

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
April 5, 2004**

---

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 7:00 p.m. on the 5<sup>th</sup> day of April 2004 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by David Bradford, Mayor of the City. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: STEVE BRADFORD, NEAL WILLIS, DAVID YARBER,  
          JAMES HOLLAND, ALLEN NOLES, DAVID H. BRADFORD  
ABSENT: NONE

Richard Williams, City Clerk of the City, was present and kept the minutes of the meeting.

David Bradford, Mayor of the City, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business.

Upon motion duly made by Council Member Holland, seconded by Council Member Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held meeting of March 15, 2004 and approved the minutes as written.

At this time Mayor Bradford presented plaques to volunteer members of the Muscle Shoals Historical Committee for development of the historical area in City Hall.

At this time Mayor Bradford presented a proclamation declaring April 2004 as Donate Life Month to encourage citizens to consider organ donation as a means of saving lives.

At this time Mayor Bradford presented a proclamation declaring April 2004 as Confederate History and Heritage Month.

Mayor Bradford announced that the next item of business was the award of a bid for gasoline.

Council Member Noles thereupon introduced the following resolution and moved for its adoption which was presented in the meeting:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2013-04**

BE IT RESOLVED, by the Council of the City of Muscle Shoals, Alabama as follows:

[1] That the Purchasing Agent did send out advertisements for bids for the purchase of gasoline, the bid opening being held April 5, 2004 at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

<u>BIDDER:</u>	<u>GASOLINE:</u>
	Per Gallon:
O'Steen Oil Company	\$1.187
Tatum Oil Company	\$1.227

[3] The lowest, responsive, responsible, bidder after verifying the bid with the specifications, has been determined as O'Steen Oil Company with a bid price of \$1.187 per gallon for gasoline.

The apparent low and best bidder, O'Steen Oil Company is now awarded the bid for gasoline.

\_\_\_\_\_  
Council Member Willis seconded the motion and upon said motion being put to a vote, all voted "AYE". Voting "NAY" were none.

Mayor Bradford announced that the resolution had been approved and the bid was awarded.

Mayor Bradford announced that the next item of business was the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. The area being considered for rezoning is located at the southeast corner Harding and Trojan Drive and is more particularly described as follows:

**ORDINANCE NO. 1317-04**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND THE  
ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA**

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described areas are hereby eliminated from the R-1 District in which it is now situated, and is hereby incorporated in and made a part of the R-2 District, to wit:

Part of the Northwest quarter of Section 1, Township 4 South, Range 11 West, Colbert County, Alabama, and more particularly described as follows: Commencing at the Southwest corner of said Section 1; thence N 00° 40' 45" W, along the center line of Harding Avenue row, a distance of 2795.31' to a point; thence S 89° 02' 17" E, a distance of 40.00' to a point on the East right-of-way of Harding Avenue to the true point of beginning; thence N 00° 40' 45" W, along said Harding right-of-way, a distance of 1161.66' to a point on the southern right-of-way of Trojan Drive; thence N 89° 46' 50" E a distance of 742.48' to a point; thence S 89° 03' 42" E, a distance of 989.96' to a point; thence S 29° 04' 24" W a distance of 283.02' to a point; thence along a curve to the right having a delta angle of 21° 07' 18" and a radius of 1140.74' to a point; thence S 00° 40' 46" E a distance of 730.30' to a point; thence S 90° 00' 00" W a distance of 10.65' to a point; thence S 00° 49' 11" E, a distance of 177.38' to a point; thence N 89° 02' 17" W, a distance of 372.91' to a point; thence N 00° 40' 45" W, a distance of 285.00' to a point; thence N 89° 02' 17" W, a distance of 917.00' to the true point of beginning. Said tract contains 40.68 acres more or less.

---

The Council finds that legal notice of the following proposed amendment to the Zoning Ordinance of the City of Muscle Shoals, Alabama, was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 15 days prior to the date hereof, there being no newspaper published in the City of Muscle Shoals, and said notice set for public hearing on the 5<sup>th</sup> day of April 2004, at 7:00 o'clock p.m., in the Chambers of the Council of the City of Muscle Shoals located in the City Hall, Muscle Shoals, Alabama, for all persons to appear to be heard either for or against the adoption of said amendment; and

WHEREAS, said public hearing was held and Mayor Bradford announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

There being no individuals wishing to speak, Mayor Bradford announced that the adoption of the Ordinance was now before the Council. All those in favor of the Ordinance would indicate so by voting aye and those opposed would indicate by voting nay. Upon said motion being put to a roll call vote, a vote was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber,  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the ordinance had been adopted.

Mayor Bradford announced that the next item of business was consideration of an ordinance for the purpose of correcting the omission of a portion of the property intended to be annexed into the City by petition of Imogene Tubb dated July 31, 2003; said property located on the west side of South Wilson Dam Road.

An amended petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Yarber thereupon introduced the following ordinance which was presented in writing in the meeting:

STATE OF ALABAMA  
COLBERT COUNTY

**AMENDED PETITION FOR UNANIMOUS CONSENT TO ANNEXATION**

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, IMOGENE B. TUBB, being the owner of all of the hereinafter described real property, does hereby execute and file with the City Clerk this amended petition in writing for the purpose of correcting the omission of a portion of the property intended to be annexed into the City by her petition dated July 31, 2003 and heretofore filed with the Clerk requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*.

The petition heretofore filed inadvertently omitted a portion of the property owned by the undersigned which was intended to be included in order that all of the property abutting Wilson Dam Road owned by the undersigned be included and the correct intended description of the property to be annexed into the City of Muscle Shoals, Alabama is described as follows:

The East 175' of the following described property:

A tract or parcel of land in the North Half (N 1/2) of the Northeast quarter (NE 1/4) of Section 13, Township 4 South, Range 11 West, in Colbert County, Alabama, particularly described, as follows:

Beginning at the Southeast corner of the said N 1/2 of the NE 1/4 of said Section 13, Township 4 South, Range 11 West; thence North 61 rods to the Southern Railway right of way; thence West with and along said right of way 80 rods to a stake; thence South 61 rods to a stake; thence East 80 rods to the point of beginning, but LESS AND EXCEPT, one acre, more or less, described in the deed from James W. Huston and wife, Beulah Huston, to William R. Sparks, dated June 5, 1944, and recorded in Deed Book 130, page 229, in the Office of the Judge of Probate of Colbert County, Alabama; and LESS AND EXCEPT, the rights of the public in that portion of the above described land described in the right of way deed from James W. Huston and wife, Beulah Huston, dated March 21, 1936, and recorded in Deed Book 95, Page 562, in said Probate Office.

Said property being subject to the easement described in the deed to Alabama Power Company dated January 29, 1922, and recorded in Deed Book 52, Page 22, in said Probate Office.

Being a part of the property described in the deed to J. W. Huston, from Robert Huston, et al, recorded in Deed Book 39, Page 529, in said Probate Office.

And

The East 175' of the following described property:

Beginning at the Northeast corner of the South one-half (1/2) of the Northeast

one-quarter (1/4) of Section 13, Township 4 South, Range 11 West, Colbert County, Alabama; thence South along the East line of said Section 13, a distance of 825 feet, more or less, as necessary, to the North line of the property conveyed to Hugh B. Haines by deed dated March 3, 1926, and recorded in Deed Book 47, Page 157, in the Probate Office of Colbert County, Alabama; thence West a distance of 2,640 feet, more or less, as necessary, to a point on the West line of the Northeast one-quarter (1/4) of said Section 13; thence North a distance of 825 feet, more or less, as necessary, to the Northwest corner of the South one-half (1/2) of the Northeast one-quarter (1/4) of said Section 13; thence East a distance of 2,640 feet, more or less, as necessary, back to the point of beginning at the Northeast corner of said South one-half (1/2) of the Northeast one-quarter (1/4) of said Section 13; this conveyance containing fifty (50) acres, more or less; SUBJECT to a power line right of way across the Northwest corner of said property as set forth in Minute Book "L", Page 240, of the Probate Court of Colbert County, Alabama, and related proceedings; and SUBJECT to rights of way conveyed to Colbert County, Alabama, by deeds dated February 17, 1936 and October 8, 1947, and recorded in Deed Book 95, Page 560 and Deed Book 124, Page 281, respectively, in the Probate Office of Colbert County, Alabama. LESS AND EXCEPT that certain portion of the above described property which was heretofore conveyed unto Steven G. Everett and Beth T. Everett by deeds recorded in Deed Book 364 at Page 803 and Deed Book 375 at Page 597 and heretofore conveyed unto D. Marcel Black and Martha T. Black by deed recorded in Deed Book 375 at Page 596, all in the Office of the Probate Judge of Colbert County, Alabama.

It being the intent of the undersigned that a portion of the property owned by the undersigned, the said portion being the East 175' the above described property and abutting Wilson Dam Road in Colbert County, Alabama.

The undersigned states that it was her express desire and intent that said property be contained in the petition dated July 31, 2003 and filed by her with the Clerk of the City for purposes of annexation and further states that the map attached as Exhibit A to said prior petition correctly depicted the property sought to be annexed to the City of Muscle Shoals, Alabama and it is her intent and desire that same be made effective as of the date of the adoption of the prior ordinance.

For the foregoing reasons and the further purpose of amending, ratifying and correcting the omission of the complete intended property description in the petition dated July 31, 2003, the undersigned hereby represents unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitutes all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.
2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.

3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

NOW, THEREFORE, the undersigned petitions the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and requests that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; and to amend and ratify the ordinance, namely Ordinance Number 1306-03, to accept and approve the intention of the undersigned to annex the property described herein in this amended petition and that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30<sup>th</sup> day of March 2004.

S/ Imogene B. Tubb L.S.  
IMOGENE B. TUBB

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that IMOGENE B. TUBB, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 30<sup>th</sup> day of March 2004.

S/ D. Marcel Black  
Notary Public  
My Commission expires: 5/15/06

### **ORDINANCE NO. 1318-04**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama was heretofore presented with a Petition for Unanimous Consent to Annexation by Imogene B. Tubb dated July 31, 2003; and

**WHEREAS**, the City Council considered and adopted an ordinance, Ordinance Number 1306-03, on October 6, 2003 approving said annexation; and

**WHEREAS**, it has been brought to the attention of the City Council that the property described in said petition dated July 31, 2003 inadvertently omitted a portion of the property that Tubb intended to be included in that it omitted a portion of property abutting Wilson Dam Road and connecting with the property of other petitioners that sought to annexed into the corporate limits of the City of Muscle Shoals, Alabama and that said property is correctly described in the amended petition of Imogene B. Tubb, same being dated March 30, 2004; and

**WHEREAS**, the City Council finds and determines that it was her express desire and intent that said property be contained in the petition dated July 31, 2003 and filed by her with the Clerk of the City for purposes of annexation and further finds and determines that the map

attached as Exhibit A to said prior petition correctly depicted the property sought to be annexed to the City of Muscle Shoals, Alabama;

**WHEREAS**, the City Council is desirous of amending, modifying and correcting the description of the property sought to be annexed into the City by Ordinance Number 1306-03 by including in the City limits the property owned by Tubb that was inadvertently omitted in the petition dated July 31, 2003 and which was intended to be annexed into the City by Tubb by virtue of the petition dated July 31, 2003 and which was correctly depicted on the map accompanying the petition dated July 31, 2003; and

**WHEREAS**, the City Council is desirous of accepting, ratifying and confirming the action taken by it in the series of ordinances dated October 6, 2003 pertaining to the annexation of property into the corporate limits of the City of Muscle Shoals, Alabama; and

**WHEREAS**, Imogene B. Tubb has presented her Amended Petition for Unanimous Consent to Annexation which correctly describes the property owned by her and intended by her to be annexed into the City of Muscle Shoals, Alabama.

**NOW THEREFORE, THE PREMISES CONSIDERED, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:**

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

The undersigned states that it was her express desire and intent that said property be contained in the petition dated July 31, 2003 and filed by her with the Clerk of the City for purposes of annexation and further states that the map attached as Exhibit A to said prior petition correctly depicted the property sought to be annexed to the City of Muscle Shoals, Alabama. And that same be made effective as of the date of the adoption of the prior ordinance.

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

The East 175' of the following described property:

A tract or parcel of land in the North Half (N 1/2) of the Northeast quarter (NE 1/4) of Section 13, Township 4 South, Range 11 West, in Colbert County, Alabama, particularly described, as follows:

Beginning at the Southeast corner of the said N 1/2 of the NE 1/4 of said Section 13, Township 4 South, Range 11 West; thence North 61 rods to the Southern Railway right of way; thence West with and along said right of way 80 rods to a stake; thence South 61 rods to a stake; thence East 80 rods to the point of beginning, but LESS AND EXCEPT, one acre, more or less, described in the deed from James W. Huston and wife, Beulah Huston, to William R. Sparks, dated June 5, 1944, and recorded in Deed Book 130, page 229, in the Office of the Judge of Probate of Colbert County, Alabama; and LESS AND EXCEPT, the rights of the public in that portion of the above described land described in the right of way deed from James W. Huston and wife, Beulah Huston, dated March 21, 1936, and recorded in Deed Book 95, Page 562, in said Probate Office.

Said property being subject to the easement described in the deed to Alabama Power Company dated January 29, 1922, and recorded in Deed Book 52, Page 22, in said Probate Office.

Being a part of the property described in the deed to J. W. Huston, from Robert Huston, et al, recorded in Deed Book 39, Page 529, in said Probate Office.

And

The East 175' of the following described property:

Beginning at the Northeast corner of the South one-half (1/2) of the Northeast one-quarter (1/4) of Section 13, Township 4 South, Range 11 West, Colbert County, Alabama; thence South along the East line of said Section 13, a distance of 825 feet, more or less, as necessary, to the North line of the property conveyed to Hugh B. Haines by deed dated March 3, 1926, and recorded in Deed Book 47, Page 157, in the Probate Office of Colbert County, Alabama; thence West a distance of 2,640 feet, more or less, as necessary, to a point on the West line of the Northeast one-quarter (1/4) of said Section 13; thence North a distance of 825 feet, more or less, as necessary, to the Northwest corner of the South one-half (1/2) of the Northeast one-quarter (1/4) of said Section 13; thence East a distance of 2,640 feet, more or less, as necessary, back to the point of beginning at the Northeast corner of said South one-half (1/2) of the Northeast one-quarter (1/4) of said Section 13; this conveyance containing fifty (50) acres, more or less; SUBJECT to a power line right of way across the Northwest corner of said property as set forth in Minute Book "L", Page 240, of the Probate Court of Colbert County, Alabama, and related proceedings; and SUBJECT to rights of way conveyed to Colbert County, Alabama, by deeds dated February 17, 1936 and October 8, 1947, and recorded in Deed Book 95, Page 560 and Deed Book 124, Page 281, respectively, in the Probate Office of Colbert County, Alabama.

LESS AND EXCEPT that certain portion of the above described property which was heretofore conveyed unto Steven G. Everett and Beth T. Everett by deeds recorded in Deed Book 364 at Page 803 and Deed Book 375 at Page 597 and heretofore conveyed unto D. Marcel Black and Martha T. Black by deed recorded in Deed Book 375 at Page 596, all in the Office of the Probate Judge of Colbert County, Alabama.

Section 3. 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 Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

Section 5. The action of the City Council as taken on October 6, 2003 in Ordinance Number 1306-03 is hereby accepted, ratified and confirmed in all respects with the sole exception of the description of the property contained in Ordinance Number 1306-03, it being the intent of the City Council to substitute therefore the property described in this ordinance and as shown on the map presented with the petition dated July 31, 2003 and to provide hereby that said



property contained herein shall be annexed into the corporate limits of the City of Muscle Shoals, Alabama and that said action shall have the same force and effect as of the action taken October 6, 2003 by the adoption of Ordinance 1306-03 and shall be effective as of said date in that it was the intention of the said Imogene B. Tubb as well as that of the City Council to annex thereby the property described in this ordinance and the action taken by the City Council on October 6, 2003 in Ordinance Number 1306-03 intended to accomplish said intention but for the inadvertent omission of a portion of property from the petition dated July 31, 2003.

Section 6. The City Council does hereby further accept, ratify and confirm its actions taken on October 6, 2003 as evidenced by Ordinance Number 1306-03 through Ordinance Number 1312-03, inclusive, as same pertain to the annexation of property into the corporate limits of the City of Muscle Shoals, Alabama.

---

Council Member Yarber moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Bradford and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber,  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Yarber then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Bradford, and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber,  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

Mayor Bradford announced that the next item of business was consideration of an ordinance for the for the purpose of correcting the erroneous inclusion of a portion of the property of Gary & Charlene Isbell to be annexed into the City by their petition dated August 19, 2003; said property located on the east side of South Wilson Dam Road.

An amended petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Yarber thereupon introduced the following ordinance which was presented in writing in the meeting:

STATE OF ALABAMA  
COLBERT COUNTY

**AMENDED PETITION FOR UNANIMOUS CONSENT TO ANNEXATION**

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, GARY ISBELL and CHARLENE ISBELL, being the owners of all of the hereinafter described real property, does hereby execute and file with the City Clerk this amended petition in writing for the purpose of correcting the erroneous inclusion of a portion of the property to be annexed into the City by their August 19, 2003 and heretofore filed with the Clerk requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*.

The petition heretofore filed inadvertently included a portion of the property previously owned by the undersigned which was previously conveyed and was no longer owned by the undersigned at the date of the prior petition, having been conveyed unto First Church of God at York Terrace by deed recorded in Fiche9616 at Page 282 in the Office of the Judge of Probate of Colbert County, Alabama. . It was and remains the intention of the undersigned to annex the property owned by them at the date of the prior petition which is properly described as follows:

Tract 1:

The South 50' of the following described property:

A tract of land in the SW 1/4 of Section 18, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows: Commence at the Northwest corner of the SW 1/4 of said Section 18; thence South 88° 20' 55" East, 50.00 feet to a point on the East right of way line of Wilson Dam Highway; thence along said right of way line South 0° 22' 50" West 200.00 feet to the point of beginning of the tract of land hereby described; thence South 88° 20' 55" East 412.00 feet to a point; thence South 0° 22' 50" East 100.00 feet to a point; thence North 88° 20' 55" West 412.00 feet to a point on then East right of way line of Wilson Dam Highway; thence along said right of way line North 0° 22' 50" West 100.00 feet to the point of beginning of the tract of land hereby described.

And

Tract 2:

A tract of land in the SW 1/4 of Section 18, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows: Commence at the Northwest corner of the SW 1/4 of said Section 18; thence South 88° 20' 55" East, 50.00 feet to a point on the East right of way line of Wilson Dam Highway; thence along said right of way line South 0° 22' 50" West 300.00 feet to the point of beginning of the tract of land hereby described; thence South 88° 20' 55" East 412.00 feet to a point; thence South 0° 22' 50" East 100.00 feet to a point; thence North 88° 20' 50" West 412.00 feet to a point on the East right of way line of Wilson Dam Highway; thence along said right of way line North 0° 22' 50" West 100.00 feet to the point of beginning of the tract of land hereby described.

The undersigned states that it was their express desire and intent that said property described above contained in the petition dated August 19, 2003 and filed by them with the Clerk of the City for purposes of annexation and further state that the portion of the property previously conveyed as hereinabove set forth was not to be included therein in said prior petition and same to be made effective as of the date of the prior Ordinance.

For the foregoing reasons and the further purpose of amending, ratifying and correcting the inadvertent inclusion of the intended property description in the petition dated August 19, 2003, the undersigned hereby represent unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitute all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.

2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.

3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

NOW, THEREFORE, the undersigned petition the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and request that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; and to amend, ratify and correct the ordinance, namely Ordinance Number 1313-03, to accept and approve the intention of the undersigned to annex the property described herein in this amended petition and to exclude the portion of the property described in the petition of the undersigned dated August 19, 2003 which was not owned by the undersigned at said time, having been previously conveyed as herein set forth, and assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 31<sup>st</sup> day of March 2004.

S/ Gary Isbell L.S.  
GARY ISBELL

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that GARY ISBELL, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 31<sup>st</sup> day of March 2004.

S/ Linda Howard  
Notary Public  
My Commission expires:08/12/2007

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 31<sup>st</sup> day of March 2004.

S/ Charlene Isbell L.S.  
CHARLENE ISBELL

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that CHARLENE ISBELL, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 31<sup>st</sup> day of March 2003.

S/ Linda Howard  
Notary Public  
My Commission expires: 8/12/2007

### **ORDINANCE NO. 1319-04**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama was heretofore presented with a Petition for Unanimous Consent to Annexation by Gary Isbell and Charlene Isbell dated August 19, 2003; and

**WHEREAS**, the City Council considered and adopted an ordinance, Ordinance Number 1313-03, on October 6, 2003 approving said annexation; and

**WHEREAS**, it has been brought to the attention of the City Council that the property described in said petition dated August 19, 2003 contained an erroneous description of the property in that it included therein a portion of property that, although previously owned by the Isbells, had been conveyed to another party by them as shown by deed recorded in Fiche 9616 at Page 282 in the Office of the Judge of Probate of Colbert County, Alabama. prior to the date of their petition for annexation; and

**WHEREAS**, the City Council is desirous of amending, modifying and correcting the description of the property sought to be annexed into the City by Ordinance Number 1313-03 by including in the City limits the property owned by the Isbells and intended by them in their petition to be annexed into the City and by excluding the property no longer owned by them and which was not intended to be annexed into the City by the Isbells; and

**WHEREAS**, the City Council is desirous of accepting, ratifying and confirming the action taken by it in the series of ordinances dated October 6, 2003 pertaining to the annexation of property into the corporate limits of the City of Muscle Shoals, Alabama; and

**WHEREAS**, the Isbells have presented their Amended Petition for Unanimous Consent to Annexation which correctly describes the property owned by them and intended by them to be annexed into the City of Muscle Shoals, Alabama.

**NOW THEREFORE, THE PREMISES CONSIDERED, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:**

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

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

Tract 1:

The South 50' of the following described property:

A tract of land in the SW 1/4 of Section 18, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows:

Commence at the Northwest corner of the SW 1/4 of said Section 18; thence South 88° 20' 55" East, 50.00 feet to a point on the East right of way line of Wilson Dam Highway; thence along said right of way line South 0° 22' 50" West 200.00 feet to the point of beginning of the tract of land hereby described; thence South 88° 20' 55" East 412.00 feet to a point; thence South 0° 22' 50" East 100.00 feet to a point; thence North 88° 20' 55" West 412.00 feet to a point on the East right of way line of Wilson Dam Highway; thence along said right of way line North 0° 22' 50" West 100.00 feet to the point of beginning of the tract of land hereby described.

Tract 2:

A tract of land in the SW 1/4 of Section 18, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows:

Commence at the Northwest corner of the SW 1/4 of said Section 18; thence South 88° 20' 55" East, 50.00 feet to a point on the East right of way line of Wilson Dam Highway; thence along said right of way line South 0° 22' 50" West 300.00 feet to the point of beginning of the tract of land hereby described; thence South 88° 20' 55" East 412.00 feet to a point; thence South 0° 22' 50" East 100.00 feet to a point; thence North 88° 20' 50" West 412.00 feet to a point on the East right of way line of Wilson Dam Highway; thence along said right of way line North 0° 22' 50" West 100.00 feet to the point of beginning of the tract of land hereby described.

Section 3. 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 Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

Section 5. The action of the City Council as taken on October 6, 2003 in Ordinance Number 1313-03 is hereby accepted, ratified and confirmed in all respects with the sole exception of the description of the property contained in Ordinance Number 1313-03, it being the intent of the City Council to substitute therefore the property described in this ordinance and to eliminate from the force and effect of Ordinance Number 1313-03 all of that portion of the property described therein previously conveyed by the Isbells and as set forth in that certain deed

recorded in Fiche 9616 at Page 282 in the Office of the Probate Judge of Colbert County, Alabama.

Section 6. The City Council does hereby further accept, ratify and confirm its actions taken on October 6, 2003 as evidenced by Ordinance Number 1306-03 through Ordinance Number 1312-03, inclusive, as same pertain to the annexation of property into the corporate limits of the City of Muscle Shoals, Alabama.

Council Member Yarber moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Bradford and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Yarber then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Bradford, and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

Mayor Bradford announced that the next item of business was consideration of an ordinance for the annexing the property of William David Sockwell located on the north side of Highway 20.

A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Yarber thereupon introduced the following ordinance which was presented in writing in the meeting:

STATE OF ALABAMA  
COLBERT COUNTY

**PETITION FOR UNANIMOUS CONSENT TO ANNEXATION**

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, WILLIAM DAVID SOCKWELL, being the owner of all of the hereinafter described real property, does hereby execute and file with the City Clerk this petition in writing requesting that the property hereinafter described be annexed to the City of Muscle

Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*, said property being more particularly described as follows, to wit:

The West half of the Southeast Quarter of Section 13, Township 4, Range 11 West.

LESS those portions of the property condemned under the power of eminent domain by the State of Alabama; that portion of the property heretofore conveyed to William David Sockwell and Amanda Joyce Sockwell; and all other portions of said property previously disposed of by Lula Mae Sockwell

The undersigned represents unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitutes all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.

2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.

3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

NOW, THEREFORE, the undersigned petitions the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and requests that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 23<sup>rd</sup> day of March 2004.

S/ William David Sockwell L.S.  
WILLIAM DAVID SOCKWELL

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that WILLIAM DAVID SOCKWELL, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 23<sup>rd</sup> day of March 2004.

S/ Richard L. Williams  
Notary Public  
My Commission expires:12/22/04

## **ORDINANCE NO. 1320-04**

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:**

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

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

The West half of the Southeast Quarter of Section 13, Township 4, Range 11 West.

LESS those portions of the property condemned under the power of eminent domain by the State of Alabama; that portion of the property heretofore conveyed to William David Sockwell and Amanda Joyce Sockwell; and all other portions of said property previously disposed of by Lula Mae Sockwell

Section 3. 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 Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

---

Council Member Yarber moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Bradford and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Yarber then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Bradford, and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.



Mayor Bradford announced that the next item of business was consideration of an ordinance for the annexing the property of Amanda Joyce Sockwell located on the north side of Highway 20.

A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Yarber thereupon introduced the following ordinance which was presented in writing in the meeting:

STATE OF ALABAMA  
COLBERT COUNTY

**PETITION FOR UNANIMOUS CONSENT TO ANNEXATION**

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, AMANDA JOYCE SOCKWELL, being the owner of all of the hereinafter described real property, does hereby execute and file with the City Clerk this petition in writing requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*, said property being more particularly described as follows, to wit:

Commence at the Southeast corner of the West-half of the Southeast Quarter (SE 1/4) of Section 13, Township 4 South, Range 11 West, in Colbert County, Alabama; thence North along the East line of said West-half of the Southeast 1/4 of said Section 13 a distance of 73 feet to its point of intersection with the North right-of-way line of Joe Wheeler Highway which point of intersection is the point of beginning of the property hereby conveyed; thence West along the said North right-of-way line of said Joe Wheeler Highway a distance of 300 feet to a point; thence North 200 feet to a point; thence East and parallel with the North line of said Joe Wheeler Highway a distance of 300 feet to a point in the East line of said West-half of the Southeast 1/4 of said Section 13; thence South along the East line of said West-half of the Southeast 1/4 of said Section 13 a distance of 200 feet to the point of beginning, together with the appurtenances.

Being a part of the property conveyed to me by Eugenia F. Sockwell by deed recorded in Deed Book 128, Page 530, in the office of the Judge of Probate of Colbert County, Alabama.

The undersigned represents unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitutes all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.
2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.
3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

NOW, THEREFORE, the undersigned petitions the governing body of the City of Muscle

Shoals, Alabama to annex the property described herein to the said municipality and requests that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 24<sup>th</sup> day of February 2004.

S/ Amanda Joyce Sockwell L.S.

AMANDA JOYCE SOCKWELL

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that AMANDA JOYCE SOCKWELL, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 24<sup>th</sup> day of March 2004.

S/ Kathi Cameron

Notary Public

My Commission expires: 7-22-2007

## **ORDINANCE NO. 1321-04**

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:**

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

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

Commence at the Southeast corner of the West-half of the Southeast Quarter (SE 1/4) of Section 13, Township 4 South, Range 11 West, in Colbert County, Alabama; thence North along the East line of said West-half of the Southeast 1/4 of said Section 13 a distance of 73 feet to its point of intersection with the North right-of-way line of Joe Wheeler Highway which point of intersection is the point of beginning of the property hereby conveyed; thence West along the said North right-of-way line of said Joe Wheeler Highway a distance of 300 feet to a point; thence North 200 feet to a point; thence East and parallel with the North line of said Joe Wheeler Highway a distance of 300 feet to a point in the East line of said West-half of the Southeast 1/4 of said Section 13; thence South along the East line

of said West-half of the Southeast 1/4 of said Section 13 a distance of 200 feet to the point of beginning, together with the appurtenances.

Being a part of the property conveyed to me by Eugenia F. Sockwell by deed recorded in Deed Book 128, Page 530, in the office of the Judge of Probate of Colbert County, Alabama.

Section 3. 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 Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

---

Council Member Yarber moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Bradford and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Yarber then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Bradford, and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

Mayor Bradford announced that the next item of business was consideration of an ordinance for the annexing 100.77 acres of land owned by John M. Counts, Jr., William M. Counts Sr., Robert E. Murtagh, Elizabeth Murtagh Yaw and Deborah Murtagh Nicholes located on the north side of 6<sup>th</sup> Street.

A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Yarber thereupon introduced the following ordinance which was presented in writing in the meeting:

STATE OF ALABAMA  
COLBERT COUNTY

**PETITION FOR UNANIMOUS CONSENT TO ANNEXATION**

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, JOHN M. COUNTS, JR., WILLIAM M. COUNTS, SR., ROBERT E. MURTAGH, ELIZABETH MURTAGH YAW and DEBORAH MURTAGH NICHOLS, being the owners of all of the hereinafter described real property, do hereby execute and file with the City Clerk this petition in writing requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*, said property being more particularly described as follows, to wit:

A tract of land lying in **Section 5, Township 4 South, Range 10 West**, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at an existing cotton spindle in the centerline of 6<sup>th</sup> Street (Colbert County Road #24 – 80 foot right of way), said point being locally known and accepted as the SW corner of said Section 5; thence N 1 degree 32' 16" W and along the westwardly line of said Section 5 for 40.03 feet to an iron pin set (capped typical R. Collins, L.S.-13406) on the northwardly right of way of said 6<sup>th</sup> Street; thence leaving said right of way N 1 degree 32' 16" W and along said section line 2592.45 feet to an existing iron pin (capped R. Collins, L.S.-13406) lying on the southwardly boundary of the Northwest Regional Airport; thence along said Northwest Regional Airport boundary line the following bearings and distances: S 88 degrees 18' 53" E 1199.96 feet to an existing iron pin (capped R. Collins, L.S.-13406); N 3 degrees 58' 21" W 1364.12 feet to an existing iron pin (capped R. Collins, L.S.-13406); S 88 degrees 46' 51" E 1725.95 feet to an iron pin set and to the point of beginning; continue thence S 88 degrees 46' 51" E 1126.71 feet to an existing iron pin (capped R. Collins, L.S.-13406); thence leaving said boundary line S 88 degrees 46' 51" E 20.09 feet to an iron pin set; thence S 00 degrees 43' 53" E 3307.84 feet to an existing iron pin; thence S 00 degrees 46' 13" E 616.26 feet to an iron pin set on the northwardly right of way of said 6<sup>th</sup> Street; thence N 88 degrees 49' 35" W and along said right of way 1091.87 feet to an iron pin set; thence leaving said right of way N 1 degree 32' 16" W 3927.23 feet to the point of beginning. Said tract contains **100.77 acres**, more or less.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-03-05-0-001-007.000 under the assessment in Account # 10221 in the Office of the Revenue Commissioner of Colbert County, Alabama.

The undersigned represent unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitute all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.

2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.

3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

NOW, THEREFORE, the undersigned petition the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and request that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15<sup>th</sup> day of March 2004.

S/ John M. Counts, Jr. L..S.

JOHN M. COUNTS, JR.

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that JOHN M. COUNTS, JR., whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 15<sup>th</sup> day of March 2004.

S/ Slydell Clemmon

Notary Public

My Commission expires:11-11-2005

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15<sup>th</sup> day of March 2004.

S/ William M. Counts, Sr. L.S.

WILLIAM G. COUNTS, SR.

STATE OF Alabama

Lauderdale COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that WILLIAM M. COUNTS, SR., whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 15<sup>th</sup> day of March 2004.

S/ Slydell Clemmon

Notary Public

My Commission expires:11-11-2005

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 22<sup>nd</sup> day of March 2004.

S/ Robert E. Murtagh L.S.

ROBERT E. MURTAGH

STATE OF LOUISIANA  
East Baton Rouge COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that ROBERT E. MURTAGH, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 22<sup>nd</sup> day of March 2004.

S/ James Gordon Chustz

Notary Public

My Commission expires: At Death

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20<sup>th</sup> day of March 2004.

S/ Elizabeth Murtagh Yaw L.S.

ELIZABETH MURTAGH YAW

STATE OF Missouri  
Platte COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that ELIZABETH MURTAGH YAW, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 20<sup>th</sup> day of March 2004.

S/ Dianna Brockman

Notary Public

My Commission expires: June 12, 2004

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 24<sup>th</sup> day of March 2004.

S/ Deborah Murtagh Nichols L.S.

DEBORAH MURTAGH NICHOLS

STATE OF Texas  
Dallas COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that DEBORAH MURTAGH NICHOLS, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 24<sup>th</sup> day of March 2004.

S/ Deanna J. Mitchell

Notary Public

My Commission expires: 7/30/07

## **ORDINANCE NO. 1322-04**

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:**

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this

Ordinance into the City of Muscle Shoals, Alabama.

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

A tract of land lying in Section 5, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at an existing cotton spindle in the centerline of 6<sup>th</sup> Street (Colbert County Road #24 – 80 foot right of way), said point being locally known and accepted as the SW corner of said Section 5; thence N 1 degree 32' 16" W and along the westwardly line of said Section 5 for 40.03 feet to an iron pin set (capped typical R. Collins, L.S.-13406) on the northwardly right of way of said 6<sup>th</sup> Street; thence leaving said right of way N 1 degree 32' 16" W and along said section line 2592.45 feet to an existing iron pin (capped R. Collins, L.S.-13406) lying on the southwardly boundary of the Northwest Regional Airport; thence along said Northwest Regional Airport boundary line the following bearings and distances: S 88 degrees 18' 53" E 1199.96 feet to an existing iron pin (capped R. Collins, L.S.-13406); N 3 degrees 58' 21" W 1364.12 feet to an existing iron pin (capped R. Collins, L.S.-13406); S 88 degrees 46' 51" E 1725.95 feet to an iron pin set and to the point of beginning; continue thence S 88 degrees 46' 51" E 1126.71 feet to an existing iron pin (capped R. Collins, L.S.-13406); thence leaving said boundary line S 88 degrees 46' 51" E 20.09 feet to an iron pin set; thence S 00 degrees 43' 53" E 3307.84 feet to an existing iron pin; thence S 00 degrees 46' 13" E 616.26 feet to an iron pin set on the northwardly right of way of said 6<sup>th</sup> Street; thence N 88 degrees 49' 35" W and along said right of way 1091.87 feet to an iron pin set; thence leaving said right of way N 1 degree 32' 16" W 3927.23 feet to the point of beginning. Said tract contains 100.77 acres, more or less.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-03-05-0-001-007.000 under the assessment in Account # 10221 in the Office of the Revenue Commissioner of Colbert County, Alabama.

Section 3. 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 Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

Council Member Yarber moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Bradford and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Yarber then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Bradford, and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

Mayor Bradford announced that the next item of business was consideration of an ordinance for the annexing 60 acres of land owned by John M. Counts, Jr., William M. Counts Sr., Robert E. Murtagh, Elizabeth Murtagh Yaw and Deborah Murtagh Nicholes located on the south side of 6<sup>th</sup> Street.

A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Yarber thereupon introduced the following ordinance which was presented in writing in the meeting:

STATE OF ALABAMA  
COLBERT COUNTY

**PETITION FOR UNANIMOUS CONSENT TO ANNEXATION**

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, JOHN M. COUNTS, JR., WILLIAM M. COUNTS, SR., ROBERT E. MURTAGH, ELIZABETH MURTAGH YAW and DEBORAH MURTAGH NICHOLS, being the owners of all of the hereinafter described real property, do hereby execute and file with the City Clerk this petition in writing requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*, said property being more particularly described as follows, to wit:

60 acres, more or less, off of the West side of the East 1/2 of the Northwest 1/4 of Section 8, Township 4 South, Range 10 West.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-03-08-0-001-004.000 under the assessment in Account # 10221 in the Office of the Revenue Commissioner of Colbert County, Alabama.

The undersigned represent unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitute all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City



of Muscle Shoals, Alabama.

2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.

3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

NOW, THEREFORE, the undersigned petition the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and request that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15<sup>th</sup> day of March 2004.

S/ John M. Counts, Jr. L.S.  
JOHN M. COUNTS, JR.

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that JOHN M. COUNTS, JR., whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 15<sup>th</sup> day of March 2004.

S/ Slydell Clemmon  
Notary Public  
My Commission expires: 11-11-2005

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15<sup>th</sup> day of March 2004.

S/ William M. Counts, Sr. L.S.  
WILLIAM G. COUNTS, SR.

STATE OF Alabama  
Lauderdale COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that WILLIAM M. COUNTS, SR., whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 15<sup>th</sup> day of March 2004.

S/ Slydell Clemmon  
Notary Public  
My Commission expires: 11-11-2005

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 22<sup>nd</sup> day of March 2004.

S/ Robert E. Murtagh L.S.  
ROBERT E. MURTAGH

STATE OF LOUISIANA  
East Baton Rouge COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that ROBERT E. MURTAGH, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 22<sup>nd</sup> day of March 2004.

S/ James Gordon Chustz

Notary Public

My Commission expires: At Death

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20<sup>th</sup> day of March 2004.

S/ Elizabeth Murtagh Yaw L.S.

ELIZABETH MURTAGH YAW

STATE OF Missouri  
Platte COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that ELIZABETH MURTAGH YAW, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 20<sup>th</sup> day of March 2004.

S/ Dianna Brockman

Notary Public

My Commission expires: June 12, 2004

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 24<sup>th</sup> day of March 2004.

S/ Deborah Murtagh Nichols L.S.

DEBORAH MURTAGH NICHOLS

STATE OF Texas  
Dallas COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that DEBORAH MURTAGH NICHOLS, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 24<sup>th</sup> day of March 2004.

S/ Deanna J. Mitchell

Notary Public

My Commission expires: 7/30/07

## **ORDINANCE NO. 1323-04**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:**

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the

City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

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

60 acres, more or less, off of the West side of the East 1/2 of the Northwest 1/4 of Section 8, Township 4 South, Range 10 West.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-03-08-0-001-004.000 under the assessment in Account # 10221 in the Office of the Revenue Commissioner of Colbert County, Alabama.

Section 3. 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 Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

---

Council Member Yarber moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Bradford and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Yarber then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Bradford, and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the ordinance passed and adopted as introduced and read

Mayor Bradford announced that the next item of business was discussion of rescheduling the next regular meeting set for Monday, April 19<sup>th</sup> to Monday, April 26<sup>th</sup>. This would allow time for interviews of prospective Board of Education applicants and their appointment in the month of April.

Council Member Bradford moved that the meeting be rescheduled as proposed. Council Member Willis seconded the motion, and upon said motion being put to a vote, all voted "AYE". Voting "NAY" were none.

Mayor Bradford announced that the motion had been approved and the next regular scheduled meeting moved to April 26, 2004.

There being no further business to come before the meeting, upon the motion duly made, seconded and unanimously carried, the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

---

MAYOR

---

COUNCIL MEMBER - PLACE ONE

---

COUNCIL MEMBER - PLACE TWO

---

COUNCIL MEMBER - PLACE THREE

---

COUNCIL MEMBER - PLACE FOUR

---

COUNCIL MEMBER - PLACE FIVE

ATTEST:

---

CITY CLERK