

ORDINANCE 05-02-17
AN ORDINANCE DECLARING VOID AND REPEALING
ORDINANCE 03-07-17 RELATED TO ANNEXATION AND ESTABLISHMENT
OF ZONING OF PROPERTY

An Ordinance repealing Ordinance No. 03-07-17 related to annexation and zoning of property purportedly owned by Galanco, Inc.:

Whereas, by Ordinance No. 03-07-17, the City Council acted on a petition submitted by Galanco, Inc. purportedly annexing and establishing zoning for property described below;

Whereas, while the face of the petition submitted by Galanco, Inc. appeared to meet the legal requirements for said annexation and zoning, the City Council has been advised by City personnel that upon notice of further information, it was discovered that the subject property was not owned by Galanco, Inc. when the petition for annexation and zoning was submitted and when it was acted upon by the Enterprise Planning Commission and the City Council, and no other written instrument which could be considered a petition was submitted by the actual owner(s) of the property indicating the assent to the annexation and zoning;

Whereas, Galanco, Inc., as well as the actual property owners, have submitted an acknowledgment stating that they agree the annexation and zoning were void and the subject property was not annexed and zoned per Ordinance No. 03-07-17 (see acknowledgment attached hereto and made a part hereof); and,

Whereas, in light of all the circumstances as to this particular matter, the City Council finds the aforesaid annexation and zoning void for failure to adhere the legal requirements for annexation and to establish zoning and, therefore, the City Council finds it proper to enact this ordinance to note the same and, to the extent necessary, declare Ordinance No. 03-07-17 repealed;

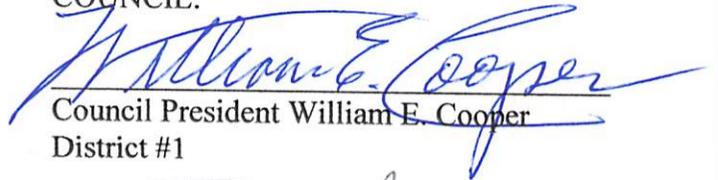
BE IT ORDAINED BY THE CITY COUNCIL of the City of Enterprise, Alabama as follows:

Section 1. Ordinance No. 03-07-17, including all sections, recitals, provisions and terms stated therein, is found and declared void and, to the extent necessary, said Ordinance is declared repealed in its entirety, such that the following described property is deemed not to have been duly and lawfully annexed and zoned for inclusion within the corporate limits of the City of Enterprise:

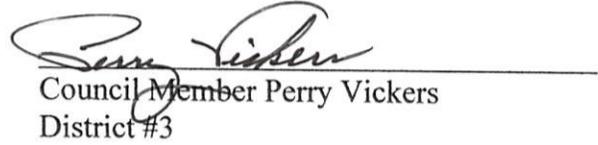
A parcel of land located in Coffee County, Alabama, and being more particularly described as follows: BEGINNING at the Northwest corner of Lot 14, Block D of Shell Landing East, Phase I, as recorded in Plat Book 3, Page 301 in the Office of the Judge of Probate, Coffee County, Alabama; thence N89°28'27"W for a distance of 685.94 feet along an old fence; thence N07°31'49"W for a distance of 275.89 feet; thence N48°19'22"E for a distance of 720.02 feet; thence N35°29'17"W for a distance of 201.17 feet; thence N48°19'22" E for a distance of 437.39 feet; thence S35°29'17"E for a distance of 653.81 feet; thence N48°19'22"E for a distance of 106.08 feet; thence S35°29'17"E for a distance 402.35 feet; thence S58°54'35"E for a distance of 354.82 feet; thence S29°59'57"W for a distance of 298.46 feet; thence N88°53'41"W for a distance of 50.07 feet; thence N88°49'12"W for a distance of 822.73 feet to the POINT OF BEGINNING. Said property being located in the SW1/4 of Section 27, T5N, R22E, and contains 26.82 acres, more or less.

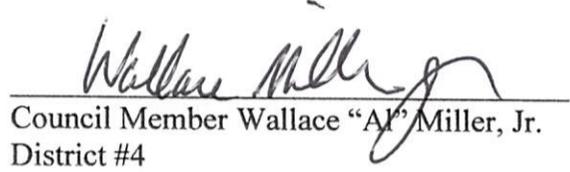
Section 2. This ordinance shall become effective upon passage and being advertised by law.

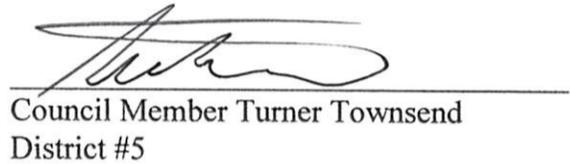
COUNCIL:


Council President William E. Cooper
District #1

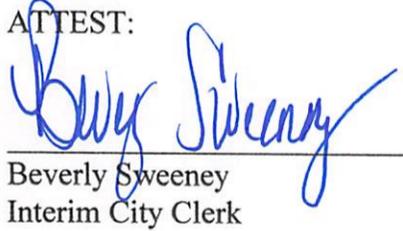

Council Member Eugene Goolsby
District #2


Council Member Perry Vickers
District #3

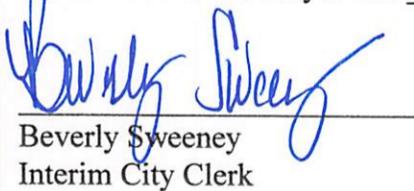

Council Member Wallace "Al" Miller, Jr.
District #4


Council Member Turner Townsend
District #5

ATTEST:

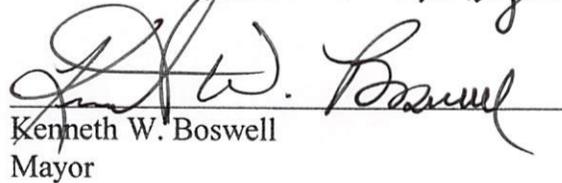

Beverly Sweeney
Interim City Clerk

Transmitted to the Mayor this 3rd Day of May, 2017

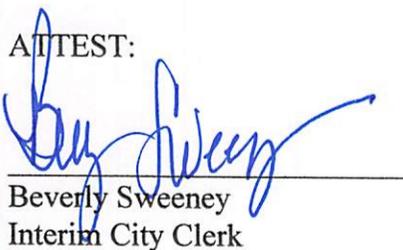

Beverly Sweeney
Interim City Clerk

ACTION OF THE MAYOR:

Approved this 13 Day of May, 2017


Kenneth W. Boswell
Mayor

ATTEST:


Beverly Sweeney
Interim City Clerk

Acknowledgement of Void Annexation and Zoning

TO: THE CITY OF ENTERPRISE

The undersigned acknowledge and agree that the purported application/petition for annexation and zoning of the property described in said application/petition dated February 6, 2017 (approximately 26 acres as described in the application/petition) was not signed by the owner of said property (and no other writing was submitted signed by the owner reflecting the owner's consent), and agree that the purported annexation and zoning of that property allegedly enacted by the City Council of the City of Enterprise is void. We do not contend the property was annexed (and zoned) into the corporate limits of the City of Enterprise and agree that Ordinance No. 03-07-17 which purported to approve the annexation and zoning is void.

Date: May 2, 2017

Jennifer C. Hollis
Jennifer C. Hollis

Justin Pass
Witness

Charles Warren Hollis
Charles Warren Hollis

Justin Pass
Witness

Galanco, Inc.
By: [Signature]
Its President

Jessica Walker
Witness

