ORDINANCE NO. 2857

AN ORDINANCE ADOPTED PURSUANT TO THE PROVISIONS OF SECTION 11-42-20 ET SEQ OF THE CODE OF ALABAMA, 1975, AS AMENDED, PROVIDING FOR ASSENT BY THE CITY COUNCIL OF THE CITY OF AUBURN TO THE ALTERATION AND REARRANGEMENT OF THE BOUNDARIES OF THE CITY OF AUBURN AND ASSENTING TO THE ANNEXATION OF CERTAIN LANDS INTO THE CITY LIMITS OF THE CITY, IN RESPONSE TO PETITIONS FILED BY PERSONS OWNING ALL THE LAND AREA OF THE LANDS ANNEXED, AND APPROVING SUCH ANNEXATION.

WHEREAS, on the 31st day of July, 2013, Trace and Cassandra Hamiter, owners of all real property hereinafter described, did file with the City Manager, a petition asking that the said tracts or parcels of land be annexed to and become part of the City of Auburn, Alabama; and

WHEREAS, said petition did contain the signature of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Auburn, Alabama; and

WHEREAS, all of the owners of said property have attested that certain municipal services, including busing to and from Auburn City Schools, may not be available to their property at the time of annexation, and that such services will be extended solely at the option of the City of Auburn, Auburn City Schools and/or the Auburn Water Works Board; and

WHEREAS, all of the owners of said property do attest that re-subdivision or development of said annexed territory, beyond the use or intensity evidenced at the adoption of this ordinance, constitutes the utilization of water service provided by the Auburn Water Works Board, only, where accessible in accordance with Auburn Water Works Board policy, as amended from time to time; and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the City of Auburn, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Section 11-42-20 through 11-42-24, Code of Alabama 1975, as amended; and

WHEREAS, the governing body has determined that the appropriate zoning designation to be applied to said real property is RURAL (R).

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

Section 1. The City Council of the City of Auburn, Alabama, finds and declares as the legislative body of the City that it is in the best interest of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this Ordinance into the City of Auburn, Alabama.

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

LEGAL DESCRIPTION:

Lots 14 and 15 of Heather Lane Subdivision, Redivision of Lot 10B, Redivision of Lot 10, according to and as shown by map or plat of said subdivision of record in Town Plat Book 18, at Page 146, in the Office of the Judge of Probate of Lee County, Alabama.

Section 3. In the event that a fire tax is being charged against the above described territory under Section 8, Act No. 89-390, the owners of said territory agree to pay all such costs.

Section 4. If in the future it is deemed necessary to improve the right-of-way from which this property takes access, one of the options considered by the City to provide such improvements will be to assess the property owner/owners their proportionate share of the costs of such improvements.

Section 5. 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 Lee County, Alabama.

Section 6. The territory described in this Ordinance shall become a part of the corporate limits of Auburn, Alabama, upon publication of this Ordinance as set forth in Section 5, above.

ADOPTED AND APPROVED by the City Council of the City of Auburn, Alabama, this the 14th day of January, 2014.

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/s/ Bill Ham, Jr., Mayor

ATTEST:

_____
/s/ Charles M. Duggan, Jr., City Manager