



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 12/15/2022

**File ID:** TMP-2414

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**Department:** Planning

**Subject:**

**Type of Action:** Unanimous Consent

Introduction of an ordinance annexing 0.50 acres of land lying on the west of US I-65 and east of AL Hwy 31.  
Ordinance No.

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

If yes, please list preferred date(s) of publication: December 23, 2022

**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:** (list below)

**Address:** n/a

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

**Additional Comments:**

none

## **ORDINANCE NO. 22-**

**WHEREAS**, Ruth Ann Burnett, Rowe Doris Royer by Ruth Sanderson Burnett as her Agent, and Judy Kay Page by Vernon S. Page as her Agent, 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-Treasurer 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-Treasurer 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 11, Township 04 South, Range 04 West of the Huntsville Meridian, Limestone County, Alabama, particularly described as commencing at a point located at the Northwest Corner of said Section 11; thence from the Point of Commencement, South along the western boundary of said Section 11 a distance of 1390.00 feet to the Point of Beginning; thence from the Point of Beginning, South 89 Degrees 00 Minutes 00 Seconds East a distance of 154.31 feet; thence South 10 Degrees 10 Minutes 46 Seconds East a distance of 133.30 feet; thence North 88 Degrees 45 Minutes 17 Seconds West a distance of 181.85 feet to a point located on the western boundary of said Section 11; thence North along the western boundary of said Section 11 a distance of 130.00 feet back to the Point of Beginning and containing 0.50 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-Treasurer 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 Limestone County, Alabama.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

# SANDERSON PROPERTY TO BE ANNEXED

OUT

1% Annual  
Chance  
Floodplain

*City of  
Huntsville*



G

F

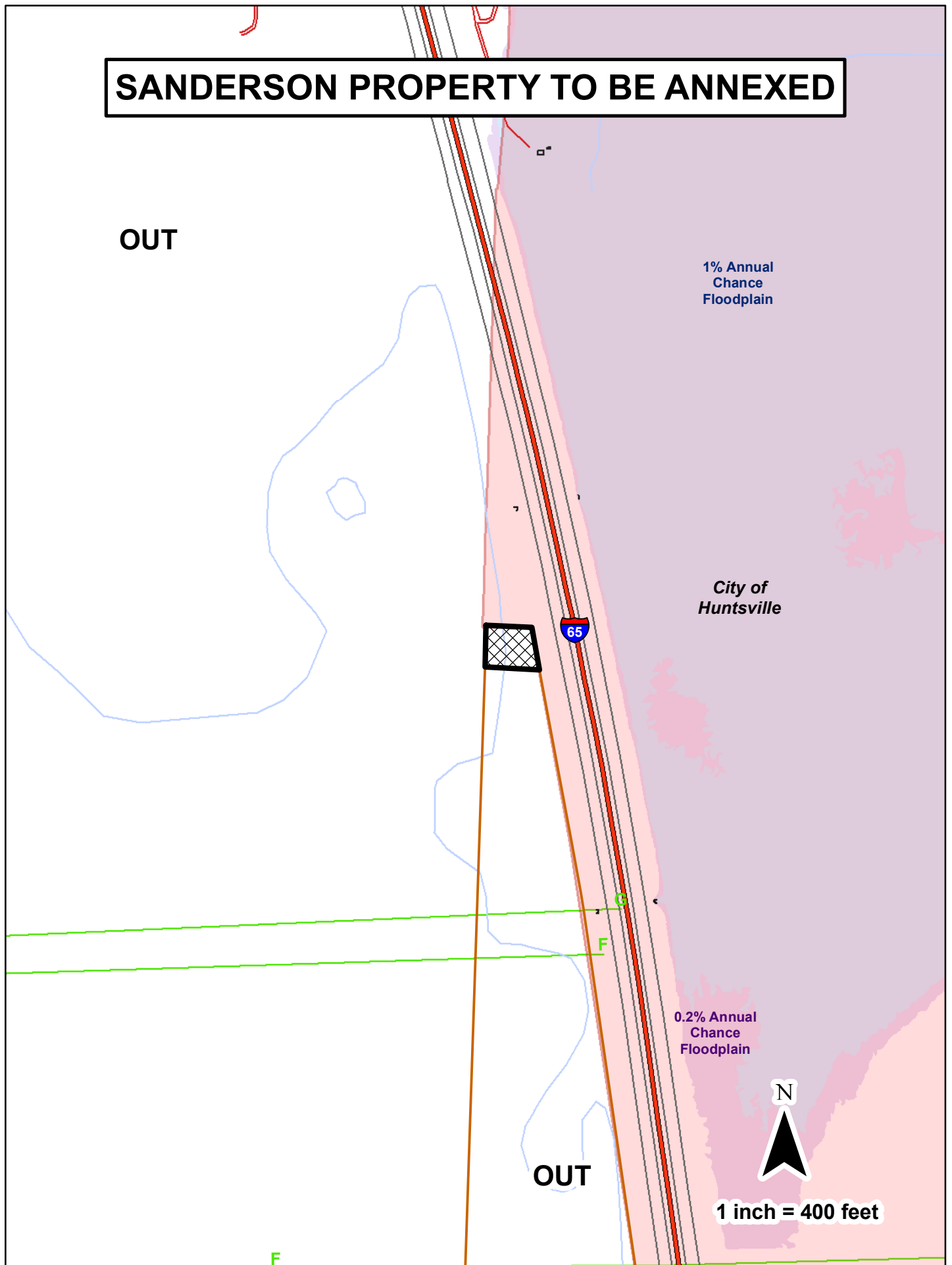
0.2% Annual  
Chance  
Floodplain



OUT

1 inch = 400 feet

F



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-Treasurer of the City of Huntsville, Alabama, and the  
                           City Council of the City of Huntsville, Alabama**

**FROM:            Ruth Ann Burnett, Rowe Doris Royer by Ruth Sanderson Burnett as  
                           her Agent, and Judy Kay Page by Vernon S. Page as her Agent  
                           (hereinafter referred to as "the petitioners")**

A.         The Petitioners do hereby sign and file with the City Clerk-Treasurer 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 **Limestone 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 "Sanderson 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 1<sup>st</sup> day of December, 2022.

**PETITIONERS:**

Signature: Ruth Ann Burnett  
Ruth Ann Burnett

Rowe Doris Royer

Signature: Ruth Sanderson Burnett  
by Ruth Sanderson Burnett,  
her Agent

Judy Kay Page

Signature: Vernon S. Page  
by Vernon S. Page, her Agent

STATE OF ALABAMA                    )  
  )  
COUNTY OF Morgan                    )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Ruth Ann Burnett, also known as Ruth Sanderson Burnett, 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, she executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal of office, this the 1<sup>st</sup> day of December, 2022.

Donna Davis (SEAL)  
NOTARY PUBLIC  
July 6, 2026  
Expiration

STATE OF ALABAMA                    )  
  )  
COUNTY OF Morgan                    )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Ruth Sanderson Burnett, whose name as agent for Rowe Doris Royer, also known as Rowe Doris Sanderson Royer, 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, she, in her capacity as such agent for Rowe Doris Royer, executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal of office, this the 1<sup>st</sup> day of December, 2022.

Donna Davis (SEAL)  
NOTARY PUBLIC  
July 6, 2026  
Expiration

STATE OF ALABAMA                    )  
  )  
COUNTY OF Morgan                )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Vernon S. Page, whose name as agent for Judy K. Page, 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, in his capacity as such agent for Judy K. Page, executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal of office, this the 1<sup>st</sup> day of December-  
2022.

Diana Davis (SEAL)  
NOTARY PUBLIC

Expiration Date: July 6, 2026



Exhibit "A"  
(Legal Description of the Property)

A one-half (1/2) acre of land taken evenly off the northern margin of the following described parcel: The Southwest Quarter of Section 11, Township 4 South, Range 4 West, and the South Half of the Northwest Quarter of Section 11, Township 4 South, Range 4 West, LESS AND EXCEPT THEREFROM, the right of way for Interstate Highway No. 65 and a right of way for a public road over a strip taken evenly off the east side thereof; and the property being located due west of the I-65 right-of-way margin and being a portion of Parcel #16-01-11-0-000-002.000.

## EXHIBIT "B"

1 of 2

### Sanderson Property to be annexed

All that part of Section 11, Township 04 South, Range 04 West of the Huntsville Meridian, Limestone County, Alabama, particularly described as commencing at a point located at the Northwest Corner of said Section 11; thence from the Point of Commencement, South along the western boundary of said Section 11 a distance of 1390.00 feet to the Point of Beginning; thence from the Point of Beginning, South 89 Degrees 00 Minutes 00 Seconds East a distance of 154.31 feet; thence South 10 Degrees 10 Minutes 46 Seconds East a distance of 133.30 feet; thence North 88 Degrees 45 Minutes 17 Seconds West a distance of 181.85 feet to a point located on the western boundary of said Section 11; thence North along the western boundary of said Section 11 a distance of 130.00 feet back to the Point of Beginning and containing 0.50 acres, more or less.

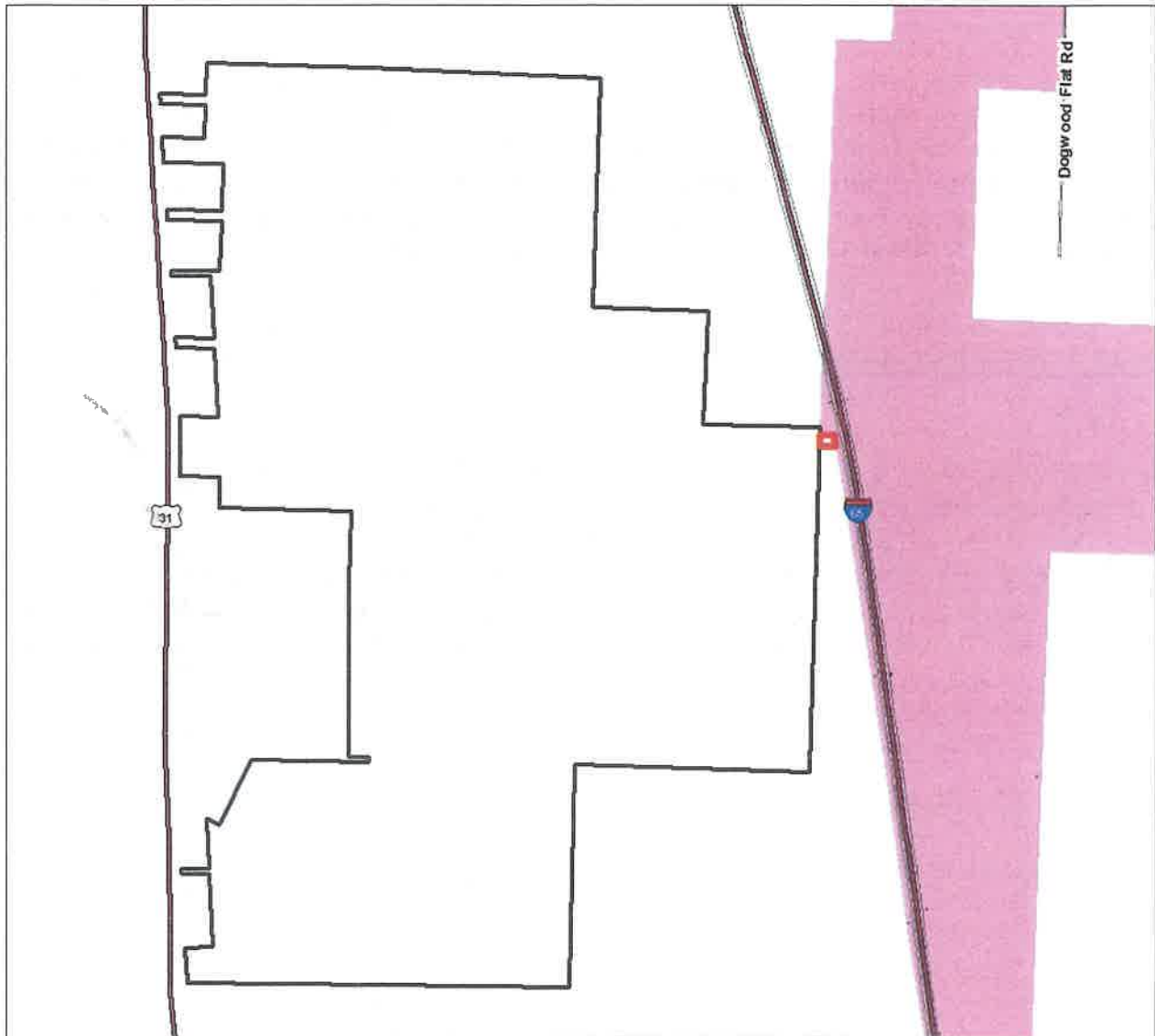
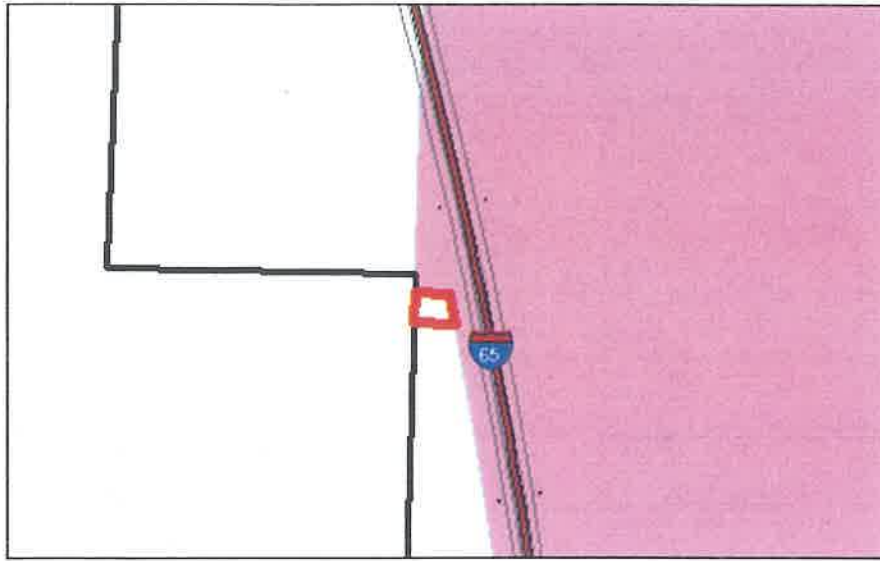


EXHIBIT "B"

2 of 2

Sanderson Property to be annexed  
Without parcels



With parcels



**ANNEXATION SUMMARY: Sanderson**

November 16, 2022

PETITIONER: Ruth Ann Burnett, Rowe Doris Royer by Ruth Sanderson Burnett  
as her Agent, and Judy Kay Page by Vernon S. Page as her Agent

LOCATION: On the west of US I-65 and east of AL Hwy 31  
Township 04 South, Range 04 West, Section 11

ACREAGE: 0.50 acres

REASON FOR  
REQUEST: City Services

## **ANNEXATION GUIDELINES: Sanderson**

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....

AGRICULTURAL 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 Ruth Burnett Date 11/28/2022

Petitioner Rowe Doris Sanderson Royer  
By: Ruth Burnett Date 11/28/2022  
Ruth S. Burnett, her agent

Judy Sanderson Page

By: Vernon S. Page Date: 11/28/2022  
Vernon S. Page, her agent