

## **ORDINANCE NUMBER 3217**

### **AN ORDINANCE TO DECLARE REAL PROPERTY AS SURPLUS AND AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE DOCUMENTS NEEDED TO CONVEY SAID PROPERTY**

**WHEREAS**, William Russell “Rusty” Fuller, Jr., and wife, Judith P. Fuller own and reside on the property situated at 1119 Winchester Cove in the City of Vestavia Hills, Alabama and consists of several parcels of property included some previously vacated rights-of-way; and

**WHEREAS**, the City of Vestavia Hills is the owner of Lot 2, Wald Park Survey No. 2 as recorded in Map Bok 254, Map Page 44, in the Probate office of Jefferson County, Alabama; and

**WHEREAS**, the Fullers constructed an inground fenced swimming pool on their property sometime after moving into their new home; and

**WHEREAS**, during the Community Spaces projects to renovate Wald Park, surveys were conducted and it was discovered and an inadvertent encroachment into Lot 2, Wald Park Survey No. 2 had occurred during construction of the pool on the Fuller property. A copy of said encroachment is detailed in Exhibit A, attached to and incorporated into this Ordinance 3217 as if written fully therein; and

**WHEREAS**, the Fullers are desirous to end the encroachment and purchase the property from the City; and

**WHEREAS**, the City Manager, in coordination with the City’s project manager, have determined that the encroachment has not affected any of the improvements to the Wald Park project, which is almost completed and that the encroachment can be declared as surplus property; and

**WHEREAS**, the market value of the property in Lot 2, Wald Park Survey No. 2 is determined by the square footage divided by the market value. The total land value of said property as determined by the Jefferson County Tax Assessor is \$511, 200 in the 2023 valuation. The total square footage of the parcel is 115,148.2 square feet resulting in the per square foot value of \$4.40 per square foot ( $\$511,200/116148.2$  SF); and

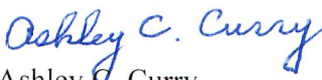
**WHEREAS**, the total encroachment is 1,387 square feet which makes the total valuation of said parcel to be \$6,102.80 ( $\$4.40 \times 1,387$  SF); and

**WHEREAS**, the Mayor and City Council feel it is in the best public interest to declare the encroachment as surplus property, resurvey the property, convey the encroachment to the Fullers and clean up the property lines of both parties.

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

1. The inadvertent encroachment by the Fuller pool as detailed in the attached Exhibit A is hereby declared as surplus; and
2. The market value of the 1387 SF encroachment is deemed to be valued by the City Council at a cost of \$6,102.80; and
3. The Mayor and City Manager are hereby authorized to execute and delivery any and all documents required to resurvey and convey the property to the Fullers following a resurvey at the Fullers' expense; and
4. This Ordinance Number 3217 shall become effective immediately upon adoption and approval following posting/publication pursuant to Alabama law.

**ADOPTED and APPROVED** this the 22<sup>nd</sup> day of April, 2023.

  
Ashley C. Curry  
Mayor

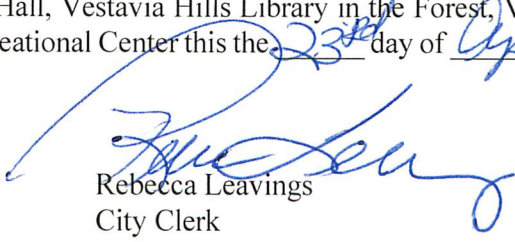
ATTESTED BY:

  
Rebecca Leavings  
City Clerk

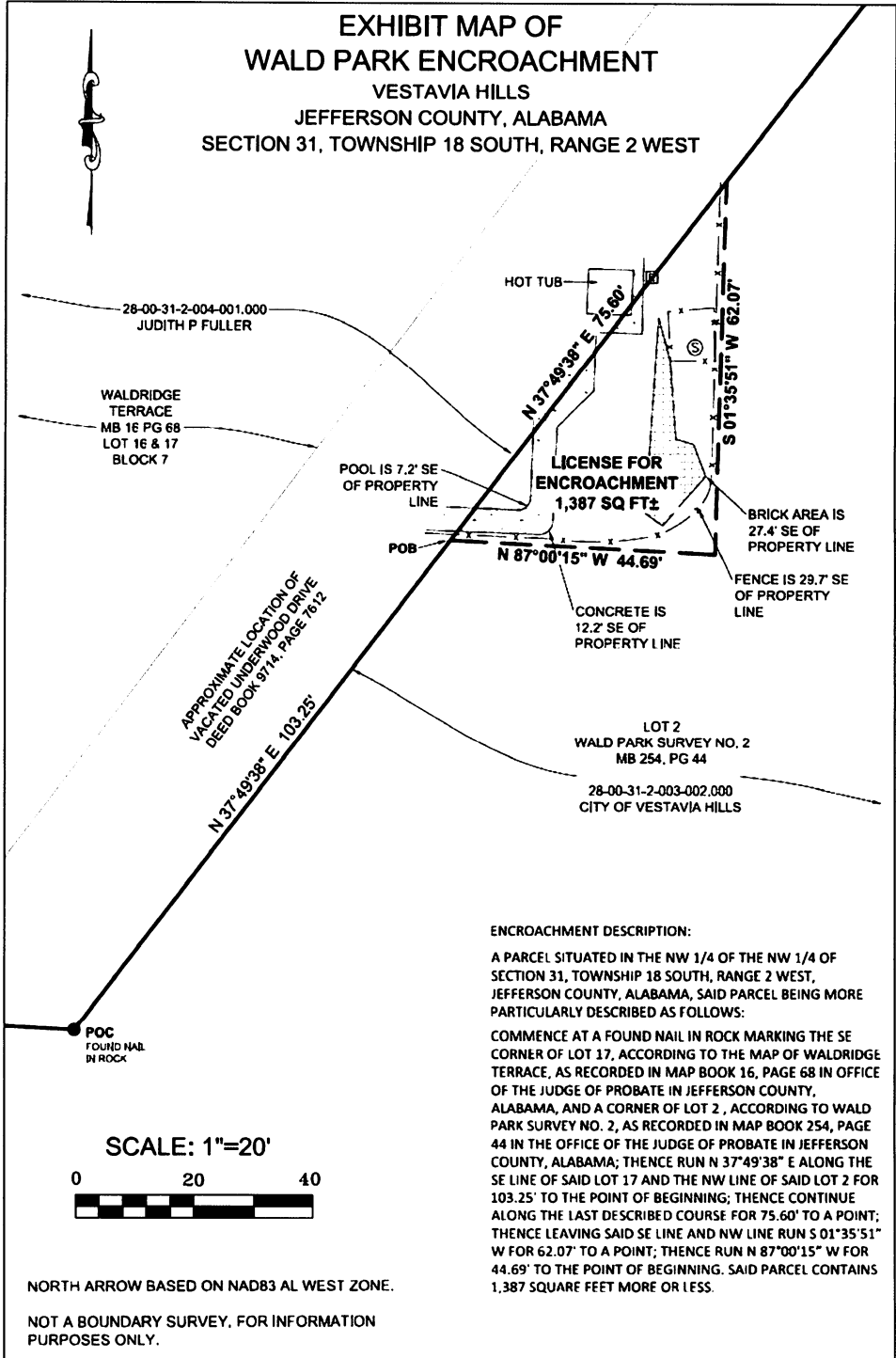
**CERTIFICATION:**

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 3217 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 22<sup>nd</sup> day of April, 2024, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills New Merkel House and Vestavia Hills Recreational Center this the 23<sup>rd</sup> day of April, 2024.



Rebecca Leavings  
City Clerk



**Fuller Property Encroachment value:**

Total Land Value: \$511,200

Total Square footage of parcel: 116,148.2

Total value per square foot (511,200/116148.2): \$4.40

Total Square footage of encroachment: 1,387 SF

Market Value (\$4.40 X 1,387): \$6,102.80

