

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
March 6, 2017**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:05 p.m. on the 6<sup>th</sup> day of March, 2017 being the scheduled time and approved place for said meeting. The meeting was called to order by Allen Noles, President of the Council. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT:   CHRIS HALL, NEAL WILLIS, MIKE LOCKHART  
                  KEN SOCKWELL, ALLEN NOLES  
ABSENT:    NONE

Allen Noles, President of the Council, 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Sockwell and seconded by Council Member Hall and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of February 20, 2017 and approved the minutes as written.

Mr. Leon Madden, 203 Elliott Avenue thanked the Fire Department for their quick response to the recent apartment fire at Woodgate Apartments.

President Noles announced that the next item of business was to set a public hearing to consider the adoption of an Ordinance to amend the Zoning Ordinance and Map of the City of Muscle Shoals, Alabama. President Noles announced that at a meeting to be held at the City Hall in said City at 6:00 p.m. on the 3<sup>rd</sup> day of April, 2017, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

**ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND  
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 area which are currently zoned R-3 and is hereby incorporated in and made a part of the RMF-1 District, to wit:

Begin at a point being the northwest corner of lot 88 in Riverside Park Subdivision south of River Road, thence run 726 feet east along the southern right-of-way of River Road to the northwest corner of lot 120, thence run south for 700 feet to the south to the southwest corner of lot 313, thence run 1126 feet to the west to the southwest corner of lot 282, thence run 576 feet north to the southwest corner of lot 152, thence run 400 feet east to the southwest corner of lot 88, thence run north 126 feet along lot 88 and back to the point of beginning.

At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the adoption of such Ordinance.

President Noles announced that the next item of business was consideration of a resolution to vacate certain streets and alleyways in Lake Wilson Square Subdivision.

Council Member Hall introduced the following resolution and moved for its adoption:

DECLARATION OF VACATION AND  
PETITION FOR VACATING STREETS AND ALLEYS

TO THE MAYOR AND COUNCILMEN OF THE CITY OF MUSCLE SHOALS, AL

Now come the undersigned David A. Mitchell and Jackie Mitchell, husband and wife, being hereinafter referred to as Petitioners, who present unto your Honors the following statement, to-wit:

That Petitioners are the owners of all of the property abutting upon the following described part or portion of the following named streets and unnamed alleys and that they desire to vacate all of said streets and alleys, and that they do, by this statement, vacate the same, being in the City of Muscle Shoals, Colbert County, Alabama, and described as follows, to-wit:

The streets and alleys described in the attached Exhibit A, being certain undeveloped streets and alleys in Lake Wilson Square Subdivision.

That the undersigned Petitioners desire to vacate the above streets and alleys and to close the same and to nullify the effect of the dedication of said streets and alleys to the use of the public. The streets and alleys to be vacated are undeveloped. Petitioners own all the lots in the

subdivision except four lots noted below, and are the only abutting owners to the streets and alleys to be vacated except that portion of an alley which abuts four lots owned by James Morgan Cheek (Lots 18 through 21, Block 3, Lake Wilson Square Subdivision) as shown on the plat of said subdivision, attached to the property description. Said owner has convenient means of ingress and egress to his property in that all four lots abut Tennessee River Highway. Petitioners do not seek to vacate that portion of said alley which abuts said four lots.

NOW THEREFORE, in consideration of the premises, Petitioners hereby request that your Honors assent to, approve, ratify and confirm the vacation of the above described streets and alleys and the annulment of the dedication of such part or portion of said streets and alleys to the use of the public.

IN WITNESS WHEREOF, Petitioners have hereunto set their hands and affixed their seals on this the 13<sup>th</sup> day of February, 2017.

s/David A. Mitchell  
David A. Mitchell

s/ William Tipton Johnson Jr.  
William Tipton Johnson, Jr.  
Attorney for Petitioners  
103 E. 5<sup>th</sup> Street  
Tuscumbia, AL 35674  
256-856-6671  
wjohnson1@bellsouth.net

s/ Jackie S. Mitchell  
Jackie Mitchell

#### GENERAL ACKNOWLEDGEMENT

I, the undersigned, a Notary Public in and for said State of Alabama at Large, hereby certify that David A. Mitchell and Jackie Mitchell, whose names are signed to the foregoing and who are known to me, acknowledged before me on this date that being informed of the contents of the conveyance, they executed the same voluntarily.

Given under my hand this 13<sup>th</sup> day of February, 2017.

s/ W. Johnson  
Notary Public  
State of Alabama at Large  
My Commission Expires: 11/21/17

#### Exhibit A

Property Description of "Lake Wilson Square Subdivision" streets and alleys vacated in Lake Wilson Square Subdivision as recorded in Plat Book 3, Page 137 in the office of the Judge of Probate of Colbert County, Alabama, described hereafter, as shown by the plat thereof attached hereto and incorporated by referenced.

Undeveloped Central Avenue from the North lines of Blocks 1 and 2 of said subdivision to the South lines of Blocks 3 and 4 of said subdivision;

Undeveloped State Street from the West lines of Blocks 1 and 3 to the East lines of Blocks 2 and 4 of said subdivision;

Undeveloped 15 foot alley (in the middle of Block 1) from the North line of Block 1 to the South line of Block 1;

Undeveloped 15 foot alley (in the middle of Block 2) from the North line of Block 2 to the South line of Block 2;

Undeveloped 15 foot alley (in the middle of Block 3) from the North line of Block 3 to the South line of Lot 22 of Block 3;

Undeveloped 15 foot alley (in the middle of Block 4) from the North line of Block 4 to the South line of Block 4;

Undeveloped Lake Shore Drive, from the North line of Block 2 to the South line of Block 4  
All as shown by the said plat of said subdivision as recorded in the office of the Judge of Probate of Colbert County, Alabama.

This vacation does not include any portion of Tennessee River Drive which lies along the West line of Blocks 1 and 3 of said subdivision.

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2873 - 17**

WHEREAS, David A. Mitchell and Jackie Mitchell, husband and wife, have presented to the Mayor and the City Council of the City of Muscle Shoals, Alabama, a Municipal Corporation, their statement in writing, duly executed and acknowledged setting forth that they are the owners of all the lands abutting upon the hereinafter described part or portion of the hereinafter named streets and alleys and that they desire to vacate said part or portion of said streets and alleys and they do, by said Statement, vacate same.

WHEREAS, the Mayor and the City Council of the City of Muscle Shoals, Alabama, a Municipal Corporation, do assent to and approve the vacation thereof and the annulment of the dedication of said part or portion of said streets and alleys to the use of the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the City Council of the City of Muscle Shoals, Alabama, a Municipal Corporation, that the act of the aforementioned parties in vacating and annulling the following described part or portion of the following named streets and alleys in the City of Muscle Shoals, Colbert County, Alabama, to-wit:

The streets and alleys of Lake Wilson Square Subdivision described in the attached Exhibit A.

Be and the same is hereby ratified, approved and confirmed and the assent of the Mayor and the City Council of the City of Muscle Shoals, Alabama, a Municipal Corporation, to such action is hereby given.

#### Exhibit A

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Undeveloped State Street from the West lines of Blocks 1 and 3 to the East lines of Blocks 2 and 4 of said subdivision;

Undeveloped 15 foot alley (in the middle of Block 1) from the North line of Block 1 to the South line of Block 1;

Undeveloped 15 foot alley (in the middle of Block 2) from the North line of Block 2 to the South line of Block 2;

Undeveloped 15 foot alley (in the middle of Block 3) from the North line of Block 3 to the South line of Lot 22 of Block 3;

Undeveloped 15 foot alley (in the middle of Block 4) from the North line of Block 4 to the South line of Block 4;

Undeveloped Lake Shore Drive, from the North line of Block 2 to the South line of Block 4  
All as shown by the said plat of said subdivision as recorded in the office of the Judge of Probate of Colbert County, Alabama.

This vacation does not include any portion of Tennessee River Drive which lies along the West line of Blocks 1 and 3 of said subdivision.

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Council Member Lockhart seconded the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Noles announced that the resolution had been approved.

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

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK