

ORDINANCE NO.: 2020-004

**AN ORDINANCE ANNEXING 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 Kathy Teichmiller 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 Kathy Teichmiller the sole property owner 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 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:

LEGAL DESCRIPTION: The Northeast Quarter of the Southeast Quarter of Section 8, Township 10, Range 2 West, containing 40 acres, more or less. Also, all the parts of the Southeast Quarter of the Northeast Quarter, lying South of Pole Cat Creek, in Section 8, Township 10, Range 2 West, containing 30 acres, more or less.

All of the above being specifically set forth in a 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 or 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.

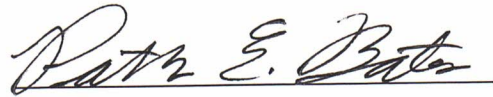
**Section 2.** That the Town of Berlin does hereby annex as a part of its corporate limits the above described tracts or parcels of land.

**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.

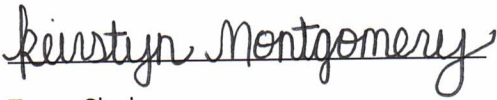
Recorded in DEED BK 697 PG 700-07/20/2020 02:42:52 PM  
Tomas Brown, Judge of Probate, Cullman  
No Tax Collected 1.00, Recording Fee 19.50, TOTAL 20.50

ADOPTED and APPROVED BY THE TOWN COUNCIL this the 29th day of June 2020.



Mayor

ATTEST:



Town Clerk

**CERTIFICATION OF TOWN CLERK**

STATE OF ALABAMA    )

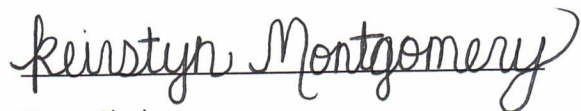
COUNTY OF CULLMAN    )

I, Keirstyn Montgomery, 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 29th day of June, 2020, 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 21<sup>st</sup> day of July, 2020, 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 20<sup>th</sup> day of July, 2020.

KEIRSTYN MONTGOMERY  
NOTARY PUBLIC  
ALABAMA STATE AT LARGE  
MY COMMISSION EXPIRES 07-08-24



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 20 day of June, 2020

16-03-08-0-001-013.000 & 16-03-08-0-001-013.001

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

Kathy Teichmiller  
Signature of Petitioner

Kathy Teichmiller  
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

\_\_\_\_\_  
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.



16-03-08-0-001-013  
13.001  
16-02-09-0-001-022

DEED 697 703

109

STATE OF ALABAMA  
CULLMAN COUNTY

ADMINISTRATOR'S DEED

KNOW ALL MEN BY THESE PRESENTS, That WHEREAS, KATHY SMITH TEICHMILLER, is the duly appointed Personal Representative/Administratrix of the MARK WAYNE TEICHMILLER, deceased, by Order Granting Letters of Administration and by Letters of Administration both being issued by Probate Judge Tammy Brown and being recorded on the 3<sup>rd</sup> day of July, 2019; and

WHEREAS, by the Letters of Administration heretofore entered by the Probate Court of Cullman County, Alabama, the said, KATHY SMITH TEICHMILLER, as such Personal Representative/Administratrix, is authorized and empowered to sell the hereinafter described real estate and to execute this Deed of conveyance.

NOW, THEREFORE, in consideration of the premises and the sum of Ten and No/100 (\$10.00) Dollars, and other valuable considerations, the receipt of which is hereby acknowledged, the undersigned, KATHY SMITH TEICHMILLER, as Personal Representative/Administratrix of the Estate of MARK WAYNE TEICHMILLER, by the authority of the Letters of Administration, has this date bargained and sold, and by these presents does hereby bargain, grant, sell and convey unto KATHY SMITH TEICHMILLER, a widow woman, the following described real estate situated in Cullman County, Alabama, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION OF PROPERTY BEING CONVEYED HEREIN

This description provided to Jackson & Williams by: Grantor. 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.

IN WITNESS WHEREOF, the said KATHY SMITH TEICHMILLER, as Personal Representative/Administratrix of the Estate of MARK WAYNE TEICHMILLER, deceased, by Letters of Administration issued by Probate Court of Cullman County, Alabama, who is authorized to execute this conveyance, has hereto set their signature and seal on this the 11th day of

March 2019-2020

Recorded in DEED BK 695 PG 603, 05/18/2020 11:04:20 AM  
Tammy Brown, Judge of Probate, Cullman

Deed Tax 307.00; Recording Fee 12.00; TOTAL 319.00

*Kathy Smith Teichmiller*  
**KATHY SMITH TEICHMILLER**  
Personal Representative/Administratrix of  
the Estate of **MARK WAYNE**  
**TEICHMILLER**

STATE OF ALABAMA \*

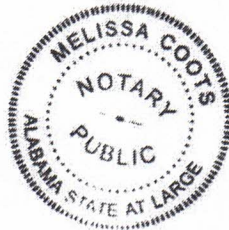
CULLMAN COUNTY \*

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **KATHY SMITH TEICHMILLER**, whose name as **Personal Representative/Administratrix of the Estate of MARK WAYNE TEICHMILLER**, 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, she, as such Personal Representative/Administratrix, executed the same voluntarily and with full authority as the Personal Representative/Administratrix of the Estate of **MARK WAYNE TEICHMILLER**, deceased, by Letters of Administration issued by Probate Court of CULLMAN County, Alabama.

Given under my hand and official seal this 11th day of March,  
2019-2020

*Melissa Coots*  
NOTARY PUBLIC  
My Commission Expires: 3/9/20

THIS INSTRUMENT PREPARED BY:  
JACKSON & WILLIAMS, ATTORNEYS  
416 1st Ave SE  
Cullman, AL 35055  
256-739-2546  
[bjackson@jacksonwilliams.org](mailto:bjackson@jacksonwilliams.org)





**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF PROPERTY BEING CONVEYED**

**PARCEL I:**

The Northeast Quarter of the Southeast Quarter of Section 8, Township 10, Range 2 West, containing 40 acres, more or less.

**ALSO:**

All that part of the Southeast Quarter of the Northeast Quarter, lying South of Pole Cat Creek, in Section 8, Township 10, Range 2 West, containing 30 acres, more or less.

**PARCEL II:**

The Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) and the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section Nine (9), Township Ten (10) South, Range Two (2) West, less one acre, for Methodist Church;

Also less and except: Commencing at a point 382 feet North of the Southwest corner of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section Nine (9) Township Ten (10) South, Range Two (2) West, being on the North side of the Old Holly Pond Road, thence North along the 40 acre line 1903 feet to the Northwest corner of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of said Section 9, Township 10, Range 2 West; thence East 594 feet to a point (marked); thence Southwesterly 526 feet to another point (marked); thence South 393 feet to a point, marked by a Pine Tree; thence Southwesterly along a line, now or formerly marked by a wire fence 312 feet, to another point (marked); thence Southeasterly 679 feet to another point, in the Old Holly Pond Public Road; thence Southwesterly along said road 603 feet back to the commencing point. Being the 23 acres, more or less heretofore sold off.

Also less and except that portion of the NE ¼ of the SW ¼ of said Section 9, Township 10, Range 2 West, lying South of U.S. Highway No. 278.

Leaving about Fifty-One (51) acres, hereby sold and conveyed.  
 Source of Title: Deed Book 482 Page 573

**LESS AND EXCEPT:**

Property conveyed to State of Alabama by Warranty Deed dated September 27, 2017 and recorded in Deed Book 665 Page 691 Cullman County Judge of Probate - being described as: A part of the NE ¼ of the SE ¼ of Section 8, Township 10-S, Range 2-W, identified as Tract No. 3 on Project No. BRF-0074(517) in Cullman County, Alabama and being more fully described as follows:

**Parcel 1 of 1:**

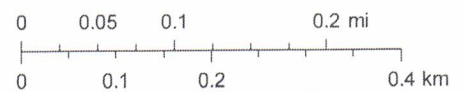
Commencing at a found ROW monument on the present south R/W line of US-278 at approximate station 171+40.00 RT of centerline of project; thence in a northwesterly direction along said present R/W line a distance of 261 feet, more or less, to a point on the acquired R/W line (said point perpendicular to centerline of project at station 168+75.08 RT), which is the point of BEGINNING; thence S74°18'41"W and along the acquired R/W line a distance of 27.44 feet to a point on the acquired R/W line (said point offset 105'RT and perpendicular to centerline of project at station 168+49.98 RT); thence N81°50'52"W and along the line acquired R/W line a distance of 34.54 feet to a point on the acquired R/W line (said point offset 105'RT and perpendicular to centerline of project at PT station 168+15.44 RT); thence N81°40'26"W and along the acquired R/W line a distance of 41.04 feet to a point on the acquired R/W line (said point offset 105'RT and perpendicular to centerline of project at station 167+75.04RT); thence N 58°25'24"W and along the acquired R/W line a distance of 27.60 feet to a point on the present South R/W line of US-278 (said point perpendicular to centerline of project at station 167+50.00 RT); thence S 81°50'40"E and along said present R/W line a distance of 126.00 feet to the point and place of BEGINNING, containing 0.03 acres, more or less.





May 29, 2020

1:7,937



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