

June 26, 2023

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

The City Council of the City of Athens, Alabama met in regular session at the Athens Municipal Building, 200 Hobbs Street West, Athens, Alabama, on June 26, 2023 at 4:30 p.m. The meeting was called to order by Councilman Harold Wales, President of the City Council. Upon roll call, the following were found to be present: Councilmembers Chris Seibert, Harold Wales, James E. Lucas, Dana Henry and Wayne Harper. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. Chris Seibert offered the invocation. Mayor Marks led the Pledge of Allegiance. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

The Chairperson stated that the Minutes of the June 12, 2023 City Council Meeting had been submitted for approval. Councilman Harper moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried. The Chairperson stated that the Minutes of the June 12, 2023 City Council Work Session Meeting had been submitted for approval. Councilman Harper moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously approved.

Mayor Marks reminded everyone that the 4th of July is coming up and noted that we are very blessed to have the opportunity to open our meetings with prayer. The Mayor wished everyone a safe holiday.

Councilman Lucas stated that he was glad to see paving in District 3 and that he will be glad to see Levert Avenue paved.

Council President Wales invited Jimmy Junkin, Water Services Manager, to give an update on the Strain Road sewer project. Mr. Junkin stated that they are working on finding grants to help out with the project.

PUBLIC HEARING RELATING TO THE ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS, ALABAMA BY AIMBRIDGE HOSPITALITY, LLC, DBA: HAMPTON INN, 1222 KELLI DRIVE, ATHENS, ALABAMA, 35613 (OWNERSHIP CHANGE)

No one spoke in favor of or against.

The public hearing was closed.

PUBLIC HEARING RELATING TO THE ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS, ALABAMA BY ELIZABETH'S COCINA MEXICANA & BAR, LLC, DBA: ELIZABETH'S COCINA MEXICANA & BAR, 616 HIGHWAY 31, SUITE B, ATHENS, AL, 35611 (NEW BUSINESS)

No one spoke in favor of or against.

The public hearing was closed.

PUBLIC HEARING RELATING TO A PROPOSED ORDINANCE TO ZONE +/-27.36 ACRES (WILLIAM J. BURCHFIELD AND KAREN ANN BURCHFIELD) TO EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT), LOCATED ON THE SOUTH SIDE OF HUNTSVILLE BROWNSFERRY RD, APPROXIMATELY 2,700' WEST OF I-65 (PARCEL# 44-16-02-03-0-000-004.006) WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA

Erin Tidwell, City Planner, provided information to the City Council regarding the proposed ordinance.

The public hearing was closed.

Councilman Lucas introduced the following ordinance:

AN ORDINANCE TO ZONE +/- 27.36 ACRES (WILLIAM J. BURCHFIELD AND KAREN ANN BURCHFIELD) TO EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT), LOCATED ON THE SOUTH SIDE OF HUNTSVILLE BROWNSFERRY RD. APPROXIMATELY 2,700' WEST OF I-65 (PARCEL # 44-16-02-03-0-000-004.006) WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2023 – 2270

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that hereinafter described areas should be zoned to EST (Estate Residential and Agricultural District).

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows:

That all of the hereinafter described area or real estate is hereby zoned EST (Estate Residential and Agricultural District) in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

TRACT 1

A tract of land lying in the northwest quarter of section 3, township 4 south, range 4 west, limestone county, alabama, and being more particularly described as follows,

Commence at an existing railroad spike at the northwest corner of said section 3, thence south 01 degrees 00 minutes 49 seconds west along the west boundary of said section 3 a distance of 30.00 feet to a set 5/8" rebar with cap stamped "dunivant engr.co. ca-0044-ls" on the south right-of-way of huntsville-brownsferry road, thence south 89 degrees 06 minutes 01 seconds east along the south right-of-way of said huntsville-brownsferry road a distance of 20.00 feet to a nail with cap stamped "dunivant engr.co. ca-0044-ls" thence continue south 89 degrees 06 minutes 01 seconds east along the south right-of- way of said huntsville-brownsferry road a distance of 208.71 feet to thence a set 5/8" rebar with cap stamped "dunivant engr.co, ca-0044-ls", continue south 89 degrees 06 minutes 01 seconds east along the south right-of-way of said huntsville-brownsferry road a distance of 584.14 feet to a set 5/8" rebar with cap stamped "dunivant engr.co, ca-0044- ls", said 5/8" rebar being the point of true beginning of the tract herein described,

Thence from the point of true beginning continue south 89 degrees 06 minutes 01 seconds east along the south right-of-way of said huntsville-brownsferry road a distance of 184.31 feet to a set 5/8" rebar with cap stamped "dunivant engr.co, ca-0044-ls"

Thence south 01 degrees 00 minutes 49 seconds west a distance of 2614.10 feet to a set 5/8" rebar with cap stamped "dunivant engr.co. ca- 0044-ls"

Thence north 88 degrees 34 minutes 06 seconds west a distance of 472.34 feet to a set 5/8" rebar with cap stamped "dunivant engr.co. ca-0044-ls"

Thence north 00 degrees 23 minutes 37 seconds east a distance of 2340.76 feet to a set 5/8" rebar with cap stamped "dunivant engr.co, ca-0044-ls"

Thence south 39 degrees 21 minutes 19 seconds east a distance of 116.24 feet to a set 5/8" rebar with cap stamped "dunivant engr.co. ca-0044-ls"

Thence north 73 degrees 57 minutes 33 seconds east a distance of 107.65 feet to a set 5/8" rebar with cap stamped "dunivant engr.co. ca-0044-ls"

Thence north 00 degrees 09 minutes 28 seconds west a distance of 184,97 feet to a set 5/8" rebar with cap stamped "dunivant engr.co. ca-0044-ls"

Thence north 83 degrees 33 minutes 13 seconds east a distance of 170.77 feet to a set 5/8" rebar with cap stamped "dunivant engr.co. ca-0044-1s"

Thence north 13 degrees 15 minutes 24 seconds west a distance of 123.35 feet to the point of true beginning and containing 27.36 acres, more or less.

Less and except the following, which was acquired by the State of Alabama for a roadway project:

A part of NW 4 of the NW 4 of Section 3, Township 4-S, Range 4-W, identified as Tract No. 8 on Project No. RAED-042-888-035-RW in Limestone County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commencing at a found concrete monument on the present West R/W line of I-65 at approximate station 150+50.00;

Thence in a northwesterly direction and along said present R/W line a distance of 173 feet, more or less, to a point on the acquired R/W line (said point offset 100' RT and perpendicular to centerline of project at station 149+60.55);

Thence in a westerly direction and along the acquired R/W line a distance of 1344 feet, more or less, to a point on the acquired R/W line (said line offset 100' RT and parallel with centerline of project) (said point also on the grantor's East property line), which is the point of BEGINNING;

Thence N 89°6'12" W and along the acquired R/W line a distance of 160.33 feet to a point on the grantor's property line;

Thence N 13°15'24" W and along the grantor's property line a distance of 98.80 feet to a point on the present South R/W line of Huntsville Brownsferry Rd;

Thence S 89°4'2" E and along said present R/W line a distance of 184.68 feet to a point on the grantor's East property line;

Thence S 1°0'49" W and along the grantor's said property line a distance of 95.68 feet to the point and place of BEGINNING, containing 0.38 acre(s), more or less.

ADOPTED and APPROVED this, the 26th day of June, 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Henry, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Lucas thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Seibert and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

PUBLIC HEARING RELATING TO A PROPOSED ORDINANCE TO ZONE +/-1.86 ACRES (KAREN ANN BURCHFIELD) TO EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT), LOCATED ON THE SOUTH SIDE OF HUNTSVILLE BROWNSFERRY RD, APPROXIMATELY 2,950' WEST OF I-65 (PARCEL#S 44-16-02-03-0-000-004.007 AND 44-16-02-03-0-000-004.008), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA

Erin Tidwell, City Planner, provided information to the City Council regarding the proposed ordinance.

The public hearing was closed.

Councilman Harper introduced the following ordinance:

AN ORDINANCE TO ZONE +/- 1.86 ACRES (KAREN ANN BURCHFIELD) TO EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT), LOCATED ON THE SOUTH SIDE OF HUNTSVILLE BROWNSFERRY RD, APPROXIMATELY 2,950' WEST OF I-65 (PARCEL #s 44-16-02-03-0-000-004.007 AND 44-16-02-03-0-000-004.008), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2023 – 2271

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that hereinafter described areas should be zoned EST (Estate Residential and Agricultural District).

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows:

That all of the hereinafter described area or real estate is hereby zoned EST (Estate Residential and Agricultural District) in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

TRACT 1

A tract of land lying in the Northwest Quarter of Section 3, Township 4 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows,

Commence at an existing railroad spike at the Northwest corner of said Section 3, thence South 01 degrees 00 minutes 49 seconds West along the west boundary of said Section 3 a distance of 30.00 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co, CA-0044-LS" on the south right-of-way of Huntsville-Brownsferry Road, thence South 89 degrees 06 minutes 01 seconds East along the south right-of-way of said Huntsville- Brownsferry Road a distance of 20.00 feet to a nail with cap stamped "Dunivant Engr. Co. CA-0044-LS," thence continue South 89 degrees 06 minutes 01 seconds East along the south right-of-way of said Huntsville- Brownsferry Road a distance of 208.71 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA- 0044-1.S," thence continue South 89 degrees 06 minutes 01 seconds East along the South right-of-way of said Huntsville-Brownsferry Road a distance of 249.59 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS," said 5/8" rebar being the Point of True Beginning of the tract herein described,

Thence from the Point of True Beginning continue South 89 degrees 06 minutes 01 seconds East along the south right-of-way of said Huntsville-Brownsferry Road a distance of 192.74 feet to a set 5/8" rebar with cap stamped "Dunivant Engr, Co. CA-0044-LS,"

Thence South 00 degrees 09 minutes 28 seconds East a distance of 326.44 feet to a set 5/8" inch rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence South 73 degrees 57 minutes 33 seconds West a distance of 107.65 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence North 39 degrees 21 minutes 19 seconds West a distance of 116.24 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence North 03 degrees 29 minutes 36 seconds West a distance of 269.83 feet to the Point of True Beginning and containing 1.39 acres, more or less.

Less and except the following, which was acquired by the State of Alabama for a roadway project:

A part of NW ¼ of the NW ¼ of Section 3, Township 4-S, Range 4-W, identified as Tract No. 7 on Project No. RAED-042-888-035-RW in Limestone County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commencing at a found ROW Monument on the present West R/W line of 1-65 at approximate station 150+50.00;

Thence in a northwesterly direction and along said present R/WV line a distance of 173 feet, more or less, to a point on the acquired R/W line (said point offset 100' RT and perpendicular to centerline of project at station 149+60.55);

Thence in a westerly direction and along the acquired RW line a distance of 1505 feet, more or less, to a point on the acquired RW line (said line offset 100' RT and parallel with centerline of project) (said point also on the grantor's East property line), which is the point of BEGINNING;

Thence N 89°6'12" W and along the acquired R/W line a distance of 351.09 feet to a point on the grantor's West property line;

Thence N 3°29'36" W and along the grantor's said property line a distance of 96.29 feet to a point on the present South R/W line of Huntsville Brownsferry Rd;

Thence S 89°4'2" E and along said present R/W line a distance of 334.31 feet to a point on the grantor's East property line;

Thence S 13°15'24" E and along the grantor's said property line a distance of 98.80 feet to the point and place of BEGINNING, containing 0.75 acre(s), more or less.

TRACT 2

A tract of land lying in the Northwest Quarter of Section 3, Township 4 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows,

Commence at an existing railroad spike at the Northwest corner of said Section 3, thence South 01 degrees 00 minutes 49 seconds West along the West boundary of said Section 3 a distance of 30.00 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS" on the South right-of-way of Huntsville-Brownsferry Road, thence South 89 degrees 06 minutes 01 seconds East along the South right-of-way of said Huntsville- Brownsferry Road a distance of 20.00 feet to a nail with cap stamped "Dunivant Engr. Co. CA-0044-LS," thence continue South 89 degrees 06 minutes 01 seconds East along the South right-of-way of said Huntsville- Brownsferry Road a distance of 208.71 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA- 0044-LS," thence continue South 89 degrees 06 minutes 01 seconds East along the South right-of-way of said Huntsville-Brownsferry Road a distance of 442.33 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS," said 5/8" rebar being the Point of True Beginning of the tract herein described,

Thence from the Point of True Beginning continue South 89 degrees 06 minutes 01 seconds East along the South right-of-way of said Huntsville-Brownsferry Road a distance of 141.81 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence South 13 degrees 15 minutes 24 seconds East a distance of 123.35 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co, CA-0044-LS,"

Thence South 83 degrees 33 minutes 13 seconds West a distance of 170.77 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence North 00 degrees 09 minutes 28 seconds West a distance of 141,46 feet to the Point of True Beginning and containing 0,47 acres, more or less.

Less and except the following, which was acquired by the State of Alabama for a roadway project:

A part of NW 1/4 of the NW 1/4 of Section 3, Township 4-S, Range 4-W, identified as Tract No. 7 on Project No. RAED-042-888-035-RW in Limestone County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commencing at a found ROW Monument on the present West RWWW line of I-65 at approximate station 150+50.00;

Thence in a northwesterly direction and along said present R/W line a distance of 173 feet, more or less, to a point on the acquired R/W line (said point offset 100' RT and perpendicular to centerline of project at station 149+60.55);

Thence in a westerly direction and along the acquired R/W line a distance of 1505 feet, more or less, to a point on the acquired RW line (said line offset 100' RT and parallel with centerline of project) (said point also on the grantor's East property line), which is the point of BEGINNING;

Thence N 89°6'12" W and along the acquired R/W line a distance of 351.09 feet to a point on the grantor's West property line;

Thence N 3°29'36" W and along the grantor's said property line a distance of 96.29 feet to a point on the present South RWWW line of Huntsville Brownsferry Rd;

Thence S 89°4'2" E and along said present R/W line a distance of 334.31 feet to a point on the grantor's East property line;

Thence S 13°15'24" E and along the grantor's said property line a distance of 98.80 feet to the point and place of BEGINNING, containing 0.75 acre(s), more or less.

ADOPTED and APPROVED this, the 26th day of June, 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Seibert moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Henry, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Harper thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Seibert and upon the said motion being put to vote the following vote was recorded: YEAS:

Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

PUBLIC HEARING RELATING TO A PROPOSED ORDINANCE TO REZONE +/-7.5 ACRES (GOODWYN MILLS AND CAWOOD, LLC) FROM INST (INSTITUTIONAL DISTRICT) TO B-2 (GENERAL BUSINESS DISTRICT), LOCATED ON THE EAST SIDE OF US HWY 31 N, APPROXIMATELY 1,350' NORTH OF THE INTERSECTION OF US HWY 31 AND EAST PRYOR STREET (PARCEL# 44-10-02-03-3-000-004.001), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA

Erin Tidwell, City Planner, provided information to the City Council regarding the proposed ordinance.

Sherry Sampson, 807 East Pryor Street, Athens, addressed the City Council stating that she is not opposed to the development but wants to know if the Council has plans to ensure adequate police and fire protection to support the growth in this area.

Council President Wales remarked that the City of Athens is expanding the Police Department. Mayor Marks noted that the City is looking to build a fire station close to the high school and in the Brownsferry area.

The public hearing was closed.

Councilwoman Henry introduced the following ordinance:

AN ORDINANCE TO REZONE +/- 7.5 ACRES (GOODWYN MILLS AND CAWOOD, LLC) FROM INST (INSTITUTIONAL DISTRICT) TO B-2 (GENERAL BUSINESS DISTRICT), LOCATED ON THE EAST SIDE OF U.S. HWY 31 N, APPROXIMATELY 1,350' NORTH OF THE INTERSECTION OF U.S. HWY 31 AND EAST PRYOR STREET (PARCEL # 44-10-02-03-3-000-004.001), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2023 – 2272

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that hereinafter described areas should be rezoned from INST (Institutional District) to B-2 (General Business District).

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows:

That all of the hereinafter described area or real estate is hereby zoned B 2 (General Business District) in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

TRACT K

A tract of land lying partly in the Southeast Quarter of Section 4, Township 3 South, Range 4 West and partly in the West Half of Section 3, Township 3 South, Range 4 West and being more particularly described as follows: Commence at an existing 5/8 inch rebar with cap stamped "W.A. Dunivant RLS 9089" at the intersection of the Eastern right of way of U.S. Highway No. 31 with the Northwestern right of way of Alabama Highway No. 251; thence North 20 degrees 32 minutes 46 seconds East along the Eastern right of way of U.S. Highway No. 31, being 90.00 feet from and parallel with its center line a distance of 1038.55 feet to a set 5/8 inch rebar with cap stamped "W.A. Dunivant RLS 9089", said 5/8 inch rebar being the point of true beginning of the tract herein described; thence from the point of true beginning continue North 20 degrees 32 minutes 46 seconds East along the Eastern right of way of said U.S. Highway No. 31, being 90.00 feet from and parallel to its center line, a distance of 375.95 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co., CA-0044-LS"; thence South 51 degrees 39 minutes 27 seconds East a distance

of 577.58 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co., CA-0044-LS"; thence South 18 degrees 59 minutes 59 seconds West a distance of 263.30 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co., CA-0044-LS"; thence North 62 degrees 55 minutes 20 seconds West a distance of 560.69 feet to the point of true beginning and containing 4.051 acres, more or less;

The above described Tract K is conveyed subject to a 10.00 foot drainage and utility easement taken evenly off the Northern boundary thereof;

The above described Tract K is conveyed subject to a 10.00 foot drainage and utility easement lying 10.00 feet Easterly of and adjoining the Eastern right of way of U.S. Highway No. 31;

The above described Tract K is conveyed subject to a portion of a 100.00 foot TVA transmission line easement of record in the Office of the Judge of Probate of Limestone County, Alabama, in Deed Volume 607 at Page 160. The center line of the 100.00 foot easement being 25.00 feet westerly of and at right angles to the Eastern boundary of the above described Tract K (Engineer's note: This easement possibly purchased by City of Athens, Alabama; unable to locate deed);

The above described Tract K is conveyed subject to a 50.00 foot drainage and utility easement lying 50.00 feet Easterly of and adjoining the West boundary of the above described 100.00 foot TVA easement (Engineer's note: This easement is in the West 50.00 feet of the TVA easement);

AND

TRACT L

A tract of land lying in the West Half of Section 3, Township 3 South, Range 4 West and being more particularly described as follows: Commence at an existing 5/8 inch rebar with cap stamped "W.A. Dunivant RLS 9089" at the intersection of the Eastern right of way of U.S. Highway No. 31 with the Northwestern right of way of Alabama Highway No. 251; thence North 20 degrees 32 minutes 46 seconds East along the Eastern right of way of U.S. Highway No. 31, being 90.00 feet from and parallel with its center line a distance of 721.55 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co., CA-0044-LS"; thence South 66 degrees 19 minutes 09 seconds East a distance of 565.57 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co., CA-0044-LS", said 5/8 inch rebar being the point of true beginning of the tract herein described; thence from the point of true beginning North 18 degrees 59 minutes 59 seconds East a distance of 547.55 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co., CA-0044-LS"; thence South 51 degrees 39 minutes 27 seconds East a distance of 505.86 feet to an existing 5/8 inch rebar with cap stamped "W.A. Dunivant RLS 9089" on the Northwestern right of way of Alabama Highway No. 251; thence South 64 degrees 08 minutes 38 seconds West along the Northwestern right of way of said Alabama Highway No. 251 being 25.00 feet from and parallel with its center line a distance of 548.98 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co., CA-0044-LS"; thence North 66 degrees 19 minutes 09 seconds West a distance of 88.43 feet to the point of true beginning and containing 3.424 acres, more or less.

The above described Tract L is conveyed subject to a 10.00 foot drainage and utility easement taken evenly off the Southwestern and Southeastern boundary thereof;

The above described Tract L is conveyed subject to a portion of a 100.00 foot TVA transmission line easement of record in the Office of the Judge of Probate of Limestone County, Alabama, in Deed Volume 607 at Page 160, the Easterly boundary of said easement lying 25.00 feet Easterly of and at right angles to the Western boundary of the above described tract; AND a 50.00 foot TVA transmission line easement of record in the Office of the Judge of Probate of Limestone County, Alabama, in Volume 690 at Pages 499 and 500 (Engineer's Note: This easement possibly purchased by City of Athens; unable to locate deed);

The above described Tract L is conveyed subject to a 10.00 foot water line easement being more particularly described as commencing at the point of true beginning of the above described tract; thence North 18 degrees 59 minutes 59 seconds East along the Western boundary of the above described tract a distance of 64.00 feet to a point, said point being the point of true beginning of the following described 10.00 foot water line easement, said easement lying 5.00 feet on each side of the following described line; thence from the point of true beginning South 69 degrees 26 minutes

56 seconds East a distance of 155.54 feet to a point on the Northwesterly right of way of Alabama Highway No. 251, said point also being North 64 degrees 08 minutes 38 seconds East a distance of 95.00 feet from a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co., CA-0044-LS" at the Southwest corner of the above described tract, said point also being the terminus point of the above described tract.

ADOPTED and APPROVED this, the 26th day of June, 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Lucas moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Seibert, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Henry thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Harper and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

PUBLIC HEARING RELATING TO A PROPOSED ORDINANCE TO REZONE +/-114.2 ACRES (HENDERSON DEVELOPMENT GROUP, LLC) FROM C-PUD (CONVENTIONAL PLANNED UNIT DEVELOPMENT) TO R-1-1 (LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT), LOCATED ON THE SOUTH SIDE OF PEPPER RD, APPROXIMATELY 2,600' EAST OF LINE RD (TRACTS 1 AND 2 OF KING ESTATE SUBDIVISION) (PARCEL #'S 44-10-06-13-0-000-001.007 AND 44-10-06-13-0-000-001.001), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA

Erin Tidwell, City Planner, provided information to the City Council regarding the proposed ordinance.

The public hearing was closed.

Councilman Seibert introduced the following ordinance:

AN ORDINANCE TO REZONE +/- 114.2 ACRES (HENDERSON DEVELOPMENT GROUP, LLC) FROM C-PUD (CONVENTIONAL PLANNED UNIT DEVELOPMENT) TO R 1-1 (LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT), LOCATED ON THE SOUTH SIDE OF PEPPER RD, APPROXIMATELY 2,600' EAST OF LINE RD (TRACTS 1 AND 2 OF KING ESTATE SUBDIVISION) (PARCEL #'S 44-10-06-13-0-000-001.007 AND 44-10-06-13-0-000-001.001), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2023 – 2273

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that hereinafter described areas should be rezoned from C-PUD (Conventional Planned Unit Development) to R 1-1 (Single Family Residential District).

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows:

That all of the hereinafter described area or real estate is hereby zoned R 1-1 (Single Family Residential District) in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 4 WEST, LYING NORTH OF THE MIDDLE OF PINEY CREEK AND CONTAINING APPROXIMATELY 113.65 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER AND FROM SAID POINT OF BEGINNING RUN EAST ALONG THE SECTION LINE 2630 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH ALONG THE EAST BOUNDARY OF SAID SECTION, 764 FEET TO A POINT IN THE MIDDLE OF PINEY CREEK; THENCE DOWN THE MIDDLE OF PINEY CREEK WITH ITS MEANDERINGS TO THE INTERSECTION OF SAID MIDDLE LINE OF PINEY CREEK WITH THE WEST BOUNDARY LINE OF SAID NORTHEAST QUARTER, THENCE NORTH WITH THE ONE-HALF SECTION LINE 2127 FEET TO THE POINT OF BEGINNING, AND BEING THE SAME REAL ESTATE CONVEYED TO JOHN W. KING BY DEED RECORDED IN THE PROBATE OFFICE OF LIMESTONE COUNTY, ALABAMA, IN VOLUME 448 PAGE 73.

ADOPTED and APPROVED this, the 26th day of June, 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Lucas, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Seibert thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Harper and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

PUBLIC HEARING RELATING TO A PROPOSED ORDINANCE TO ZONE +/-26.3 ACRES (ROGER WAYNE MILLER) TO EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT), LOCATED ON THE SOUTH SIDE OF HUNTSVILLE BROWNSFERRY RD, APPROXIMATELY 2,400' WEST OF I-65 (PARCEL# 44-16-02-03-0-000-004.005), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA

Erin Tidwell, City Planner, provided information to the City Council regarding the proposed ordinance.

The public hearing was closed.

Councilman Lucas introduced the following ordinance:

AN ORDINANCE TO ZONE +/- 26.3 ACRES (ROGER WAYNE MILLER) TO EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT), LOCATED ON THE SOUTH SIDE OF HUNTSVILLE BROWNSFERRY RD.,

APPROXIMATELY 2,400' WEST OF I-65 (PARCEL # 44-16-02-03-0-000-004.005) WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2023 – 2274

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that hereinafter described areas should be zoned EST (Estate Residential and Agricultural).

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows:

That all of the hereinafter described area or real estate is hereby zoned EST (Estate Residential and Agricultural District) in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

TRACT 1

A tract of land lying in the Northwest Quarter of Section 3, Township 4 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows,

Commence at an existing railroad spike at the Northwest corner of said Section 3, thence South 01 degrees 00 minutes 49 seconds West along the west boundary of said Section 3 a distance of 30.00 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co, CA-0044-1.S" on the south right-of-way of Huntsville-Brownsferry Road, thence South 89 degrees 06 minutes 01 seconds East along the south right-of-way of said Huntsville- Brownsferry Road a distance of 20.00 feet to a nail with cap stamped "Dunivant Engr. Co. CA-0044-LS," thence continue South 89 degrees 06 minutes 01 seconds East along the south right-of-way of said Huntsville-Brownsferry Road a distance of 208,71 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA- 0044-LS," thence continue South 89 degrees 06 minutes 01 seconds East along the south right-of-way of said Huntsville-Brownsferry Road a distance of 768.45 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS," said 5/8" rebar being the Point of True Beginning of the tract herein described,

Thence from the Point of True Beginning continue South 89 degrees 06 minutes 01 seconds East along the south right-of-way of said Huntsville-Brownsferry Road a distance of 458.16 feet to a point in Swan Creek, passing a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS," being a witness corner, at a distance of 403.77 feet,

Thence South 00 degrees 22 minutes 33 seconds East along said Swan Creek a distance of 2123.36 feet to a point,

Thence North 88 degrees 34 minutes 05 seconds West a distance of 175.28 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS," passing a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS," being a witness corner, at a distance of 75.28 feet,

Thence South 00 degrees 59 minutes 42 seconds West a distance of 496.00 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence North 88 degrees 34 minutes 06 seconds West a distance of 334.54 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence North 01 degrees 00 minutes 49 seconds East a distance of 2614.10 feet to the Point of True Beginning and containing 27.36 acres, more or less,

Less and except the following, which was acquired by the State of Alabama for a roadway project:

A part of NW 1/4 of the NW 1/4 and NE 1/4 of the NW 1/4 of Section 3, Township 4-S, Range 4-W, identified as Tract No. 9 on Project No. RAED-042-888-035-RW in Limestone County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commencing at a found ROW marker on the present West R/W line of 1-65 at approximate station 150+50.00;

Thence in a northwesterly direction and along said present R/W line a distance of 173 feet, more or less, to a point on the acquired R/W line (said point offset 100' RT and perpendicular to centerline of project at station 149+60.55);

Thence in a westerly direction and along the acquired R/W line a distance of 870 feet, more or less, to a point on the acquired RAW line (said line offset 100' RT and parallel with centerline of project) (said point also on the grantor's East property line), which is the point of BEGINNING;

Thence N 89°6'12" W and along the acquired R/W line a distance of 474.87 feet to a point on the grantor's West property line;

Thence N 1°0'49" E and along the grantor's said property line a distance of 95.68 feet to a point on the present South R/W line of Huntsville Brownsferry Rd;

Thence S 89°4'2" E and along said present R/W line a distance of 472.55 feet to a point on the grantor's East property line;

Thence S 0°22'33" E and along the grantor's said property line a distance of 95.41 feet to the point and place of BEGINNING, containing 1.04 acres, more or less.

ADOPTED and APPROVED this, the 26th day of June, 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Seibert, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Lucas thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Henry and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

PUBLIC HEARING RELATING TO A PROPOSED ORDINANCE TO ZONE +/-30.04 ACRES (TIMOTHY A. MILLER) TO EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT), ON THE SOUTH SIDE OF HUNTSVILLE BROWNSFERRY RD, APPROXIMATELY 3,400' WEST OF I-65 (PARCEL#S 44-16-02-03-0-000-004.001 AND 44-16-02-03-0-000-004.000), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA

Erin Tidwell, City Planner, provided information to the City Council regarding the proposed ordinance.

The public hearing was closed.

Councilman Seibert introduced the following ordinance:

AN ORDINANCE TO ZONE +/- 30.04 ACRES (TIMOTHY A. MILLER) TO EST (ESTATE RESIDENTIAL AND AGRICULTURE DISTRICT), ON THE SOUTH SIDE OF HUNTSVILLE BROWNSFERRY RD, APPROXIMATELY 3,400' WEST OF I-65 (PARCEL#S 44-16-02-03-0-000-004.001 AND 44-16-02-03-0-000-004.000) WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, ALABAMA.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2023 – 2275

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that hereinafter described areas should be zoned EST (Estate Residential and Agricultural).

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows:

That all of the hereinafter described area or real estate is hereby zoned EST (Estate Residential and Agricultural) in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

TRACT 1

A tract of land lying in the Northwest Quarter of Section 3, Township 4 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows,

Commence at an existing railroad spike at the Northwest corner of said Section 3, thence South 01 degrees 00 minutes 49 seconds West along the west boundary of said Section 3 a distance of 30,00 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS" on the south right-of-way of Huntsville-Brownsferry Road, thence South 89 degrees 06 minutes 01 seconds East along the south right-of-way of said Huntsville- Brownsferry Road a distance of 20.00 feet to a nail with cap stamped "Dunivant Engr. Co. CA-0044-LS," thence continue South 89 degrees 06 minutes 01 seconds East along the south right-of-way of said Huntsville- Brownsferry Road a distance of 208.71 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA- 0044-LS," said 5/8" rebar being the Point of True Beginning of the tract herein described,

Thence from the Point of True Beginning continue South 89 degrees 06 minutes 01 seconds East along the south right-of-way of said Huntsville-Brownsferry Road a distance of 249.59 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence South 03 degrees 29 minutes 36 seconds East a distance of 269.83 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence South 02 degrees 23 minutes 37 seconds West a distance of 2340.76 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co, CA-0044-LS,"

Thence North 88 degrees 34 minutes 06 seconds West a distance of 524.84 feet to an existing 1-1/2" pipe on the west boundary of said Section 3,

Thence North 01 degrees 00 minutes 49 seconds East along the west boundary of said Section 3 a distance of 1867.42 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence South 87 degrees 47 minutes 44 seconds East a distance of 165.36 feet to an existing 1/2 1/2", rebar with cap stamped "Athens Land Surveying,"

Thence North 02 degrees 37 minutes 29 seconds West a distance of 324.38 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS," Thence South 89 degrees 06 minutes 01 seconds East a distance of 83.97 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence North 01 degrees 00 minutes 49 seconds East a distance of 417.42 feet to the Point of True Beginning and containing 27.17 acres, more or less.

Less and except the following, which was acquired by the State of Alabama for a roadway project:

Commencing at the SW corner of the NW 1/4 of the NW 1/4 of Section 3, Township 4-S, Range 4-W;

Thence in a northerly direction and along the quarter section line a distance of 1166 feet, more or less, to a point on the acquired RM line (said line offset 100' RT and parallel with centerline of project);

Thence in an easterly direction and along the acquired R/W line a distance of 235 feet, more or less, to a point on the grantor's property line, which is the point of BEGINNING;

Thence N 1°0'49" E and along the grantor's property line a distance of 96.16 feet to a point on the present South R/W line of Huntsville Brownsferry Rd; thence S 89°4'2" E and along said present R/W line a distance of 243.26 feet to a point on the grantor's East property line;

Thence S 3°29'36" E and along the grantor's said property line a distance of 96.29 feet to a point on the acquired RAW line (said line offset 100' RT and parallel with centerline of project);

Thence N 89°6'12" W and along the acquired R/W line a distance of 250.83 feet to the point and place of BEGINNING, containing 0.54 acre(s), more or less.

AND

TRACT 2

A tract of land lying in the Northwest Quarter of Section 3, Township 4 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows,

Commence at an existing railroad spike at the Northwest corner of said Section 3, thence South 01 degrees 00 minutes 49 seconds West along the west boundary of said Section 3 a distance of 30.00 feet to a 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS" on the south right-of-way of Huntsville-Brownsferry Road, said 5/8" rebar being the Point of True Beginning of the tract herein described,

Thence from the Point of True Beginning South 89 degrees 06 minutes 01 seconds East along the south right-of-way of said Huntsville-Brownsferry Road a distance of 20.00 feet to a set nail with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence South 01 degrees 00 minutes 49 seconds West a distance of 417.42 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence North 89 degrees 06 minutes 01 seconds West a distance of 20.00 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence North 01 degrees 00 minutes 49 seconds East a distance of 417.42 feet to the Point of True Beginning and containing 0.19 acres, more or less.

Less and except the following, which was acquired by the State of Alabama for a roadway project:

Commencing at the SW corner of the NW 1/4 of the NW 1/4 of Section 3, Township 4-S, Range 4-W;

Thence in a northerly direction and along the quarter section line a distance of 1166 feet, more or less, to a point on the grantor's West property line (said point also on the acquired R/W line (said line offset 100' RT and parallel with centerline of project)), which is the point of BEGINNING;

Thence N 1°0'14" E and along the grantor's said property line a distance of 96.31 feet to a point on the present South R/W line of Huntsville Brownsferry Rd;

Thence S 89°4'2" E and along said present R/W line a distance of 20.24 feet to a point on the grantor's property line;

Thence S 1°0'49" W and along the grantor's property line a distance of 96.30 feet to a point on the acquired R/W line (said line offset 100' RT and parallel with centerline of project);

Thence N 89°6'12" W and along the acquired RAW line a distance of 20.22 feet to the point and place of BEGINNING, containing 0.04 acre(s), more or less.

AND

TRACT 3

A tract of land lying in the Northwest Quarter of Section 3, Township 4 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows,

Commence at an existing railroad spike at the Northwest corner of said Section 3, thence South 01 degrees 00 minutes 49 seconds West along the west boundary of said Section 3 a distance of 125.93 feet to a point on the south right-of-way of Project No. RAED-042-888-035- RW, thence South 89 degrees 07 minutes 00 seconds East, being 100 feet south of and parallel with the centerline of Project No. RAED-042-888-035-RW, a distance of 20.00 feet to a set mag nail with cap stamped "Dunivant Engr. Co, CA-0044-LS," said mag nail being the Point of True Beginning of the tract herein described,

Thence from the Point of True Beginning continue South 89 degrees 07 minutes 00 seconds East, being 100 feet south of and parallel with the centerline of Project No. RAED-042-888- 035-RW a distance of 208.71 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence South 01 degrees 00 minutes 49 seconds West a distance of 164.43 feet to an existing 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS," Thence North 89 degrees 06 minutes 01 seconds West a distance of 208.71 feet to an existing 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS,"

Thence North 01 degrees 00 minutes 49 seconds East a distance of 164.37 feet to the Point of True Beginning and containing 0.79 acres, more or less.

AND

TRACT 4

A tract or land lying the Northwest Quarter of Section 3, Township 4 South, Range 4 Wert, Limestone County, Alabama and being more particularly described as follows:

Commence at an existing railroad spike at the Northwest corner of said Section 3, thence South 1 degrees 00 minutes 49 seconds West along the West boundary of said Section 3 a distance of 30.00 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co CA-0044-LS" on the South right of way of Huntsville Brownsferry Road, thence South 89 degrees 06 minutes 01 seconds East along the South right of way of said Huntsville Brownsferry Road a distance of 20.00 feet to a nail with a cap stamped "Dunivant Engr. Co CA-0044-LS", thence South 01 degrees 00 minutes 49

seconds West a distance of 260.29 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co CA- 0044-LS," said 5/8 inch rebar being the Point of True Beginning of the tract herein described,

Thence from the Point of True Beginning South 89 degrees 06 minutes 01 seconds East a distance of 208.71 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co CA-0044-LS,"

Thence South 01 degrees 00 minutes 49 seconds West a distance of 157.13 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co CA-0044-LS",

Thence North 89 degrees 06 minutes 01 seconds West a distance of 208.71 feet to a set 5/8 inch rebar with cap stamped "Dunivant Engr. Co CA-0044-LS",

Thence North 01 degrees 00 minutes 49 seconds East a distance of 157.13 feet to the Point of True Beginning and containing 0.75 acres, more or less.

AND

TRACT 5

A tract or parcel of land containing 0.73 acres, more or less, lying and being located in the West one-half of the Northeast Quarter of Section 3, Township 4 South, Range 4 West, Limestone County, Alabama, described as follows:

Beginning at a point on the west boundary of said Section 3 where the same intersects the south boundary of the Huntsville- Browns Ferry Road and from the point of beginning run South 00 degrees 27 minutes 51 seconds East along said west boundary a distance of 417.42 feet to the TRUE POINT OF BEGINNING: Thence continue South 00 degrees 27 minutes 51 seconds East a distance of 320.00 feet to a point, thence run East a distance of 100.00 feet to a point, thence run North 00 degrees 27 minutes 51 seconds West a distance of 320.00 feet to a point, thence run West a distance of 100.00 feet to the true point of beginning.

AND

TRACT 6

0.410 acres lying in the Northwest Quarter of the Northwest Quarter of said Section 3, Township 4 South, Range 4 West, Limestone County, Alabama and being more particularly described as follows; commencing at an existing railroad spike at the Northwest corner of said Section 3; thence South 01 degrees 17 minutes 00 seconds East along the West boundary of said Section 3 for a distance of 447.42 feet to a point; thence North 90 degrees 00 minutes 00 seconds East for a distance of 100.00 feet to a set 1/2 inch rebar stamped "ATHENS LS CA-0292-LS" at the Point of Beginning of the herein described property; thence from the Point of Beginning, North 90 degrees 00 minutes 00 seconds East for a distance of 43.18 feet to a set 1/2 inch rebar stamped " ATHENS LS CA- 0292-LS"; thence South 04 degrees 59 minutes 40 seconds East for a distance of 321.20 feet to a set 1/2 inch rebar stamped "ATHENS LS CA-0292-LS"; thence North 90 degrees 00 minutes 00 seconds West for a distance of 68.56 feet to a set 1/2 inch rebar stamped "ATHENS LS CA-0292-LS"; thence North 00 degrees 27 minutes 51 seconds West for a distance of 320.0 feet to the Point of Beginning, containing 0.410 acres.

ADOPTED and APPROVED this, the 26th day of June, 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Henry moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Harper, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Seibert thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Lucas and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the travel expenses in the following amount be approved for Electric Department personnel:

Harrison Russell TVPPA-Line Design & Staking-Level 2-Knoxville, TN	\$155.34
Clifton Kirby TVPPA-Line Design & Staking-Level 2- Knoxville, TN	\$208.11
Jake Holland TVPPA-Line Design & Staking-Level 2- Knoxville, TN	\$209.67

The motion was seconded by Councilman Seibert and was unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of a Panasonic 13,000 lumen, laser LCD projector and a Dalite 9' 6" fixed frame screen for the City Council chambers. This equipment will be purchased from the ESB Group, Inc. in an amount not to exceed \$34,000, including installation, and shall be funded from the existing information technology capital account.

The motion was seconded by Councilman Seibert and was unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to issue a purchase order to the Alabama Department of Transportation (ALDOT) to purchase two (2) 2011 flatbed diesel dump trucks for \$30,000 each. This purchase shall be funded from the existing Street Department Capital line item.

The motion was seconded by Councilman Seibert and was unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant for a “Restaurant Retail Liquor” alcohol license:

Business Name: D and L Seafood and Grill, LLC
Dbas: D and L Seafood and Grill
Address: 229 French Farms Blvd, Suite L
Athens, AL 35611

The motion was seconded by Councilman Seibert and was unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant for a “Restaurant Retail Liquor” alcohol license:

Business Name: The Salty Cod, LLC
Dbas: The Salty Cod
Address: 309 West Market Street
Athens, AL 35611

The motion was seconded by Councilman Seibert and was unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of three state bid vehicles, two new 2023 Chevrolet 2500 two wheel drive trucks with service bodies and one 2023 Chevrolet Tahoe, from Donahue Chevrolet at a cost of \$165,380.50 for the Gas Department and spread the same on the minutes.

The motion was seconded by Councilman Seibert and was unanimously carried.

Councilman Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the FY 2024 Electric Department budget and spread the same on the minutes.

PROPOSED FY 2024 ELECTRIC DEPT. BUDGET

REVENUES:

Metered Electric Sales	\$ 151,839,575
Miscellaneous Revenue	\$ 2,808,000
Aid to Construction	<u>\$ 5,000,000</u>
TOTAL OPERATING REVENUE	\$ 159,647,575

EXPENSES:

Employee Expense – Salaries and Benefits	\$ 11,049,083
Purchased Power	\$ 123,293,735
System Operation and Maintenance Expenses	\$ 3,731,175

Customer Service Expense	\$ 2,210,413
Uncollectable Account Expenses	\$ 225,000
Administrative and General Expenses	\$ 1,853,673
Vehicle & Equipment Operation and Maintenance	\$ 705,000
Tax Equivalent Payments	\$ 2,803,818
Debt Service Expenses	\$ 4,584,654
General Fund Salaries & Expenses	\$ 200,000
Construction In Progress	\$ 4,200,000
Transformers	\$ 2,000,000
Meters	\$ 400,000
TOTAL OPERATING EXPENSES	\$ 157,256,552

NET OPERATING BUDGET **\$ 2,391,023**

DRAW FROM RESERVES \$ 500,000

CAPITAL EXPENDITURES

Vehicles	\$ 1,127,500
Parking Lot Re-Paving (From Reserves)	\$ 500,000
EV Charging Stations	\$ 30,000
Fiber to Substations	\$ 60,000
Building Improvements	\$ 50,000
Misc. Tools and Equipment	\$ 100,000
Network Equipment	\$ 25,000
Continue Upgrade of Substations	\$ 100,000
Regulator/Capacitor Controls	\$ 40,000
Substation & Spare Voltage Regulators	\$ 75,000
Pole Top Reclosers	\$ 40,000
SCADA System Maint. and SCADA radios	\$ 40,000
Computer Hardware and Software	\$ 35,000
OMS and Mapping	\$ 15,000
Office Equipment	\$ 27,500
Substation Maintenance Equipment	\$ 5,000
Substation and Industrial Metering	\$ 7,500
Traffic Light Modernization	\$ 25,000
Security System (Cameras)	\$ 10,000
System Improvements (From Reserve)	\$ 500,000
TOTAL CAPITAL EXPENDITURES	\$ 2,812,500

TOTAL NET BUDGET \$ 78,523

The motion was seconded by Councilman Seibert and was unanimously carried.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to authorize the Electric Department Manager, contingent upon final FY 24 budget approval, to award contracts for FY 2024 Line Clearance and Tree Maintenance as follows:

Asplundh Tree Expert, LLC - Total for all circuits: \$325,322.00

1. Ardmore 234: \$178,175.00
2. Ardmore 244: \$147,147.00

Tree Professional, Inc- Total for all circuits: \$754,997.00

1. Athens District 264: \$26,772.00
2. Athens District 344: \$111,982.50
3. Athens Primary 264: \$191,807.50
4. Ardmore 264: \$145,950.00
5. Ardmore 274: \$150,875.00
6. Peach Orchard 224: \$97,295.00
7. Peach Orchard 254: \$30,315.00

Kendall Vegetation Services, LLC - Total for all circuits: \$193,029.81

1. Elkmont 214: \$193,029.81

The motion was seconded by Councilman Lucas and was unanimously carried.

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the street department to construct drainage, sidewalk and streetscape improvements on South Marion Street extending from East Green Street to East South Street in front of the Old Black Bear Brewery. The estimated cost of these improvements is not to exceed \$45,000 and is to be funded through a general fund budget amendment to the Street Department Special Projects line item.

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Seibert, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Lucas thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Henry and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2023 - 1893

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA AS FOLLOWS:

- I. THAT THE CITY AUTHORIZES THE MAYOR TO APPLY FOR U.S. DEPARTMENT OF TRANSPORTATION "USDOT FY23 SAFE STREETS AND ROADS FOR ALL FUNDING (SS4A)" PROGRAM FROM THE FEDERAL HIGHWAY ADMINISTRATION IN THE AMOUNT OF \$300,000 (\$240,000 FEDERAL AND \$60,000 SPONSOR); AND
- II. THIS FUNDING, IF AWARDED, WILL BE USED FOR THE UPDATE OF A NEW COMPREHENSIVE SAFETY ACTION TRANSPORTATION PLAN; AND
- III. IF SS4A FUNDING IS AWARDED, THE CITY OF ATHENS AGREES TO PAY REQUIRED EXPENSES, INCLUDING BUT NOT LIMITED TO \$60,000 FOR MATCHING FUNDS; AND
- IV. THAT THE SS4A APPLICATION BE EXECUTED IN THE NAME OF THE CITY; AND

V. THAT THE AGREEMENT BE ATTESTED BY THE CITY CLERK AND THE SEAL OF THE CITY OF ATHENS BE AFFIXED THERETO; NOW THEREFORE

BE IT RESOLVED, THAT UPON THE COMPLETION OF THE EXECUTION OF THE AGREEMENT BY ALL PARTIES, THAT A COPY OF THE AGREEMENT BE KEPT ON FILE BY THE CITY CLERK.

ADOPTED AND APPROVED by the City Council of Athens, Alabama on this, the 26th day of June 2023.

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

The motion was seconded by Councilman Lucas and was unanimously carried.

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2023 - 1894

**A RESOLUTION ACCEPTING THE DEDICATION OF
REAL PROPERTY AS A PUBLIC RIGHT OF WAY**

WHEREAS, in the Canebrake subdivision, the southern end of Turnberry Lane dead ends into the rear of Lot No 220 of the Final Plat of the Links at Canebrake, Phase 3;

WHEREAS, D. R. HORTON, INC. - BIRMINGHAM has offered to dedicate the following real property at the rear of Lot 220 to the City, to-wit:

A 15 FOOT BY 75 FOOT PORTION OF LOT 220 OF THE FINAL PLAT FOR THE LINKS AT CANEBRAKE PHASE 3A, BEING SITUATED IN SECTION 23, TOWNSHIP 3 SOUTH, RANGE 4 WEST, AND RECORDED IN PLAT BOOK K PAGE 141, IN THE OFFICE OF THE JUDGE OF PROBATE OF LIMESTONE COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS" SITUATED ON THE NORTHEAST CORNER OF SAID LOT 220, SAID FOUND CAPPED IRON PIN ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, THENCE RUN SOUTH 00°18'32" WEST AT A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN NORTH 89°44'01" WEST AT A DISTANCE OF 75.00 FEET TO A POINT; THENCE RUN NORTH 00°18'34" EAST AT A DISTANCE OF 15.00 FEET TO A POINT ON THE NORTHERN BOUNDARY OF SAID SUBDIVISION; THENCE RUN SOUTH 89°44'01" EAST AT A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING,

SAID TRACT CONTAINS 0.03 ACRES, MORE OR LESS.

(the "Property");

WHEREAS, as an aid to the reader, the Property is shown and depicted on *Exhibit A* hereto as a "75x15 Public Turnaround";

The motion was seconded by Councilman Lucas and was unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to designate the Monday, July 3, 2023 as an additional holiday for FY2023.

ADOPTED AND APPROVED this the 26th day of June 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

The motion was seconded by Councilman Seibert and was unanimously carried.

Randy Oliver, 112 Winslow Drive, Athens, addressed the City Council concerning the current homeless situation in the City of Athens. Mr. Oliver stated that the private property behind Whitfield Colony is being occupied by several homeless people and he believes that the City is not doing enough to remedy the situation.

Council President Wales commented that he wished that he had the resources to help the homeless and he described the condition of locations that have been occupied, noting the garbage and stench. Mr. Wales challenged the City Council and the Mayor to find a way to deal with the situation.

Police Chief, Floyd Johnson, addressed the City Council regarding the homeless situation and noted that it is very hard to watch someone hand money out of their car window knowing where the money is going to be used. Chief Johnson stated that mental health is a huge problem in this particular situation. He remarked that his department has spoken with property owners and informed them of the process to remove homeless people from their property. He also remarked that if enough personnel is available, they will take someone to a homeless shelter if they elect to go. Chief Johnson urged the citizens to call the police department if they have a problem.

Mayor Marks noted that there is a legal process and that Chief Johnson and his department have checked for sex offenders within the encampment. The Mayor urged that the property owners must take steps in order for the City of Athens to become involved in the process. He also stated that he understands the concern of the citizens but that the City of Athens will follow the proper legal process.

Jack McDaniel, 1403 Woodside Drive, Athens, addressed the City Council regarding the possibility of enforcing a law that requires someone to have written permission to live on someone's property.

Alan Creasy, 202 Whitfield Drive, Athens, addressed the City Council stating that his property backs up to the property in question. Mr. Creasy remarked that he can hear the homeless people screaming and that a solution must be found to protect everyone's property and their safety. He asked the City Council to please help their community with the situation.

Ryan Dorminey, 106 Ridgelawn Drive, Athens, addressed the City Council regarding his local business. Mr. Dorminey stated that he has called the police several times to complain about homeless people harassing customers and loitering. He noted that not only homeowners that are affected but also the livelihood of business owners.

Betsy Dorminey, 106 Ridgelawn Drive, Athens, addressed the City Council and commended the police for coming on every call and noted that one shouldn't have to rely on the police for such situations. She stated that the homeless situation will deter people from opening businesses in Athens and that it isn't a safe community anymore.

Donna French, 116 Malone Circle, Athens, addressed the City Council and stated that people have to carry a gun at all times now because one is very likely to come face-to-face with someone that doesn't belong on their property. Ms. French noted that Tennessee has passed a law that carries a four or five year felony for being homeless. She also noted that homeless reside next to Brookhill Elementary and that it is very unsafe for the children.

Lee Michael, 402 Utah Street, Athens, addressed the City Council and noted that a plan has been in place for a while. Mr. Michael stated that the Downtown Rescue Mission wanted to locate within the city limits but was told that they could not. He asked for the help of the City and the community.

Chief Floyd Johnson expressed his appreciation to the City Council for everything that they have done and announced his retirement, effective August 1, 2023. Chief Johnson stated that it has been an honor to serve this community for 41 years.

* * *

There being no further business to come before the meeting, Council President Wales asked if there were any objections to adjourning the meeting. There being none, the meeting was duly and properly adjourned.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK