



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 10/12/2023

**File ID:** 2023-805

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**Department:** Planning

**Subject:**

**Type of Action:** Unanimous Consent

Introduction of an Ordinance annexing 88.78 acres of land lying on the north and south side of Cecil Ashburn Drive, and east and west of Old Big Cove Rd.

Ordinance No.

**Does this item need to be published?** Yes

If yes, please list preferred date(s) of publication: October 18, 2023

**Finance Information:**

**Account Number:** n/a

**City Cost Amount:** \$ 0

**Total Cost:** \$ 0

**Special Circumstances:**

**Grant Funded:** \$ 0

**Grant Title - CFDA or granting Agency:** n/a

**Resolution #:** n/a

**Location:**

**Address:** Old Big Cove Rd., Huntsville, AL Owens Cross Roads, AL 35763

**District:** District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

**Additional Comments:** none

## **ORDINANCE NO. 23-**

**WHEREAS**, B. Thomas Drake, and Beirns T Drake Properties, L.P., an Alabama limited partnership, by Thomas Drake as the Manager for Three-D Farms, LLC, an Alabama limited liability company, as its Sole General Partner, being the owners, as the term is defined by Section 11-42-20, Code of Alabama 1975, of all the property or territory hereinafter particularly described (which property or territory is hereinafter referred to as “the Property”), filed with the City Clerk of the City of Huntsville, Alabama, a signed and written petition requesting that the Property be annexed to the City of Huntsville, Alabama, which petition is on file with the City Clerk of the City of Huntsville, Alabama; and

**WHEREAS**, said petition contained the signatures of the owners of the Property, and filed together with said petition was a map showing the relationship of the Property to the corporate limits of the City of Huntsville, Alabama, which map is attached hereto and incorporated herein by reference; and

**WHEREAS**, the Property is contiguous to the present city limits of the City of Huntsville, Alabama, and the Property does not lie within the corporate limits or police jurisdiction of any other municipality; and

**WHEREAS**, the City Council of the City of Huntsville, Alabama, has determined that it is necessary and proper and in the public interest that the Property be brought within the corporate limits of the City of Huntsville, Alabama, and has further determined that all legal requirements for annexing the Property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama 1975.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, as follows:

1. That the City Council of the City of Huntsville, Alabama hereby finds that it is necessary and proper and in the public interest that the Property be brought within the corporate limits of the City of Huntsville, Alabama, and assents to the annexation of the Property to the City of Huntsville, Alabama;

2. That the corporate limits of the City of Huntsville, Alabama, be, and the same are hereby extended and rearranged so as to embrace and include the Property, which is particularly described as follows:

All that part of Section 26, Township 4 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama more particularly described as beginning at a point located at the Southwest Corner of said Section 26; thence North 55 Degrees 57 Minutes 7 Seconds East 447.52 feet to a point; said point is further described as the Point of True Beginning; thence North 34 Degrees 50 Minutes 17 Seconds West 528.8 feet to a point; thence North 14 Degrees 36 Minutes 5 Seconds East 426.98 feet to a point; thence North 88 Degrees 49 Minutes 8 Seconds East 168.44 feet to a point; thence North 74 Degrees 14 Minutes 16 Seconds East 223.69 feet to a point; thence North 15 Degrees 50 Minutes 21 Seconds West 642.45 feet to a point; thence North 17 Degrees 2 Minutes 22 Seconds East 708.62 feet to a point; thence South 40 Degrees 24 Minutes 31 Seconds West 264.81 feet to a point; thence North 40

Degrees 6 Minutes 25 Seconds West 194.43 feet to a point; thence North 38 Degrees 1 Minutes 27 Seconds West 76.9 feet to a point; thence North 52 Degrees 14 Minutes 29 Seconds East 215 feet to a point; thence South 37 Degrees 56 Minutes 31 Seconds East 100.99 feet to a point; thence North 52 Degrees 0 Minutes 0 Seconds East 39.52 feet to a point; thence North 38 Degrees 0 Minutes 6 Seconds West 15 feet to a point; thence North 52 Degrees 21 Minutes 14 Seconds East 70.59 feet to a point; thence North 57 Degrees 31 Minutes 37 Seconds East 110.74 feet to a point; thence North 62 Degrees 42 Minutes 57 Seconds East 26.29 feet to a point; thence North 64 Degrees 48 Minutes 56 Seconds East 32.62 feet to a point; thence North 67 Degrees 13 Minutes 44 Seconds East 32.65 feet to a point; thence North 70 Degrees 1 Minutes 0 Seconds East 40.77 feet to a point; thence North 73 Degrees 0 Minutes 11 Seconds East 80.99 feet to a point; thence South 86 Degrees 45 Minutes 15 Seconds East 120 feet to a point; thence South 0 Degrees 4 Minutes 7 Seconds East 43.28 feet to a point; thence South 88 Degrees 32 Minutes 12 Seconds East 237.92 feet to a point; thence South 87 Degrees 13 Minutes 18 Seconds East 393.02 feet to a point; thence South 87 Degrees 3 Minutes 45 Seconds East 1,116.07 feet to a point; thence South 2 Degrees 21 Minutes 2 Seconds West 391.18 feet to a point; thence South 1 Degrees 42 Minutes 0 Seconds West 200 feet to a point; thence South 1 Degrees 41 Minutes 59 Seconds West 200 feet to a point; thence South 1 Degrees 42 Minutes 0 Seconds West 547.89 feet to a point; thence North 87 Degrees 48 Minutes 8 Seconds West 1,300.1 feet to a point; thence South 14 Degrees 16 Minutes 52 Seconds West 197.06 feet to a point; thence South 7 Degrees 50 Minutes 35 Seconds West 30.33 feet to a point; thence South 12 Degrees 17 Minutes 5 Seconds West 30.33 feet to a point; thence South 16 Degrees 43 Minutes 36 Seconds West 30.33 feet to a point; thence South 21 Degrees 10 Minutes 6 Seconds West 30.33 feet to a point; thence South 25 Degrees 36 Minutes 36 Seconds West 30.33 feet to a point; thence South 30 Degrees 3 Minutes 7 Seconds West 30.33 feet to a point; thence South 34 Degrees 29 Minutes 37 Seconds West 30.33 feet to a point; thence South 43 Degrees 41 Minutes 53 Seconds West 135.07 feet to a point; thence South 54 Degrees 51 Minutes 57 Seconds West 143.29 feet to a point; thence South 56 Degrees 29 Minutes 35 Seconds West 93 feet to a point; thence South 52 Degrees 49 Minutes 33 Seconds West 95.51 feet to a point; thence South 58 Degrees 42 Minutes 25 Seconds West 129.52 feet to a point; thence South 54 Degrees 35 Minutes 11 Seconds East 29.61 feet to a point; thence South 54 Degrees 47 Minutes 13 Seconds West 88.78 feet to a point; thence South 54 Degrees 47 Minutes 05 Seconds West 432.41 feet back to the Point of True Beginning and containing 88.78 acres, more or less..

3. That this ordinance shall be published as provided by law, and become effective upon its publication as required by law.

4. That the Mayor and City Clerk of the City of Huntsville, Alabama, are hereby authorized, requested, and directed for and on behalf of the governing body of the City to file a description of the property or territory herein annexed in the Office of the Judge of Probate of Madison County, Alabama.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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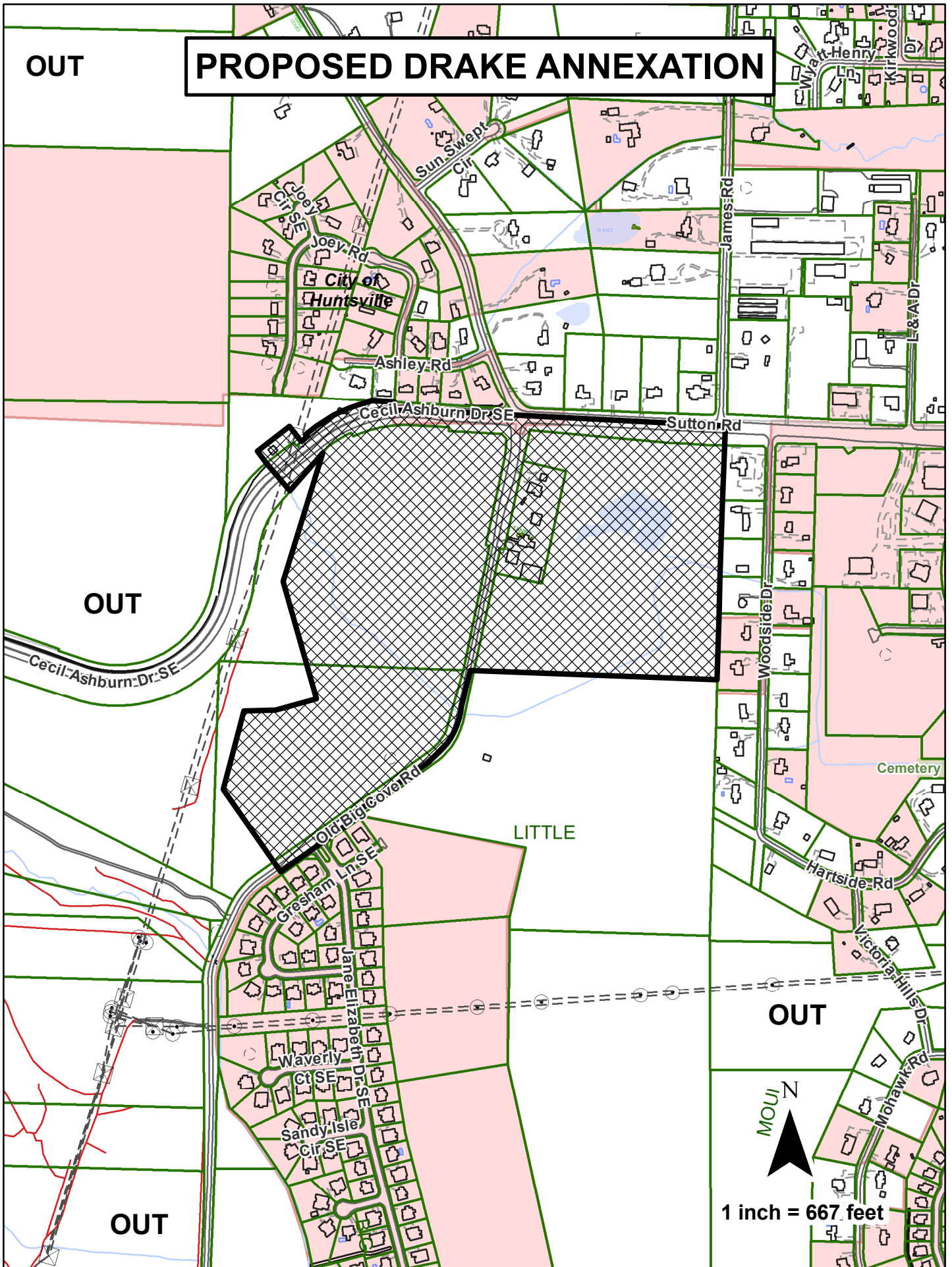
President of the City Council of  
the City of Huntsville, Alabama.

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Mayor of the City of Huntsville,  
Alabama

# PROPOSED DRAKE ANNEXATION



STATE OF ALABAMA                     )  
   )  
COUNTY OF MADISON                 )

**PETITION FOR ANNEXATION TO THE CITY OF  
HUNTSVILLE, ALABAMA, PURSUANT TO SECTIONS 11-42-20 THROUGH  
11-42-24 INCLUSIVE, CODE OF ALA. 1975 (AS AMENDED)**

**TO:**                 **The City Clerk of the City of Huntsville, Alabama, and the  
City Council of the City of Huntsville, Alabama**

**FROM:**           **B. Thomas Drake, and Beirns T Drake Properties, L.P., an Alabama  
limited partnership, by Thomas Drake as the Manager for Three-D  
Farms, LLC, an Alabama limited liability company, as its Sole  
General Partner (hereinafter referred to as “the petitioners”)**

A.         The Petitioners do hereby sign and file with the City Clerk of the City of Huntsville, Alabama, this written petition requesting that the real property or territory hereinafter described, which real property or territory is hereinafter referred to as “the Property”, be annexed to the City of Huntsville, Alabama, under the authority of and pursuant to Sections 11-42-20 through 11-42-24 of the Code of Alabama 1975; and in support thereof do hereby certify as follows:

1.         That the Petitioners are the owners of the Property, as the term “owner” is defined by Section 11-42-20, Code of Alabama 1975.
2.         That the Property is situated in **Madison County, Alabama**, and is accurately described on the attached Exhibit “A”, which exhibit is incorporated herein by reference.
3.         That the Petitioners have the right and authority to make and file this petition for annexation.
4.         That the Property is contiguous to the existing corporate limits of the City of Huntsville, Alabama.
5.         That the Property does not lie within the corporate limits or police jurisdiction of any other municipality.
6.         That the Petitioners have attached hereto as Exhibit “B”, which exhibit is incorporated herein by reference, and filed herewith a map of the Property showing its relationship to the corporate limits of the City of Huntsville, Alabama, which said map is further identified as being entitled "Drake Property to be Annexed."

B. This petition may be signed in any number of counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same petition.


THE FOREGOING CONSIDERED, we, the Petitioners hereby petition and request that the City Council of the City of Huntsville, Alabama, adopt an ordinance assenting to the annexation of the Property to the City of Huntsville, Alabama, all in accordance with the statutes herein provided.

IN WITNESS WHEREOF, we, the undersigned Petitioners have hereunto subscribed our names as of the 11<sup>th</sup> day of October, 2023.

**PETITIONERS:**

Signature:   
B. Thomas Drake

BEIRNS T DRAKE PROPERTIES, L.P., an  
Alabama limited partnership

Signature:   
Thomas Drake for Three-D Farms,  
LLC, an Alabama limited liability  
company, as its Manager

As its: Sole General Partner

STATE OF ALABAMA                     )  
   )  
COUNTY OF MADISON                     )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that B. Thomas Drake, whose name is signed to the foregoing annexation petition and who is known to me, acknowledged before me on this date that, being informed of the contents of said petition, he executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal of office, this the 11<sup>th</sup> day of October, 2023.



[Signature] (SEAL)  
NOTARY PUBLIC  
Expiration Date: 12/14/2024

STATE OF ALABAMA                     )  
   )  
COUNTY OF MADISON                     )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Thomas Drake, whose name is signed to the foregoing annexation petition as the Manager for Three-D Farms, LLC, an Alabama limited liability company, as the Sole General Partner of Beirns T Drake Properties, L.P., an Alabama limited partnership, and who are known to me, acknowledged before me on this date that, being informed of the contents of said petition, he executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal of office, this the 11<sup>th</sup> day of October, 2023.



[Signature] (SEAL)  
NOTARY PUBLIC  
Expiration Date: 12/14/2024



## Exhibit "A"

### (Legal Description of the Property)

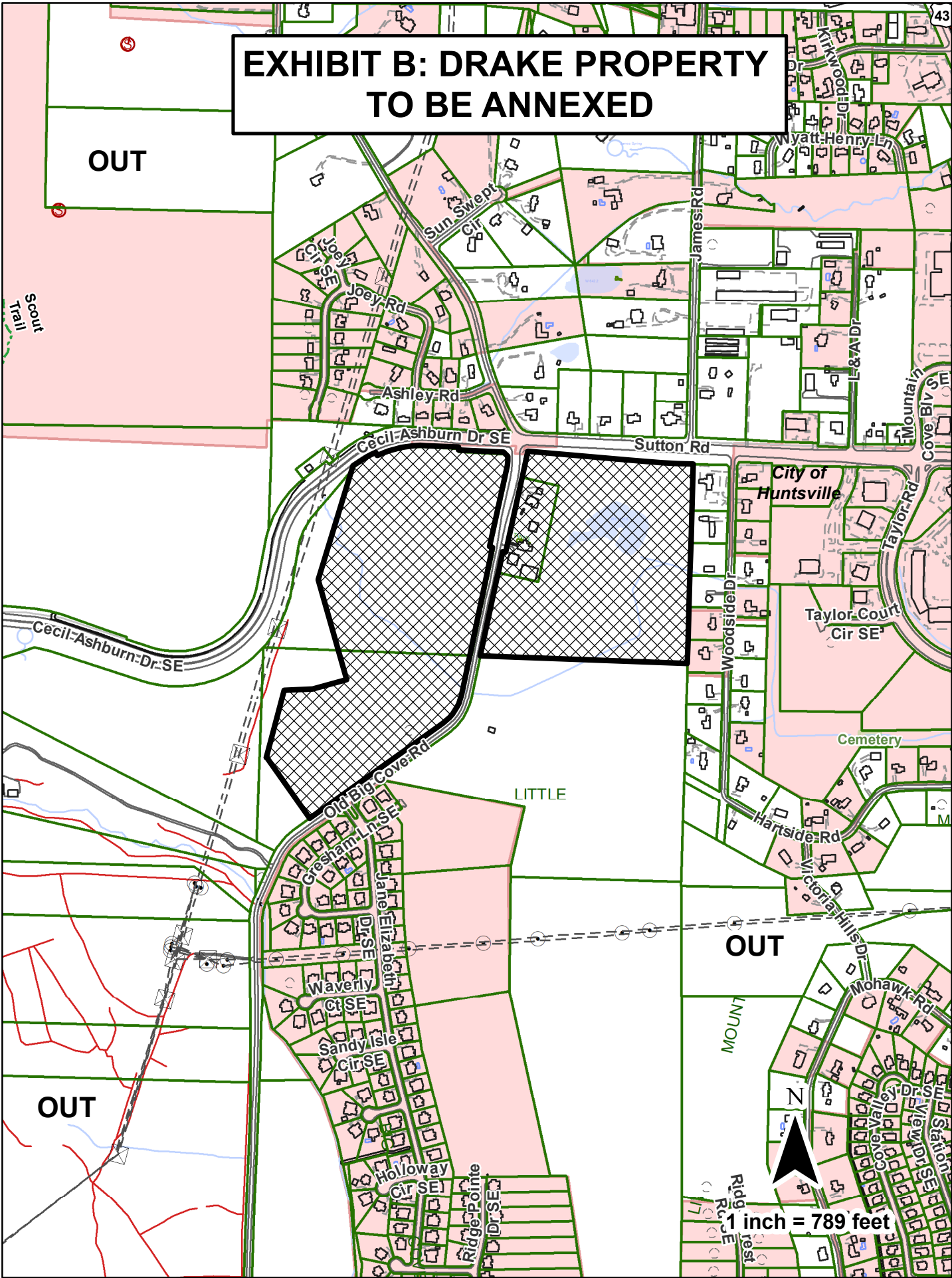
COMMENCE at the southwest corner of Section 26, Township 4 South, Range 1 east, of the Huntsville Meridian, Madison County, Alabama, thence along the west line of said section 26, North 01 degrees 28 minutes 02 seconds East, a distance of 578.56 feet to a point lying on the southeasterly line of a TVA easement; Thence along said easement line North 16 degrees 56 minutes 40 seconds East, a distance of 89.24 feet to a set 5/8" rebar and capped (Schoel CA#003) lying on southeasterly line of a TVA easement, said point also being the POINT OF BEGINNING of the following described property; Thence leaving said section line run North 16 degrees 56 minutes 40 seconds East along said easement line for a distance of 451.50 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence leaving said easement line run North 88 degrees 04 minutes 38 seconds for a distance of 177.22 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence run North 74 degrees 02 minutes 04 seconds East for a distance of 218.13 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence run North 15 degrees 57 minutes 56 seconds West for a distance of 642.77 feet to a set 5/8" rebar and capped (Schoel CA#003) lying on the southeasterly line of a TVA easement; Thence run North 17 degrees 11 minutes 25 seconds East along said easement line for a distance of 737.19 feet to a set 5/8" rebar and capped (Schoel CA#003) lying on the southerly right of way of Cecil Ashburn Drive and being the point of curvature of a curve to the right having a radius of 664.08 feet a central angle of 11 degrees 38 minutes 52 seconds and a chord bearing of North 58 degrees 41 minutes 42 seconds East and a chord distance of 134.77 feet; Thence run along the arc of said curve in a northeasterly direction for a distance of 135.00 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence continue South 25 degrees 22 minutes 01 seconds East along said right of way for a distance of 23.52 feet to a set 5/8" rebar and capped (Schoel CA#003) and being the point of curvature of a curve to the right having a radius of 641.00 feet a central angle of 27 degrees 59 minutes 42 seconds and a chord bearing of North 78 degrees 27 minutes 44 seconds East and a chord distance of 310.09 feet; Thence run along the arc of said curve and said right of way for a distance of 313.20 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence run South 87 degrees 32 minutes 15 seconds East along said right of way a distance of 200.14 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence run South 02 degrees 27 minutes 45 seconds West along said right of way for a distance of 20.00 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence run South 87 degrees 32 minutes 15 seconds East along said right of way a distance of 280.00 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence run South 42 degrees 32 minutes 15 seconds East along said right-of-way for a distance of 37.12 feet to a set 5/8" rebar and capped (Schoel CA#003) on the west right of way of Old Big Cove Road and being the point of curvature of a curve to the right having a radius of 396.19 feet a central angle of 07 degrees 45 minutes 55 seconds and a chord bearing of South 02 degrees 59 minutes 14 seconds West and a chord distance of 53.66 feet; Thence run along the arc of said

curve and said right of way for a distance of 53.70 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence continue South 12 degrees 12 minutes 49 seconds West along said right of way for a distance of 515.65 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence continue South 77 degrees 37 minutes 00 seconds East along said right of way for a distance of 18.96 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence continue South 11 degrees 59 minutes 10 seconds West along said right of way for a distance of 936.08 feet to a set 5/8" rebar and capped (Schoel CA#003) and being the point of curvature of a curve to the right having a radius of 280.55 feet a central angle of 42 degrees 31 minutes 32 seconds and a chord bearing of South 33 degrees 14 minutes 52 seconds West along said right of way for a chord distance of 203.48 feet to a set 5/8" rebar and capped (Schoel CA#003); thence along the arc of said curve for a distance of 208.23 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence continue South 54 degrees 30 minutes 38 seconds West for a distance of 1,015.21 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence leaving said right of way run North 35 degrees 29 minutes 22 seconds West for a distance of 459.24 feet to the POINT OF BEGINNING and containing 44.207 acres or 1,925,642 square feet, more or less.

#### INCLUDING

COMMENCE at the southwest corner of Section 26, Township 4 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, thence run along the south line of said Section 26, South 88 degrees 43 minutes 47 seconds East for a distance of 2,602.47 feet to a point; Thence run North 01 degrees 42 minutes 54 seconds East for a distance of 1,363.65 feet to a set 5/8" rebar and capped (Schoel CA#003) and being the POINT OF BEGINNING of the following described property; Thence run North 88 degrees 41 minutes 30 seconds West for a distance of 1,275.51 feet to a set 5/8" rebar and capped (Schoel CA#003) on the east right-of-way for Old Big Cove Road; Thence run North 12 degrees 00 minutes 12 seconds East along said right of way for a distance of 631.42 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence continue South 77 degrees 47 minutes 42 seconds East along said right of way for a distance of 20.85 feet to a set 5/8" rebar and capped (Schoel CA#003); thence continue North 12 degrees 21 minutes 42 seconds East along said right of way for a distance of 639.50 feet to a set 5/8" rebar and capped (Schoel CA#003) lying on the south right of way of Sutton Road; Thence run South 84 degrees 53 minutes 00 seconds East along said right of way for a distance of 605.42 feet to a set 5/8" rebar and capped (Schoel CA#003) and being the point of curvature of a curve to the left a curve having a radius of 6,643.69 feet a central angle of 03 degrees 37 minutes 20 seconds and a chord bearing of South 86 degrees 19 minutes 25 seconds East and a chord distance of 419.95 feet; Thence continue along the arc of said curve and said right of way for a distance of 420.02 feet to a set 5/8" rebar and capped (Schoel CA#003); Thence leaving said right-of-way run South 01 degrees 42 minutes 54 seconds West for a distance of 1,186.62 feet to the POINT OF BEGINNING and containing 32.096 acres or 1,398,100 square feet, more or less.

# EXHIBIT B: DRAKE PROPERTY TO BE ANNEXED



## **ANNEXATION SUMMARY: DRAKE**

September 25, 2023

**PETITIONER:** B. Thomas Drake, and Beirns T Drake Properties, L.P., an Alabama limited partnership, by Thomas Drake as the Manager for Three-D Farms, LLC, an Alabama limited liability company, as its Sole General Partner

**LOCATION:** On the north and south side of Cecil Ashburn Drive, and east and west of Old Big Cove Rd.

Township 4 South, Range 1 East, Section 26

Old Big Cove Rd, Owens Cross Roads, AL 35763

**ACREAGE:** 88.78 acres

**REASON FOR  
REQUEST:** City Services

## **ANNEXATION GUIDELINES: DRAKE**

1. Annexations that would fill in or make more regular the existing corporate limits should be strongly encouraged.

WOULD CONTINUE ONGOING ANNEXATIONS IN THIS AREA

2. The remaining tax islands should be annexed when ownership changes and redevelopment occurs....

NOT A TAX ISLAND

3. Annexations of land in subdivisions....

NOT PART OF A SUBDIVISION

4. Corridors are discouraged....

NOT A CORRIDOR

5. Point-to-point annexations should be discouraged....

NOT A POINT-TO-POINT CONNECTION

6. Owners living on land expected to be annexed within the ninety-day period preceding a municipal election....

NO MUNICIPAL ELECTION AT TIME OF ANNEXATION

7. Land which is known to be contaminated should not be annexed until such danger has been mitigated.

NO KNOWN CONTAMINATION

8. The annexation of land that would contribute to the city's economic development through an increase in taxes....

COMMERCIAL and RESIDENTIAL LAND

9. The city should require petitions for annexation referenda to satisfy additional conditions....

NOT A REFERENDA

10. City planners will explain to all annexation petitioners the policies under which services are provided.

POLICY STATEMENT SIGNED BY OWNERS; COPY ATTACHED

**STATEMENT REGARDING  
PROVISION OF CITY SERVICES TO NEWLY ANNEXED LANDS**

City services will be provided to all newly annexed lands according to the same policies that already govern in Huntsville. This means that Huntsville police and fire departments will respond to calls; garbage and trash will be collected by city sanitation; and school children will attend city rather than county schools. Transportation for students attending the city schools will be the responsibility of their parents. All applicable city ordinances will be enforced including the implementation of zoning regulations. Please note that the National agency that established the rating schedule for fire insurance premiums (ISO) assigns a higher rate to property that is over 5 road miles from their responding fire station and/or over 1000 feet from a fire hydrant.

Water service is provided by Huntsville Utilities; however if the annexed land is already served by another water authority, the existing situation should be expected to continue until such time as development pressure or legal agreements between water authorities makes it feasible or possible for Huntsville Utilities to assume control of the water lines or extend new mains. The cost of main extensions usually are borne by the property owner.

Likewise, it has long been city policy to expand sanitary sewer service on a cost benefit basis. This policy applies to all land within the city regardless of its annexation date. In addition, the city has adopted a capital improvement plan to guide investment in infrastructure. In order for an area to be considered for road construction, drainage improvements, recreational or community facilities, new fire stations, or sanitary sewer extension, the area must be in the city and then must be prioritized according to need. Newly annexed land will be accorded the same consideration as other city lands.

Lastly, it is important to understand that those autonomous boards, agencies and utilities that have authority over the delivery of specific public services set their own policies and procedures.

\* \* \* \* \*

**I have read the above statement governing the delivery of city services to lands annexed into the city of Huntsville, and I agree to these conditions as they may pertain to any of my lands that are annexed.**

Petitioner  Date 10/11/2023

Petitioner \_\_\_\_\_ Date \_\_\_\_\_

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\* \* \* \* \*

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**Beirns T Drake Properties, L.P. By: Thomas Drake,**

Petitioner		Date	10/11/2023
For:	Manager of Three-D Farms, LLC	As its:	Sole General Partner
Petitioner		Date	
For:		As its:	