



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 4/28/2022

File ID: TMP-1521

Department: Planning

Subject:

Type of Action: Introduction

Introduction of an ordinance annexing 16.99 acres of land lying on the north side of Hwy 72 East and west of Jordan Road.

Resolution No.

Ordinance No.

Finance Information:

Account Number: Click or tap here to enter text. N/A

City Cost Amount: \$ 0

Total Cost: \$ 0

Special Circumstances:

Grant Funded: \$ 0

Grant Title - CFDA or granting Agency: Click or tap here to enter text. N/A

Resolution #: Click or tap here to enter text. N/A

Location:

Address: Hwy 72 East and west of Jordan Road

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

Additional Comments:

ORDINANCE NO. 22-

WHEREAS, The Douglas C. Martinson Trust Estate, by Douglas C. Martinson II and Abbott McWhorter Martinson, as its Personal Representatives, being the owner, 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 signature of the owner 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 14, Township 3 South, Range 1 East of the Huntsville Meridian in Madison County, Alabama. Being more particularly described as follows: Commencing at the Southwest corner of the Southeast quarter of said section 14; thence, North 01 degree 14 Minutes 41 Seconds East for a distance of 866 feet to a 5/8-inch iron pin being the Point-of-Beginning. thence, North 00 Degrees 28 Minutes 59 Seconds East for a distance of 148.17 feet to a 2 inch open top pipe; thence, North 73 Degrees 03 Minutes 52 Seconds West for a distance of 206.20 feet to a hex iron pin; thence, North 16 Degrees 55 Minutes 22 Seconds East for a distance of 258.25 feet to a hex iron pin; thence, South 73 Degrees 11 Minutes 22 Seconds East for a distance of 132.11 feet to a 5/8-inch capped iron pin (Garver); thence, North 01 Degrees 00 Minutes 09 Seconds East for a distance of 555.05 feet

to a 3/4-inch pinched top pipe on the Southern right-of-way of Norfolk Southern railway; thence along said right-of-way, along a curve to the right through an angle of 31 Degrees 29 Minutes 34 Seconds, having a radius of 2875.00 feet, and a chord bearing and distance of South 67 Degrees 17 Minutes 47 Seconds East for a distance of 1560.44 feet to a point on the Northern right-of-way of Abbottsford road. Thence, leaving said railway right-of-way along said Abbottsford road Northern right-of-way South 88 Degrees 16 Minutes 10 Seconds West for a distance of 869.97 feet to a point; thence, North 89 Degrees 59 Minutes 49 Seconds West for a distance of 414.74 feet to a point; thence, leaving said Abbottsford Northern right-of-way, South 00 Degrees 09 Minutes 19 Seconds West for a distance of 49.88 feet to a point on the Southern right-of-way of Abbottsford road; thence, along said Abbottsford road Southern right-of-way South 89 Degrees 59 Minutes 49 Seconds East for a distance of 215.72 feet to a 1/2-inch capped iron pin (hill); thence, South 56 Degrees 12 Minutes 06 Seconds West for a distance of 214.04 feet to a 5/8-inch iron pin; thence, South 18 Degrees 29 Minutes 25 Seconds West for a distance of 191.84 feet to a 1 inch pinched top pipe; thence North 87 Degrees 08 Minutes 46 Seconds West a distance of 147.61 feet to the Point-of-Beginning. Said parcel containing 15.95 acres more or less.

INCLUDING

All that part of Section 14, Township 03 South, Range 01 East of the Huntsville Meridian in Madison County, Alabama. Being more particularly described as follows: Commencing at the Southwest Corner of the Southeast Quarter of said Section 14; thence, North 01 Degree 14 Minutes 41 Seconds East for a distance of 375.73 feet to a 5/8-inch iron pin; thence, North 56 Degrees 52 Minutes 58 Seconds West for a distance of 1457.26 feet to a 5/8-inch iron pin; thence, South 08 Degrees 27 Minutes 50 Seconds West for a distance of 1062.94 feet to a point in the center of the road; thence along said centerline and along a curve to the left, having a radius of 2615.00 feet, and a chord bearing and distance of North 76 Degrees 36 Minutes 52 Seconds West for a distance of 810.50 feet to a point; thence, North 84 Degrees 28 Minutes 52 Seconds West for a distance of 383.50 feet to a 5/8-inch iron pin and being the Point-of-Beginning. Thence, from the Point of Beginning, North 01 Degree 08 Minutes 51 Seconds East for a distance of 304.83 feet to a point; thence, North 84 Degrees 25 Minutes 09 Seconds West for a distance of 150 feet a point; thence, South 00 Degrees 48 Minutes 30 Seconds West for a distance of 305.14 feet to point; thence South 84 Degrees 28 Minutes 53 Seconds East for a distance of 148.18 feet back to the Point of Beginning; Said parcel containing 1.04 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 Madison 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

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: **The Douglas C. Martinson Trust Estate, by Douglas C. Martinson II
and Abbott McWhorter Martinson, as its Personal Representatives
(hereinafter referred to as “the petitioner”)**

A. The Petitioner 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 Petitioner is the owner 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 Petitioner has 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 Petitioner has 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 "Martinson Ranch 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, I, the Petitioner 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, I, the undersigned Petitioner have hereunto subscribed my name as of the 18 day of April, 2022.

PETITIONER:

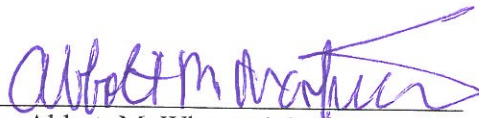
The Douglas C. Martinson Trust Estate

Signature: _____



Douglas C. Martinson II

Signature: _____



Abbott McWhorter Martinson

As its: Personal Representatives

STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Douglas C. Martinson II, whose name is signed to the foregoing annexation petition 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 18 day of April, 2022.

Alicia Smith (SEAL)
NOTARY PUBLIC

Expiration Date: _____



STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Abbott McWhorter Martinson, whose name is signed to the foregoing annexation petition 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 18 day of April, 2022.

Alicia Smith (SEAL)
NOTARY PUBLIC

Expiration Date: _____



Exhibit "A"
(Legal Description of the Property)

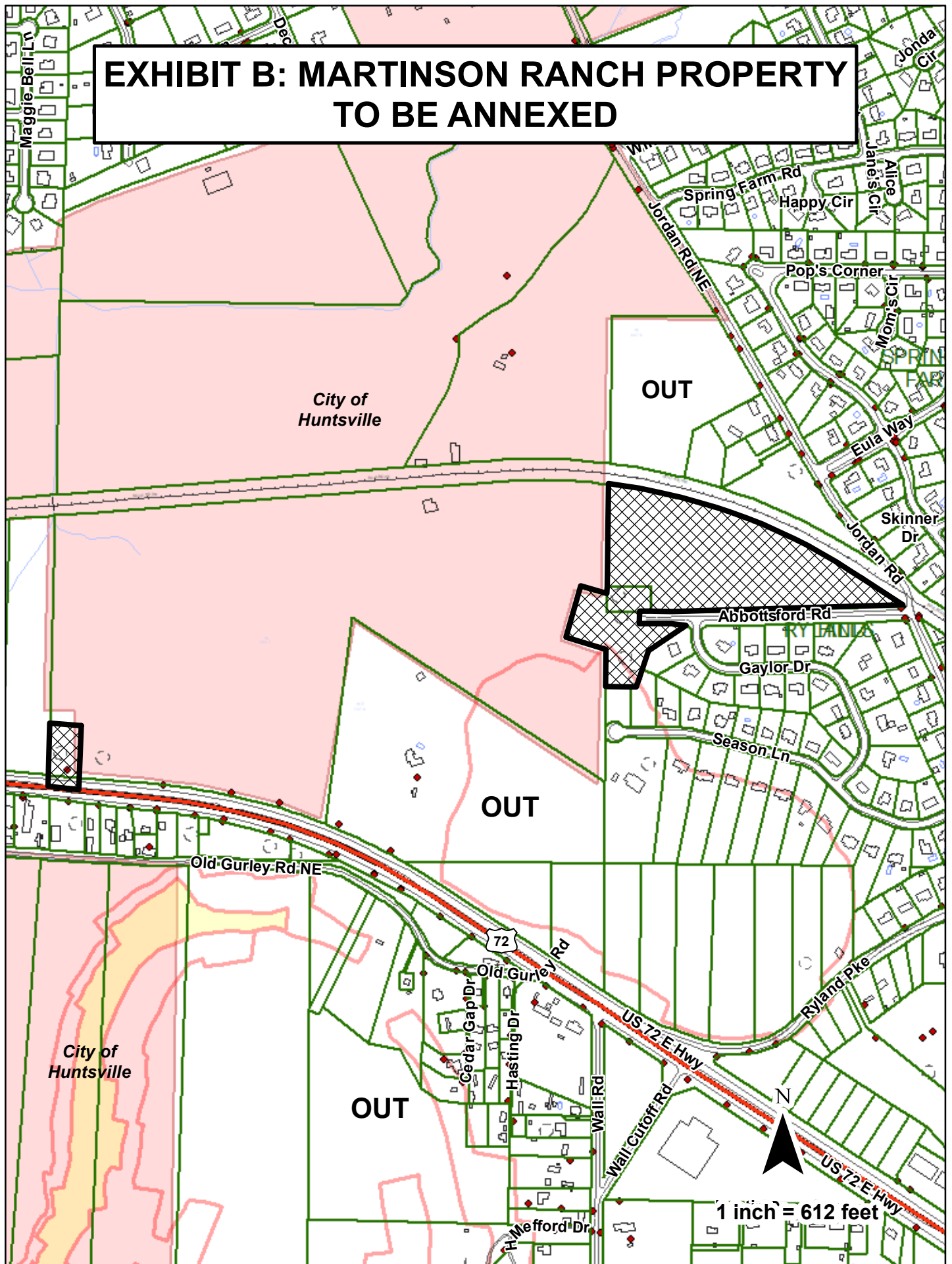
All that part of Section 14, Township 3 South, Range 1 East of the Huntsville Meridian in Madison County, Alabama. Being more particularly described as follows: Commencing at the Southwest corner of the Southeast quarter of said section 14; thence, North 01 degree 14 Minutes 41 Seconds East for a distance of 866 feet to a 5/8-inch iron pin being the Point-of-Beginning. thence, North 00 Degrees 28 Minutes 59 Seconds East for a distance of 148.17 feet to a 2 inch open top pipe; thence, North 73 Degrees 03 Minutes 52 Seconds West for a distance of 206.20 feet to a hex iron pin; thence, North 16 Degrees 55 Minutes 22 Seconds East for a distance of 258.25 feet to a hex iron pin; thence, South 73 Degrees 11 Minutes 22 Seconds East for a distance of 132.11 feet to a 5/8-inch capped iron pin (Garver); thence, North 01 Degrees 00 Minutes 09 Seconds East for a distance of 555.05 feet to a 3/4-inch pinched top pipe on the Southern right-of-way of Norfolk Southern railway; thence along said right-of-way, along a curve to the right through an angle of 31 Degrees 29 Minutes 34 Seconds, having a radius of 2875.00 feet, and a chord bearing and distance of South 67 Degrees 17 Minutes 47 Seconds East for a distance of 1560.44 feet to a point on the Northern right-of-way of Abbottsford road. Thence, leaving said railway right-of-way along said Abbottsford road Northern right-of-way South 88 Degrees 16 Minutes 10 Seconds West for a distance of 869.97 feet to a point; thence, North 89 Degrees 59 Minutes 49 Seconds West for a distance of 414.74 feet to a point; thence, leaving said Abbottsford Northern right-of-way, South 00 Degrees 09 Minutes 19 Seconds West for a distance of 49.88 feet to a point on the Southern right-of-way of Abbottsford road; thence, along said Abbottsford road Southern right-of-way South 89 Degrees 59 Minutes 49 Seconds East for a distance of 215.72 feet to a 1/2-inch capped iron pin (hill); thence, South 56 Degrees 12 Minutes 06 Seconds West for a distance of 214.04 feet to a 5/8-inch iron pin; thence, South 18 Degrees 29 Minutes 25 Seconds West for a distance of 191.84 feet to a 1 inch pinched top pipe; thence North 87 Degrees 08 Minutes 46 Seconds West a distance of 147.61 feet to the Point-of-Beginning. Said parcel containing 15.95 acres more or less.

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along said centerline and along a curve to the left, having a radius of 2615.00 feet, and a chord bearing and distance of North 76 Degrees 36 Minutes 52 Seconds West for a distance of 810.50 feet to a point; thence, North 84 Degrees 28 Minutes 52 Seconds West for a distance of 383.50 feet to a 5/8-inch iron pin and being the Point-of-Beginning. Thence, from the Point of Beginning, North 01 Degree 08 Minutes 51 Seconds East for a distance of 304.83 feet to a point; thence, North 84 Degrees 25 Minutes 09 Seconds West for a distance of 150 feet a point; thence, South 00 Degrees 48 Minutes 30 Seconds West for a distance of 305.14 feet to point; thence South 84 Degrees 28 Minutes 53 Seconds East for a distance of 148.18 feet back to the Point of Beginning; Said parcel containing 1.04 acres, more or less.

EXHIBIT B: MARTINSON RANCH PROPERTY TO BE ANNEXED



ANNEXATION SUMMARY: MARTINSON RANCH

April 8, 2022

PETITIONER: The Douglas C. Martinson Trust Estate, by Douglas C. Martinson
II and Abbott McWhorter Martinson, as its Personal
Representatives

LOCATION: On the north side of Hwy 72 East and west of Jordan Road

Township 3 South, Range 1 East, Section 14

ACREAGE: 16.99 acres

REASON FOR
REQUEST: City Services

ANNEXATION GUIDELINES: Martinson Ranch

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 4.8.2022

For: The Douglas C. Martinson Trust Estate

As its: Co-Executor

Petitioner 

Date 4.8.2022

For: The Douglas C. Martinson Trust Estate

As its: Co-Executor