

02 - 413**2007**

**RESOLUTION DECLARING THAT THE PUBLIC GOOD
REQUIRES THAT CERTAIN TERRITORY SHALL BE
BROUGHT WITHIN THE LIMITS OF THE CITY OF
MOBILE PURSUANT TO AND IN ACCORDANCE WITH TITLE
11, CHAPTER 42, ARTICLE 3, OF THE CODE OF ALABAMA
AREA C**

WHEREAS, § 11-42-41 of the *Code of Alabama* provides that a city council may pass a resolution to the effect that the public health or public good requires that certain territory shall be brought within the limits of a city; and,

WHEREAS, § 11-42-43 of the *Code of Alabama* provides that upon passage of such a resolution by a council and certification by a mayor, the Judge of Probate must make and enter an order directing and ordering an election to be held by the qualified electors residing within the territory proposed to be brought within the limits of the city; and,

WHEREAS, § 11-42-47 of the *Code of Alabama* provides that each qualified voter who has resided within the boundaries of the territory proposed to be brought into the city for three months next preceding the election may vote at such election; and,

WHEREAS, a large number of qualified voters who reside within the boundaries of the territory described below have evidenced their desire to have such territory brought within the boundaries of the City of Mobile; and,

WHEREAS, the City Council of the City of Mobile desires to take the appropriate action so that the voice of these residents is given effect by passing this resolution (the "Resolution") allowing these residents an opportunity to vote on the question of whether they desire for such territory to be brought within the boundaries of the City of Mobile, and so as to provide for the future economic well-being of these residents as well as all persons residing within the metropolitan Mobile area.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MOBILE, THAT:

1. The public good requires that the following described territory shall be brought within the limits of the City of Mobile:

AREA C

BEGINNING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 2 WEST AND THE EASTWARD PROJECTION OF THE NORTH LINE OF LOT 2, RESUB OF LOTS 9 & 10, BLK 9, HIGHLAND PARK, MB 82, PG 109 (SAID POINT OF INTERSECTION LYING ON THE EXISTING CORPORATE LIMITS OF THE CITY OF MOBILE); THENCE RUN WEST ALONG THE NORTH LINE OF LOT 2 TO THE NORTHWEST CORNER OF LOT 2; THENCE RUN SOUTH ALONG THE WEST LINE OF SAID LOT 2 TO THE SW CORNER OF LOT 2 AND THE SOUTH LINE OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 2 WEST; THENCE RUN WEST ALONG SAID SOUTH SECTION LINE TO THE SOUTHEAST CORNER OF COMMON AREA NUMBER 1 AS SHOWN ON PLAT OF SPRING LAKE, UNIT ONE, MB 65, PG 63; THENCE RUN NORTH ALONG THE EAST LINE OF COMMON AREA NUMBER 1 TO THE NORTHEAST CORNER OF COMMON AREA NUMBER 1; THENCE RUN NORTH ALONG THE NORTHWARD PROJECTION OF THE EAST LINE OF COMMON AREA NUMBER 1 TO THE NW CORNER OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 2 WEST; THENCE RUN WEST ALONG THE NORTH LINE OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SAID SECTION 19, TOWNSHIP 4 SOUTH, RANGE 2 WEST TO ITS INTERSECTION WITH THE EAST LINE OF SPRING LAKE, UNIT ONE (SAID POINT OF INTERSECTION ALSO BEING ON THE WEST LINE OF OPTIMIST LAKE); THENCE RUN NORTHEASTWARDLY, NORTHWARDLY, AND NORTHWESTWARDLY ALONG THE EAST LINE OF SPRING LAKE, UNIT ONE TO ITS INTERSECTION WITH THE NORTH LINE OF SPRING LAKE, UNIT ONE; THENCE RUN SOUTHWESTWARDLY ALONG THE NORTH LINE OF SPRING LAKE, UNIT ONE TO THE NORTHWEST CORNER OF LOT Q-4; THENCE RUN SOUTH ALONG THE WEST LINE OF LOT Q-4 TO THE NORTHEAST CORNER OF LOT Q-3 AND THE SOUTH RIGHT OF WAY LINE OF OLD GOVERNMENT STREET ROAD; THENCE RUN SOUTHWESTWARDLY ALONG THE SOUTH RIGHT OF WAY LINE OF OLD GOVERNMENT STREET ROAD TO THE NORTHWEST CORNER OF PROPERTY RECORDED IN REAL PROPERTY BOOK 887 PAGE 534 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; THENCE RUN NORTHWESTWARDLY TO THE SOUTHEAST CORNER OF AIRPORT

ACRES NO. 1 AS RECORDED IN MAP BOOK 4 PAGE 39 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE NORTHWARDLY ALONG THE EAST LINE OF SAID AIRPORT ACRES TO THE NORTHEAST CORNER; RUN THENCE WESTWARDLY ALONG THE NORTH LINE OF SAID AIRPORT ACRES TO THE EAST LINE OF TYLER RIDGE SUBDIVISION AS RECORDED IN MAP BOOK 113 PAGE 50 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE NORTHWARDLY ALONG THE EAST LINE OF SAID TYLER RIDGE SUBDIVISION TO THE SOUTH WEST CORNER OF MILL CREEK SUBDIVISION AS RECORDED IN MAP BOOK 90 PAGE 118 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE EAST ALONG THE SOUTH LINE OF SAID MILL CREEK SUBDIVISION TO THE SOUTHWEST CORNER OF WESTOVER SUBDIVISION UNIT 4 AS RECORDED IN MAP BOOK 66 PAGE 23 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE NORTHWARDLY THENCE NORTHEASTWARDLY THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID WESTOVER SUBDIVISION TO THE SOUTHWEST CORNER OF PORTSIDE BUSINESS CENTER RESUBDIVISION OF LOTS 27, 28, & 29 AS RECORDED IN MAP BOOK 59 PAGE 106 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE EAST ALONG THE SOUTH LINE OF SAID PORTSIDE BUSINESS CENTER RESUBDIVISION TO A POINT ON THE WEST SIDE OF PORTSIDE BLVD.; RUN THENCE NORTHEASTWARDLY TO THE SOUTHWEST CORNER OF PORTSIDE BUSINESS CENTER AS RECORDED IN MAP BOOK 54 PAGE 43 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE EAST ALONG SOUTH LINE OF SAID PORTSIDE BUSINESS CENTER TO THE NORTHEAST CORNER OF SAID WESTOVER SUBDIVISION UNIT 4; RUN THENCE SOUTH ALONG THE EAST LINE OF SAID WESTOVER UNIT 4 TO THE NORTH LINE OF WESTOVER UNIT 2 AS RECORDED IN MAP BOOK 63 PAGE 111 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE EAST ALONG THE NORTH LINE OF SAID WESTOVER SUBD. UNIT 2 TO THE NORTHEAST CORNER OF SAID UNIT 2; RUN THENCE SOUTH ALONG THE EAST LINE OF SAID UNIT 2 TO THE NORTHWEST CORNER OF LOT 6 BLOCK 8 HIGHLAND PARK SUBDIVISION AS RECORDED IN MAP BOOK 4 PAGE 380 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE EAST ALONG THE NORTH LINE OF SAID LOT 6 AND THE PROJECTION THEREOF TO A POINT ON THE EAST LINE OF LAKEVIEW DRIVE; RUN THENCE NORTH ALONG THE EAST SIDE OF LAKEVIEW DRIVE TO THE NORTHWESTWARDLY CORNER OF LOT B RESUBDIVISION OF LOTS 42 & 43 BLOCK 5 HIGHLAND PARK SUBDIVISION AS RECORDED IN MAP BOOK 99 PAGE 76 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE NORTHEASTWARDLY AND THEN EASTWARDLY ALONG THE NORTHERLY LINE OF SAID LOT B TO THE NORTHEAST CORNER OF SAID

LOT B; RUN THENCE SOUTH ALONG THE EAST LINE OF SAID LOT B TO THE NORTHWEST CORNER OF LOT 2 BLOCK 5 HIGHLAND PARK AS RECORDED IN MAP BOOK 4 PAGE 380-381 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE EAST ALONG THE NORTH LINE OF SAID LOT 2 TO A POINT ON THE WEST RIGHT OF WAY LINE OF PARK AVENUE SOUTH; RUN THENCE EASTWARDLY TO A POINT ON THE EAST LINE OF PARK AVENUE SOUTH, SAID POINT BEING THE NORTHWEST CORNER OF THE SOUTH 100 FEET OF LOT 7 BLOCK 6 HIGHLAND PARK; RUN THENCE EAST ALONG NORTH LINE OF SAID SOUTH 100 FEET OF LOT 7 TO A POINT ON THE WEST LINE OF LOT 3 BLOCK 6 OF SAID HIGHLAND PARK; RUN THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 3 TO A POINT ON THE NORTH LINE OF LOT 8 BLOCK 6 OF SAID HIGHLAND PARK; RUN THENCE EAST ALONG THE NORTH LINE OF SAID LOT 8 A DISTANCE OF 35 FEET MORE OR LESS TO A POINT; RUN THENCE SOUTH TO A POINT ON THE NORTH LINE OF LOT 9 BLOCK 6 OF SAID HIGHLAND PARK SUBDIVISION; RUN THENCE EAST ALONG THE NORTH LINE OF SAID LOT 9 AND LOT 41 BLOCK 6 OF SAID HIGHLAND PARK AND THE PROJECTION THEREOF TO A POINT ON THE WEST LINE OF SECTION 20 T4SR2W, SAID POINT ALSO LYING ALONG THE PRESENT CORPORATE LIMITS OF THE CITY OF MOBILE; RUN THENCE SOUTHWARDLY ALONG THE PRESENT CORPORATE LIMITS OF THE CITY OF MOBILE TO THE EASTERLY PROJECTED NORTH LINE OF LOT 2, RESUB OF LOTS 9 & 10, BLK 9, HIGHLAND PARK AND THE POINT OF BEGINNING.

A map depicting this area is attached hereto and incorporated herein. In the event of a conflict between the attached map and the written description of the territory described above, the depiction of the territory on the attached map shall control and be given effect.

2. The Mayor of the City of Mobile is authorized and directed to certify and deliver a copy of this Resolution to the Judge of Probate for Mobile County pursuant to and in accordance with § 11-42-42 of the Code of Alabama;
3. If the majority of those persons voting in such an election vote in favor of the above-described territory being brought within the corporate limits of the City of Mobile, then all of such territory, and all property having a situs within such territory, shall be

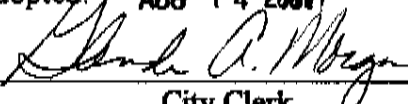
exempt from City ad valorem taxation or the payment of ad valorem taxes to the City for a period of ten (10) years from the time when such territory is brought within the corporate limits of the City, all as provided by § 11-42-57 of the *Code of Alabama*, except that, from time to time after the lapse of five (5) years from the time when such territory is brought within the corporate limits of the City, all portions of such territory as has residing on it a population of at least twenty (20) persons on a contiguous ten (10) acres of land and all property having a situs on such populated territory shall thereafter be subject to ad valorem taxation by the City and ad valorem taxes thereon shall thereafter be paid to the City, all as provided by § 11-42-58 of the *Code of Alabama*.

4. Pursuant to § 11-42-83 of the *Code of Alabama*, every person, firm, company or corporation engaged in or carrying on any business, vocation, occupation or profession in the territory brought within the corporate limits of the City pursuant to this Resolution shall be exempt from the City's gross receipts business license tax with respect to gross receipts received from the business, vocation, occupation, or profession engaged in or carried on in such territory for so long as the territory is exempt from City taxation; provided, however, that a business license tax shall be assessed and collected from each such person, firm, company or corporation in proportion to the capital employed within the territory exempt from City taxation in such trade, business, vocation, occupation or profession, including the value of the land with improvements thereon, used in such trade, business, vocation, or occupation and shall not exceed \$2.00 per \$1,000.00 where the capital employed does not exceed \$100,000.00, and shall not exceed \$1.00 per \$1,000.00 on the excess of capital

employed over \$100,000.00 up to \$200,000.00, and shall not exceed \$.50 per \$1,000.00 on the excess of the capital employed over \$200,000.00 up to \$300,000.00, and shall not exceed \$.25 per \$1,000.00 on the excess of capital employed over \$300,000.00; provided, however, that if no capital is employed or where the capital employed is less than \$1,000.00, there shall be no privilege or license tax assessed and collected. At such time as such territory is no longer exempt from City taxation under the provisions of Article 3, Chapter 42, Title 7 of the *Code of Alabama*, the then existing City gross receipts business license tax shall be annually assessed and collected from each and every such person, firm, company or corporation engaging in or carrying on any business, vocation, occupation or profession in the territory formerly exempt from City taxation.

- 5. This Resolution is passed under the provisions of Title 11, Chapter 42, Article 3, of the *Code of Alabama*.

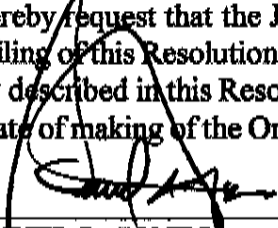
Adopted: **AUG 14 2007**



 City Clerk

CERTIFICATION OF RESOLUTION BY MAYOR

I, Samuel L. Jones, Mayor of the City of Mobile, do hereby certify that this is a true and correct copy of the Resolution adopted by the City Council of the City of Mobile at its regular meeting of August 14, 2007, and, as Mayor, I do hereby request that the Judge of Probate of Mobile County enter an Order within ten (10) days of the filing of this Resolution ordering an election to be held by the qualified electors residing in the territory described in this Resolution not less than twenty (20) days nor more than forty (40) days from the date of making of the Order, all as provided by § 11-42-43 of the *Code of Alabama*.



 SAMUEL L. JONES
 Mayor
 City of Mobile

ATTEST: 

 City Clerk

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