

ORDINANCE NO. 2021 - 5520

AN ORDINANCE AMENDING ORDINANCE NO. 79-516 TO REZONE FROM M-1 TO R-A CERTAIN PROPERTY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF PELL CITY, ALABAMA

WHEREAS, Martin Andrews on behalf of Entrust Administration of the Southeast c/o Cindy and Thomas Simmons, the owner of the hereinafter described real estate situated in Pell City, St. Clair County, Alabama, did file with the Clerk of the City of Pell City, Alabama, a written petition duly signed by Cindy and Thomas Simmons, requesting that said described property located within the corporate limits of the City of Pell City be rezoned from M-1 (Light Manufacturing District) to R-A (Residential Agricultural District) under the provisions of section 11-52-70, *et seq*, *Code of Alabama*, 1975, as amended; and

WHEREAS, said petition did have attached thereto an accurate description of said territory proposed to be rezoned, together with a map of said property, all as is required under the provisions of said section 11-52-70, *et seq*; and

WHEREAS, the City Council of the City of Pell City has heretofore given notice of and convened a public hearing on July 26, 2021 pertaining to said rezoning; and has examined the aforesaid petition and exhibits attached thereto and finds that the said described lands are located within the corporate limits of the City of Pell City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA, as follows:

Section 1. The petition of Cindy and Thomas Simmons, the owner of the following described lands situated in the City of Pell City, Alabama, requesting that the same be rezoned from M-1 (Light Manufacturing District) to R-A (Residential Agriculture) be and the same is hereby approved, to-wit:

COMMENCE AT AN EXISTING 1" PIPE BEING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION AND RUN SOUTH 01 DEGREES 04'00" EAST FOR 157.07 FEET TO A 5/8" REBAR SET ON THE WEST RIGHT-OF-WAY OF DRY CREEK ROAD (60 FOOT RIGHT OF WAY); THENCE SOUTH 21 DEGREES 19'30" WEST ALONG SAID WEST RIGHT-OF-WAY FOR 191.61 FEET TO A 5/8" REBAR SET AT THE PC OF A RIGHT-OF-WAY CURVE TO THE RIGHT (DELTA=07 06'00"; RADIUS = 1662.49 FEET, CHORD = SOUTH 24 DEGREES 52'30", 205.88 FEET); THENCE RUN IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE FOR 206.01 FEET TO A 5/8" REBAR SET AT THE PT; THENCE SOUTH 28 DEGREES 25'30" WEST ALONG SAID WEST RIGHT-OF-WAY FOR 234.79 FEET RADIUS =2316.16 FEET, CHORD-SOUTH 29 DEGREES 02'41" WEST 51.10 FEET); THENCE RUN IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE FOR 50.10 FEET TO AN EXISTING 1/2" REBAR; THENCE (LEAVING RIGHT-OF-WAY) RUN NORTH 71 DEGREES FOR 38'20" WEST FOR 839.34 FEET TO A 5/8" REBAR SET; THENCE NORTH 09 DEGREES 01'00" RAILROAD RIGHT-OF-WAY (100 FOOT RIGHT-OF-WAY); THENCE NORTH 80 DEGREES 59'00" EAST ALONG SAID SOUTH RIGHT-OF-WAY FOR 892.97 FEET TO A 5/8" REBAR SET AT THE PC OF A RIGHT-OF-WAY CURVE TO THE LEFT (DELTA=03 DEGREES 50'43", RADIUS=2882.49 FEET, CHORD=NORTH 79 DEGREES CURVE FOR 193.45 FEET TO A 5/8" REBAR SET, SAID POINT BEING A POC AT A RIGHT-OF-WAY WIDTH CHANGE (200 FOOT RIGHT-OF-WAY); THENCE SOUTH 12 DEGREES 51'43" EAST ON A RADIAL FOR 50.00 FEET TO A 5/8" REBAR SET BEING A POC ON A RIGHT-OF-WAY CURVE TO THE LEFT (DELTA=01 DEGREES 58'09", RADIUS=2932.49 FEET, CHORD=NORTH 76 DEGREES 09'13" EAST, 100.78 FEET), THENCE RUN IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE FOR 100.78 FEET TO A 5/8 REBAR SET; THENCE (LEAVING RIGHT-OF-WAY) SOUTH 03 DEGREES 53'25" EAST FOR 120.97 FET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PARCEL LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 17 SOUTH, RANGE 3 EAST LOCATED IN PELL CITY, ST. CLAIR COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT AN EXISTING 1" PIPE BEING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION AND RUN SOUTH 01 DEGREE 01'00" EAST FOR 157.7 FEET TO AN EXISTING 5/8" REBAR ON THE WEST RIGHT-OF-WAY OF DRY CREEK ROAD (60 FOOT RIGHT-OF-WAY); THENCE SOUTH 21 DEGREES 19'30" WEST ALONG SAID WEST RIGHT-OF-WAY FOR 191.61 FEET TO AN EXISTING 5/8" REBAR AT THE POINT OF BEGINNING, SAID POINT BEING AT THE PC OF A RIGHT-OF-WAY CURVE TO THE RIGHT (DELTA 07 DEGREES 06'00" RADIUS =) 662.49 FEET, CHORD = SOUTH 24 DEGREES 52'30" WEST, 205.88 FEET); THENCE: RUN IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE FOR 206.00 FEET TO AN EXISTING 5/8" REBAR AT THE POINT THENCE

SOUTH 28 DEGREES 25'30" WEST ALONG SAID WEST RIGHT-OF-WAY FOR 234.79 FEET TO AN EXISTING 5/8" REBAR AT THE EPT OF A RIGHT-OF-WAY CURVE TO THE RIGHT (DELTA+01 DEGREE 14'22", RADIUS =2316.16 FEET, CHORD SOUTH 29 DEGREES 02'41" WEST 50.10 FEET). THENCE RUN IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE FOR 50.10 FEET TO AN EXISTING 1/2" REBAR. THENCE (LEAVING RIGHT-OF-WAY) RUN NORTH 71 DEGREES 38' 20" WEST FOR 839.34 FEET TO A 5/8" REBAR SET THENCE NORTH 09 DEGREES 01'00" WEST FOR 444.39 FEET, THENCE SOUTH 78 DEGREES 15'50" EAST FOR 1121.03 FEET TO THE POINT OF BEGINNING.

This description has been prepared without the benefit of a survey and is intended to describe all of Cindy and Thomas Simmons property, being Tax Parcel 28-01-02-4-000-009.001.

Section 2. The Zoning District Map of the City of Pell City shall be amended by rezoning the aforesaid described parcel of land from M-1 to R-A.

Section 3. This Ordinance shall become effective upon approval, passage and publication as required by law.

ADOPTED AND APPROVED this 26th day of July, 2021.

W. Judge Alverson, Council President

ATTEST:

Sheree D. Pruitt - City Clerk

APPROVED this 26th day of July, 2021.

William T. Pruitt, IV - Mayor

ATTEST:



Sheree D. Pruitt, City Clerk

CERTIFICATION

I, Sheree D. Pruitt, Clerk of the City of Pell City, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Pell City at a regular meeting held on the 26th day of July, 2021, and that the same has been published by posting in accordance with §11-45-8, Ala. Code 1975, by posting a copy of the Ordinance in three public places within the municipality, one of which was the Mayor's office in the City, on this the 26th day of July, 2021. I further certify and confirm that the City shall take reasonable steps to maintain the posting for not less than 30 days. In addition, the City shall include a copy of this Ordinance on its website for 30 days.



City Clerk