

ORDINANCE NO. 2023 - 5868

**AN ORDINANCE AMENDING ORDINANCE NO. 79-516 TO REZONE
FROM O-1 TO R-1 CERTAIN PROPERTY LOCATED AT 923
COGSWELL AVENUE WITHIN THE CITY LIMITS OF THE CITY
OF PELL CITY, ALABAMA**

WHEREAS, Faye Armijo on behalf of YWCA Central Alabama, Inc., 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 Faye Armijo and LaRhonda Magras on behalf of YWCA Central Alabama, Inc., requesting that said described property located within the corporate limits of the City of Pell City be rezoned from O-1 (Office Business District) to R-1 (Low Density Residential) 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 March 27, 2023 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 Faye Armijo and LaRhonda Magras for YWCA Central Alabama, Inc, the owner of the following described lands situated in the City of Pell City, Alabama, requesting that the same be rezoned from O-1 (Office Business District) to R-1 (Low Density Residential) be and the same is hereby approved, to-wit:

A PARCEL LOCATED IN PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 17 SOUTH, RANGE 3 EAST IN PELL CITY, ST. CLAIR COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID QUARTER-QUARTER SECTION AND RUN SOUTH 89 DEGREES 56' 49" WEST FOR 94.33 FEET, THENCE SOUTH 03 DEGREES 24' 44" WEST FOR 492.39 FEET TO AN EXISTING 1" PIPE AT THE POINT OF BEGINNING. THENCE NORTH 87 DEGREES 46' 35" WEST FOR 216.76 FEET TO AN EXISTING 1" PIPE, THENCE SOUTH 01 DEGREE 07' 1" WEST FOR 24632 FEET TO AN EXISTING 1" PIPE, THENCE SOUTH 75 DEGREES 12' 15" WEST FOR 121168 FEET TO AN EXISTING IR" REBAR, THENCE SOUTH 75 DEGREES 06' 00" WEST FOR 54.79 FEET TO AN EXISTING 1/2" REBAR ON THE EAST RIGHT-OF-WAY OF WHITESVILLE ROAD (40 FOOT RIGHT-OF-WAY), THENCE SOUTH 02 DEGREES 22' 40" WEST ALONG SAID EAST RIGHT-OF-WAY FOR 230.45 FEET TO AN EXISTING 1/2" REBAR ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY 78 (100 FOOT RIGHT-OF-WAY), THENCE SOUTH 86 DEGREES 23' 25" EAST ALONG THE CHORD OF A RIGHT-OF-WAY CURVE TO THE RIGHT FOR 376.94 FEET TO AN EXISTING 1/2" REBAR; THENCE (LEAVING RIGHT-OF-WAY) NORTH 03 DEGREES 24' 44" EAST FOR 539.75 FEET TO THE POINT OF BEGINNING. BEARINGS BASED ON COURT CASE CV-88-40. ACCORDING TO THE MARCH 8, 2004 SURVEY BY DERROL D. LUKER, LICENSE NO. 23006.

LESS AND EXCEPT: A PARCEL LOCATED IN PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 17 SOUTH, RANGE 3 EAST IN PELL CITY, ST. CLAIR COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID QUARTER-QUARTER SECTION AND RUN SOUTH 89 DEGREES 56' 49" WEST FOR 94.33 FEET, THENCE SOUTH 03 DEGREES 24' 44" WEST FOR 492-39 FEET TO AN EXISTING 1" PIPE. THENCE NORTH 87 DEGREES 46' 35" WEST FOR 216.76 FEET TO AN EXISTING 1" PIPE, THENCE SOUTH 01 DEGREE 07' 00" WEST FOR 246.32 FEET TO AN EXISTING 1" PIPE, THENCE SOUTH 75 DEGREES 12' 15" WEST FOR 128.68 FEET TO AN EXISTING 1/2" REBAR AT THE POINT OF BEGINNING. THENCE SOUTH 75 DEGREES 06' 00" WEST FOR 54.79 FEET TO AN EXISTING 1/2" REBAR ON THE

EASTERN RIGHT-OF-WAY OF WHITESVILLE ROAD (40 FOOT RIGHT-OF-WAY), THENCE SOUTH 02 DEGREES 22' 40" WEST ALONG SAID EASTERN RIGHT-OF-WAY FOR 230.45 FEET TO AN EXISTING 1/2" REBAR ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY 78 (80 FOOT RIGHT-OF-WAY), THENCE NORTH 85 DEGREES 36' 20" EAST ALONG THE CHORD OF A RIGHT-OF-WAY CURVE TO THE RIGHT AND RUN ALONG SAID NORTH RIGHT-OF-WAY FOR 12.32 FEET, THENCE NORTH 11 DEGREES 39' 30" EAST FOR 24834 FEET TO THE POINT OF BEGINNING,

THE ABOVE DESCRIBED PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTORS OR THEIR SPOUSES, IF ANY.

SUBJECT TO:

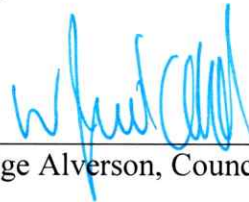
1. MINERAL AND MINING RIGHTS NOT OWNED BY GRANTORS.
2. RIGHT OF WAY FOR U.S. HIGHWAY #78, AKA COGSWELL AVENUE.

This description has been prepared without the benefit of a survey and is intended to describe all of the property located at 923 Cogswell Avenue (Parcel ID: 28-01-02-2-000-004.000).

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

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

ADOPTED AND APPROVED this 27th day of March 2023.



W. Judge Alverson, Council President

ATTEST:



Sheree D. Pruitt - City Clerk

APPROVED this 27th day of March 2023.



W. Brian Muenger – City Manager

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 27th day of March, 2023, 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 28th day of March 2023. 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