

ORDINANCE NO. 2005-185

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 ALAWEST-AL, LLC

WHEREAS, Alawest-Al, LLC, the owner of the real property herein 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. 54, §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 14 day of November 2005.

**BROOKWOOD TOWN COUNCIL**

By: Mayor Albert N. York  
Mayor

ATTEST:

Linda Barger  
Town Clerk

I hereby certify that the above and foregoing Ordinance was posted on the 15 day of November, 2005 at the following locations:

1. Brookwood Town Hall
2. Ken's (C) Store
3. Brookwood Shell
4. Hometown Grocery

Linda Barger  
Town Clerk

STATE OF ALABAMA

COUNTY OF TUSCALOOSA

TOWN OF BROOKWOOD

**NOTICE OF ANNEXATION**

THE TOWN OF BROOKWOOD hereby provides notice to all concerned parties and agencies that it has annexed the property described in Exhibit A in the attached map pursuant to §11-42-20 et seq. Code of Alabama (1975).

Said lands being the property of Alawest-AL, LLC described in Exhibit "A".

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**Jeffrey C. Smith (SMI-198)**  
Attorney for the Town of Brookwood

OF COUNSEL:

Rosen, Cook, Sledge, Davis,  
Shattuck & Oldshue, P.A.  
2117 Jack Warner Parkway  
P. O. Box 2727  
Tuscaloosa, AL 35403-2727  
(205) 344-5000

cc: Judge of Probate  
1<sup>st</sup> Floor, Tuscaloosa County Courthouse  
714 Greensboro Avenue  
Tuscaloosa, AL 35401

State Department of Revenue  
Franchise Tax Division  
Gordon Persons Building, Room 4206  
50 Ripley Street  
Montgomery, AL 36104

Tax Collector's Office  
Tuscaloosa County Courthouse  
714 Greensboro Avenue  
Tuscaloosa, AL 35401

Tax Assessor's Office  
Tuscaloosa County Courthouse  
714 Greensboro Avenue  
Tuscaloosa, AL 35401

State Department of Revenue  
Sales and Use Tax Division  
Gordon Persons Building, Room 4303  
50 Ripley Street  
Montgomery, AL 36104



STATE OF ALABAMA  
TUSCALOOSA COUNTY  
TOWN OF BROOKWOOD

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**PETITION FOR ANNEXATION**

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, does petition the Town Council of the Town of Brookwood, pursuant to §§ 1-42-20 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 the said Town the following described property located in Tuscaloosa County, to-wit:

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

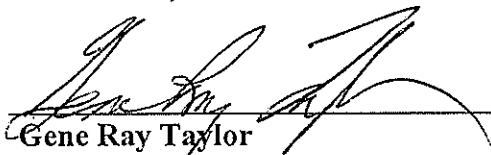
In support of this petition, it is certified by the undersigned that the said territory is contiguous to the existing corporate limits of the Town of Brookwood and does not embrace any territory within the corporate limits of another municipality, and when annexed to the Town of Brookwood will form a 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 petitions the Town Council of the Town of Brookwood to adopt an appropriate annexation ordinance assenting to this annexation petition.

Respectfully submitted this the 14<sup>th</sup> day of November 2005.

**ALAWEST-AL, LLC**

By:   
**Gene Ray Taylor**  
Its Member

STATE OF ALABAMA  
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 **Gene Ray Taylor** whose name as Member of Alawest-AL, LLC, 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 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 10<sup>th</sup> day of December 2005.

Paula D. Beams

NOTARY PUBLIC

My Commission Expires: 12/11/2006

STATE OF ALABAMA     )  
                                  :  
TUSCALOOSA COUNTY    )

Annexation Application  
City of Brookwood

A parcel of land lying and being in the Southeast Quarter of Northwest Quarter, Section 17, Township 21 South, Range 7 West of the Huntsville Meridian, Tuscaloosa County, Alabama, and being more particularly described as follows:

Begin at the southeast corner of Lot-1 of Brookwood Fire Station No. 2 Subdivision as recorded in Plat Book 2005, Page 26 in the Probate Office of Tuscaloosa County, Alabama; thence north 87 degrees 51 minutes 26 seconds west along the south boundary of said Lot-1 a distance of 408.65 feet to the southwest corner thereof; thence south 24 degrees 30 minutes west a distance of 384 feet, more or less, to the north margin of the Brookwood Corridor (a 200' ROW); thence south 70 degrees 40 minutes 38 seconds east along said north margin a distance of 380 feet, more or less, to the westerly right-of-way margin of the George Newell Road (a 60' ROW); thence run northeasterly along the said westerly right-of-way margin of George Newell Road to the Point of Beginning.

STATE OF ALABAMA

TUSCALOOSA COUNTY

TOWN OF BROOKWOOD

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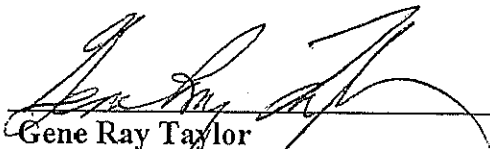
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The undersigned further petitions the Town Council of the Town of Brookwood to adopt an appropriate annexation ordinance assenting to this annexation petition.

Respectfully submitted this the 14<sup>th</sup> day of November 2005.

ALAWEST-AL, LLC

By:   
Gene Ray Taylor  
Its Member





Tanner & Guin, LLC  
COUNSELORS AT LAW

Paula S. Beams, Senior Paralegal  
pbeams@tannerquin.com

Direct Dial: (205) 633-0214  
Fax: (205) 633-0314

August 9, 2005

VIA FACSIMILE  
758-8358

Mr Jeffrey C. Smith  
Rosen, Cook, Sledge, Davis  
Shattuck & Oldshue, P.A.  
P. O. Box 2727  
Tuscaloosa, AL 35403-2727

RE: *Alawest-AL, L.L.C., Town of Brookwood*

Dear Jeff:

I understand that Alawest-AL, L.L.C. has agreed to proceed with the property sale of 10 acres to the Town of Brookwood at a price of \$8,000 per acre; 5 acres to be donated by Alawest-AL, L.L.C. and the remaining 5 acres to be purchased for a total of \$40,000.00.

Alawest-AL, L.L.C. has ordered an appraisal on the 5 acres to be donated and we will be ready to close as soon as the appraisal is completed. Please note that the Appraiser and Donee are required to sign IRS Form 990-B Noncash Charitable Contributions for the 5 acres to be donated by Alawest-AL, L.L.C. This Form is currently being completed by the Appraiser and will then be delivered to you for signature by the Town of Brookwood.

We look forward to working with you to complete this transaction. Please call me if you have any questions.

Sincerely yours,

*/s/ Paula S. Beams*

Paula S Beams  
Senior Paralegal

cc: Mr. Gene R. Taylor and Mr. Charlie Hagan (via facsimile)  
Mr. D.W. Wilson

Z027: 1/PSB.psb

CAPITOL PARK CENTER ♦ 2711 UNIVERSITY BOULEVARD (35401-1465) ♦ P. O. BOX 3296 ♦ TUSCALOOSA, ALABAMA 35403-3296

TELEPHONE (205) 633-0200 ♦ FACSIMILE (205) 633-0200

www.tannerquin.com

LOCATION: Tanner & Guin, LLC

RX TIME 08/09 '05 14:28

2005 25491  
 Recorded in the Above  
 DEED Book & Page  
 11-21-2005 11:36:46 AM  
 Source Of Title: 1229 / 196  
 W. Hardy McCollum - Probate Judge  
 Tuscaloosa County, Alabama  
 Book/Pg: 2005/25491  
 Term/Cashier: SCA42 / hazeln  
 Tran: 6231.429501.511100  
 Recorded: 11-21-2005 11:37:06  
 DFE Deed Tax 80.50  
 PJF Probate Judge Fee 2.00  
 REC Recording Fee 3.50  
 SOT Source of Title 1.00  
 Total Fees: \$ 87.00

THIS INSTRUMENT WAS PREPARED BY:  
 Jeffrey C Smith  
 ROSEN, COCK, SLEDGE, DAVIS  
 SHATTUCK & OLDSHUE, P.A.  
 2117 JACK WARNER PARKWAY  
 POST OFFICE BOX 2727  
 TUSCALOOSA, ALABAMA 35403

SOURCE OF TITLE: DEED BOOK 1229, PAGE 196

STATE OF ALABAMA

TUSCALOOSA COUNTY

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of other good and valuable considerations and the further sum of \$10.00 Dollars to the undersigned, ALAWEST-AL, L.L.C., an Alabama limited liability company, in hand paid by TOWN OF BROOKWOOD, the receipt whereof is acknowledged, the said ALAWEST-AL, L.L.C., an Alabama limited liability company (hereinafter referred to as Grantor) does by these presents, grant, bargain, sell, and convey unto the said TOWN OF BROOKWOOD (herein referred to as Grantee) the following described real estate, situated in Tuscaloosa County, Alabama, to-wit:

LOT-1 OF BROOKWOOD FIRE STATION NO.2 SUBDIVISION, AS RECORDED IN PLAT BOOK 2005 AT PAGE 26 IN THE PUBLIC RECORDS OF TUSCALOOSA COUNTY, ALABAMA.

This conveyance is made subject to restrictions, easements and rights of way of record, and to the defects, adverse claims, limitations, releases, indemnities, and other matters noted in the deed from UNITEC LAND CORPORATION to Grantor as recorded in Deed Book 1229 at Page 196 in the Probate Office of Tuscaloosa County, Alabama.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the said ALAWEST-AL, L.L.C., an Alabama limited liability company, has hereunto set its signature by Gene R. Taylor, its Manager, duly authorized on this the 10<sup>th</sup> day of November, 2005.

ALAWEST-AL, L.L.C., an Alabama limited liability company  
 By: Gene R. Taylor  
 Gene R. Taylor, Manager

THE STATE OF ALABAMA  
 COUNTY OF TUSCALOOSA

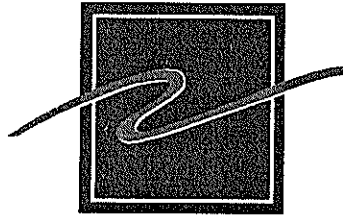
I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Gene R. Taylor, whose name as Manager of ALAWEST-AL, L.L.C., an Alabama limited liability company, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, with full authority as such Manager, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal of office this 10<sup>th</sup> day of November, 2005.

Paul J. Beam  
 Notary Public

My Commission Expires:  
12/11/2006

GORDON ROSEN  
J. SYDNEY COOK, III  
JAMES J. SLEDGE  
RONALD L. DAVIS  
R. COOPER SHATTUCK  
PAIGE M. OLDSHUE  
\*JEREMY C. OLDSHUE, JR.  
\*\*JEFFREY C. SMITH  
FOSTER C. ARNOLD  
†MATTHEW Q. TOMPKINS



Rosen ♦ Cook ♦ Sledge  
Davis ♦ Shattuck ♦ Oldshue, P.A.

ATTORNEYS AT LAW

†W. BRADFORD SCANE, JR.  
††JANE L. CALAMUSA  
MARY BETH WEAR CAVERT  
WILLIAM A. JONES  
††LAURA J. CRISSEY  
ADRIAN M. ROWLEY  
♦STUART D. ALBEA  
CHAD L. HOBBS  
WILLIAM S. POOLE, III

OF COUNSEL:  
D. WAYNE CHILDRESS

\*Board Certified - Creditors' Rights  
Law - American Board of Certification

\*\*Board Certified - Civil Trial Advocacy -  
National Board of Trial Advocacy

November 28, 2005

†Also admitted in Florida  
††Also admitted in Mississippi  
♦Also admitted in Georgia

Ms. Linda Barger, Clerk  
Town of Brookwood  
15689 Highway 216  
Brookwood, Alabama 35444

**RE: Alawest-AL, L.L.C. Annexation to Town of Brookwood**

Dear Linda:

Enclosed is a copy of the recorded Statutory Warranty Deed regarding the above referenced matter.

If you have any questions or concerns in regard to this matter, please do not hesitate to contact me.

Sincerely,

  
Jeffrey C. Smith

JCS/ab

Enclosure

I:\JEFF\BRKWOOD\Annexations\Correspondence\Barger 11.28.05.doc

STATE OF ALABAMA

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 **Gene Ray Taylor** whose name as Member of Alawest-AL, LLC, 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 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 10<sup>th</sup> day of September 2005.

Paula J. Beams  
NOTARY PUBLIC  
My Commission Expires: 12/11/2006

STATE OF ALABAMA     )  
                                  :  
TUSCALOOSA COUNTY    )

Annexation Application  
City of Brookwood

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Tanner & Guin, LLC  
COUNSELORS AT LAW

Paula S. Beams, Senior Paralegal  
pbeams@tannerguin.com

Direct Dial: (205) 633-0214  
Fax: (205) 633-0314

November 21, 2005

VIA HAND DELIVERY

Ms. Nancy B. Fair, Real Estate Manager  
Roser, Cook, Sledge, Davis  
Shattuck & Oldshue, P.A.  
2117 Jack Warner Parkway  
Tuscaloosa, AL 35403-2727

RE: *Alawest - AL, L.L.C. / Town of Brookwood*

Dear Nancy:

We have now received the required closing documents and deliveries from the Town of Brookwood in connection with the property purchase/donation from Alawest-AL, L.L.C. Therefore, enclosed please find the signed, original Statutory Warranty Deed from Alawest-AL, L.L.C. conveying the property to the Town of Brookwood.

I would greatly appreciate your sending me a copy of the deed after it is filed of record. It was a pleasure working with you and Jeff in connection with this matter. Please let me know if you have any questions or require anything further in this regard.

Sincerely yours,

Paula S. Beams  
Senior Paralegal

Enclosure

cc: Mr. Gene R. Taylor and Mr. Charlie Hagan (*via facsimile*)  
Mr. Jeff Smith (*via email*)  
Mr. D.W. Wilson