

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
June 21, 2004**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 7:00 p.m. on the 21st day of June 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 June 7, 2004 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution approving the extension of the mortgage repayment of Shoals Marketplace LLC for three years.

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 2039-04

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received a proposal to extend the time for repayment of the indebtedness of Shoals Marketplace, LLC for a period of three (3) years and whereas said proposal provides for payment to the City upon failure to sell any of the outlots or parcels secured by mortgage in favor of the City, and

WHEREAS, the City Council has reviewed the contents of the proposal and the documents entitled Renewal and Supplemental Mortgage Note and Supplemental Mortgage and finds that it is in the best interests of the City to enter into and accept the proposal and documents; and

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby approve and accept the terms of proposal to extend the time for repayment of the indebtedness of Shoals Marketplace, LLC and the terms and conditions contained in the documents denominated Renewal and Supplemental Mortgage Note and Supplemental Mortgage by and between the City of Muscle Shoals, Alabama and Shoals Marketplace, LLC and further does hereby authorize and direct the Mayor of the City, David H. Bradford, to accept delivery of the said documents executed by Shoals Marketplace, LLC in favor of the City of Muscle Shoals, Alabama.

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.

Mayor Bradford announced that the next item of business was consideration of a resolution selecting an engineer for the Airport Sportsplex Walking Trail, designated as Project Number 04-RT-54-007.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2040 - 04

Whereas, the City of Muscle Shoals, Alabama has completed a review of engineering qualifications submitted for the City of Muscle Shoals Park Project # 04-RT-54-007, and

Whereas, White, Lynn, Collins and Associates, Inc. has been determined to be the most qualified engineering firm, now

THEREFORE BE IT RESOLVED by the City Council of the City of Muscle Shoals that White, Lynn, Collins and Associates, Inc., be selected to provide engineering services for the above referenced park project.

Council Member Bradford 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.

Mayor Bradford announced that the next item of business was consideration of an ordinance for annexing the property of Jane Uhlman Pace located on the south side of E. 6th Street. A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Bradford 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, **JANE A. UHLMAN PACE**, 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:

A portion of the West 1/2 of Section 9 and a portion of the East 1/2 of Section 8, all in Township 4, Range 10 West and being more fully described as follows: Commence at the Northwest corner of Section 9 Township 4 South, Range 10 West; thence N 89 degrees 38' 45" E 635 feet along the North boundary of Section 9 to a point; thence South 2704.27 feet to a point on an old existing fence line; thence S 88 degrees 51' 51" W 635.15 feet along an old existing fence line to a point; thence North 2712.93 feet to the point of beginning and containing 39.5 acres, more or less. Subject to right of way for Colbert County Highway No. 24 across the North side of described property.

For purposes of further identification, the tract described herein is further described as Parcel # 201202-090001001.005 under the assessment of Account # 22624 in the Office of the Revenue Commissioner 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 as shown by Exhibit B.

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 17th day of June 2004.

S/ Jane A. Uhlman Pace L.S.

JANE A. UHLMAN PACE

**STATE OF ALABAMA
COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that **JANE A. UHLMAN PACE**, 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 17th day of June 2004.

S/ Kathi Cameron

Notary Public

My Commission expires: 07/22/07

ORDINANCE NO. 1331-04

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 portion of the West 1/2 of Section 9 and a portion of the East 1/2 of Section 8, all in Township 4, Range 10 West and being more fully described as follows: Commence at the Northwest corner of Section 9 Township 4 South, Range 10 West; thence N 89 degrees 38' 45" E 635 feet along the North boundary of Section 9 to a point; thence South 2704.27 feet to a point on an old existing fence line; thence S 88 degrees 51' 51" W 635.15 feet along an old existing fence line to a point; thence North 2712.93 feet to the point of beginning and containing 39.5 acres, more or less. Subject to right of way for Colbert County Highway No. 24 across the North side of described property.

For purposes of further identification, the tract described herein is further described as Parcel # 201202-090001001.005 under the assessment of Account # 22624 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 Bradford moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Yarber 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 Bradford then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Yarber 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 annexing the property of WILMA L. BRUTON, WANDA JEAN BRUTON FRY and KENNETH CHARLES BRUTON located on the east side of S. Wilson Dam Road. A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Bradford 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, WILMA L. BRUTON, WANDA JEAN BRUTON FRY and KENNETH CHARLES BRUTON, 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:

The West 550' of the following described property:

The South 100 acres, more or less, of the Northwest quarter of Section 18, Township 4, Range 10 West, more particularly described as follows: Beginning at the Southwest corner of said Northwest quarter; thence running East along the half Section line 2640 feet to the center of said Section; thence North, along the North and South half Section line 1648 feet to the lands heretofore known as the Sarah B. Rotroff lands; thence West 2640 feet to the West line of said Section; thence South 1648 feet to the point of beginning, containing 100 acres, more or less, less and except therefrom the North half of the Southwest quarter of the Northwest quarter of Section 18, Township 4, Range 10 West, containing 20 acres, more or less, which was sold to G. P. Nicolopoulos by deed dated 6th of October, 1924, and recorded in Deed Book 42, Page 516, in the office of the Probate Judge of Colbert County, Alabama, and also less and except 10 acres described as follows: Part of the South half of the Northwest quarter of Section 18, Township 4, Range 10 West, described as beginning 250 feet North of the Southwest corner of the Northwest quarter of said Section 18; thence run North 210 feet; thence run East 871 feet; thence North 200 feet; thence East 617 feet; thence South 410 feet; thence West 1488 feet to the point of beginning, containing 10 acres, more or less, according to a survey of said property made by W. M. Paxton, C.E., March 4, 1938, and also less and except a strip of land 100 feet in width conveyed to the Alabama Power Company by deed recorded in Deed Book 24, Page 443, in the office of the Judge of Probate of Colbert County, Alabama, and less and except the right of way of Wilson Dam Highway located on the West side of the property conveyed and also less and except Four acres, more or less, in the Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10 West; more particularly described as follows: Commencing at the Southwest corner of the Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10 West, and running North 460 feet to a point; thence run East 871 feet to a point; thence run North 200 feet to a point; thence run West 871 feet to the West line of said Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10 West; thence run South 200 feet to the point of beginning; less and except the right of way heretofore conveyed across this land to the Alabama Power Company, by deed recorded in Deed Record No. 24, Page 443 in the Probate Office of Colbert County, Alabama; also less and except the right of way of Wilson Dam Highway located on the West side of the property hereby conveyed. Being the property conveyed unto Theo Isbell by K.D. Bruton et.ux. By deed recorded in Deed Book 213 at Page 100.

ALSO, the following described lot or parcel of land in Colbert County, Alabama, described as: Beginning at the Southwest corner of the NW $\frac{1}{4}$ of Section 18, Township 4, Range 10 West and run East along the half Section line a distance of 350 feet to a point; thence North 125 feet to a point; thence West a distance of 350 feet to the West line of said NW $\frac{1}{4}$ of said Section 18, Township 4, Range 10 West; thence South along said West line of said NW $\frac{1}{4}$ of said Section 18, a distance of 125 feet to the point of beginning, less and except off the West end of

said lot, that part of said lot now in the right of way of Wilson Dam Highway, together with the appurtenances.

ALSO, the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 4, Range 10 West, containing 20 acres, more or less, and being more particularly described as follows:

Beginning at the Southwest corner of the Northwest 1/4 of Section 18, Township 4 South, Range 10 West, Colbert County, Alabama, 660 feet North to the point of beginning; thence East 1320 feet to a point; thence North 660 feet to a point; thence West 1320 feet to a point; thence South 660 feet to the point of beginning.

ALSO, the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 4, Range 10, Colbert County, Alabama, containing 10 acres, more or less, and being more particularly described as follows:

Beginning at the Southwest corner of the Northwest 1/4 of Section 18, Township 4, Range 10, Colbert County, Alabama, 660 feet North to the point of beginning thence East 1320 feet, more or less, to a point on the East boundary line of the Southwest 1/4 of Northwest 1/4 of said Section 18, Township 4, Range 10; thence North 330 feet, more or less, to a point on the North boundary line of the Southwest 1/4 of the Northwest 1/4 of said Section 18, Township 4, Range 10; thence West 1320 feet, more or less, to a point on the East boundary line of the Southwest 1/4 of the Northwest 1/4 of said Section 18, Township 4, Range 10; thence South 330 feet, more or less, to the point of beginning of the tract herein described.

ALSO, the North 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 4, Range 10, Colbert County, Alabama, containing 10 acres, more or less, and being more particularly described as follows:

Beginning at the Southwest corner of the Northwest 1/4 of Section 18, Township 4, Range 10, Colbert County, Alabama, 990 feet North to the point of beginning; thence East 1320 feet, more or less, to a point on the East boundary line of the Southwest 1/4 of Northwest 1/4 of said Section 18, Township 4, Range 10; thence North 330 feet, more or less, to a point on the North boundary line of the Southwest 1/4 of Northwest 1/4 of said Section 18, Township 4, Range 10; thence West 1320 feet, more or less, to a point on the East boundary line of the Southwest 1/4 of Northwest 1/4 of said Section 18, Township 4, Range 10; thence South 330 feet, more or less, to the point of beginning of the tract herein described.

ALSO, a portion of the SE 1/2 of the NW 1/4 of Section 18, Township 4 South, Range 10 West, more particularly described as follows:

Beginning 250 feet North of the SW corner of the NW 1/4 of said Section 18; thence run North 210 feet; thence run East 871 feet; thence run North 200 feet; thence run East 617 feet; thence South 410 feet; thence West 1488 feet to the point of beginning. Containing 10 acres, more or less.

SUBJECT, HOWEVER, to the following:

Easement for electric transmission line 100 feet in width which was conveyed to Alabama Power Company on February 15, 1918, by deed recorded in Deed Book 24, Page 444, in the office of the Judge of Probate of Colbert County, Alabama.

Right of way for public road which was conveyed to Colbert County, Alabama, on October 13, 1947, by deed recorded in Deed Book 124, page 285, in the office of the Judge of Probate of Colbert County, Alabama.

ALSO, a tract of land in the SW 1/4 of Section 18, T-4-S, R-10-W, 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 S. 88 degrees 20 minutes 55 seconds E, 50.00 feet to a point on the East right-of-way line of Wilson Dam Highway and point of beginning of the tract of land hereby described; thence continue S 88 degrees 20 minutes 55 seconds E, 412.00 feet to a point; thence S 0 degrees 22 minutes 50 seconds E, 100.00 feet to a point; thence N 88 degrees 20 minutes 55 seconds W, 412.00 feet to a point on the East right-of-way line of Wilson Dam Highway, thence along said right-of-way line, N 0 degrees 22 minutes 50 seconds W, 100.00 feet to the point of beginning of the tract of land hereby described.

For purposes of further identification, the tracts described herein are further described as Parcel # 20-12-04-18-0-001-003.000; Parcel # 20-12-04-18-0001-005.000; ; and Parcel # 20-12-04-18-0-001-007.002 under the assessment of Account # 958; and Parcel #20-12-04-18-0-001-006.001 under the assessment of Account # 05513; and Parcel # 20-12-04-18-0-001-003.001 under assessment of Account # 10994 in the Office of the Revenue Commissioner of Colbert County, Alabama.

It is the express intent of the undersigned, who comprise all of the owners of any right, title or interest in the above-described tracts of property to annex the West 550' of the properties into the City of Muscle Shoals, Alabama, beginning at the right of way of Wilson Dam Road and then to the East for said distance.

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 as shown on Exhibit B.

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 17th day of June 2004.

S/ Wilma L. Bruton L.S.
WILMA L. BRUTON

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that WILMA L. BRUTON, 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 17th day of June 2004.

S/ Rebecca J. Barnett
Notary Public
My Commission expires: 11/14/07

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of June 2004.

S/ Wanda Jean Bruton Fry L.S.
WANDA JEAN BRUTON FRY

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that WANDA JEAN BRUTON FRY, 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 17th day of June 2004.

S/ Rebecca J. Barnett
Notary Public
My Commission expires: 11/14/07

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of June 2004.

S/ Kenneth C. Bruton L.S.
KENNETH CHARLES BRUTON

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that KENNETH CHARLES BRUTON, 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 17th day of June 2004.

S/ Rebecca J. Barnett

Notary Public

My Commission expires: 11/14/07

ORDINANCE NO. 1332-04

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 550' of the following described property:

The South 100 acres, more or less, of the Northwest quarter of Section 18, Township 4, Range 10 West, more particularly described as follows: Beginning at the Southwest corner of said Northwest quarter; thence running East along the half Section line 2640 feet to the center of said Section; thence North, along the North and South half Section line 1648 feet to the lands heretofore known as the Sarah B. Rotroff lands; thence West 2640 feet to the West line of said Section; thence South 1648 feet to the point of beginning, containing 100 acres, more or less, less and except therefrom the North half of the Southwest quarter of the Northwest quarter of Section 18, Township 4, Range 10 West, containing 20 acres, more or less, which was sold to G. P. Nicolopoulos by deed dated 6th of October, 1924, and recorded in Deed Book 42, Page 516, in the office of the Probate Judge of Colbert County, Alabama, and also less and except 10 acres described as follows: Part of the South half of the Northwest quarter of Section 18, Township 4, Range 10 West, described as beginning 250 feet North of the Southwest corner of the Northwest quarter of said Section 18; thence run North 210 feet; thence run East 871 feet; thence North 200 feet; thence East 617 feet; thence South 410 feet; thence West 1488 feet to the point of beginning, containing 10 acres, more or less, according to a survey of said property made by W. M. Paxton, C.E., March 4, 1938, and also less and except a strip of land 100 feet in width conveyed to the Alabama Power Company by deed recorded in Deed Book 24, Page 443, in the office of the Judge of Probate of Colbert County, Alabama,

and less and except the right of way of Wilson Dam Highway located on the West side of the property conveyed and also less and except Four acres, more or less, in the Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10 West; more particularly described as follows: Commencing at the Southwest corner of the Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10 West, and running North 460 feet to a point; thence run East 871 feet to a point; thence run North 200 feet to a point; thence run West 871 feet to the West line of said Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10 West; thence run South 200 feet to the point of beginning; less and except the right of way heretofore conveyed across this land to the Alabama Power Company, by deed recorded in Deed Record No. 24, Page 443 in the Probate Office of Colbert County, Alabama; also less and except the right of way of Wilson Dam Highway located on the West side of the property hereby conveyed. Being the property conveyed unto Theo Isbell by K.D. Bruton et.ux. By deed recorded in Deed Book 213 at Page 100.

ALSO, the following described lot or parcel of land in Colbert County, Alabama, described as: Beginning at the Southwest corner of the NW $\frac{1}{4}$ of Section 18, Township 4, Range 10 West and run East along the half Section line a distance of 350 feet to a point; thence North 125 feet to a point; thence West a distance of 350 feet to the West line of said NW $\frac{1}{4}$ of said Section 18, Township 4, Range 10 West; thence South along said West line of said NW $\frac{1}{4}$ of said Section 18, a distance of 125 feet to the point of beginning, less and except off the West end of said lot, that part of said lot now in the right of way of Wilson Dam Highway, together with the appurtenances.

ALSO, the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10 West, containing 20 acres, more or less, and being more particularly described as follows:

Beginning at the Southwest corner of the Northwest $\frac{1}{4}$ of Section 18, Township 4 South, Range 10 West, Colbert County, Alabama, 660 feet North to the point of beginning; thence East 1320 feet to a point; thence North 660 feet to a point; thence West 1320 feet to a point; thence South 660 feet to the point of beginning.

ALSO, the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10, Colbert County, Alabama, containing 10 acres, more or less, and being more particularly described as follows:

Beginning at the Southwest corner of the Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10, Colbert County, Alabama, 660 feet North to the point of beginning thence East 1320 feet, more or less, to a point on the East boundary line of the Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of said Section 18, Township 4, Range 10; thence North 330 feet, more or less, to a point on the North boundary line of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 18, Township 4, Range 10; thence West 1320 feet, more or less, to a point on the East boundary line of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 18, Township 4, Range 10; thence South 330 feet, more or less, to the point of beginning of the tract herein described.

ALSO, the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10, Colbert County, Alabama, containing 10 acres, more or less, and being more particularly described as follows: Beginning at the Southwest corner of the Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10, Colbert County, Alabama, 990 feet North to the point of beginning; thence East 1320 feet, more or less, to a point on the East boundary line of the Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of said Section 18, Township 4, Range 10; thence North 330 feet, more or less, to a point on the North boundary line of the Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of said Section 18, Township 4, Range 10; thence West 1320 feet, more or less, to a point on the East boundary line of the Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of said Section 18, Township 4, Range 10; thence South 330 feet, more or less, to the point of beginning of the tract herein described.

ALSO, a portion of the SE $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 18, Township 4 South, Range 10 West, more particularly described as follows: Beginning 250 feet North of the SW corner of the NW $\frac{1}{4}$ of said Section 18; thence run North 210 feet; thence run East 871 feet; thence run North 200 feet; thence run East 617 feet; thence South 410 feet; thence West 1488 feet to the point of beginning. Containing 10 acres, more or less.

SUBJECT, HOWEVER, to the following:

Easement for electric transmission line 100 feet in width which was conveyed to Alabama Power Company on February 15, 1918, by deed recorded in Deed Book 24, Page 444, in the office of the Judge of Probate of Colbert County, Alabama.

Right of way for public road which was conveyed to Colbert County, Alabama, on October 13, 1947, by deed recorded in Deed Book 124, page 285, in the office of the Judge of Probate of Colbert County, Alabama.

ALSO, a tract of land in the SW $\frac{1}{4}$ of Section 18, T-4-S, R-10-W, Colbert County, Alabama, and being more particularly described as follows: Commence at the Northwest corner of the SW $\frac{1}{4}$ of said Section 18; thence S. 88 degrees 20 minutes 55 seconds E, 50.00 feet to a point on the East right-of-way line of Wilson Dam Highway and point of beginning of the tract of land hereby described; thence continue S 88 degrees 20 minutes 55 seconds E, 412.00 feet to a point; thence S 0 degrees 22 minutes 50 seconds E, 100.00 feet to a point; thence N 88 degrees 20 minutes 55 seconds W, 412.00 feet to a point on the East right-of-way line of Wilson Dam Highway, thence along said right-of-way line, N 0 degrees 22 minutes 50 seconds W, 100.00 feet to the point of beginning of the tract of land hereby described.

For purposes of further identification, the tracts described herein are further described as Parcel # 20-12-04-18-0-001-003.000; Parcel # 20-12-04-18-0001-005.000; ; and Parcel # 20-12-04-18-0-001-007.002 under the assessment of Account # 958; and Parcel #20-12-04-18-0-001-006.001 under the assessment of

Account # 05513; and Parcel # 20-12-04-18-0-001-003.001 under assessment of Account # 10994 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 Bradford moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Yarber 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 Bradford then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Yarber 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 annexing the property of CHESTER E. EARWOOD and MARJORIE E. EARWOOD located on the east side of S. Wilson Dam Road. A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Bradford 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, CHESTER E. EARWOOD and MARJORIE E. EARWOOD, 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:

Beginning at the Southwest corner of Northwest ¼ of Section 18, Township 4 South, Range 10 West and running thence along the section line North 560 feet to the true point of beginning; thence S-87° 06'-E 213.3 feet to a stake; thence North 57 feet to a stake; thence S-88° 11'-E 270 feet to a stake; thence North 47 feet to a stake under a fence; thence N-88° 11'-W 483.3 feet to a point on the section line; thence along said section line South 100 feet to the true point of beginning. Containing .79 acre less and except the right-of-way of Wilson Dam Road. The above described property is a portion of the property conveyed on deed recorded in the Colbert County Probate Judge's Office in Deed Book 213 on Pages 100 and 101.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-04-18-0-001-004.001 under the assessment of Account # 4305 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 as shown on Exhibit B.

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, we have set our hands and seals this 18th day of June 2004.

S/ Chester E. Earwood L.S.
CHESTER E. EARWOOD
S/ Marjorie E. Earwood L.S.
MARJORIE E. EARWOOD

**STATE OF ALABAMA
COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that **CHESTER E. EARWOOD** and **MARJORIE E. EARWOOD**, whose names are signed to the foregoing and who are known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that they have signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 18th day of June 2004.

S/ Rebecca J. Barnett

Notary Public

My Commission expires: 11/14/07

ORDINANCE NO. 1333-04

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:

Beginning at the Southwest corner of Northwest $\frac{1}{4}$ of Section 18, Township 4 South, Range 10 West and running thence along the section line North 560 feet to the true point of beginning; thence S-87° 06'-E 213.3 feet to a stake; thence North 57 feet to a stake; thence S-88° 11'-E 270 feet to a stake; thence North 47 feet to a stake under a fence; thence N-88° 11'-W 483.3 feet to a point on the section line; thence along said section line South 100 feet to the true point of beginning.

Containing .79 acre less and except the right-of-way of Wilson Dam Road. The above described property is a portion of the property conveyed on deed recorded in the Colbert County Probate Judge's Office in Deed Book 213 on Pages 100 and 101.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-04-18-0-001-004.001 under the assessment of Account # 4305 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 Bradford moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Yarber 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 Bradford then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Yarber 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 establishing qualifying fees for candidates seeking the office of Mayor or Council Member.

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

STATE OF ALABAMA
COLBERT COUNTY

ORDINANCE NO. 1334-04

AN ORDINANCE OF THE CITY OF MUSCLE SHOALS ESTABLISHING A QUALIFYING FEE FOR CANDIDATES SEEKING THE OFFICE OF MAYOR OR COUNCIL MEMBER, PLACES 1, 2, 3, 4 OR 5 FOR THE 2004 MUNICIPAL ELECTIONS AND FUTURE ELECTIONS, BOTH GENERAL AND SPECIAL

BE IT ORDAINED by the City Council of the City of Muscle Shoals that for the purposes of the regular election to be held in 2004 and for the purposes of the filling the office of Mayor and the offices of Members of the City Council for the City of Muscle Shoals, Alabama that a qualification fee shall be required to be paid by all candidates for the office of Mayor and members of the City Council as hereinafter set forth.

Section 1. A qualification fee in the amount of Fifty and no/100 (\$50.00) Dollars is hereby fixed and imposed upon all candidates seeking election to the office of Mayor of the City of Muscle Shoals during the regular election of 2004, except as hereinafter provided for.

Section 2. A qualification fee in the amount of Fifty and no/100 (\$50.00) Dollars is hereby fixed and imposed upon all candidates seeking election to the office of Member of the

City Council, Places 1, 2, 3, 4 and 5 during the regular election of 2004, except as hereinafter provided for.

Section 3. In the event that a person shall file qualification papers and pay the qualification fee for Mayor and/or a place as a Member of the City Council and thereafter seek to file qualification papers for a different office or different place as a Member of the City Council, such person shall be required to pay an additional qualification fee for the office then sought. Furthermore, no person, having filed qualification papers and paid a qualification fee for one office and thereafter seeks to file qualification papers for another office, shall be entitled to either a credit, refund or exemption from the qualification fee for the different office sought.

Section 4. Such qualification fee shall be paid unto the City Clerk and deposited into the General Fund of the City at or prior to the time of filing qualification papers by any such candidates seeking said offices.

Section 5. Any person desiring to qualify to seek said offices who is not financially able to pay the required qualification fee may qualify provided such prospective candidate furnishes the City Clerk with a sworn affidavit stating that he or she is financially unable to pay the required qualification fee fixed and imposed herein and that the payment of such qualification fee will impose an undue financial hardship on him or her.

Section 6. This Ordinance is adopted pursuant to Section 11-46-2 of the Code of Alabama of 1975 and shall be effective in all elections, both general and special, for the offices of Mayor and Members of the City Council from and after the date of its adoption.

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 Holland 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 Holland 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 a resolution supporting the Colbert County Tourism Board.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2041 - 04

WHEREAS, the City of Muscle Shoals does recognize the positive effect of the Colbert County Visitor and Tourism Bureau in attracting both residents and visitors to the many attractions located, not only in Colbert County, but also in the surrounding area; and

WHEREAS, the City of Muscle Shoals is pleased with the prime location of the Colbert County Visitors and Tourism Bureau located on Highway 72 West, next to the Alabama Music Hall of Fame; and

WHEREAS, the City of Muscle Shoals sees no positive effect of the Colbert County Visitors and Tourism Bureau being consolidated with the Shoals Chamber of Commerce, Shoals Economic Development Authority and the Lauderdale County Tourism Bureau.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Muscle Shoals, Alabama, that the Colbert County Visitors and Tourism Bureau remain separate and apart from the Shoals Chamber of Commerce, Shoals Economic Development Authority and the Lauderdale County Tourism Bureau.

Council Member Noles 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 .

Mayor Bradford announced that the next item of business was the scheduling of the next regular meeting of the City Council due to a conflict with the Independence Day holiday set for July 5th.

Council Member Noles thereupon moved that the next meeting of the City Council be set for Tuesday, July 6, 2004 at 7:00 p.m. 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 meeting rescheduled.

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