

**ORDINANCE NO.:2019-001**

**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 City Council of the Town of Berlin, Alabama, ("Town Council") has received the Petition of Stanley Pendergrass and Debra Pendergrass 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 Stanley Pendergrass and Debra Pendergrass are the sole property owners of 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, 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: 16-02-04-0-001-009.001

A part of Unit #11 of Project #5-al-3 U.S. Department of Agriculture Farm Section, Administration recorded in Map Book #1 Cullman County, Alabama. Described as follows:  
Beginning at the Northeast Corner of the Southwest Quarter of the Northeast Quarter of Section

4, Township 10 South, Range 2 West thence South 0°54'50" East 284.95 feet to an existing axle, thence North 78°22'48" West 313.96 feet to an existing axle, thence North 3°18'40" West 217.95 feet to an existing spike, thence North 89°15'30" East 315.60 feet to an existing 2" pipe, back to the point of beginning, containing 1.79 acres more or less. Said land lying in the Southwest Quarter of the Northeast Quarter of Section 4, Township 10 South, Range 2 West Cullman County, Alabama.

PARCEL: 16-02-04-0-001-009.002

Commencing at a found 2-inch pipe purported to be the Northeast corner of the Southwest Quarter of the Northwest quarter, Section 4, Township 10 South, Range 2 West, thence South 89°14'41" West, a distance of 315.54 feet to a found Railroad Spike. Thence South 03°18'40" East a distance of 217.80 feet to a found Axle and the point of beginning. Thence Continue South 03°18'40" East a distance of 67.18 feet, Thence North 89°14'39" East, a distance of 303.63 feet to a found Axle, Thence North 78°24'36" West, a distance of 313.88 feet to the point of beginning. Said land lying and being in the S.W. ¼ of the N.E. ¼, Section 4, T-10-S, R-2-W, Cullman County, Alabama, and containing 0.23 acres more or less.

All of the above being specifically set forth in deeds 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, more particularly described in Exhibit "A" attached hereto and made a part hereof.

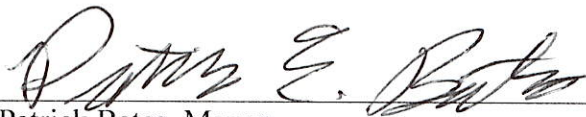
**Section 2.** That the Town of Berlin does hereby annex as a part of its corporate limits the above described tracts or parcels of land.

**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 25<sup>th</sup> day of February 2019.


  
Patrick Bates, Mayor

ATTEST:

  
Town Clerk

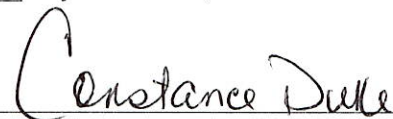
CERTIFICATION OF CITY CLERK

STATE OF ALABAMA     )  
                                      )  
COUNTY OF CULLMAN    )

I,  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 25 day of February 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 22 day of March, 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 22 day of March, 2019.

  
Town Clerk

DEED 682 12



## 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 20 day of January, 2019

16-02-04-0-001-009.001 & 16-02-04-0-001-009.002

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

Stanley Pendergrass  
Signature of Petitioner

Stanley Pendergrass  
Print name of Petitioner

Debra Pendergrass  
Signature of Petitioner

Debra Pendergrass  
Print name of Petitioner

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print name of Petitioner

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Signature of Petitioner

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Print name of Petitioner

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Signature of Petitioner

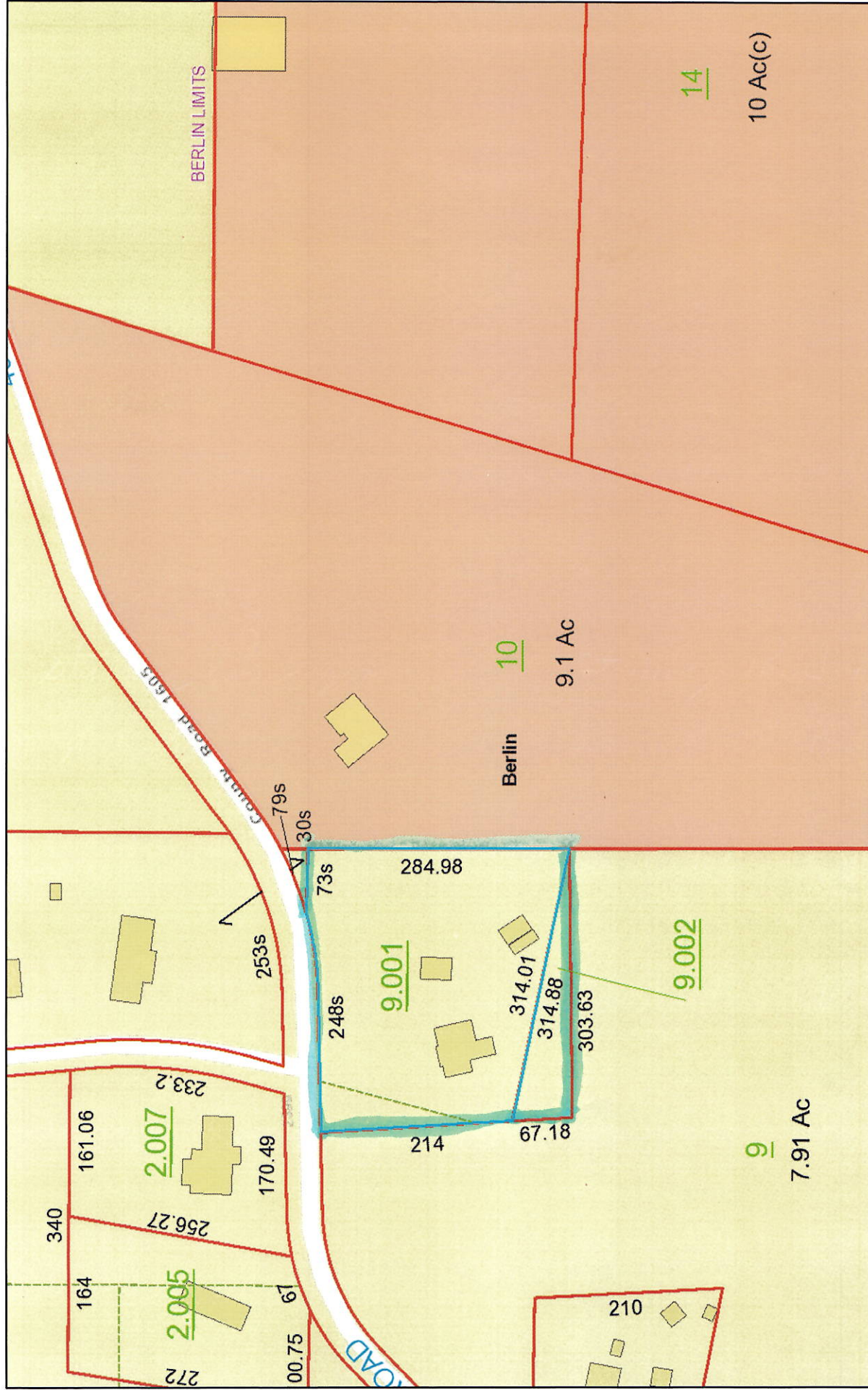
\_\_\_\_\_  
Print name of Petitioner

\_\_\_\_\_  
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.

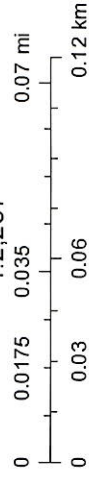
# Viewer Map



October 13, 2018

- Landhook
- Building Footprint
- Parcels
- Lot Line

1:2,257



KCS  
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,



16-02-04-001-9.001-n/c

STATE OF ALABAMA

CULLMAN COUNTY

## WARRANTY DEED

### JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

That in consideration of Ten Dollars and other valuable considerations to the undersigned Grantor (whether one or more), in hand paid by the Grantee herein, the receipt whereof is acknowledged, I, or we **LINDA JOYCE MCKELVY, A WIDOW** (hereinafter referred to as Grantor, whether one or more) grant, bargain, sell and convey unto **STANLEY PENDERGRASS AND WIFE, DEBRA PENDERGRASS** (herein referred to as Grantee, whether one or more), as joint tenants with right of survivorship, the following real estate, situated in Cullman County, Alabama, to wit:

A part of Unit #11 of Project #5-al-3 U.S. Department of Agriculture Farm Section, Administration recorded in Map Book #1 Cullman County, Alabama.

Described as follows: Beginning at the Northeast Corner of the Southwest Quarter of the Northeast Quarter of Section 4, Township 10 South, Range 2 West, thence South 0°54'50" East 284.95 feet to an existing axle, thence North 78°22'48" West 313.96 feet to an existing axle, thence North 3°18'40" West 217.95 feet to an existing spike, thence North 89°15'30" East 315.60 feet to an existing 2" pipe, back to the point of beginning, containing 1.79 acres more or less. Said land lying in the Southwest Quarter of the Northeast Quarter of Section 4, Township 10 South, Range 2 West, Cullman County, Alabama.

Description from survey of James W. Baldy, Al. Reg. No. 11845, dated November 17, 1999.

Source of Title: Deed Book 406, Page 505

**TO HAVE AND TO HOLD** to the said Grantee, his, her or their heirs and assigns forever. And I (we) do, for myself (ourselves) and for my (our) heirs, executors and administrators, covenant with said Grantee, his, her or their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will, and my (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, I (we) have hereunto set my (our) hand(s) and seal(s) this 22nd day of November, 1999.

WITNESSES:

*Linda Joyce McKelvy*  
LINDA JOYCE MCKELVY

STATE OF ALABAMA  
COUNTY OF CULLMAN

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **LINDA JOYCE MCKELVY, A WIDOW** whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that being informed of the contents of the conveyance, he executed the same voluntarily, on the day the same bears date.

DONE this the 22nd day of November, 1999.

*Michelle Acton*  
NOTARY PUBLIC

102  
207  
35  
50  
56

16-02-04-001-9.002 -WIP

STATE OF ALABAMA  
CULLMAN COUNTY

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS to the undersigned GRANTORS, M. H. BLAIR and wife, DORIS BLAIR in hand paid by GRANTEE, STANLEY E. PENDERGRASS, the receipt whereof is hereby acknowledged, we do grant, bargain, sell, and convey unto the Said STANLEY E. PENDERGRASS, the following described real estate, to-wit:

DESCRIPTION

Commencing at a found 2 inch pipe preported to be the Northeast corner of the Southwest Quarter of the Northeast quarter, Section 4, Township 10 South, Range 2 West, thence South 89°14'41" West, a distance of 315.54 feet to a found Railroad Spike, Thence South 03°18'40" East, a distance of 217.80 feet to a found Axle and the point of beginning, Thence Continue South 03°18'40" East, a distance of 67.18 feet, Thence North 89°14'39" East, a distance of 303.63 feet to a found Axle, Thence North 78°24'36" West, a distance of 313.88 feet to the point of beginning. Said land lying and being in the S.W. 1/4 of the N.E. 1/4, Section 4, T-10-S, R-2-W, Cullman County, Alabama, and containing 0.23 acres more or less.

This description provided to Michael Haynes, Attorney at Law 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 representations made that any subdivision restrictions, 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. No title search performed and none requested.

Grantor's source of title is Book 906 Page 003 of the Cullman County Probate records.

And we do, for ourselves and for our heirs, executors, and administrators, covenant with GRANTEE, his heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all incumbrances, and that we have a good right to sell and convey the same as aforesaid; that we will, and my heirs, executors, and administrators shall, warrant and defend the same to the said GRANTEE, his heirs, executors, and assigns, forever, against the lawful claims of all persons.

Given under our hands and seals this 6th day of April, 2006.

Michael D. Haynes  
WITNESS  
Michael D. Haynes  
WITNESS

M.H. Blair  
M. H. BLAIR  
Doris Blair  
DORIS BLAIR

STATE OF ALABAMA  
CULLMAN COUNTY

I, the undersigned, a Notary Public in and for said State and County, do hereby certify that whose name are signed to the foregoing conveyance, and who are known to me, acknowledged before me 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 seal, this 6th day of April, 2006.

Shirley Haynes  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 2/2/09

SEND TAX NOTICE TO:  
STANLEY PENDERGRASS  
2399 County Road 1605  
Cullman, AL 35058

Prepared by Mike Haynes  
Cullman, AL 35055  
(256) 737-5068

Recorded In DEED BK 557 Pg 539, 04/18/2006 02:52:44 PM  
Deed Tax 2.00, Recording Fee 4.50, TOTAL 6.50  
Betty Brewer, Probate Judge, Cullman