

2024 4551  
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04-23-2024 01:41:29 PM  
Andrew Weathington - Judge of Probate  
St. Clair County, Alabama

**ORDINANCE NO. 2024 - 6058**

**AN ORDINANCE TO ALTER, EXTEND AND  
REARRANGE THE CORPORATE LIMITS OF THE CITY  
OF PELL CITY, ALABAMA, TO INCLUDE ADDITIONAL  
PARTS OF ST. CLAIR COUNTY, ALABAMA.**

**WHEREAS**, all of the owners of the following described real estate situated in St. Clair County, Alabama, to-wit:

A tract of land located in St. Clair County, Alabama, lying and being on the Southerly side of U.S. Highway Number 78, more particularly described as follows:

Commencing at the Southwest intersection of the Wolf Creek Road and said U. S. Highway Number 78 in the Town of Eden, Alabama; thence 363 feet, more or less, to the corner of a tract conveyed to J.M. Brannon by *deed* recorded in Volume 26, Page 104 in the Office of the Judge of Probate; thence Southwestwardly along the Southwest line of said Brannon tract a distance of 350 feet more or less, to a corner where the Southeast line of said Brannon tract intersects the east line of a tract conveyed to J. W. Allen by deed recorded in Volume 35 Page 483 in the Office of the Judge of Probate; thence South along the East line of said Allen tract a distance of 550 feet, more or less, to the right of way of the Southern Railway; thence East along said right of way a distance of 450 feet, more or less, to the Wolf Creek Road; thence North along the said Wolf Creek Road a distance of 655 feet, more or less, to the Point of Beginning; and bounded on the North side by said U. S. Highway Number 78, on the Northwest by lands owned by J. M. Brannon, on the West lands owned by J.W. Allen, on the South by the right of way of Southern Railway, and on the East side by Wolf Creek Road, and containing Eight (8) acres, more or less, together with free use of water front spring near South line of said land all situated in Section 3, Township 17, Range 3 East.

PARCEL # 28-02-03-2-000-016.000

Did file a written petition, duly signed by William T. Pruitt, IV as Mayor of the City of Pell City and Sheree D. Pruitt as City Clerk for the City of Pell City, requesting that said described territory in the petition be annexed to the City of Pell City and zoned R-A (Residential Agricultural District) under the provisions of § 11-42-21, *Code of Alabama*, 1975; and

**WHEREAS**, said petition did have attached thereto, marked "Exhibit A", an accurate description of said territory proposed to be annexed, together with a map of said territory showing its said relationship to the corporate limits of the City of Pell City, all as is required under the provisions of said § 11-42-21; and

**WHEREAS**, the City Council of the City of Pell City has heretofore examined the aforesaid petition and said exhibit attached thereto and finds that the said described lands are located and contained within an area contiguous to the corporate limits of the City of Pell City and that said described lands do not lie within the corporate limits or the police jurisdiction of any other municipality, and that all of the owners of said described lands joined in said petition by affixing their signatures thereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA, AS FOLLOWS:**

Section 1. That said petition of all of the owners of the following described lands situated in St. Clair County, Alabama, to-wit:

A tract of land located in St. Clair County, Alabama, lying and being on the Southerly side of U.S. Highway Number 78, more particularly described as follows:

Commencing at the Southwest intersection of the Wolf Creek Road and said U. S. Highway Number 78 in the Town of Eden, Alabama; thence 363 feet, more or less, to the corner of a tract conveyed to J.M. Brannon by *deed* recorded in Volume 26, Page 104 in the Office of the Judge of Probate; thence Southwestwardly along the Southwest line of

said Brannon tract a distance of 350 feet more or less, to a corner where the Southeast line of said Brannon tract intersects the east line of a tract conveyed to J. W. Allen by deed recorded in Volume 35 Page 483 in the Office of the Judge of Probate; thence South along the East line of said Allen tract a distance of 550 feet, more or less, to the right of way of the Southern Railway; thence East along said right of way a distance of 450 feet, more or less, to the Wolf Creek Road; thence North along the said Wolf Creek Road a distance of 655 feet, more or less, to the Point of Beginning; and bounded on the North side by said U. S. Highway Number 78, on the Northwest by lands owned by J. M. Brannon, on the West lands owned by J.W. Allen, on the South by the right of way of Southern Railway, and on the East side by Wolf Creek Road, and containing Eight (8) acres, more or less, together with free use of water front spring near South line of said land all situated in Section 3, Township 17, Range 3 East.

PARCEL # 28-02-03-2-000-016.000

Requesting that the same be annexed to the City of Pell City, Alabama, and zoned as R-A (Residential Agricultural District) be and the same is hereby approved.

Section 2. That the City Council of the City of Pell City does hereby assent to the annexation of the said described lands to the City of Pell City and the corporate limits of the City of Pell City be and the same are hereby extended and rearranged so as to embrace and include said described lands and that the same shall become a part of the corporate area of the City of Pell City, Alabama, and zoned as R-A (Residential Agricultural District) upon the date of the publication of this Ordinance.

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

**ADOPTED AND APPROVED** this 22<sup>nd</sup> day of April 2024.

W. Judge Alverson - Council President

ATTEST:

Sheree D. Pruitt - City Clerk

2024 4552  
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04-23-2024 01:41:29 PM

**APPROVED** this 22<sup>nd</sup> day of April 2024.


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 22<sup>nd</sup> day of April 2024, 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 23<sup>rd</sup> day of April 2024. 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

2024 4553  
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04-23-2024 01:41:29 PM

# 46 Cogswell Avenue - Annexation Exhibit

A tract of land located in St. Clair County, Alabama, lying and being on the Southerly side of U.S. Highway Number 78, more particularly described as follows:

Commencing at the Southwest intersection of the Wolf Creek Road and said U. S. Highway Number 78 in the Town of Eden, Alabama; thence 363 feet, more or less, to the corner of a tract conveyed to J.M. Brannon by deed recorded in Volume 26, Page 104 in the Office of the Judge of Probate; thence Southwestwardly along the Southwest line of said Brannon tract a distance of 350 feet more or less, to a corner where the Southeast line of said Brannon tract intersects the east line of a tract conveyed to J. W. Allen by deed recorded in Volume 35 Page 483 in the Office of the Judge of Probate; thence South along the East line of said Allen tract a distance of 550 feet, more or less, to the right of way of the Southern Railway; thence East along said right of way a distance of 450 feet, more or less, to the Wolf Creek Road; thence North along the said Wolf Creek Road a distance of 655 feet, more or less, to the Point of Beginning; and bounded on the North side by said U. S. Highway Number 78, on the Northwest by lands owned by J. M. Brannon, on the West lands owned by J.W. Allen, on the South by the right of way of Southern Railway, and on the East side by Wolf Creek Road, and containing Eight (8) acres, more or less, together with free use of water front spring near South line of said land all situated in Section 3, Township 17, Range 3 East.



April 18, 2024

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04-23-2024 01:41:29 PM

St. Clair County Revenue Commissioner's Office Sources: Esri, ArcGIS Online, USGS, NGA, NACA, Google Earth, Robinson NCEAS, NLS, OS, NAD, Geodatasystems, Aerialwater.com, G.A. Geo and FEMA Intermap and the St. Clair County Revenue Commissioner's Office user community, Esri Community Maps Contributors, OpenStreetMap

Esri contributors © OpenStreetMap contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI, NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS | St. Clair County Revenue Commissioner's Office

2024 4557  
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04-23-2024 01:41:29 PM

2024 4228  
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04-15-2024 02:21:33 PM  
Andrew Weathington - Probate Judge  
St. Clair County, Alabama

**-Above this line reserved for official use only-**

STATE OF ALABAMA )  
COUNTY OF SAINT CLAIR )

Book/Pg: 2024/4228-4230  
Geo/Cashier: N / Wyatt  
Tran: 15838.382174.524669  
Fees Posted: 04-15-2024 02:21:33  
CER Certification Fee 3.00  
MHF Mental Health Fee 6.50  
DFE Deed Tax 94.00  
PJF Special Index Fee 5.50  
NTX No Tax Collected Fee 0.00  
REC Recording Fee 9.00  
Total Fees: \$118.00

### SPECIAL WARRANTY DEED

#### KNOW ALL MEN BY THESE PRESENTS THAT:

THIS SPECIAL WARRANTY DEED executed this 11 day of APRIL, 20<sup>24</sup>, for and in CONSIDERATION OF **Ninety-Four Thousand and 00/100 Dollars (\$94,000.00)**, and other valuable consideration, the receipt whereof and sufficiency of which is hereby acknowledged, the undersigned **OLIT 2023 HB1 ALTERNATIVE HOLDINGS, LLC** whose mailing address is 14405 WALTERS ROAD, HOUSTON, TX 77014 (hereinafter referred to as the "Grantor") does hereby grant, bargain, sell, and convey unto **CITY OF PELL CITY** whose mailing address is 1905 1ST AVE. NORTH, PELL CITY, AL 35125 (hereinafter referred to as the "Grantee") the following described real estate situated in the County of SAINT CLAIR, State of Alabama, to wit:

The land referred to herein below is situated in the county of Saint Clair, State of Alabama, and is described as follows:

A tract of land located in St. Clair County, Alabama, lying and being on the Southerly side of U.S. Highway Number 78, more particularly described as follows:

Commencing at the Southwest intersection of the Wolf Creek Road and said U. S. Highway Number 78 in the Town of Eden, Alabama; thence 363 feet, more or less, to the corner of a tract conveyed to J.M. Brannon by deed recorded in Volume 26, Page 104 in the Office of the Judge of Probate; thence Southwestwardly along the Southwest line of said Brannon tract a distance of 350 feet more or less, to a corner where the Southeast line of said Brannon tract intersects the east line of a tract conveyed to J. W. Allen by deed recorded in Volume 35 Page 483 in the Office of the Judge of Probate; thence South along the East line of said Allen tract a distance of 550 feet, more or less, to the right of way of the Southern Railway; thence East along said right of way a distance of 450 feet, more or less, to the Wolf Creek Road; thence North along the said Wolf Creek Road a distance of 655 feet, more or less, to the Point of Beginning; and bounded on the North side by said U. S. Highway Number 78, on the Northwest by lands owned by J. M. Brannon, on the West lands owned by J.W. Allen, on the South by the right of way of Southern Railway, and on the East side by Wolf Creek Road, and containing Eight (8) acres, more or less, together with free use of water front spring near South line of said land all situated in Section 3, Township 17, Range 3 East.

Prior instrument reference: **Book 2023 Page 10828 of the Public Records of the District Recorder of SAINT CLAIR County, State of Alabama.**

**Property Address:** 46 COGSWELL AVENUE, PELL CITY, AL 35125  
This instrument was prepared without the benefit of a title examination.

TO HAVE AND TO HOLD, the above-described property together with all and singular the tenements, hereditaments, and appurtenances thereupon belonging or in any wise appertaining unto the said Grantee, its successors and assigns, forever.

IT IS EXPRESSLY UNDERSTOOD AND AGREED by and between the parties hereto that this conveyance is subject to any outstanding rights of redemption from foreclosure sale, and that this deed



PETITION FOR ANNEXATION

CITY OF PELL CITY
1905 FIRST AVE. NORTH, PELL CITY, AL 35125
(205) 338-2244/FAX (205)814-9088

2024 4554
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04-23-2024 01:41:29 PM

PLEASE READ ALL INFORMATION CAREFULLY AND COMPLETE FULLY

Applicant Name: City of Pell City
Address: 1905 1st Ave. N.
City Pell City State AL Zip 351245
Phone Number: Cell Number:
Property Address: 46 Cogswell Avenue
Parcel Number: 2802032000016000
FOR OFFICE USE ONLY
Requested Zoning (if other than R-A) N/A
Case #
911 Address
Planning Commission Date
Council Date
Ordinance #

Applicant must attach deed(s) covering the entire subject property. All metes and bounds descriptions must be supplied in a compatible electronic format (Microsoft Word).

OWNERSHIP CONFIGURATION: [XX] single parcel/single ownership [ ] multiple parcels/single ownership
[ ] single parcel/multiple ownership [ ] multiple parcels/multiple ownership

THE FOLLOWING INFORMATION IS REQUIRED BY THE U.S. JUSTICE DEPT. AND BUREAU OF THE CENSUS.
Answers to the following questions should reflect the conditions existing on the subject property at the time of annexation.

- 1. a. Is this property your principal residence? [ ] YES [X] NO (if "yes," answer part B)
b. Applicant's Marital Status: [ ] Now Married [ ] Separated [ ] Divorced [ ] Widowed [ ] Never Married
2. a. Total number of buildings on subject property: 2
[1] Number of houses [ ] Number of manufactured homes [1] Other: Shed
b. Number of persons living on subject property: 0
c. Of all persons residing on the property, how many are of voting age (18 years or older)? [0]
d. Of all persons residing on the property, how many are:
[0] White [0] Black [0] Hispanic [0] Asian or Pacific Islander [0] American [0] Other
Indian/Eskimo/Aleut
e. Number of children in household : 0 Ages: N/A
f. Proposed Use of Property (if any): Continuation of residential use.

GENERAL DESCRIPTION OF PROPERTY (Include Acreage, Subdivision Name, Lot Number, Future Use, etc.):

Single-family home on 6.9 acres of property.

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge.

APPLICANT'S SIGNATURE: [Signature] DATE: 4/18/2024
PRINT NAME: Brian Muenger, City Manager

Note: If Applicant is not the current owner of record a "Designation of Agent" form must be completed and submitted with this petition

Received by: Date:

**PETITION FOR ANNEXATION**

To The City of Pell City, Alabama:

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file with the City of Pell City this written petition requesting that our property as described be annexed to the City of Pell City, Alabama, under the authority of §11-42-20 through §11-42-24, Code of Ala. 1975.

We further certify that said property is contiguous to the city limits of City of Pell City, Alabama, and that none of the property lies within the corporate limits of another municipality. We further certify that all of the property included in the preceding description which lies within the police jurisdiction of both the annexing municipality and another municipality is located closer to the annexing municipality than to the other municipality as required by §11-42-21, Code of Ala. 1975. A map and written legal description of said property is hereto attached.

Initials: \_\_\_\_\_

We, the undersigned, fully understand that the City will provide police and fire protection and, if available, the City **may** provide water and sewer service under our current adopted procedures. **The City makes no commitment to extend water and sewer lines to property that is annexed into the City, or to upgrade drainage or roads by virtue of an annexation. Further, the city is prohibited from improving private property.**

Initials: \_\_\_\_\_

We understand that if the subject property lies within the territory of a fire district, it is our responsibility to remove the subject property from the fire district and provide written proof from said fire district that they have released the subject property from the fire district before this petition will be processed by the City. **We understand and hereby agree to pay to the City of Pell City all costs and attorney's fees which the City may pay in the future to remove this property from any fire district if it is not removed by us prior to this annexation.**

Initials: \_\_\_\_\_

Furthermore, we certify that we understand fully that, following annexation, **the subject property shall be subject to all laws and codes administered by the City of Pell City**, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Pell City.

Initials: \_\_\_\_\_

We do hereby request that the City give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Pell City, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this the 22<sup>nd</sup> day of April, 2024.

Names and Signatures of ALL property owners:

Signature:   
Print Name: William A. Pruitt, IV - Mayor

Signature:   
Print Name: Sherree D. Pruitt - City Clerk

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Map or Survey Attached?

Legal Description Attached?

Recorded Subdivision Plat Attached? \_\_\_\_\_ or Metes and Bounds descriptions in electronic format? \_\_\_\_\_

**Any Property which is found to have been divided in violation of the City of Pell City subdivision regulations in effect at the time of said division, will be required to be legally subdivided in accordance with the current regulations prior to, or concurrent with, this petition.**

contains no warranty except against the acts of the said Grantor, and all persons claiming by, through, or under it.

Executed on this 11 day of APRIL, 2024.

**OLIT 2023 HBI ALTERNATIVE HOLDINGS, LLC By PHH Mortgage Corporation, d/b/a PHH Mortgage Services, as attorney-in-fact**

By: *Tawana Maxwell*

Name: TAWANA MAXWELL

Title: AUTH SIGNER

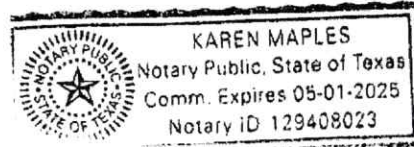
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STATE OF TEXAS }  
COUNTY OF HARRIS SS.

I, KAREN MAPLES, a Notary Public in and for the County in said State (or for said State at large), hereby certify that TAWANA MAXWELL, whose name as AUTH SIGNER (title) of **PHH Mortgage Corporation, d/b/a PHH Mortgage Services, as attorney-in-fact for OLIT 2023 HBI ALTERNATIVE HOLDINGS, LLC**, a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing instrument, he/she, as such officer and with full authority, executed same voluntarily for and as the act of said **PHH Mortgage Corporation, d/b/a PHH Mortgage Services, as attorney-in-fact for OLIT 2023 HBI ALTERNATIVE HOLDINGS, LLC** on the same day bears date.

Given under my hand (and official seal of office) this 11 day of APRIL, 2024.

*Karen Maples*  
Notary Public  
My commission expires: 05/01/2025



**Recordation Requested By/Return to:**  
SUMMIT SETTLEMENT SERVICES  
50 JORDAN STREET  
EAST PROVIDENCE, RI 02914  
File No. CRE-136326-REO

**Send Tax Notices to:**  
CITY OF PELL CITY  
1905 1ST AVE. NORTH  
PELL CITY, AL 35125

**This Instrument Prepared By:**  
THOMAS H. CLAUNCH III AL Bar No. 1402H38C  
o/b/o BC LAW FIRM, P.A.  
9164 EASTCHASE PARKWAY 209  
MONTGOMERY, AL 36117

Book/Pg: 2024/4551  
Term/Cashier: S PROB-21-10712 / dwart  
Tran: 15852.382547.525081  
Fees Posted: 04-23-2024 13:42:44  
CER Certification Fee 3.00  
MHF Mental Health Fee 0.50  
NTX NO TAX COLLECTED 1.00  
PJF Special Index Fee 3.50  
REC Recording Fee 27.00  
Total Fees: \$ 43.00



Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name OLIT 2023 HB1 ALTERNATIVE HOLDINGS, LLC
Mailing Address 14405 WALTERS ROAD
HOUSTON, TX 77014

Grantee's Name CITY OF PELL CITY
Mailing Address 1905 1ST AVE. NORTH
PELL CITY, AL 35125

Property Address 46 COGSWELL AVENUE
PELL CITY, AL 35125

Date of Sale 4/15/2024
Total Purchase Price \$94,000.00
or
Actual Value \$ 2024 4230
or
Assessor's Market Value \$ Recorded in the Above
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The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

- Bill of Sale
Sales Contract
Closing Statement
Appraisal
Other

2024 4559
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04-23-2024 01:41:29 PM
Andrew Weatherston - Judge of Probate
St. Clair County, Alabama

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 4-11-2024 Print OLIT 2023 HB1 ALTERNATIVE HOLDINGS, LLC
Unattested Karen Maples Sign [Signature]
(verified by) (Grantor/Grantee/Owner/Agent) circle one