

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 6, 2005**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 6th day of September 2005 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 Paul McDougle. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, JERRY KNIGHT GRISSOM
 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 Pampinto unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting of August 15, 2005 and approved the minutes as written.

Mayor Bradford announced that the next item of business was public comments. Mr. Steve Clark, 913 Tyler Avenue, sought recognition and addressed the Council.

Mayor Bradford announced that the next item of business was public hearing to consider the approval of a Retail Table Wine license (Off premise only) to The Pantry Inc. dba Cowboy's Food Mart #3685 located at 2525 Avalon Avenue.

Mayor Bradford noted that proper notice of the date, time and place of said hearing had been given and that the matter was before the Council.

Mayor Bradford stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, Mayor Bradford stated that approval of the license application was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom,
 Council Member Holland, Council Member Noles, Mayor Bradford
NAYES: None

Mayor Bradford thereupon announced that the vote was unanimous in favor of approval of the license application and the application was approved.

Mayor Bradford announced that the next item of business was a public hearing to consider the approval of construction specifications for construction projects in the City of Muscle Shoals.

Mayor Bradford noted that proper notice of the date, time and place of said hearing had been given and that the matter was before the Council.

Mayor Bradford stated that the Council would hear from those persons in support of the proposed ordinance establishing the construction standards as well as those opposed.

There being no one wishing to speak, Council Member Pampinto thereupon introduced the following ordinance which was presented in the meeting:

Construction Specifications Available upon request from City Clerk

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

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom, 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 Pampinto then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Noles 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 Pampinto, Council Member Willis, Council Member Grissom, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Ordinance approved.

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 south of Sixth Street and is bounded by Thompson Street on the west, John Aldredge on the east and Pepsi Drive on the south and is more particularly described as follows:

ORDINANCE NO. 1350-05

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 M-2 District in which it is now situated, and is hereby incorporated in and made a part of the R-3 District, to wit:

Begin at a point being at the intersection of the southern right-of-way of Sixth Street and the western right-of-way of Thompson Street, thence run west a distance of 1621.61 feet along the Sixth Street right-of-way to the eastern right-of-way of John Aldridge Street, thence run south a distance of 2231.82 feet along the John Aldridge Street right-of-way to the northern right-of-way of Pepsi Road, thence run east a distance of 1683.26 feet along the Pepsi Drive right-of-way to the western right-of way of Thompson Street, thence run north a distance of 2624.83 feet along the Thompson Street right-of-way and back to the point of beginning. Tract of property contains a total of 90.06 acres.

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 6th day of June 2005, at 6:30 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 Pampinto, Council Member Willis, Council Member Grissom
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 the vacation of certain alleyways lying in Muscle Shoals Center #2 subdivision and more particularly described below.

Council Member Noles thereupon introduced the following petition and resolution which were presented in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

PETITION

WHEREAS, the undersigned, **MUSCLE SHOALS CENTER, INC.**, a corporation, (hereinafter referred to as "Petitioner") is the owner of all of the lands and properties in said subdivision known as **MUSCLE SHOALS CENTER NUMBER 2** abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioners being desirous of vacating said alleyways, or portions thereof. **WHEREAS**, Petitioners states that the alleyways, or portions thereof, that Petitioner desires to vacate are located within and as a part of the subdivision designated as **MUSCLE SHOALS CENTER NUMBER 2**, all of which are further known and designated according to the maps and plats thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama.

WHEREAS, Petitioner states that convenient and reasonable means of ingress and egress to and from other property located within the said subdivision and other property is afforded to all other property owners and further, that said desired vacation shall not deprive the undersigned, or other, property owners from convenient and reasonable means of ingress and egress to and from their property;

WHEREAS, Petitioner states that the alleyways, or portions thereof, desired to be vacated are not currently being used;

WHEREAS, Petitioner states that there are no public utilities situated or located on, over or through the alleyways, or portions thereof, desired to be vacated;

WHEREAS, Petitioner seeks and requests assent to the vacation by the governing body of Muscle Shoals, Alabama, same to be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

NOW, THEREFORE, the undersigned Petitioner, being all of the owners of property in the subdivision known as **MUSCLE SHOALS CENTER NUMBER 2** abutting on the alleyways, or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same do hereby declare the following alleyways, or portions thereof, to be vacated, to wit:

That portion of that certain alleyway bounded on the North by the South line of Lots 238 through 264, inclusive, and bounded on the South by the North line of Lots 325 through 351, inclusive, all in MUSCLE SHOALS CENTER NUMBER 2, according to the map and survey prepared by P.S. Milner, and recorded in Map Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot 264 (extended) South to the Northeast corner of Lot 325 and bounded on the West by the West line of Lot 238 (extended) South to the Northwest corner of Lot 351 as shown on the above described plat.

ALSO:

That portion of that certain alleyway bounded on the North by the South line of Lots 265 through 277, inclusive, and bounded on the South by the North line of Lots 312 through 324, inclusive, all in MUSCLE SHOALS CENTER NUMBER 2, according to the map and survey prepared by P.S. Milner, and recorded in Map Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot 277 (extended) South to the Northeast corner of Lot 312 and bounded on the West by the West line of Lot 265 (extended) South to the Northwest corner of Lot 324 as shown on the above described plat.

ALSO:

That portion of that certain alleyway bounded on the North by the South line of Lots 427 through 460, inclusive, and bounded on the South by the North line of Lots 509 through 529, inclusive, all in MUSCLE SHOALS CENTER NUMBER 2, according to the map and survey prepared by P.S. Milner, and recorded in Map Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot 460 (extended) South to the Northeast corner of Lot 509 and bounded on the West by the West line of Lot 427 (extended) South to the Northwest corner of Lot 529 as shown on the above described plat.

ALSO:

That portion of that certain alleyway bounded on the North by the South line of Lots 461 through 483, inclusive, and bounded on the South by the North line of Lots 495 through 508, inclusive, all in MUSCLE SHOALS CENTER NUMBER 2, according to the map and survey prepared by P.S. Milner, and recorded in Map Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot 483 (extended) South to the Northeast corner of Lot 495 and bounded on the West by the West line of Lot 461 (extended) South to the Northwest corner of Lot 508 as shown on the above described plat.

IN WITNESS WHEREOF, Petitioner has caused this instrument to be executed this 27th day of June 2005.

MUSCLE SHOALS CENTER, INC.

By: s/ William Britton

Its Authorized Officer

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that William Britton, whose name as President of **MUSCLE SHOALS CENTER, INC.**, a corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as said officer, executed the same voluntarily on the day the same bears date for and as the act of said corporation.

Given under my hand and official seal this 27th day of June 2005.

S/ Ella Laxson

NOTARY PUBLIC

My Commission Expires: 12/06/06

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2155-05

WHEREAS, **MUSCLE SHOALS CENTER, INC.**, a corporation, hereinafter referred to as Petitioner, is the owner of all of the lands and properties in said subdivision known as **MUSCLE SHOALS CENTER NUMBER 2** abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioner being desirous of vacating said alleyways, or portions thereof, has presented its signed Petition of Vacation of a part of said alleyways to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval, and

WHEREAS, the property above referred to is more particularly described as follows:

That portion of that certain alleyway bounded on the North by the South line of Lots 238 through 264, inclusive, and bounded on the South by the North line of Lots 325 through 351, inclusive, all in MUSCLE SHOALS CENTER NUMBER 2, according to the map and survey prepared by P.S. Milner, and recorded in Map Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded

on the East by the East line of Lot 264 (extended) South to the Northeast corner of Lot 325 and bounded on the West by the West line of Lot 238 (extended) South to the Northwest corner of Lot 351 as shown on the above described plat.

ALSO:

That portion of that certain alleyway bounded on the North by the South line of Lots 265 through 277, inclusive, and bounded on the South by the North line of Lots 312 through 324, inclusive, all in MUSCLE SHOALS CENTER NUMBER 2, according to the map and survey prepared by P.S. Milner, and recorded in Map Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot 277 (extended) South to the Northeast corner of Lot 312 and bounded on the West by the West line of Lot 265 (extended) South to the Northwest corner of Lot 324 as shown on the above described plat.

ALSO:

That portion of that certain alleyway bounded on the North by the South line of Lots 427 through 460, inclusive, and bounded on the South by the North line of Lots 509 through 529, inclusive, all in MUSCLE SHOALS CENTER NUMBER 2, according to the map and survey prepared by P.S. Milner, and recorded in Map Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot 460 (extended) South to the Northeast corner of Lot 509 and bounded on the West by the West line of Lot 427 (extended) South to the Northwest corner of Lot 529 as shown on the above described plat.

ALSO:

That portion of that certain alleyway bounded on the North by the South line of Lots 461 through 483, inclusive, and bounded on the South by the North line of Lots 495 through 508, inclusive, all in MUSCLE SHOALS CENTER NUMBER 2, according to the map and survey prepared by P.S. Milner, and recorded in Map Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot 483 (extended) South to the Northeast corner of Lot 495 and bounded on the West by the West line of Lot 461 (extended) South to the Northwest corner of Lot 508 as shown on the above described plat.

WHEREAS, the aforesaid Petitioner, as the owner of all property abutting the said portions of the alleyways to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets, public alleys, lots and blocks within the City of Muscle Shoals, Alabama, and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, has determined that convenient means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey within which the above described alleyway is located, such means of ingress and egress being afforded by the remaining dedicated streets and public alleys in the area.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the assent of the City Council of the City of Muscle Shoals, Alabama be and the same is hereby given and granted to the vacation of the portion of the alleyway herein above described.

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

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of amendments to the 2004-2005 General Fund Budget.

Council Member Willis introduced the following amended budget in writing:

Budget Amendment #3 available upon request from the City Clerk

Council Member Willis moved that unanimous consent be given for immediate consideration of and adoption of said amendments to the General Fund Budget, which motion was seconded by Council Member Grissom and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom, 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 Willis then moved that the said General Fund Budget amendments be finally adopted, which motion was seconded by Council Member Grissom 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 Pampinto, Council Member Willis, Council Member Grissom, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the amendments to the General Fund Budget approved.

Mayor Bradford announced that the next item of business was consideration of a resolution authorizing the Mayor to execute an agreement with Robert Eaton for the extension of a sewer line currently under construction.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 2156-05

WHEREAS, the City has authorized and is in the process of the construction and installation of a sewer project referred to and known as the Elledge Lane Sewer Project; and

WHEREAS, the City has entered negotiations with Robert Eaton to extend the said sewer line by an additional 165 feet; and

WHEREAS, the City Council finds that said extension would provide for service of future residents of the City of Muscle Shoals; and

WHEREAS, the said Robert Eaton has agreed to pay unto the City all costs, as determined by the City's engineer, associated with the extension of the sewer line and therefore said extension can be made without additional expense to the City, either presently or in the future, and

WHEREAS, the City Council finds that said agreement is a benefit to the City and in the City's best interests that said extension be authorized;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize the extension of the Elledge Lane Sewer Project by approximately 165 feet and further authorize the City's engineer to cause same to be extended.

BE IT HEREBY FURTHER RESOLVED that the City enter into an Agreement with Robert Eaton setting forth the agreement and understanding that all costs associated with said extension as determined by the City's engineer be the responsibility of and paid by Robert Eaton..

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize and direct David H. Bradford as Mayor of the City of Muscle Shoals for and on behalf of the City, to execute the Agreement pertaining to the extension of the Elledge Lane Sewer Project.

Council Member Holland seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" 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 making an appointment to the Utilities Board of the City.

Mayor Bradford called for a vote on the candidates for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: David Yarber

Council Member Willis: David Yarber

Council Member Grissom: David Yarber

Council Member Holland: David Yarber

Council Member Noles: David Yarber

Mayor Bradford: David Yarber

Mayor Bradford announced that David Yarber had received a majority of the votes cast and the resolution was approved.

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2157 - 05

WHEREAS, the term of a member of the Utilities Board within the City of Muscle Shoals has expired and the City Council being desirous of making the necessary appointment to said board within the City;

WHEREAS, notice was given to the public of said pending vacancy and applications solicited for members to said board;

WHEREAS, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancy:

Bob Ashley

Ira Butler

Wes Emmons

James Oliver

William Osborn

David Yarber

WHEREAS, David Yarber was determined to have received the best overall ranking on the City Council evaluations, and

WHEREAS, a roll call vote was had by the Mayor and City Council as follows:

Council Member Pampinto: David Yarber
Council Member Willis: David Yarber
Council Member Grissom: David Yarber
Council Member Holland: David Yarber
Council Member Noles: David Yarber
Mayor Bradford: David Yarber

WHEREAS, Mayor Bradford announced that David Yarber had received a majority of the votes cast, now

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named person to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
David Yarber	Utilities Board	July 2011

The Clerk is hereby directed to notify the above named person of their appointment and to further notify the respective board of said appointment.

Mayor Bradford announced that the next item of business was consideration of an ordinance annexing property located on the north side of E. 6th Street owned by James Daniel Counts and Joan Counts. A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

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

PETITION FOR UNANIMOUS CONSENT TO ANNEXATION

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, JAMES DANIEL COUNTS and JOAN COUNTS, 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:

Tract 1

The South 500' of the West 300' and the South 300' of the East 1020' of the East Half of the Southwest Quarter of Section 4, Township 4 South, Range 10 West, less six acres off the East side for the Southern Railway Co. Spur right of way 100 feet wide.

Tract 2

The South 500' of the West Half of the SW 1/4 of Section 4, Township 4 South, Range 10 West, Colbert County, Alabama.

LESS AND EXCEPT THEREFROM:

Three (3) tracts of land in the SW ¼ of the SW ¼ of Section 4, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows:

[1]

Begin at the Southwest corner of said Section 4, said point being in the centerline of a paved county road; thence leave said centerline N 01° 37' 15" W, 420.00 feet to a point; thence S 89° 02' 40" E, 233.00 feet to a point; thence S 01° 37' 15" E, 420.00 feet to a point in the centerline of a paved county road; thence along said centerline, N 89° 02' 40" W, 233.00 feet to the point of beginning of the tract of land hereby described; said tract of land contains 2.14 acres, more or less, and is subject to the right of way for a paved road off the South side thereof.

Being the property conveyed unto Lana Counts McCorkle by deed recorded in Fiche 9516 at page 389 in the Office of the Judge of Probate of Colbert County, Alabama.

[2]

Commence at the S. W. corner of Section 4, Township 4 South, Range 10 West in Colbert County, Alabama; thence run East along the South line of said Section 233 feet to the point of beginning; thence continue East along the same line for 420 feet; thence run North for 420 feet; thence run West and parallel to the South line of said Section for 420 feet; thence run South for 420 feet to the point of beginning, containing four acres more or less.

Being the property conveyed unto Lucy C. Palmer by deed recorded in Fiche 9417 at page 196 in the Office of the Judge of Probate of Colbert County, Alabama.

[3]

Commence at an existing spike on the Southwest corner of Section 4, Township 4 South, Range 10 West; thence along the South line of Section 4, S. 89° 02' 40" E. 1125.07 feet to the point of beginning of the tract of land hereby described, said point lying in Sixth Street, thence leave said Sixth Street, N. 1° 37' 15" W. 417.42 feet, passing over a referenced iron pin set at 40.00 feet, to an iron pin set; thence S. 89° 02' 40" E. 417.42 feet to an iron pin set; thence S. 1° 37' 15" E. 417.42 feet, passing over a referenced iron pin set at 377.42 feet, to a point in the centerline of Sixth Street; thence along said centerline N. 89° 02' 40" W. 417.42 feet to the point of beginning of the tract of land hereby described, said tract of land contains 4.00 acres, more or less, and is subject to one-half the right of way for Sixth Street off the South side thereof.

Being the property conveyed unto Jonathan P. Phillips and Anna C. Phillips by deed recorded in Fiche 9722 at page 545 in the Office of the Judge of Probate of Colbert County, Alabama.

For further identification, the above described tract is a part of the property described in the assessment as Parcel # 20-12-02-04-0-001-001-002 and Parcel # 20-12-02-04-0-001-007.000 of Account # 10727 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 24th day of August 2005.

s/ James Daniel Counts L.S.
JAMES DANIEL COUNTS

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that JAMES DANIEL COUNTS, 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 24th day of August, 2005.

s/ Lisa Ricks
Notary Public
My Commission expires: 9-16-08

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 24th day of August, 2005.

s/ Joan Counts L.S.
JOAN COUNTS

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that JOAN COUNTS, 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 24th day of August, 2005.

s/ Lisa Ricks
Notary Public
My Commission expires:-9-16-08

ORDINANCE NO. 1351-05

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 500' of the West 300' and the South 300' of the East 1020' of the East Half of the Southwest Quarter of Section 4, Township 4 South, Range 10 West, less six acres off the East side for the Southern Railway Co. Spur right of way 100 feet wide.

Tract 2

The South 500' of the West Half of the SW 1/4 of Section 4, Township 4 South, Range 10 West, Colbert County, Alabama.

LESS AND EXCEPT THEREFROM:

Three (3) tracts of land in the SW 1/4 of the SW 1/4 of Section 4, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows:

[1]

Begin at the Southwest corner of said Section 4, said point being in the centerline of a paved county road; thence leave said centerline N 01° 37' 15" W, 420.00 feet to a point; thence S 89° 02' 40" E, 233.00 feet to a point; thence S 01° 37' 15" E, 420.00 feet to a point in the centerline of a paved county road; thence along said centerline, N 89° 02' 40" W, 233.00 feet to the point of beginning of the tract of land hereby described; said tract of land contains 2.14 acres, more or less, and is subject to the right of way for a paved road off the South side thereof.

Being the property conveyed unto Lana Counts McCorkle by deed recorded in Fiche 9516 at page 389 in the Office of the Judge of Probate of Colbert County, Alabama.

[2]

Commence at the S. W. corner of Section 4, Township 4 South, Range 10 West in Colbert County, Alabama; thence run East along the South line of said Section 233 feet to the point of beginning; thence continue East along the same line for 420 feet; thence run North for 420 feet; thence run West and parallel to the South line of said Section for 420 feet; thence run South for 420 feet to the point of beginning, containing four acres more or less.

Being the property conveyed unto Lucy C. Palmer by deed recorded in Fiche 9417 at page 196 in the Office of the Judge of Probate of Colbert County, Alabama.

[3]

Commence at an existing spike on the Southwest corner of Section 4, Township 4 South, Range 10 West; thence along the South line of Section 4, S. 89° 02' 40" E. 1125.07 feet to the point of beginning of the tract of land hereby described, said point lying in Sixth Street, thence leave said Sixth Street, N. 1° 37' 15" W. 417.42 feet, passing over a referenced iron pin set at 40.00 feet, to an iron pin set; thence S. 89° 02' 40" E. 417.42 feet to an iron pin set; thence S. 1° 37' 15" E. 417.42 feet, passing over a referenced iron pin set at 377.42 feet, to a point in the centerline of Sixth Street; thence along said centerline N. 89° 02' 40" W. 417.42 feet to the point of beginning of the tract of land hereby described, said tract of land contains 4.00 acres, more or less, and is subject to one-half the right of way for Sixth Street off the South side thereof.

Being the property conveyed unto Jonathan P. Phillips and Anna C. Phillips by deed recorded in Fiche 9722 at page 545 in the Office of the Judge of Probate of Colbert County, Alabama.

For further identification, the above described tract is a part of the property described in the assessment as Parcel # 20-12-02-04-0-001-001-002 and Parcel # 20-12-02-04-0-001-007.000 of Account # 10727 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 Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Noles and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom, 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 Pampinto then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Noles 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 Pampinto, Council Member Willis, Council Member Grissom, 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 annexing property located on the north side of E. 6th Street owned by Claude Price Counts Jr. A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

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

PETITION FOR UNANIMOUS CONSENT TO ANNEXATION

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, CLAUDE PRICE COUNTS, JR., 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 South 300' of Tracts 1, 2 and 3 hereinafter described and being in the SE 1/4 of Section 4, Township 4 South Range 10 West, Colbert County, Alabama:

Tract 1

The SE 1/4 of Section 4, Township 4 South, Range 10 West, Containing 160 acres, more or less.

LESS AND EXCEPT THEREFROM:

75 acres evenly off of the West side of the W 1/2 of the SE 1/4 of said Section 4, Township 4 South Range 10 West.

LESS AND EXCEPT THEREFROM:

The South 1/2 of 85 acres off of the East side of the SE 1/4 of said Section 4, Township 4 South, Range 10 West. Containing 42.5 acres, more or less.

Tract 2

75 acres, more or less, in the SE 1/4 of Section 4, Township 4 South, Range 10 West and being all of the SE 1/4, less 85 acres off of the East side thereof, (which said excepted 85 acres being known as the Jim Felton Place)

Tract 3

The South 1/2 of 85 acres off of the East side of the SE 1/4 of Section 4, Township 4 South, Range 10 West, consisting of 42.5 acres. (This being the South 1/2 of the 85 acres generally known as the Jim Felton Place) and being particularly described as the SE 1/4 of the SE 1/4 of said Section 4 and all of the SW 1/4 of the SE 1/4 of said Section 4.

For further identification, the above described tract is a part of the property described in the assessment for 2003 as Parcel # 20-12-02-04-0-001-001-000 of Account # 10727 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.

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 24th day of August, 2005.

s/ Claude Price Counts L.S.
CLAUDE PRICE 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 CLAUDE PRICE 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 24th day of August, 2005.

s/ Lisa Ricks
Notary Public
My Commission expires: 9-16-08

ORDINANCE NO. 1352-05

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 South 300' of Tracts 1, 2 and 3 hereinafter described and being in the SE 1/4 of Section 4, Township 4 South Range 10 West, Colbert County, Alabama:

Tract 1

The SE 1/4 of Section 4, Township 4 South, Range 10 West, Containing 160 acres, more or less.

LESS AND EXCEPT THEREFROM:

75 acres evenly off of the West side of the W 1/2 of the SE 1/4 of said Section 4, Township 4 South Range 10 West.

LESS AND EXCEPT THEREFROM:

The South 1/2 of 85 acres off of the East side of the SE 1/4 of said Section 4, Township 4 South, Range 10 West. Containing 42.5 acres, more or less.

Tract 2

75 acres, more or less, in the SE 1/4 of Section 4, Township 4 South, Range 10 West and being all of the SE 1/4, less 85 acres off of the East side thereof, (which said excepted 85 acres being known as the Jim Felton Place)

Tract 3:

The South 1/2 of 85 acres off of the East side of the SE 1/4 of Section 4, Township 4 South, Range 10 West, consisting of 42.5 acres. (This being the South 1/2 of the 85 acres generally known as the Jim Felton Place) and being particularly described as the SE 1/4 of the SE 1/4 of said Section 4 and all of the SW 1/4 of the SE 1/4 of said Section 4.

For further identification, the above described tract is a part of the property described in the assessment for 2003 as Parcel # 20-12-02-04-0-001-001-000 of Account # 10727 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 Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Noles and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom, 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 Pampinto then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Noles 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 Pampinto, Council Member Willis, Council Member Grissom, 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.

There being no further business to come before the meeting, upon the motion duly made and approved 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