

ORDINANCE NO. 1888

**AN ORDINANCE TO REZONE A PARCEL
OF LAND IN THE CITY OF MOUNTAIN BROOK, ALABAMA
FROM ITS CURRENT TEMPORARY ESTATE DISTRICT ZONING
TO [PERMANENT] ESTATE RESIDENCE DISTRICT**

WHEREAS, the real estate as more particularly described in Exhibit "A" and illustrated in the accompanying map entitled Exhibit "B" is presently [temporarily] zoned Estate District as provided by Ordinance No. 1347; and

WHEREAS, after due consideration, the City Council has determined that the zoning classification of the Real Estate should be Estate Residence District.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook as follows:

Section 1. The zoning map of the City of Mountain Brook, as referred to in Section 129-17 of the Mountain Brook City Code, as amended from time to time, is hereby further amended by zoning the above described property Estate Residence District:

Section 2. The provisions of this ordinance are severable. If any provision of this ordinance is held by a court of competent jurisdiction to be invalid, such invalidity shall in no way affect the remaining provisions of this ordinance.

Section 3. This ordinance shall become effective when published by posting the same as required by law.

ADOPTED: The 13th day of May, 2013.



Council President

APPROVED: The 13th day of May, 2013.



Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on May 13, 2013, as same appears in the minutes of record of said meeting, and published by posting copies thereof on May 14, 2013, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road
The Invitation Place, 3150 Overton Road

Piggly Wiggly Foodstore No. 4, 93 Euclid Ave.
~~Joe Muggs/Yogurt Mountain, 2037 Cahaba Road~~



City Clerk

DESCRIPTION

PARCEL A

A parcel of land situated in the South 1/2 of the NW 1/4 of Section 31, Township 17 South, Range 1 West, Jefferson County, Alabama being more particularly described as follows:

Commence at a 1" open pipe being the SW corner of the NW 1/4 of Section 31, Township 17 South, Range 1 West; thence N 89°41'23" E along the south line of said 1/4 line and along the northern boundary line of Lot 28-A Cherry Brook Estates as recorded in the Office of the Judge of Probate, Jefferson County, Alabama, a distance of 107.47 feet to an iron pin capped EDG and the POINT OF BEGINNING; thence N 0°18'39" W, leaving said 1/4 line and said lot line, a distance of 81.67 feet to an iron pin capped EDG; thence S 89°49'47" E a distance of 229.23 feet to a point; thence N 15°50'49" E a distance of 493.07 feet to a cross in a concrete driveway and a point on a non-tangent curve to the right, having a radius of 100.00 feet and a central angle of 48°05'12", the chord of which bears S 42°36'33" E for a distance of 81.49 feet; thence along the arc and concrete driveway for a distance of 83.93 feet to a cross in the concrete driveway being a point of tangency; thence S 18°33'57" E along the concrete driveway a distance of 54.28 feet to a cross in the concrete driveway and the point of curvature for a curve to the left having a radius of 97.27 feet and a central angle of 58°28'42", the chord of which bears S 47°48'18" E for a distance of 95.02 feet; thence along the arc and concrete driveway for a distance of 99.28 feet to a cross in the concrete driveway; thence N 78°20'15" E, leaving the driveway, for a distance of 171.44 feet to an iron pin capped EDG; thence N 32°52'41" E a distance of 177.70 feet to an iron pin capped EDG; thence N 0°51'32" E a distance of 250.08 feet to an iron pin capped EDG on the northeastern boundary line of a 100 foot wide Alabama Power Company right-of-way; thence S 58°52'53" E along said right-of-way line a distance of 646.68 feet to a 1" crimped iron lying on the northwestern right-of-way of Interstate Highway 459; thence S 45°27'57" W leaving said Alabama Power right-of-way and along said Interstate right-of-way, a distance of 321.44 feet to a concrete monument and the northeasternmost corner of that Patent as described by Real 1858, Page 257 as recorded in the said office of the Judge of Probate; thence S 69°34'21" W along the northwestern boundary line of said patent, a distance of 481.00 feet to an iron pin capped Jacking; thence S 46°28'59" W along the northwestern boundary line of said patent, a distance of 121.11 feet to a concrete monument on the northwestern boundary line of the said Interstate right-of-way and the northeast corner of lot 28-A of said Cherry Brook Estates; thence S 89°41'22" W, leaving said Interstate right-of-way and along the northern boundary lines of lots 28-A and 28-A of said subdivision, a distance of 580.35 feet to the POINT OF BEGINNING.

Subject to a Alabama Power Company Right of Way as recorded in Volume 1456 Page 507, Volume 1490 Page 138, Volume 1490 Page 308, Volume 1458 Page 511, and Volume 1736 Page 795.

EXHIBIT A

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PARCEL B

A parcel of land situated in the SW 1/4 of the NW 1/4 of Section 31, Township 17 South, Range 1 West, Jefferson County, Alabama being more particularly described as follows:

BEGIN at a 1" open pipe being the SW corner of the NW 1/4 of Section 31, Township 17 South, Range 1 West; thence N 89°41'23" E along the south line of said 1/4 line and along the northern boundary line of Lot 28-A Cherry Brook Estates as recorded in the Office of the Judge of Probate, Jefferson County, Alabama, a distance of 107.47 feet to an iron pin capped EDG; thence N 0°16'38" W, leaving said 1/4 line and said lot line, a distance of 81.87 feet to an iron pin capped EDG; thence S 89°49'47" E a distance of 229.23 feet to a point; thence N 15°50'49" E a distance of 493.07 feet to a cross in a concrete driveway and a point on a non-tangent curve to the right, having a radius of 100.00 feet and a central angle of 48°05'12", the chord of which bears S 42°36'33" E for a distance of 81.49 feet; thence along the arc and concrete driveway for a distance of 83.93 feet to a cross in the concrete driveway being a point of tangency; thence S 18°33'57" E along the concrete driveway a distance of 54.28 feet to a cross in the concrete driveway and the point of curvature for a curve to the left having a radius of 97.27 feet and a central angle of 44°16'33", the chord of which bears S 40°42'13" E for a distance of 73.31 feet, thence along the arc and concrete driveway for a distance of 75.16 feet to a cross in the concrete driveway; thence N 0°08'23" W and leaving said concrete driveway a distance of 283.16 feet to a iron pin capped Jackins; thence N 89°36'08" E a distance of 80.93 feet to a iron pin capped Jackins; thence N 0°09'12" W a distance of 269.28 feet to a iron pin capped Jackins on the northeastern boundary line of a 100 foot wide Alabama Power right-of-way; thence N 58°51'38" W along said right-of-way line a distance of 478.12 feet to a 3/4" rebar; thence S 0°24'09" E and leaving said right-of-way line a distance of 519.00 feet to an iron pin capped Jackins; thence S 89°48'32" W a distance of 200.46 feet to an iron pin capped Jackins; thence S 50°12'04" W a distance of 91.91' to an iron pin capped WSE on the eastern boundary line of Lot 7 of Block 2 of Duncan & Gilliam Addition to Cherokee Bend Estates East Sector - 2nd Addition, recorded in the office of the Judge of Probate, Jefferson County, Alabama and the west line of the NW 1/4 of Section 31, Township 17 South, Range 1 West; thence S 0°24'05" E along the west line of said 1/4 section and along the eastern boundary line of said Lot 7 and Lots 1 through Lot 4 of Block 4 of said subdivision a distance of 609.64 feet to the POINT OF BEGINNING.

Subject to a Alabama Power Company Right of Way as recorded in Volume 1456 Page 507, Volume 1490 Page 135, Volume 1490 Page 308, Volume 1456 Page 511, and Volume 1738 Page 785.

EXHIBIT A

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30' EASEMENT

An easement 30 feet in width for the purpose of ingress, egress and utilities, situated in the South 1/2 of the NW 1/4 of Section 31, Township 17 South, Range 1 West, Jefferson County, Alabama, lying 15 feet either side of and parallel to the following described centerline:

Commence at a 1" open pipe being the SW corner of the NW 1/4 of Section 31, Township 17 South, Range 1 West and the southeast corner of Lot 4 Block 4 of Duncan & Gilliam Addition to Cherokee Bend Estates East Sector - 2nd Addition, recorded in the office of the Judge of Probate, Jefferson County, Alabama; thence N 0°24'05" W along the west line of said 1/4 section and the eastern boundary line of lots 4, 3 and 1 of said subdivision and the right of way of Spring Rock Road a distance of 512.75 feet to the POINT OF BEGINNING, said point being a point on a non-tangent curve to the right having a radius of 50.00 feet and a central angle of 51°00'09", the chord of which bears S 64°14'21" E for a distance of 43.05 feet; thence along the arc for a distance of 44.51 feet to a point of tangency; thence S 38°44'17" E a distance of 100.60 feet to a point of curve to the left, having a radius of 70.00 feet and a central angle of 70°21'43", the chord of which bears S 73°55'08" E for a distance of 80.66 feet; thence along the arc for a distance of 85.96 feet to a point of compound curve to the left, having a radius of 100.00 feet and a central angle of 24°25'37", the chord of which is N 58°41'12" E for a distance of 42.31 feet, thence along the arc for a distance of 42.63 feet to a point of tangency; thence N 48°28'23" E a distance of 65.42 feet to a point of curve to the left, having a radius of 240.00 feet and a central angle of 19°18'15", the chord of which is N 36°48'48" E for a distance of 80.55 feet; thence along the arc for a distance of 80.93 feet to a point of reverse curve to the right, having a radius of 100.00 feet and a central angle of 88°11'42", the chord of which bears N 70°15'00" E for a distance of 136.65 feet; thence along the arc for a distance of 150.44 feet to a point of tangency; thence S 68°39'09" E a distance of 37.90 feet to a point of curve to the right, having a radius of 100.00 feet and a central angle of 48°05'12", the chord of which bears S 42°36'33" E for a distance of 81.48 feet; thence along the arc for a distance of 83.93 feet to a point of tangency; thence S 18°33'57" E a distance of 54.28 feet to a point of curve to the left having a radius of 97.27 feet and a central angle of 58°28'42", the chord of which bears S 47°48'18" E for a distance of 95.02 feet, thence along the arc for a distance of 99.28 feet to the POINT OF ENDING of this easement.

I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

Surveyor's Signature: Joseph Schifano III
Alabama License Number 23661, Date: January 24, 2011

NOTE:

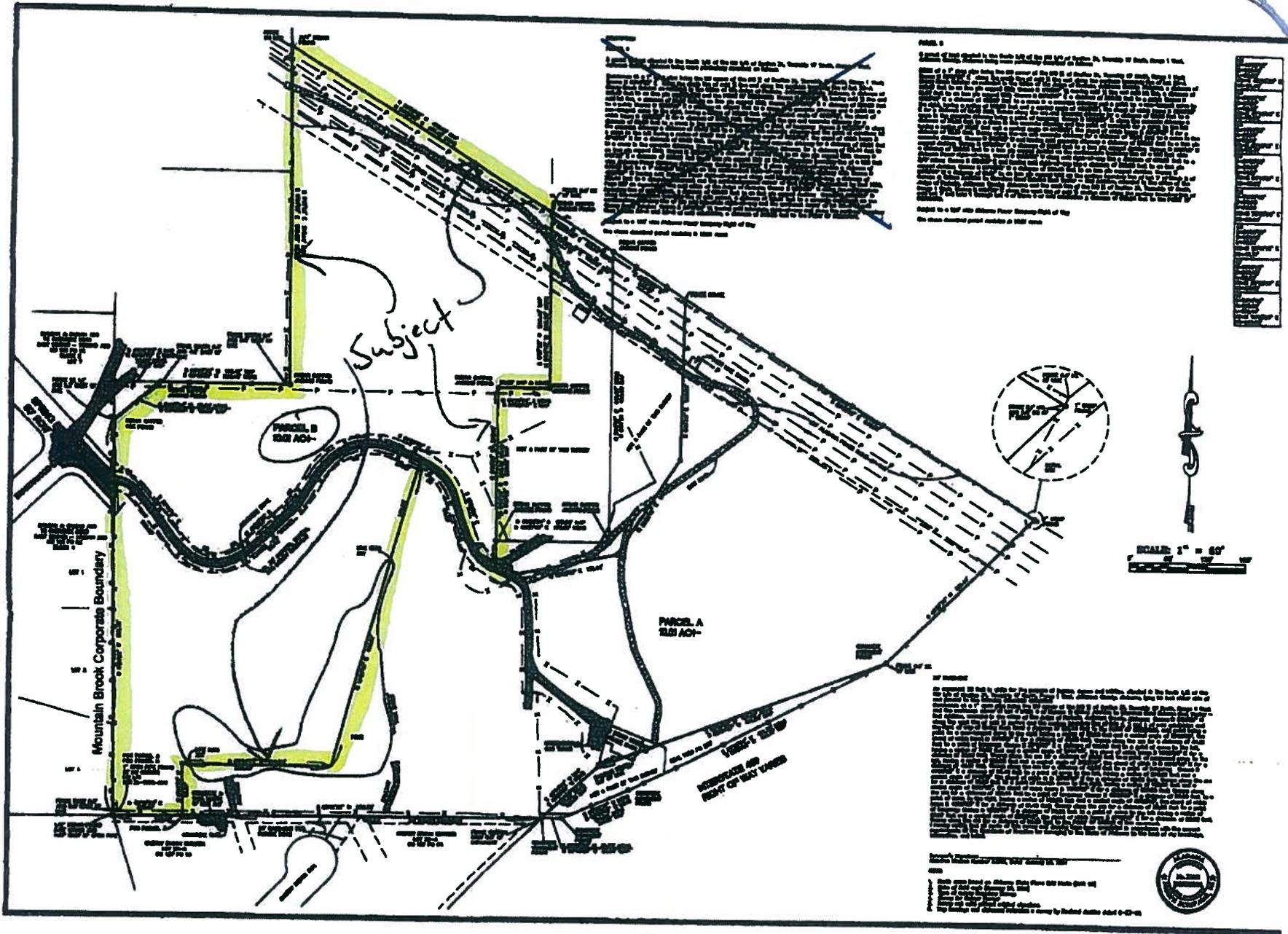
1. North arrow based on Alabama State Plans Grid North (NAD 83)
2. Date of field work (January 20, 2011)
3. Type of survey Boundary Survey.
4. Survey for Connor Farmer
5. Survey not valid without original signature.
6. Map bearings and distances reference a survey by Rowland Jackins dated 9-23-10.



EXHIBIT A

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EXHIBIT B



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