

ORDINANCE NO. 98-142

**AN ORDINANCE ASSENTING TO THE ANNEXATION OF PROPERTY
INTO THE CORPORATE LIMITS OF THE TOWN OF BROOKWOOD
AS A RESULT OF A PETITION FILED BY JOY TECHNOLOGIES, INC.
D/B/A JOY MINING MACHINERY.**

WHEREAS, Joy Technologies, Inc. d/b/a Joy Mining Machinery, the owner of the real property hereinafter described did sign and file a written petition with the City Clerk, a copy of which is attached hereto, requesting that said property be annexed into the Town of Brookwood; and,

WHEREAS, said property is warranted by all of the owners thereof to be contiguous to the corporate limits of the Town of Brookwood, located in Tuscaloosa County, Alabama, and does not lie within the corporate limits of any other municipality as shown by a map attached hereto; and

WHEREAS, said petitioner requested that the Town of Brookwood adopt an ordinance allowing such annexation and that the corporate limits of the Town of Brookwood be extended and rearranged so as to embrace and include such property.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Brookwood, Alabama;

1 Pursuant to the provisions of §11-42-20 of the Code of Alabama, 1975, as amended, the following described property to-wit:

See Exhibit "A" attached hereto and made a part of this Ordinance as if fully set out herein.

Be and the same is hereby, annexed to the corporate limits of the Town of Brookwood, and said property shall be and hereby is, made a part of the Town of Brookwood, upon the date

of posting of this Ordinance.

2. In the event that the property described in Exhibit "A" lies wholly or partially within the police jurisdiction of any other municipality, such property shall be and hereby is annexed to the corporate limits of the Town of Brookwood, and is made a part of the Town of Brookwood, pursuant to the provisions of the Act of August 30, 1973, No. 654, §3 1973 Ala. Acts 654 [codified at Ala. Code APPX., §382 (58) (1973)].

Such annexation shall be effective upon the date of posting of this Ordinance.

3. The City Attorney shall file a certified copy of this Ordinance in the Office of the Judge of Probate of Tuscaloosa County, Alabama.

4. The City Attorney shall forward a copy of the recorded Ordinance to the Tax Assessor for Tuscaloosa County, Alabama.

ADOPTED AND APPROVED this the 27 day of April, 1998.

BROOKWOOD TOWN COUNCIL

BY: Alton C. Hyde
Mayor

ATTEST:

Linda Barger
Town Clerk

I hereby certify that the above and foregoing Ordinance was posted on the
27 day of April 1998, at the following locations:

1. Town Hall
2. Henry's
3. Hudson
4. Jimmy's Store

Linda Bauer
Town Clerk

STATE OF ALABAMA
TUSCALOOSA COUNTY
TOWN OF BROOKWOOD

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* PETITION FOR ANNEXATION
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TO THE TOWN COUNCIL OF THE TOWN OF BROOKWOOD:

The undersigned, being the property owner of the land described below and set out in red outline on a map, do petition the Town Council of the Town of Brookwood, pursuant to §§11-42-20 et seq of the Code of Alabama (1975, as amended) or in the alternative Act of August 30, 1973, No. 654, Section 3, 1973 Ala. Acts 654 [Codified at Ala. Code Appx., §382(58) (1973)], to extend the corporate limits of the Town of Brookwood so as to annex to said Town the following described property located in Tuscaloosa County, to-wit:

See Exhibit "A" attached hereto and incorporated herein by reference.

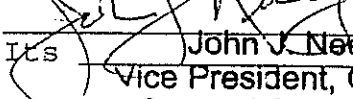
In support of this petition, it is certified by the undersigned that the said territory is contiguous to the existing corporate limits of the Town of Brookwood and does not embrace any territory within the corporate limits of another municipality, and when annexed to the Town of Brookwood will form a homogeneous part of the Town.

The undersigned further certifies that it is the owner of all the land within the above described property and that the information set forth in the attached annexation questionnaire is true and correct.

The undersigned further petition the Town Council of the Town of Brookwood to adopt an appropriate annexation ordinance assenting to this annexation petition.

Respectfully submitted this the 14th day of April,
1998.

Joy Technologies Inc. d/b/a
Joy Mining Machinery
4 Industrial Park
Mt. Vernon, Illinois 62864

By: 
Its John J. Neely
Vice President, General
Counsel & Secretary

COMMONWEALTH OF PENNSYLVANIA

~~STATE OF ALABAMA~~

ALLEGHENY
TUSCALOOSA COUNTY

~~TOWN OF BROOKWOOD~~

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ACKNOWLEDGEMENT

I, the undersigned authority, a notary public in and for said state, hereby certify that JOHN J. NEELY whose name as V.P., Gen'l Counsel & Secretary of Joy Technologies Inc., is signed to the foregoing annexation petition and who is known to me acknowledged before me on this day being informed of the contents of the petition, he/she as such officer and with full authority, executed the same voluntarily for and as the act of said corporation and stated that the names appearing thereon constituted all the legal owners of said property.

Given under my hand and official seal this the 14th day of April, 1998.

Lisa M. Charleton
Notary Public

My Commission Expires:

Notarial Seal
Lisa M. Charleton, Notary Public
Marshall Twp., Allegheny County
My Commission Expires Nov. 29, 1999
Member, Pennsylvania Association of Notaries

EXHIBIT "A"

LOCATION DESCRIPTION

The proposed 7.56 acre site fronts on Highway 216, approximately 1/2 mile west of the city limits of Brookwood, Alabama. The following description is a preliminary description of the project site. The site to be abated is the actual site to be acquired or leased in conjunction with the development of the project, which may be more extensive than the following description.

Commence at the northwest corner of the NW1/4 of the SE1/4 of Section 35, Township 20 South, Range 8 West, Tuscaloosa County, Alabama; then S 00°44'11" E on the west boundary of said NW1/4 of the SE1/4 a distance of 125.46 feet to the point of beginning; thence continue S 00°44'11" E on the west boundary a distance of 928.07 feet to a point; thence N 89°15'46" E a distance of 45.09 feet to a point; thence N 17°50'06" E a distance of 40.89 feet to a point; thence N 44°10'56" E a distance of 86.96 feet to a point; thence N 71°03'39" E a distance of 319.29 feet to a point; thence N 00°45'43" W a distance of 666.50 feet to a point on the south right-of-way of Alabama Highway N. 215; thence N 82°27'12" W along said right-of-way a distance of 426.90 feet to the point of beginning. All lying and being in the NW1/4 of the SE1/4 of Section 35, Township 20 South, Range 8 West, Tuscaloosa County, Alabama and containing approximately 7.56 acres, more or less.

