

ORDINANCE NO.:2019-3

**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 Charles M. Lovelady and William B. Evans, 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 Charles M. Lovelady and William B. Evans 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: 16-02-09-0-001-049.000

LEGAL DESCRIPTION: Beginning at the intersection of the North right of way of U.S. #278 Highway and the East line of NW Quarter of Southwest Quarter of Section 9, Township 10 South, Range 2 West, thence North 84 Degrees West 219 feet to the true point of beginning; thence North 10 Degrees West 434.2 feet to a corner; thence North 84 Degrees West 434.2 feet to a corner; thence South 10 Degrees East 217.1 feet to a corner; thence South 84 Degrees East 217.1 feet to a corner, thence South 10 Degrees East 217.1 feet to a corner and the North right of way Line #278; thence South 84 Degrees East 217.1 feet to the point of beginning.

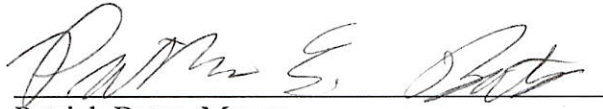
All of the above being specifically set forth in a deed hereby attached as Exhibit "A" and as shown on the map attached as Exhibit "B." The territory is contiguous to said town and not within the corporate limits of another municipality or the police jurisdiction of any other municipality or the property 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.

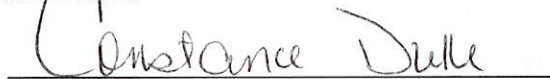
Section 3. That the Town Clerk shall file a certified copy of the Petition requesting the annexation to the Town of Berlin of the properties described in Exhibit "A" attached hereto and as shown on the map attached as Exhibit "B," and a certified copy of this Ordinance with the Judge of Probate, Cullman 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

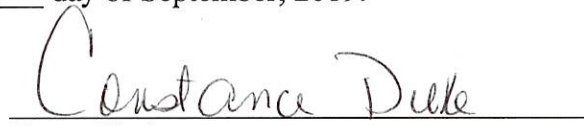
CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA)
)
COUNTY OF CULLMAN)

I, 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 30th 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



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 16 day of DEC., 2018

16-02-09-0-001-049.000

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


Signature of Petitioner

CHARLES M LOVELADY
Print name of Petitioner


Signature of Petitioner

William B. EVANS
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 688 613

2006
LE 10-02.09-001-49-NIC
(LE)



This instrument was prepared by:

Pamela E. Nail
Attorney at Law
200 Second Avenue, Southwest
Cullman, Alabama 35055
Telephone: (256) 734-3342

WARRANTY DEED

STATE OF ALABAMA

CULLMAN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That in consideration of Ten and No/100 Dollars (\$10.00) and other valuable consideration to the undersigned grantor (husband), in hand paid by the grantee herein, the receipt whereof acknowledged, we Addie G. Evans and William B. Evans (herein referred to as grantors, whether one or more), grant, bargain, sell and convey unto, Charles Mark Lovelady, a single man, (herein referred to as grantee, whether one or more), the following described real estate, situated in Cullman County, Alabama, to-wit:

Beginning at the intersection of the North right of way of U.S. #278 Highway and the East line of NW Quarter of Southwest Quarter of Section 9, Township 10 South, Range 2 West; thence North 84 Degrees West 219 feet to the true point of beginning; thence North 10 Degrees West 434.2 feet to a corner; thence North 84 Degrees West 434.2 feet to a corner; thence South 10 Degrees East 217.1 feet to a corner; thence South 84 Degrees East 217.1 feet to a corner; thence South 10 Degrees East 217.1 feet to a corner and the North right of way Line of #278; thence South 84 Degrees East 217.1 feet to the point of beginning.

GRANTORS RESERVES A LIFE ESTATE LE

This description provided to Pamela E. Nail by Grantors. The draftsman makes no warranty that the description referenced in this document is correct, or that the Grantors are the owners of the premises. Unless separately contracted for, no title examination has been performed, and there are no representation made that any subdivision restriction, state, county or city regulations have been complied with. Further, there are no warranties concerning prescription or adverse possession by surrounding land owners or existing easements that may exist on the property but are not referenced in this document.

TO HAVE AND TO HOLD to the said grantee, his, her or their heirs and assigns forever.

And we do, for ourselves and for our heirs, executors and administrators, covenant with said grantees, his, her or their heirs and assigns, that they are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that they have a good right to sell and convey the same as aforesaid; that they will, and their 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 and ourselves have hereunto set their hands and seals this 15 day of June, 2005.

Addie G. Evans (Seal)
ADDIE G. LOVELADY EVANS
William B. Evans (Seal)
WILLIAM B. EVANS

STATE OF ALABAMA

CULLMAN COUNTY

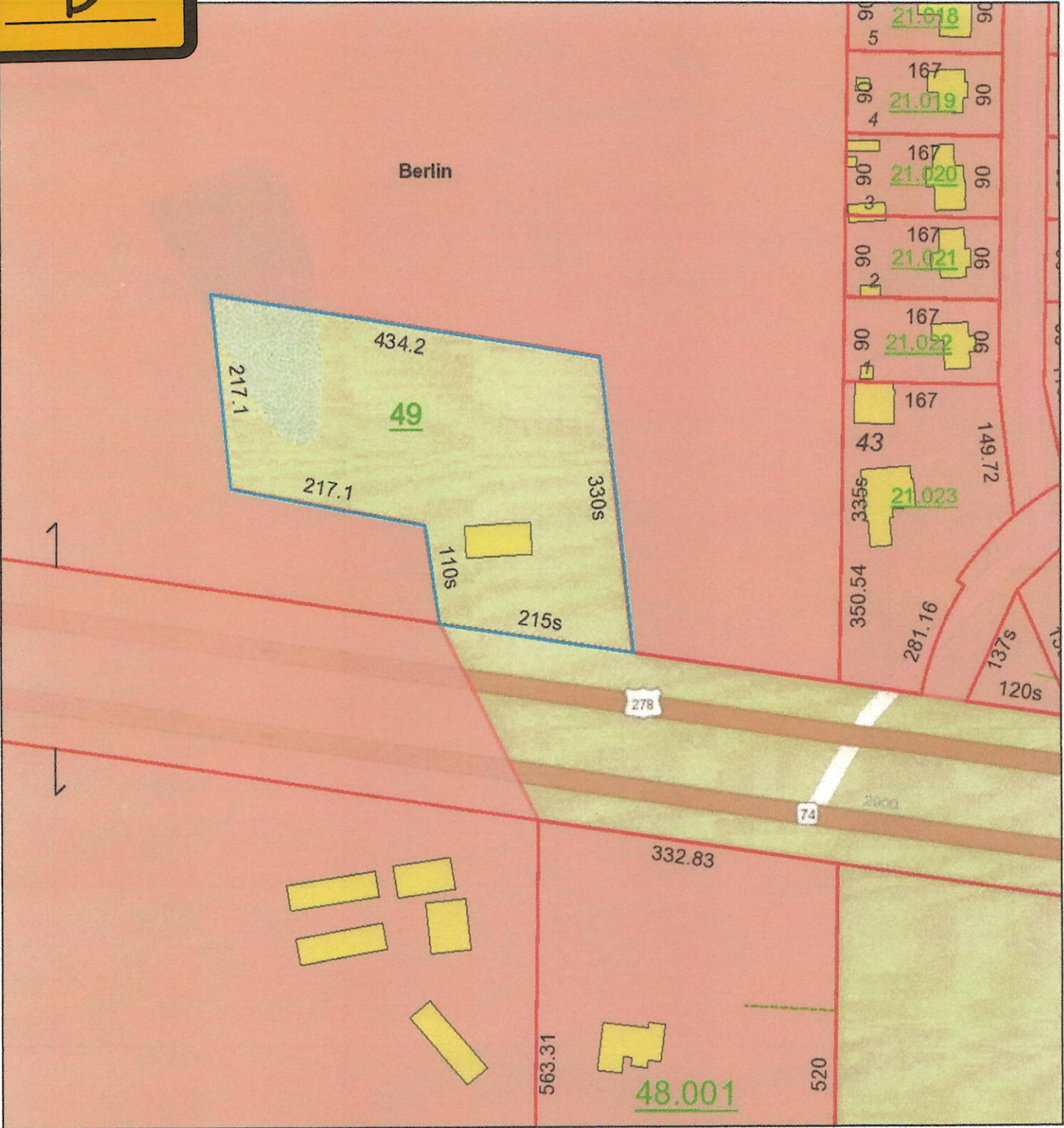
I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Addie and William Evans, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed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

Given under my hand and official seal this 15 day of June, 2005.

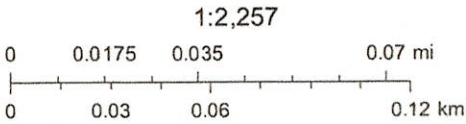
Pamela E. Nail
NOTARY PUBLIC
My Commission Expires: 4-8-06

Recorded In DEED BK 549 PG 488, 06/22/2005 09:43:29 AM Deed Tax 96.00, Recording Fee 4.50, TOTAL 100.50
Betty Brewer, Probate Judge, Cullman

DEED 688 614



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