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STATE OF ALABAMA
COUNTY OF COVINGTON

ANDALUSIA, ALABAMA
November 21, 2006

REGULAR WORK SESSION MEETING

PRESENT:

Jerry B. Andrews, Mayor
Bridges D. Anderson, Councilman
Michael L. Jones, Jr., Councilman
Andy Alexander, Councilman
Don Cotton, Councilman
Tom Albritton, City Attorney

ABSENT:

Terry Powell, Councilman

The City Council of the City of Andalusia, Alabama, met for a work session in room 340 at city hall for the purpose of planning and finalizing the agenda for the regular meeting.

Paul Darnell and Chase Cotton, of DMD Engineers, were present to discuss the award of a \$1 million grant from the State of Alabama for an access road into the Andalusia Industrial Park. They reported that approximately \$258,000 of the project's non-reimbursable costs would be expended in FY 2007, and that approximately \$136,590 in reimbursable funds would be spent in FY 2008. Mr. Darnell and Mr. Cotton added that these projections were based upon current cost estimates.

PRESENT:

Jerry B. Andrews, Mayor
Bridges D. Anderson, Councilman
Michael L. Jones, Jr., Councilman
Andy Alexander, Councilman
Don Cotton, Councilman
Tom Albritton, City Attorney

ABSENT:

Terry Powell, Councilman

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Mayor Andrews presided and called the meeting to order after which Councilman Alexander led the invocation and the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES:

Councilman Jones moved that the minutes from the previous council meeting of November 7, 2006, be approved.

Councilman Anderson seconded the motion, which was approved unanimously.

COUNCIL APPROVES AGREEMENT WITH EYE CENTER SOUTH:

Mayor Andrews presented to the council an agreement that he had made with Eye Partners South in which the city would compensate Eye Partners South \$2400 to offset annexation expenses. Councilman Cotton moved to approve the agreement and noted that it served a public purpose. Councilman Alexander seconded the motion which passed unanimously.

COUNCIL ADOPTS ORDINANCES 2006-07, 2006-08 AND 2006-09:

Mayor Andrews presented Ordinances 2006 - 07, 2006 - 08, and 2006 - 09 to the council annexing property into the City of Andalusia. Councilman Anderson moved to suspend the rules requiring a first reading so that the council could immediately consider the ordinances. Councilman Cotton seconded the motion which passed unanimously.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2006-07

WHEREAS, on the 18th day of September 2006, Barry Barrett, Cherise M. Barrett, Troy E. Jones, Stacy L. Jones, J. Allen Wise, Jimmy D. Wilson, Robert W. Bishop, Charles T. Smith, Charles Roland, John Bishop, Kenneth F. Ireland, Jr., being the sole owners of all the real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Andalusia, Alabama; and

WHEREAS, said petition did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Andalusia, Alabama; and

WHEREAS, the City Council for the City of Andalusia did determine that it is in the public interest that said property be annexed to the City of Andalusia, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA, AS FOLLOWS:

Section 1. The City Council of the City of Andalusia, Alabama finds and declares as the legislative body of the City that it is in the best interests of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Andalusia.

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

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PARCEL I

A parcel of land lying in and being a part of the NW¼ of the NE¼ of Section 15, Township 4 North, Range 16 East, and being more particularly described as follows: Commencing at the Northeast corner of Lot 1, Block "A" of Winton Heights Subdivision as recorded in Plat Book 2, Page 77 in the Probate Records Office of Covington County, Alabama, and run thence North 89 degrees 14 minutes East for a distance of 872.2 feet; thence South 00 degrees 46 minutes East for a distance of 538.8 feet to a point on the North right of way line of U.S. Highway 84; thence South 81 degrees 54 minutes West along said North right of way line for a distance of 447.0 feet; thence North 8 degrees 06 minutes West for a distance of 135.0 feet; thence South 84 degrees 45 minutes 45 seconds West for a distance of 100.1 feet; thence South 8 degrees 06 minutes East for a distance of 140.0 feet to a point on the aforementioned North right of way line of U.S. Highway 84; thence South 81 degrees 54 minutes West along said North right of way line for a distance of 440.1 feet; thence North 8 degrees 22 minutes East for a distance of 673.3 feet to the point of beginning, said parcel containing 12.39 acres more or less.

LESS AND EXCEPT:

Beginning at a point on the present Northwest right-of-way line of U.S. 84; said point being 36.86 feet left of and at a right angle to the centerline construction at Station 413+33.18; thence Northerly along the grantor's west property line a distance of 133.66 feet, more or less to a point 164.25 feet left of and at a right angle to the centerline construction at Station 413+73.61; thence easterly along the acquired right-of-way line 229.20 feet, more or less to a point 200.00 feet left of and at a right angle to the centerline construction at Station 413+00.00; thence easterly along the acquired right-of-way line a distance of 433.10 feet more or less to a point 200.00 feet left of and at a right angle to the centerline construction at P.1 Station 420+29.41; thence easterly along the acquired right-of-way line a distance of 312.86 feet, more or less to a point 200.00 feet left of and at a right angle to the centerline construction at Station 423+42.27; thence Southerly along the grantor's east property line a distance of 177.45 feet, more or less to a point 24.00 feet left of and at a right angle to the centerline construction at Station 423+19.62; thence westerly along the present right-of-way line a distance of 447.34 more or less to a point 26.90 feet left of and at a right angle to the centerline construction at Station 418+72.75; thence northerly along the eastern property of Tract 3, Mr. Williams property, a distance of 135.65 feet more or less to a point 162.52 feet left of and at a right angle to the centerline construction at Station 418+75.25; thence westerly along the northern property line of Tract 3, Mr. Williams property, a distance of 100.10 feet, more or less to a point 169.37 feet to the left of and at a right angle to the centerline construction at Station 417+75.38; thence southerly along the western property line of Tract 3, Mr. Williams property, a distance of 140.65 feet more or less to a point 28.74 feet left of and at a right angle to the centerline construction at Station 417+72.76; thence westerly along the present right-of-way line a distance of 439.66 feet to the point of beginning. Said tract of land lying in and being a part of the NW¼ of NE¼, Section 15, Township 4 North, Range 16 East, St. Stephens Meridian, Covington County, Alabama, and containing 3.43 acres, more or less.

RECITAL: Above conveyed parcel is subject to a fifty feet (50') wide right of way easement to Alabama Electric Cooperative for the erection, construction, operation, repair, maintenance, inspection, relocation and replacement of power lines. This easement is in gross and allows power company to cross over and use any and all adjacent lands to access said power lines, executed on April 3, 1974 and recorded on May 15, 1974.

PARCEL II

A parcel of land located in the West ½ of Section 15, Township 4 North, Range 16 East, Covington County, Alabama, being more particularly described as follows: Commence at the intersection of the East line of the Northwest 1/4 of the

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Northeast 1/4 of said section with the Southerly right of way line of U.S. Highway #84, as it was monumented on August 12, 2003; thence South 83° 06' 16" West a distance of 1249.28 feet to an iron pin set; thence South 01° 33' 50" East a distance of 30.20 feet to a set iron pin on the proposed required right of way line for U.S. Highway #84 and the POINT OF BEGINNING; thence South 1° 33' 50" East a distance of 430.96 feet to a set iron pin; thence North 88° 42' 30" West a distance of 100.00 feet to a found concrete monument; thence continue North 88° 42' 30" West a distance of 108.65 feet to a found iron pin; thence North 0° 48' 35" West a distance of 432.25 feet to a found iron pin on the Southerly right of way of U.S. Highway #84; thence North 83° 20' 25" East along said right of way a distance of 89.07 feet to a found concrete monument; thence North 83° 06' 16" East along said right of way a distance of 14.17 feet to a set iron pin; thence North 83° 16' 29" East along said right of way a distance of 32.91 feet to a found iron pin marking the proposed required right of way; thence North 72° 00' 22" East along said proposed right of way a distance of 71.21 feet to the POINT OF BEGINNING, containing 2.08 acres, more or less.

PARCEL III

Commence at an existing iron nail in pavement in the center of Covington County Highway #98 being the Northeast corner of Section 15, Township 4 North, Range 16 East, Covington County, Alabama, thence proceed S 35°52' E 612.58 feet to an existing 1/2" iron rebar with cap on the Southerly Right of Way of U.S. Highway #84; thence proceed through a curve concave to the left a chord of which bears S 86°23' 18" W 618.88 feet to an existing 6"x6" concrete marker; thence proceed S 79°47'00" W 45.58 feet to an existing 1/2" iron rebar with cap, said point being the Point of Beginning of the parcel herein described; thence departing the Southerly Right of Way of U.S. Highway #84, proceed S 00°35'49" E 639.56 feet to an existing 1/2" iron rebar with cap; thence proceed S 88°01'40" W 649.59 feet to a set 1/2" iron rebar with cap; thence proceed N 00°57'39" W 577.59 feet to a set 1/2" iron rebar with cap on the Southerly Right of Way of U.S. Highway #84; thence proceed along said Southerly Right of Way N 82°37'43" E 657.66 feet back to the Point of Beginning of the parcel herein described.

Said parcel lying in the Northeast Quarter of the Northeast Quarter of Section 15, Township 4 North, Range 16 East, Covington County, Alabama, and contains 9.10 acres, more or less. Said parcel also subject to existing Easements for a Power Line along the Westerly property line and an Easement for an Alabama Electric Transmission line under construction across the Northeast corner of the property.

PARCEL IV

Commencing at a 1" pipe located in the center of County Road 98, said point marking the NW Corner of the NW¼ of the NW¼ of Section 14, Township 4 North, Range 16 East, Covington County, Alabama; thence South 88°26'56" East, a distance of 41.41' to the POINT OF BEGINNING; thence Easterly along the meanderings of a fence accepted as the North line of said 1/4-1/4 Section a chord bearing of North 89°45'59" East, and a chord distance of 522.13' to a set DSM # 21175 capped rebar; thence South 18°20'34" West, a distance of 426.94' to a set DSM capped rebar on Northern right of way line of US Highway #84 and the point of curvature of a non-tangent curve, concave to the south, having a radius of 4586.89' a central angle of 03°55'23", and a chord of 314.00' bearing North 87°04'18" West; thence West along said curve and right of way, a distance of 314.06' to a set DSM # 21175 capped rebar; thence North 44°58'58" West along said right of way, a distance of 71.50' to a found hub and tac; thence North 00°41'09" West, along the easterly right of way line of County Road # 98, a distance of 91.73' to a found hub and tac; thence continue along said right of way North 37°44'32" West, a distance of 31.20' to a set DSM # 21175 capped rebar; thence North 00°53'44" West, a distance of 220.13' to the POINT OF BEGINNING; said described tract containing 4.0 Acres, more or less.

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PARCEL V

Commencing at a 1 inch pipe located in the center of County Road 98, said point marking the Northwest corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, Township 4 North, Range 16 East, Covington County, Alabama; thence South 88 degrees 26 minutes 56 seconds East a distance of 41.41 feet to a point; thence Easterly along the meanderings of a fence accepted as the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section a chord bearing of North 89 degrees 54 minutes 49 second East and a chord distance of 422.14 feet to a set DSM#21175 capped rebar and the Point of Beginning; thence continue Easterly along the meanderings of a fence accepted as the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section a chord bearing of North 89 degrees 08 minutes 39 seconds East a chord distance of 100.00 feet to a set DSM#21175 capped rebar; thence South 18 degrees 20 minutes 34 seconds West a distance of 426.94 feet to a set DSM#21175 capped rebar on Northern right of way line of U.S. Highway 84 and the point of curvature of a non-tangent curve, concave to the South having a radius of 4586.89 feet, a central angle of 01 degree 14 minutes 57 seconds, and a chord of 100.00 feet bearing North 85 degrees 44 minutes 05 seconds West; thence West along said curve and right of way a distance of 100.00 feet to a set DSM#21175 capped rebar; thence leaving said right of way line, North 18 degrees 41 minutes 35 seconds East a distance of 418.38 feet to the Point of Beginning.

Commencing at a 1 inch pipe located in the center of County Road 98, said point marking the Northwest corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, Township 4 North, Range 16 East, Covington County, Alabama; thence South 88 degrees 26 minutes 56 seconds East a distance of 41.41 feet to a point; thence Easterly along the meanderings of a fence accepted as the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section a chord bearing of North 89 degrees 59 minutes 24 seconds East a chord distance of 370.29 feet to a set DSM#21175 capped rebar and the Point of Beginning; thence South 18 degrees 41 minutes 35 seconds West a distance of 418.38 feet to a DSM#21175 capped rebar on the Northern right of way line of U.S. Highway 84; thence leaving said right of way line, North 11 degrees 44 minutes 27 second East a distance of 404.20 feet to the Point of Beginning.

PARCEL VI

Commencing at the Northwest corner of Section 14, Township 4 North, Range 16 East, Covington County, Alabama, and run thence North 88 degrees 42 minutes 42 seconds East for a distance of 403.71 feet to a point; thence run North 88 degrees 17 minutes 06 seconds East for a distance of 51.86 feet to a point; thence run North 88 degrees 03 minutes 40 seconds East for a distance of 100.00 feet to a point; thence run North 87 degrees 54 minutes 34 seconds East for a distance of 215.00 feet to a set $\frac{1}{2}$ " rebar with cap (BLS-CA673LS) and the point of beginning; thence run South 16 degrees 16 minutes 55 seconds West for a distance of 454.64 feet to a set $\frac{1}{2}$ " rebar with cap (BLS-CA673LS) on the North right of way line of U.S. Highway #84; thence along said North right of way line and a curve to the right (A=2017.05', R=4446.89') a chord bearing of South 82 degrees 14 minutes 39 seconds East for a chord distance of 202.32 feet to a set $\frac{1}{2}$ " rebar with cap (BLS-CA673LS); thence continue along said North right of way line and curve a chord bearing of South 80 degrees 15 minutes 10 seconds East for a chord distance of 118.45 feet to an existing concrete right of way marker (Sta. 445+80); thence run North 63 degrees 51 minutes 30 seconds East along a right of way widening of County Highway #57 for a distance of 82.44 feet to an existing concrete right of way marker (Sta. 32+ 28.25); thence run North 27 degrees 13 minutes 40 seconds East along the West right of way line of County Highway #57 for a distance of 188.62 feet to an existing concrete right of way marker (Sta. 34+14.76); thence run North 65 degrees 30 minutes 54 seconds East along a right of way narrowing for a distance of 31.81 feet to an existing concrete right of way marker (Sta. 34+39.76); thence run North 27 degrees 51 minutes 30 seconds East along the West right of way line of County Highway #57 for a distance of 337.69 feet to a set $\frac{1}{2}$ " rebar with cap (BLS-CA673LS); thence leaving said West right of way line run South 87 degrees 41 minutes 20 seconds West for a distance of 23.93 feet to a set $\frac{1}{2}$ " rebar with cap (BLS-CA673LS); thence run South 86 degrees 30 minutes 08 seconds West for a distance of 301.33 feet to a set $\frac{1}{2}$ " rebar with cap (BLS-CA673LS); thence run South 86 degrees 34 minutes 54 seconds West for a distance of 212.50 feet to the point of beginning. Said parcel lying in and being a part of the Northwest Quarter of the Northwest Quarter of Section 14, Township 4 North, Range 16 East, Covington County, Alabama, and containing 5.01 acres, more or less.

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PARCEL VII

A 2.68 acre parcel of land being a part of the N ½ of the NW¼ of Section 14, Township 4 North, Range 16 East, Covington County, Alabama and being more particularly described as follows: Commencing at the intersection of the North line of said Section 14 with the East line of Covington County Highway 57, thence South 28 degrees 58 minutes 47 seconds West 364.88 feet, along the East line of said highway 57 to the point of beginning, said point being an iron pipe; thence South 72 degrees 33 minutes 59 seconds East 599.98 feet, to an iron pipe; thence South 28 degrees 58 minutes 54 seconds West 200.00 feet, to an iron pipe; thence North 71 degrees 47 minutes 56 seconds West 200.00 feet, to an iron pipe; thence North 72 degrees 57 minutes 01 seconds West 200.00 feet, to an iron pipe; thence North 72 degrees 57 minutes 01 seconds West 200.00 feet, to an iron pipe on the East line of said Highway 57; thence North 28 degrees 58 minutes 47 second East 200.00 feet, along the East line of said highway 57 to the point of beginning.

PARCEL VIII

Beginning at the point of intersection of the South line of Section 11, Township 4 North, Range 16 East, Covington County, Alabama, with the East right of way line of County Highway #57, and run thence North 27 degrees 51 minutes 30 seconds East for a distance of 45.89 feet to a set ½" rebar with cap (BLS-CA673LS); thence run South 73 degrees 24 minutes 59 second East for a distance of 495.34 feet to a set ½" rebar with cap (BLS-CA673LS); thence run South 03 degrees 06 minutes 17 seconds East for a distance of 207.53 feet to a set ½" rebar with cap (BLS-CA673LS); thence run South 75 degrees 46 minutes 05 seconds East for a distance of 1862.76 feet to a set ½" rebar with cap (BLS-CA673LS); thence run South 29 degrees 08 minutes 48 seconds West for a distance of 907.42 feet to a set ½" rebar with cap (BLS-CA673LS) on the North right of way line of U.S. Highway #84; thence run North 52 degrees 45 minutes 08 seconds West along the North right of way line of U.S. Highway #84 for a distance of 549.62 feet to an existing concrete right of way marker; thence continue along the North right of way line of U.S. Highway #84 and a curve to the left (A=668.20', R=2008.29') run a chord bearing of North 62 degrees 17 minutes 03 seconds West for a chord distance of 698.24 feet to an existing concrete right of way marker (Sta. 458+73.86 PC); thence run North 71 degrees 49 minutes 30 seconds West along the North right of way line of U.S. Highway #84 for a distance of 568.23 feet to a set ½" rebar with cap (BLS-CA673LS); thence leaving said North right of way line run North 29 degrees 08 minutes 48 seconds East for a distance of 266.49 feet to a set ½" rebar with cap (BLS-CA673LS); thence run North 73 degrees 24 minutes 59 seconds West for a distance of 599.41 feet to a set ½" rebar with cap (BLS-CA673LS) on the East right of way line of County Highway #57; thence run North 27 degrees 51 minutes 30 seconds East along said East right of way line for a distance of 361.98 feet to the point of beginning. Said parcel lying in and being a part of the Southwest Quarter of the Southwest Quarter of Section 11, and the Northeast Quarter of the Northwest Quarter of Section 15, all in Township 4 North, Range 16 East and containing 30.93 acres, more or less.

Said property is fully described in the deed and map attached hereto as Exhibits.

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Section 3. That the Zoning Ordinance of the City of Andalusia, Alabama, as adopted on February 18, 1998 and the Zoning Map adopted as a part of such Ordinance, be and the same hereby is amended to include the above-described territory and shall be zoned as B-3 - General Commercial District.

Section 4. 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 Covington County, Alabama.

Section 5. The territory described in this ordinance shall become a part of the corporate limits of Andalusia, Alabama, upon publication of this ordinance as set forth in Section 3, above.

ADOPTED AND APPROVED this 21st day of November, 2006.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Jerry B. Andrews, Mayor

ATTEST:

Jackie Williams, Asst. City Clerk

Councilman Anderson moved to adopt Ordinance No. 2006 - 07. Councilman Cotton seconded the motion which passed unanimously.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2006-08

WHEREAS, on the 17th day of November 2006, Eye Partners, PC, being the sole owner of all the real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Andalusia, Alabama; and

WHEREAS, said petition did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Andalusia, Alabama; and

WHEREAS, the City Council for the City of Andalusia did determine that it is in the public interest that said property be annexed to the City of Andalusia, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA, AS FOLLOWS:

Section 1. The City Council of the City of Andalusia, Alabama finds and declares as the legislative body of the City that it is in the best interests of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Andalusia.

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

Commencing at a 1" pipe located in the center of County Road 98, said point marking the Northwest corner of the NW ¼ of the NW ¼ of section 14, T4N, R16E, Covington County, Alabama; thence South 88 degrees 26 minutes 56 seconds East a distance of 41.41 feet to a point; thence Easterly along the meanderings of a fence accepted as the North line of said ¼ - ¼ Section a chord bearing of North 89 degrees 59 minutes 24 seconds East, a chord distance of 370.29 feet to a set DSM #21175 capped rebar; thence continue Easterly along the meandering of a

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fence accepted the North line of said ¼ - ¼ Section a Chord bearing of North 89 degrees 22 minutes 05 seconds East, a chord distance of 51.85 feet to a DSM # 21175 capped rebar; thence continuing along the meandering of an old fence line a chord bearing of North 89 degrees 08 minutes 39 seconds East, a chord distance of 100.00 feet to a DSM #21175 capped rebar and the point of beginning; thence continuing along the meandering of the old fence line a fence line a chord bearing of North 88 degrees 39 minutes 33 seconds East and a chord distance of 215.00 feet to a DSM #21175 capped rebar; thence South 17 degrees 21 minutes 53 seconds West a distance of 454.32 feet to a point on the northern right of way of U.S. Highway #84, and a point of curvature of a non-tangent curve, concave to the South having a radius of 4586.89 feet a central angle of 02 degrees 41 minutes 08 seconds, and a chord of 214.98 feet bearing North 83 degrees 46 minutes 03 seconds west; thence West along said right of way line and curve, a distance of 215.00 feet; thence leaving said right of way North 18 degrees 20 minutes 34 seconds East a distance of 426.94 feet to a point of beginning; said described tract containing 2.09 acres, more or less.

Said property is fully described in the deed and map attached hereto as exhibits.

Section 3. That the Zoning Ordinance of the City of Andalusia, Alabama, as adopted on February 18, 1998 and the Zoning Map adopted as a part of such Ordinance, be and the same hereby is amended to include the above-described territory and shall be zoned as B-3 - General Commercial District.

Section 4. 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 Covington County, Alabama.

Section 5. The territory described in this ordinance shall become a part of the corporate limits of Andalusia, Alabama, upon publication of this ordinance as set forth in Section 3, above.

ADOPTED AND APPROVED this 21st day of November, 2006.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Jerry B. Andrews, Mayor

ATTEST:

Jackie Williams, Asst. City Clerk

Councilman Anderson moved to adopt Ordinance No. 2006 - 08. Councilman Cotton seconded the motion which passed unanimously.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2006-09

WHEREAS, on the 18th day of September 2006, Bryan M. Applefield, Helen E. Applefield, and B. Scott Applefield, being the sole owners of all the real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Andalusia, Alabama; and

WHEREAS, said petition did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Andalusia, Alabama; and

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WHEREAS, the City Council for the City of Andalusia did determine that it is in the public interest that said property be annexed to the City of Andalusia, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA, AS FOLLOWS:

Section 1. The City Council of the City of Andalusia, Alabama finds and declares as the legislative body of the City that it is in the best interests of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Andalusia.

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

Beginning at the point where the East line of the NW 1/4 of the NE 1/4 of Section 15, Township 4 North, Range 16 East intersects the South right of way line of U.S. Highway #84 and run thence South 00 degrees 17 minutes East along said East forty line for a distance of 1723.5 feet to a point on an existing fence; thence South 88 degrees 45 minutes 30 seconds West along said fence for a distance of 587.1 feet ;thence North 88 degrees 28 minutes 30 seconds West along an existing fence for a distance of 720.1 feet; thence North 1 degree 01 minutes West along an existing fence for a distance of 512.6 feet; thence North 00 degrees 39 minutes West along an existing fence for a distance of 198.7 feet; thence North 2 degrees 38 minutes West along an existing fence for a distance of 397.5 feet; thence North 88 degrees 42 minutes 30 seconds West for a distance of 542.5 feet; thence North 2 degrees 39 minutes East for a distance of 383.3 feet to a point on the aforementioned South right of way line of U.S. Highway #84; thence North 83 degrees 07 minutes East along said South right of way line for a distance of 10.0 feet; thence North 83 degrees 07 minutes East for a distance of 1349.4 feet to the point of beginning; said parcel lying in and being a part of the W ½ of the NE 1/4 and the NE 1/4 of the NW¼ of Section 15, Township 4 North, Range 16 East and containing 55.07 acres, more or less.

Said property is fully described in the deed and map attached hereto as exhibits.

Section 3. That the Zoning Ordinance of the City of Andalusia, Alabama, as adopted on February 18, 1998 and the Zoning Map adopted as a part of such Ordinance, be and the same hereby is amended to include the above-described territory and shall be zoned as B-3 - General Commercial District.

Section 4. 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 Covington County, Alabama.

Section 5. The territory described in this ordinance shall become a part of the corporate limits of Andalusia, Alabama, upon publication of this ordinance as set forth in Section 3, above.

ADOPTED AND APPROVED this 21st day of November, 2006.

THE CITY OF ANDALUSIA, ALABAMA

**BY: _____
Jerry B. Andrews, Mayor**

ATTEST:

Jackie Williams, Asst. City Clerk

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Councilman Anderson moved to adopt Ordinance No. 2006 - 09. Councilman Cotton seconded the motion which passed unanimously.

Mayor Andrews thanked the property owners for their desire to come into the city and thanked Planning and Development Director Andy Wiggins for spearheading the annexation effort.

COUNCIL ADOPTS RESOLUTION 2006-24, IMPLEMENTING \$1 MILLION GRANT TO BUILD ACCESS ROAD INTO ANDALUSIA INDUSTRIAL PARK:

Mayor Andrews presented Resolution No. 2006 - 24, as amended, to the council as follows:

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2006-24

WHEREAS, the City of Andalusia has been awarded a \$1 million grant by the Industrial Road and Bridge Authority of the State of Alabama for the purpose of constructing an access road into the Andalusia Industrial Park; and

WHEREAS, such road will greatly enhance the Andalusia Industrial Park by providing current and future occupants of the park greater and more efficient access to the park; and

WHEREAS, it is necessary for the mayor and city clerk to designate and employ the services of an engineering firm, advertise for and accept bids for construction of the road and negotiate with the Utilities Board of the City of Andalusia and the Southeast Alabama Gas District to lower water and gas lines; and

WHEREAS, time is of the essence for this project because of continually-increasing construction costs; and

WHEREAS, the City determines that a public purpose is served by making these enhancements and improvements to the Andalusia Industrial Park and by giving the Mayor and City Clerk the authority to take the actions addressed herein;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that the mayor and city clerk have the authority to:

1. Designate and employ the services of an engineer to accomplish an access road into the Andalusia Industrial Park;
2. Authorize the Mayor of the City of Andalusia, Alabama and the City Clerk to execute any contract, to advertise for and to accept bids.

ADOPTED AND APPROVED this 21st day of November, 2006.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Jerry B. Andrews, Mayor

ATTEST:

Jackie Williams, Asst. City Clerk

Councilman Jones moved to adopt Resolution No. 2006 - 24 as amended. Councilman Alexander seconded the motion which was approved unanimously. Mayor Andrews thanked Speaker Hammett and Senator Holley for their help in securing the grant for the access road.

COUNCIL ADOPTS RESOLUTION 2006-25, SECURING NATURAL GAS SERVICE TO THE ANDALUSIA INDUSTRIAL PARK:

Mayor Andrews presented Resolution No. 2006 - 25 to the council pledging a certificate of deposit in the amount of \$170,000 to complete installation of a natural gas line into the Andalusia Industrial Park.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2006-25

WHEREAS, the City of Andalusia and the Industrial Development Board of the City of Andalusia desire to broaden the appeal of the Andalusia Industrial Park to potential tenants; and

WHEREAS, currently there is no natural gas service available in the industrial park and current tenants and potential tenants will need natural gas to facilitate their operations; and

WHEREAS, the City of Andalusia currently has approximately \$120,000 in an unrestricted account entitled "Land Proceeds" and approximately \$672,000 in an unrestricted account entitled Capitol Improvement; and

WHEREAS, the Southeast Alabama Gas District has committed to construct a natural gas pipeline into the industrial park to provide service to the park provided that the city pledge a certificate of deposit to cover the \$170,000 cost of construction. Said pledge would be reduced as customers in the park burn natural gas costs up to the amount of the pledge. When customers in the park burn \$170,000 in revenue above natural gas costs, the pledge will be released.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Andalusia will deposit \$120,000 from the Land Proceeds Account and \$50,000 from the Capitol Improvement Account into a certificate of deposit pledged to the Southeast Alabama Gas District for the purpose of constructing a gas line into the Andalusia Industrial Park to support existing and future business and industry. As revenues from gas sales to customers above the Southeast Alabama Gas District's costs in the park increase, the amount of the pledge will be reduced. At such time as the pledge is completed and the certificate of deposit matures, all funds including interest, will be returned to the Land Proceeds and the Capitol Improvement accounts. The Capitol Improvement account will be refunded first and it is understood that the \$50,000 disbursement from said account will be apart of the \$500,000 balance that the council has set aside after street improvements. It is also the city's understanding that the Southeast Alabama Gas District will allow the city ten years to fulfill this revenue commitment.

ADOPTED AND APPROVED this 21st day of November, 2006.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Jerry B. Andrews, Mayor

ATTEST:

Jackie Williams, Asst. City Clerk

Councilman Cotton moved to adopt Resolution No. 2006 - 25. Councilman Anderson seconded the motion which passed unanimously.

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COUNCIL APPROVES CONTRACT WITH SAEHAESUNG, MEMORANDUM OF UNDERSTANDING WITH AMERIDOOOR AND FINANCING ARRANGEMENTS:

Mayor Andrews presented the council with a lease purchase agreement between the Industrial Development Board of the City of Andalusia and SaeHaeSung and a memorandum of understanding between the Industrial Development Board of the City of Andalusia, the City of Andalusia, and Ameridoor.

Councilman Alexander moved to approve the lease purchase agreement with SaeHaeSung and the memorandum of understanding with Ameridoor with the understanding that all monthly payments of interest and principal from SaeHaeSung be made to the city, through the Industrial Development Board of the City of Andalusia, consistent with the party's oral agreements. Councilman Cotton seconded the motion which passed unanimously.

COUNCIL APROPRIATES \$6,500 FROM CONTINGENCY FUNDS FOR PORTION OF COST OF ANDALUSIA INDUSTRIAL PARK SURVEY:

Mayor Andrews informed the council that due to increased interest in the Andalusia Industrial Park, that it had become necessary to survey the park and presented the council with an estimate of costs. He added that the Industrial Development Board of the City of Andalusia had agreed to pay for one-half of the survey. Councilman Anderson moved to appropriate \$6,500 necessary to complete the survey from contingency. Councilman Jones seconded the motion. Mayor Andrews called for a vote which produced the following results:

Yes:

Mayor Jerry Andrews
Councilman Bridges Anderson
Councilman Michael Jones
Councilman Andy Alexander

No:

Abstained:

Councilman Don Cotton

COUNCILMAN MICHAEL JONES PRESENTS SOUTHEAST ALABAMA GAS DISTRICT DISTRIBUTION CHECK:

Councilman Jones, the City of Andalusia's representative to the Board of Directors of the Southeast Alabama Gas District, presented Mayor Andrews with the city's distribution check from the gas district in the amount of \$128,405.00. Mayor Andrews thanked Councilman Jones and the Southeast Alabama Gas District and promised to use the proceeds wisely.

ANNOUNCEMENTS:

1. Mayor Andrews announced that he had presented the council with two ordinances regulating smoking in public places during the work session. He added that he wanted to give the council time to study the proposals and to make any necessary suggestions before they were formally considered.

2. Mayor Andrews announced that the Tourism and Relocation Committee, continuing the Music Around Andalusia begun last spring, would sponsor a Christmas Tree Lighting Ceremony along with Christmas caroling on the square performed by several church choirs. The event would be on either Friday December 1, 2006 or Saturday, December 2, 2006, depending upon the outcome of the Andalusia High School football playoff game, at 5:30 pm.

ADJOURNMENT:

With no further business Mayor Andrews called the meeting adjourned.

THE CITY OF ANDALUSIA, ALABAMA

BY:

Jerry B. Andrews, Mayor

ATTEST:

Jackie Williams, Asst. City Clerk