

ORDINANCE # 2021-03
AN ORDINANCE TO ANNEX CERTAIN LANDS KNOWN AS
KENNETH WINTER PARCEL 05-62-03-07-0-001-002.001

WHEREAS, on the 14th day of June, 2021, Being the owner(s) of all the real property hereinafter described, did file with the Town Clerk a petition asking that the said tract or parcel of land be annexed to and become a part of the Town of Elberta, and

WHEREAS, said petition did contain the signatures of all the owners of the described territory and a map of said property showing its relationship to the corporate limits of the Town of Elberta, and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the Town of Elberta and it did further determine that all legal requirements for annexing said real 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 TOWN COUNCIL OF ELBERTA, ALABAMA, AS FOLLOWS:

Section 1. The Council of the Town of Elberta, Alabama, finds and declares as the legislative body of the Town that it is in the best interests of the citizens of the Town, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the Town of Elberta.

Section 2. The boundary lines of the Town of Elberta, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory hereto before encompassed by the corporate limits of the Town of Elberta, Alabama, and in addition thereto the following described territory, to-wit:

Commencing at the purported Northwest corner of the Northeast Quarter, of Section 7, Township 8 South, Range 5 East, Baldwin County, Alabama; thence run South 41°06'09" West, a distance of 52.82 feet to the South right-of-way of County Road No. 20 as it runs North and South; thence run North 89°47'13" West, along said South right-of-way of County Road No. 20 a distance of 407.48 feet to the Point of Beginning; thence run South 06°46'53" East, a distance of 626.61 feet to a point; thence run North 89°47'47" West, a distance of 287.00 feet to a point; thence run North 00°11'00" West, a distance of 622.01 feet to a point on the above mentioned South right-of-way line of County Road No. 20; thence run South 89°47'13" East, along said right-of-way line a distance of 215.00 feet to the Point of Beginning.

Section 3: As a provision of this ordinance PETITIONER requests that this property be pre-zoned as GENERAL BUSINESS (GB) *with grandfathered use of Residential*, upon annexation. In the event that the pre-zoning of GB is not awarded, the annexation petition is withdrawn and the property shall be de-annexed from the corporate limits of the Town of Elberta, Alabama.


Section 4: This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Baldwin County, Alabama.

Section 5: The territory described in this ordinance shall become a part of the corporate limits of Elberta, Alabama, upon publication of this ordinance as set forth in Section 3 above.

Done this the 20th day of July, 2021

ATTEST


Caryn Woerner, Town Clerk


Jim Hamby, Mayor

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed/cert. 7/22/2021 2:05 PM
TOTAL \$ 25.00
5 Pages

1930918



ELBERTA, AL



fur das gute Leben

"for the good life"

PETITION FOR ANNEXATION

We, the undersigned PETITIONERS, owners of the property described in the attached Exhibit A and as delineated on the map attached as Exhibit B, such property being outside the corporate limits of the Town of Elberta, Alabama, but which is now, or at the time this petition is acted upon will be, contiguous to the said corporate limits, and such property not lying within the corporate limits of any other municipality, do by these presents hereby petition the Town of Elberta, a municipal corporation, that said property be annexed into the Town of Elberta pursuant to the authority of Section 11-42-21 of the Code of Alabama (1975).

We, the undersigned PETITIONERS, further petition that the Honorable Mayor and Town Council of the Town of Elberta, Alabama, set a date for the hearing of this petition and adopt an ordinance annexing such property. We, the undersigned PETITIONERS, further petition that this property be pre-zoned as GB - Grandfathered Residential upon annexation.

We, the undersigned PETITIONERS also ask that the Honorable Mayor and Town Council of the Town of Elberta, Alabama, do all things necessary and requisite to comply with the terms of Section 11-42-21 of the Code of Alabama (1975).

Dated this the 14th day of June, 2021.

Harry B. Archer
Authorized Agent

STATE OF ALABAMA
COUNTY OF BALDWIN

On this 14th day of June, 2021, before me personally appeared Harry B. Archer, agent, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.

Caryn H. Weber
Notary Public
State of Alabama at Large
My Commission expires: 07/09/2024

STATE OF ALABAMA
COUNTY OF BALDWIN

On this _____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.

Notary Public
State of Alabama at Large
My Commission expires: _____

ELBERTA



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"for the good life"

TOWN OF ELBERTA

Planning and Zoning
(251) 986-6174

Caryn Woerner
pandzinfo@townofelberta.com

Annexation

AGENT AUTHORIZATION FORM

I, We authorize and permit Jon Archer or Harry Archer to act as my/our representative and agent in any manner regarding an application which relates to property described as tax parcel ID # or PPIN# 05-62-03-07-0-001-002-001 with a physical address of: _____ I/We understand that the agent representation may include but not limited to decisions relating to status, conditions, or withdrawal of this application. In understanding this, I/We release the Town of Elberta from any liability resulting from actions made on my/our behalf by the authorized agent or representative.

Note: All correspondence will be sent to the authorized representative. It will be the representative's responsibility to keep the owner(s) adequately informed as to the status of the application.

PROPERTY OWNERS(S):

Kenneth J. Winter

Name Printed:

Date:

Signature:

Name Printed:

Signature:

Address:

City / State:

Phone:

Email Address:

AUTHORIZED AGENT:

Jon Archer or Harry Archer

Name Printed:

Date:

Signature:

P.O. Box 277 Magnolia Springs, AL 36555

Address:

City / State:

251-454-9791

Phone:

archercattle@gmail.com

Email Address:

Form Date: 03/2020

P.O. DRAWER 277
13052 MAIN STREET

ELBERTA, ALABAMA 36530

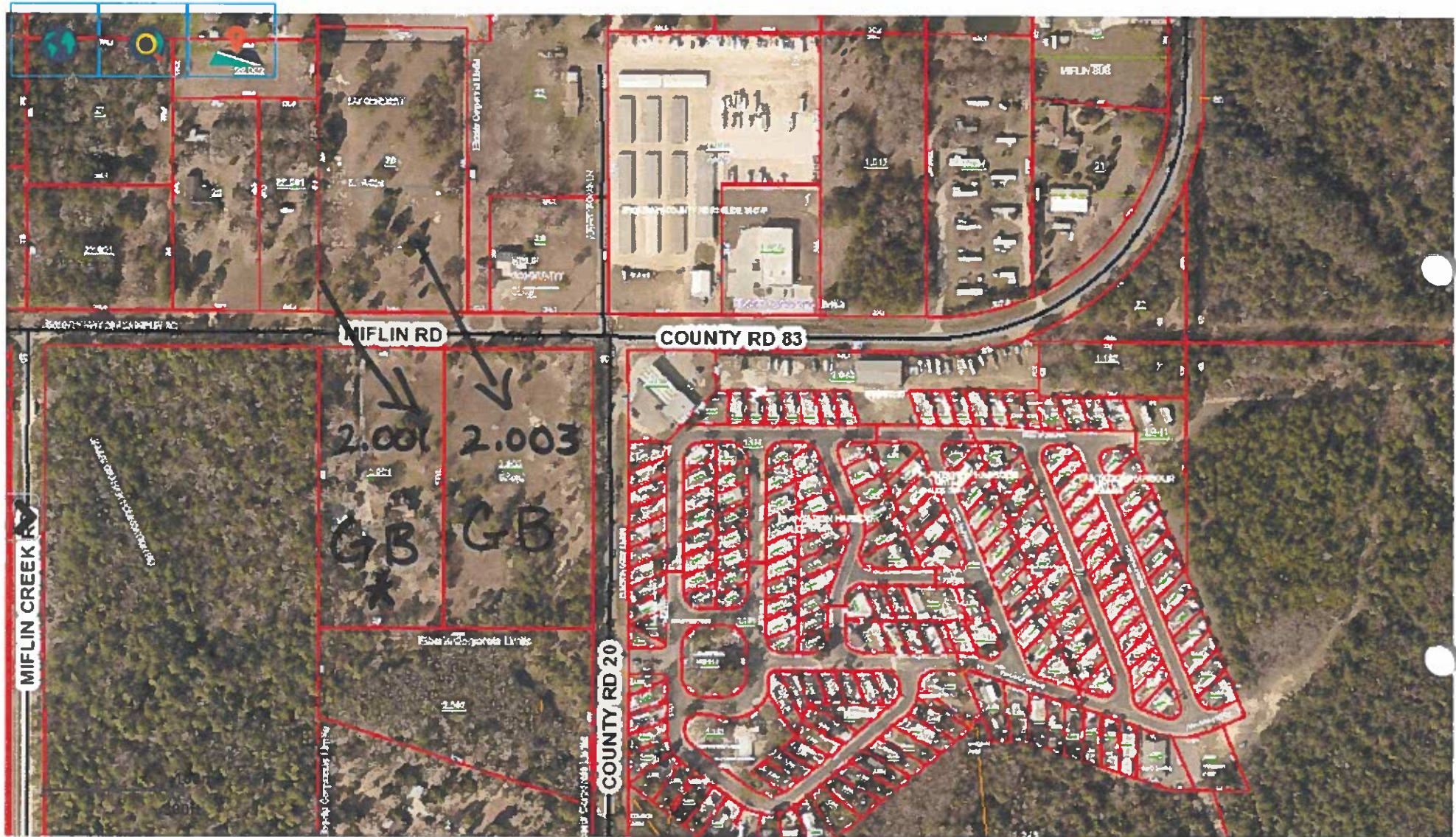
(251) 986-5995
FAX (251) 986-8499

Exhibit A

Commencing at the purported Northwest corner of the Northeast Quarter, of Section 7, Township 8 South, Range 5 East, Baldwin County, Alabama; thence run South $41^{\circ}06'09''$ West, a distance of 52.82 feet to the South right-of-way of County Road No. 20 as it runs North and South; thence run North $89^{\circ}47'13''$ West, along said South right-of-way of County Road No. 20 a distance of 407.48 feet to the Point of Beginning; thence run South $06^{\circ}46'53''$ East, a distance of 626.61 feet to a point; thence run North $89^{\circ}47'47''$ West, a distance of 287.00 feet to a point; thence run North $00^{\circ}11'00''$ West, a distance of 622.01 feet to a point on the above mentioned South right-of-way line of County Road No. 20; thence run South $89^{\circ}47'13''$ East, along said right-of-way line a distance of 215.00 feet to the Point of Beginning.

Tax Parcel:

05-62-03-07-0-001-002.001



GB / General Business - Pre Zoning REQUEST
*- Grandfathered Use as Residential

ORDINANCE # 2021-04
AN ORDINANCE TO ANNEX CERTAIN LANDS KNOWN AS
KENNETH WINTER PARCEL 05-62-03-07-0-001-002.003

WHEREAS, on the 14th day of June, 2021, Being the owner(s) of all the real property hereinafter described, did file with the Town Clerk a petition asking that the said tract or parcel of land be annexed to and become a part of the Town of Elberta, and

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WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the Town of Elberta and it did further determine that all legal requirements for annexing said real 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 TOWN COUNCIL OF ELBERTA, ALABAMA, AS FOLLOWS:

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Commencing at the purported Northwest corner of the Northeast Quarter of the Northeast Quarter, of Section 7, Township 8 South, Range 5 East, Baldwin County, Alabama; thence run South 41°06'09" West, a distance of 52.82 feet to the South right-of-way of County Road No. 20 as it runs North and South, said point being the Point of Beginning; thence run South 00°21'49" East, a distance of 621.92 feet to a point; thence run North 89°47'47" West a distance of 337.44 feet to a point; thence run North 06°46'53" West, a distance of 626.61 feet to a point on the South right-of-way line of the above mentioned County Road No. 20; thence run South 89°47'13" East, along said right of way a distance of 407.48 feet to the Point of Beginning.

Section 3: As a provision of this ordinance PETITIONER requests that this property be pre-zoned as GENERAL BUSINESS (GB), upon annexation. In the event that the pre-zoning of GB is not awarded, the annexation petition is withdrawn and the property shall be de-annexed from the corporate limits of the Town of Elberta, Alabama.

Section 4: This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Baldwin County, Alabama.

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Done this the 20th day of July, 2021

ATTEST

Caryn Woerner, Town Clerk

Jim Hamby, Mayor

1930919

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR., PROBATE JUDGE
Filed cert. 7/22/2021 2:07 PM
TOTAL \$ 25.00
5 Pages

ELBERTA, AL



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We, the undersigned PETITIONERS, owners of the property described in the attached Exhibit A and as delineated on the map attached as Exhibit B, such property being outside the corporate limits of the Town of Elberta, Alabama, but which is now, or at the time this petition is acted upon will be, contiguous to the said corporate limits, and such property not lying within the corporate limits of any other municipality, do by these presents hereby petition the Town of Elberta, a municipal corporation, that said property be annexed into the Town of Elberta pursuant to the authority of Section 11-42-21 of the Code of Alabama (1975).

We, the undersigned PETITIONERS, further petition that the Honorable Mayor and Town Council of the Town of Elberta, Alabama, set a date for the hearing of this petition and adopt an ordinance annexing such property. We, the undersigned PETITIONERS, further petition that this property be pre-zoned as GB upon annexation.

We, the undersigned PETITIONERS also ask that the Honorable Mayor and Town Council of the Town of Elberta, Alabama, do all things necessary and requisite to comply with the terms of Section 11-42-21 of the Code of Alabama (1975).

Dated this 14th day of June, 2021.

Harry B. Archer
Authorized Agent

STATE OF ALABAMA
COUNTY OF BALDWIN

On this 14th day of June, 2021, before me personally appeared Harry B. Archer, Agent, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.

Caryn Hall Weir
Notary Public
State of Alabama at Large
My Commission expires: 07/09/2024

STATE OF ALABAMA
COUNTY OF BALDWIN

On this _____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.

Notary Public
State of Alabama at Large
My Commission expires: _____

ELBERTA



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TOWN OF ELBERTA

Planning and Zoning
(251) 986-6174

Caryn Woerner
pandzinfo@townofelberta.com

Annexation

AGENT AUTHORIZATION FORM

I, We authorize and permit Jon Archer or Harry Archer to act as my/our representative and agent in any manner regarding an application which relates to property described as tax parcel ID # or PPIN# 05-62-03-07-0-001-002-003 with a physical address of: _____ I/We understand that the agent representation may include but not limited to decisions relating to status, conditions, or withdrawal of this application. In understanding this, I/We release the Town of Elberta from any liability resulting from actions made on my/our behalf by the authorized agent or representative.

Note: All correspondence will be sent to the authorized representative. It will be the representative's responsibility to keep the owner(s) adequately informed as to the status of the application.

PROPERTY OWNERS(S):

Kenneth J. Winter
Name Printed:

Date: 6/14/21

Signature: Kenneth J. Winter

Name Printed:

Signature:

Address:

City / State:

Phone:

Email Address:

AUTHORIZED AGENT:

Date: 6/14/2021

Jon Archer or Harry Archer
Name Printed:

Signature: Harry B. Archer

P.O. Box 277 Magnolia Springs, AL 36555
Address:

City / State:

251-454-9791
Phone:

Email Address: archercattle@gmail.com

Form Date: 03/2020

Exhibit A

Commencing at the purported Northwest corner of the Northeast Quarter of the Northeast Quarter, of Section 7, Township 8 South, Range 5 East, Baldwin County, Alabama; thence run South $41^{\circ}06'09''$ West, a distance of 52.82 feet to the South right-of-way of County Road No. 20 as it runs North and South, said point being the Point of Beginning; thence run South $00^{\circ}21'49''$ East, a distance of 621.92 feet to a point; thence run North $89^{\circ}47'47''$ West a distance of 337.44 feet to a point; thence run North $06^{\circ}46'53''$ West, a distance of 626.61 feet to a point on the South right-of-way line of the above mentioned County Road No. 20; thence run South $89^{\circ}47'13''$ East, along said right of way a distance of 407.48 feet to the Point of Beginning.

Tax PARCEL:

05-62-03-07-0-001-002.003

EXHIBIT B-05-62-03-07-0-001-002-003

≡ Baldwin County Parcel Viewer

Find address or place



GB / General Business - Pre Zoning REQUEST
*- Grandfathered Use as Residential