

ORDINANCE NO.:2019-2

**AN ORDINANCE ANNEXING CERTAIN TERRITORY INTO THE CORPORATE
LIMITS OF THE TOWN OF BERLIN, ALABAMA PURSUANT TO THE PROVISIONS
OF §11-42-21, CODE OF ALABAMA, 1975.**

BE IT RESOLVED, by the Town of Berlin, Alabama as follows:

WHEREAS, the Town Council of the Town of Berlin, Alabama, ("Town Council") has received the Petition of Melba Annette Walker Smith and Joann Walker Carr Reed, requesting certain property to be annexed into the Town of Berlin, Alabama (the "Town"), and a true and correct copy of said Petition is attached to this Ordinance; and

WHEREAS, the Town Council finds that Melba Annette Walker Smith and Joann Walker Carr Reed are the sole property owners and/or have an interest in the property sought to be annexed, that no part of the property sought to be annexed lies within the corporate limits of any other municipality or within the police jurisdiction of any other municipality or the property sought to be annexed is not beyond a boundary which is equidistant from the respective corporate limits of other incorporated municipalities having overlapping police jurisdiction, that said property is contiguous to the present town limits of the Town of Berlin, and that it is in the public interest that said property be annexed to the Town of Berlin, Alabama; and

NOW THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Berlin, Alabama as follows:

Section 1. That pursuant to the provisions of §11-42-21 of the *Code of Alabama*, 1975, the boundary lines of the Town of Berlin, Alabama be and the same are altered and rearranged so as to include within its present corporate limits the real estate described as follows:

PARCEL: 16-02-10-0-001-030.000

LEGAL DESCRIPTION: A parcel of land in the Southwest quarter of the Northwest quarter of Section 10, Township 10, Range 2, West, particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of Section 10, Township 10, Range 2, West; thence north 5 yards for a point of beginning; thence East 19 rods; thence North 55 yards; thence East 80 yards; thence Northeast 329 feet; thence west 670 feet; thence South 451 feet to the point of beginning, containing 5.2 acres, more or less.

All of the above being specifically set forth in a deed hereby attached as Exhibit "A" and as shown on the map attached as Exhibit "B." The territory is contiguous to said town and not within the corporate limits of another municipality or the police jurisdiction of any other municipality or the property sought to be annexed is not beyond a boundary which is equidistant from the respective corporate limits of other incorporated municipalities having overlapping police jurisdiction, more particularly described in Exhibit "A" attached hereto and made a part hereof.

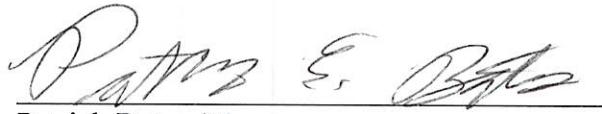
Section 2. That the Town of Berlin does hereby annex as a part of its corporate limits the above described tracts or parcels of land.

Section 3. That the Town Clerk shall file a certified copy of the Petition requesting the annexation to the Town of Berlin of the properties described in Exhibit "A" attached hereto and as shown on the map attached as Exhibit "B," and a certified copy of this Ordinance with the Judge of Probate, Cullman County, Alabama, and also cause a copy of this Ordinance to be posted and/or published as required by law.

Section 4. This Ordinance shall become effective upon its assent and/or adoption and

posting or as otherwise required by law.

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


Patrick Bates, Mayor

ATTEST:


Town Clerk

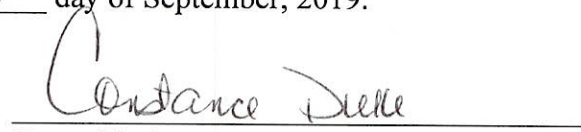
CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA)
)
COUNTY OF CULLMAN)

Constance Duke Town Clerk of the Town of Berlin, Alabama do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the Town Council of the Town of Berlin, Alabama on the 16th day of September, 2019 and the same appears of record in the minute book of the Town of Berlin, Alabama, for said date.

The above and foregoing Ordinance was published on the 30 day of September, 2019, by posting copies thereof in three public places within the Town of Berlin, one of which was the Mayor's office in the Town of Berlin.

Witness my hand and seal of office this 23rd day of September, 2019.


Town Clerk



DEED 688 605

ANNEXATION PETITION

To: Town Clerk
Town of Berlin

The undersigned owner(s) of the property described in the attachments hereby petition the Town of Berlin to annex such property into the corporate limits of the Town of Berlin. The undersigned owner(s) represents that the attachments accurately describe the property and further represents that the property is contiguous to the corporate limits of the Town of Berlin or is part of a group of petitioning properties which together are contiguous to the corporate limits of the Town of Berlin.

Done this June day of 15th, 2019

16-02-10-0-001-030.000

Parcel Number(s) (Refer to Tax Notice or online GIS tools)

Melba Annette Walker Smith
Signature of Petitioner

Melba Annette Walker Smith
Print name of Petitioner

Joann Walker Carr Reed
Signature of Petitioner

Joann Walker Carr Reed
Print name of Petitioner

Signature of Petitioner

Print name of Petitioner

Signature of Petitioner

Print name of Petitioner

Signature of Petitioner

Print name of Petitioner

Signature of Petitioner

Print name of Petitioner

NOTE: Petitioner(s) must attach copy of deed of proposed property to be annexed and a map of said territory showing relationship to the corporate limits of the Town of Berlin.

DEED 688 606

STATE OF ALABAMA

CULLMAN COUNTY

FIGHE 78

FRAME

WARRANTY DEED

76-02-09

F10-02-10

H 30?

KNOW ALL MEN BY THESE PRESENTS, That in consideration of Ten Dollars and other valuable consideration to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, WE, O. H. WALKER AND WIFE, ESTELLE WALKER, (herein referred to as grantors, whether one or more), grant, bargain, sell, and convey unto MELBA ANNETTE WALKER SMITH AND JOANN WALKER CARR, (herein referred to as grantees, whether one or more), the following described real estate, situated in Cullman County, Alabama, to-wit:

PARCEL I:

A part of the Southeast quarter of the Southeast quarter of Section 9, Township 10, Range 2, West, more particularly described as follows: Beginning at the intersection of the Welti Public Road with the North line of the Southeast quarter of the Southeast quarter of Section 9, Township 10, Range 2, West; thence west along the north line of said forty 336 feet for a point of beginning, thence in a southeasterly direction along the west line of the tract of land heretofore conveyed to W. I. Walker 210 feet to the Holly Pond Highway; thence westwardly along said highway 200 feet; thence northeastwardly 165 feet to the north line of said forty; thence eastwardly along the North line of said forty 92 feet to the point of beginning. LESS AND EXCEPT 0.18 acres heretofore sold to BERLIN VOLUNTEER FIRE DEPARTMENT, An Alabama non-profit Corporation, (See Deed Book 379, page 905).

Subject to 20 foot easement right of way for road extending across the west end of the O.H. Walker property and also extending from U.S. Highway 278 to the South side of the 0.18 acres.

PARCEL II:

A part of the Southeast quarter of the Northeast quarter of Section 9, Township 10, Range 2, West, more particularly described as follows: Commencing at the Southwest corner of said forty and running Northwardly along the line of said forty 195 feet; thence in a northeasterly direction 881 feet to a point 552 feet north of the south line of said forty; thence southwardly 540 feet to a point 12 feet north of the south line of said forty; thence southeast to a point on the south line of said forty; thence westwardly along the south line of said forty to the southwest corner of said forty and the starting point, containing in the above 6 acres, more or less.

Also, a 10 foot wide easement from the southeast corner of the above described property eastwardly to the Berlin and Simcoe Road.

PARCEL III:

A parcel of land in the Southwest quarter of the Northwest quarter of Section 10, Township 10, Range 2, West, particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of Section 10, Township 10, Range 2, West; thence north 5 yards for a point of beginning; thence East 19 rods; thence North 55 yards; thence East 80 yards; thence Northeast 329 feet; thence west 670 feet; thence South 451 feet to the point of beginning, containing 5.2 acres, more or less.

PARCEL IV:

Beginning at the Northeast corner of the Northeast quarter of the Southeast quarter of Section 9, Township 10, Range 2, West, thence South 240 feet; thence at right angles west 125 feet; thence at right angles North 15 feet; thence in a west northwesterly direction 272 feet to a point which is 196 feet south of the north line of said forty acres, thence north 196 feet; thence at right angles east along the north line of said forty acres to the point of beginning, containing 2 acres, more or less, LESS AND EXCEPT that portion heretofore deeded to WENDELL AND MELBA WALKER AND GUY AND JOANN CARR.

THE GRANTORS HEREIN DO HEREBY RESERVE THE RIGHT TO RESIDE ON THE ABOVE DESCRIBED PROPERTY SO LONG AS THEY ARE ABLE TO MAINTAIN THE SAME.

TO HAVE AND TO HOLD to the said grantees, their heirs and assigns forever.

And we do, for us and for our heirs, executors and administrators, covenant with said grantees, their heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that we have a good right to sell and convey the same as aforesaid; that we will, and our heirs, executors and administrators shall warrant and defend the same to the said grantee, his, her or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 31 day of March, 1986.

O. H. Walker
O. H. WALKER

Estelle Walker
ESTELLE WALKER

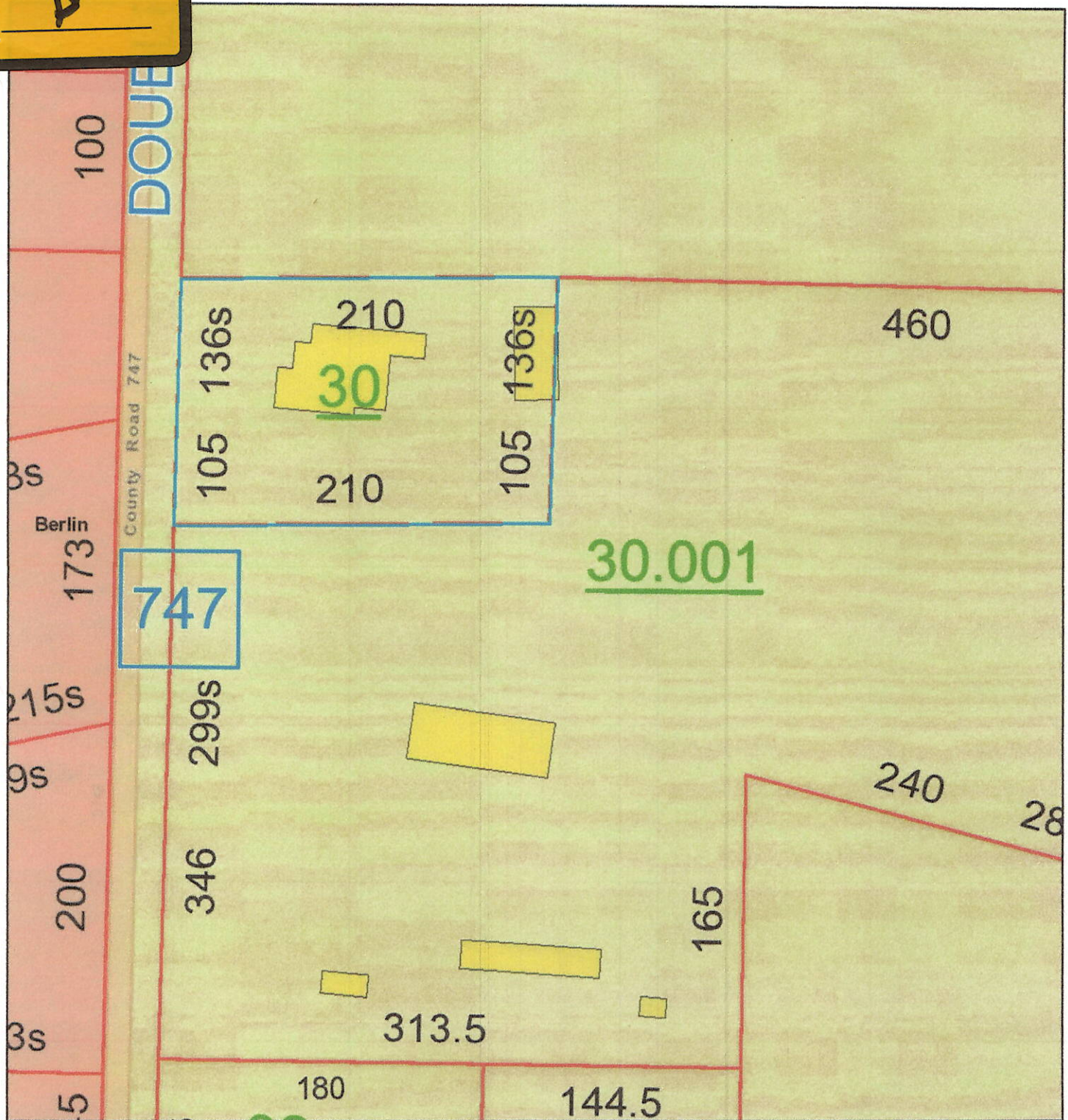
STATE OF ALABAMA
CULLMAN COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that O. H. WALKER AND WIFE, ESTELLE WALKER, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 31 day of March, 1986.

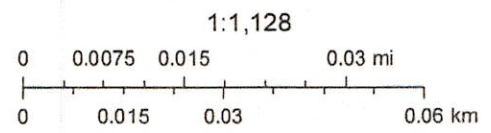
Blouise Thomas
NOTARY PUBLIC

Prepared by:
B. DON HALE
409 6th Street SW
Cullman, Alabama 35055
Telephone No. 739-3832



DEED 688 609

June 5, 2019



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community