COM AS SOON AS FINAL GRADE IS ACHIEVED. 28. CUT AND FILL SLOPES ARE NOT TO EXCEED "2H:1V" OR AS : ON GRADING PLAN. 27. TYPE 'N' SILT FENCE SHWL BE PLACED AT THE TOE OF ALL STOCKPILE AMENS.

SOURCE USDA SOL MAPS





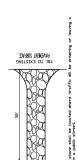
EROSION CONTROL DETAILS MALM, LLC PINE, TREE CIRCLE VESTAVIA HILLS, AL

FASTENERS FOR SILT FENCES ONot to scale)

Nall Placement FRBNT VIEV



Exhibit - Ordir <u>/</u> SCALE: 1" = 30.00' SHEET



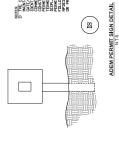
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CONSTRUCTION EXIT DETAIL









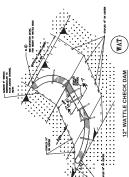
PLAN VIEW

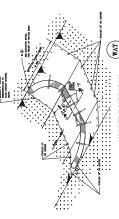
GRAY HIGH-EFFICIENCY HATERIAL

IP 7 DOMED INLET PROTECTION DETAIL









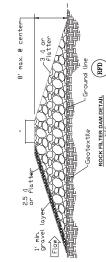


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The of a season of the purpose that the control contro GRESS LINE - CUE AD LES FOR LAKE OF 1-40-10 DE COLONDER, FIPLY TO LESS OF ALCTIONAL LANGES LANGE - CUE AD LES FOR LANGE OF 1-40-10 DE COLONDER, CUE AD LANGES OF 1-40-10 DE COLONDER. CUE AD 10 TO LES/ADDE OF CUE AD LANGES OF 1-40-10 DE COLONDER. CUE AD LANGES OF 1-40-10 DE COLONDER.

(PS SEEDING NOTES



RFD ROCK FILTER DAM DETAIL

