

02-414**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 D**

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 D

BEGINNING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SECTION 29, TOWNSHIP 4 SOUTH, RANGE 2 WEST AND THE PROJECTION OF THE SOUTH RIGHT OF WAY LINE OF HITT ROAD, SAID POINT ALSO LYING ALONG THE PRESENT CORPORATE LIMITS OF THE CITY OF MOBILE; RUN THENCE WESTWARDLY ALONG THE SOUTH RIGHT OF WAY LINE OF HITT ROAD TO A POINT ON THE SOUTH PROJECTION OF THE WEST LINE OF PROPERTY CONVEYED TO CITY OF MOBILE AND RECORDED IN REAL PROPERTY BOOK 5721 PAGE 1518 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE NORTHWARDLY ALONG SAID PROJECTION AND ALONG SAID WEST LINE TO A POINT ON THE SOUTH LINE OF PROPERTY CONVEYED TO THE CITY OF MOBILE AND RECORDED IN REAL PROPERTY BOOK 6200, PAGE 161 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; RUN THENCE WEST TO SOUTHWEST CORNER OF SAID PROPERTY; RUN THENCE NORTH THENCE EAST THENCE NORTH ALONG WEST LINE OF SAID PROPERTY TO THE NORTHWEST CORNER OF SAID PROPERTY, SAID POINT ALSO LYING ALONG THE NORTH LINE OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 3 WEST; RUN THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 24 TO THE SOUTHWEST CORNER OF PROPERTY RECORDED IN REAL PROPERTY BOOK 887 PAGE 534 IN THE OFFICE OF JUDGE OF PROBATE MOBILE COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE WEST SIDE OF SAID PROPERTY TO THE SOUTH RIGHT OF WAY OF OLD GOVERNMENT STREET ROAD; THENCE RUN NORTHEASTWARDLY ALONG THE SOUTH RIGHT OF WAY LINE OF OLD GOVERNMENT STREET ROAD TO THE WEST LINE OF LOT Q-4, SPRING LAKE, UNIT ONE AS RECORDED IN MB 65, PG 63; THENCE RUN NORTH ALONG THE WEST LINE OF LOT Q-4 TO THE NORTHWEST CORNER OF LOT Q-4; THENCE RUN NORTHEASTWARDLY ALONG THE NORTH LINE OF LOT Q-4 AND THE NORTH LINE OF SPRING LAKE, UNIT ONE 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 SOUTHEASTWARDLY, SOUTHWARDLY, AND SOUTHWESTWARDLY ALONG THE EAST LINE OF SPRING LAKE, UNIT ONE TO ITS INTERSECTION WITH THE NORTH LINE OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$; THENCE RUN EAST

ALONG SAID NORTH LINE TO THE NW CORNER OF THE NE¼ OF THE NW¼ OF THE SE¼ OF THE SE¼ OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH TO THE NORTHEAST CORNER OF COMMON AREA NUMBER 1 AS SHOWN ON PLAT OF SPRING LAKE, UNIT ONE MB 65 PG 63; THENCE CONTINUE SOUTH ALONG THE EAST LINE OF SAID COMMON AREA TO THE SOUTH LINE OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 2 WEST; THENCE RUN EAST ALONG SAID SOUTH SECTION LINE TO THE SW CORNER OF LOT 2, RESUB OF LOTS 9 & 10, BLK 9, HIGHLAND PARK, MB 82 PG 109; THENCE RUN NORTH ALONG THE WEST LINE OF SAID LOT 2 TO THE NORTHWEST CORNER OF LOT 2; THENCE RUN EAST ALONG THE NORTH LINE OF LOT 2 AND THE PROJECTION THEREOF TO A POINT ON THE WEST LINE OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 2 WEST, 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 SOUTH RIGHT OF WAY LINE OF HITT ROAD 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*.

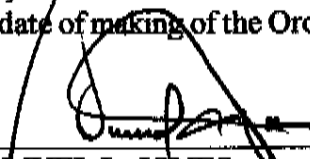
Adopted: **AUG 14 2007**



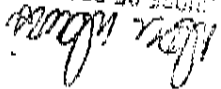
 City Clerk

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

JUDGE OF PROBATE


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FILED
 MOBILE CO. ALABAMA
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ATTEST: 

 City Clerk