

**RESOLUTION DECLARING THAT THE PUBLIC GOOD
REQUIRES THAT CERTAIN TERRITORY SHALL BE
BROUGHT WITHIN THE LIMITS OF THE CITY OF
MOBILE PURSUANT TO AND IN ACCORDANCE WITH TITLE
11, CHAPTER 42, ARTICLE 3 OF THE CODE OF ALABAMA
(KINGS BRANCH AREA)**

Sponsored by Mayor William S. Stimpson

WHEREAS, Section 11-42-40 of the *Code of Alabama* provides that any City having a population of 25,000 or more, as shown by the last federal census, may extend its corporate limits in the manner and with the rights, powers, and privileges set forth in Title 11, Chapter 42, Article 3; and,

WHEREAS, Section 11-42-41 of the *Code of Alabama* provides that the City Council may pass a resolution to the effect that the public health or public good requires that certain territory described in the resolution shall be brought within the limits of the City; and,

WHEREAS, § 11-42-43 of the *Code of Alabama* provides that upon passage of such a resolution by the Council and certification by the Mayor, the Judge of Probate must make and enter an order directing and ordering an election to be held by the qualified electors residing within the territory proposed to be brought within the limits of the City; and,

WHEREAS, § 11-42-47 of the *Code of Alabama* provides that each qualified voter who has resided within the boundaries of the territory proposed to be brought into the City for three months next preceding the election may vote at such election; and,

WHEREAS, a large number of qualified voters who reside within the boundaries of the territory described below have evidenced their desire to have such territory brought within the boundaries of the City of Mobile; and,

WHEREAS, the City Council of the City of Mobile desires to take the appropriate action so that the voice of these residents is given effect by passing this resolution (the "Resolution") allowing these residents an opportunity to vote on the question of whether they desire for such territory to be brought within the boundaries of the City of Mobile, and so as to provide for the future economic well-being of these residents as well as all persons residing within the metropolitan Mobile area.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MOBILE, THAT:

1. The public good requires that the following described territory shall be brought within the limits of the City of Mobile:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 2 WEST, AS SHOWN ON THE RECORD PLAT OF STEINER ESTATES, MAP BOOK 68, PAGE 42 OF THE MOBILE COUNTY PROBATE COURT RECORDS, SAID POINT BEING SITUATED ON THE EXISTING MOBILE CITY LIMITS; THENCE RUN WEST ALONG THE EXISTING MOBILE CITY LIMITS, 5360 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA; THENCE DEPARTING SAID MOBILE CITY LIMITS RUN WEST 110 FEET, MORE OR LESS TO THE SOUTHWEST CORNER OF CHARMINGDALE WEST SUBDIVISION; THENCE RUN NORTH 1730 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF LOT 1 CHARMINGDALE SUBDIVISION; THENCE RUN EAST 210 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN NORTH ALONG THE WEST RIGHT-OF-WAY LINE OF CHARMINGDALE DRIVE WEST 166 FEET, MORE OR LESS, TO A POINT; THENCE RUN EASTWARDLY 60 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CHARMINGDALE DRIVE WEST; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF

CHARMINGDALE DRIVE WEST AND CONTINUATION THEREOF RUN NORTHWARDLY 163 FEET, MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF MOFFETT ROAD; THENCE RUN NORTHWESTWARDLY ALONG THE NORTH RIGHT-OF-WAY LINE OF MOFFETT ROAD, 257 FEET, MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF CHING DAIRY ROAD; THENCE RUN NORTH ALONG EAST RIGHT-OF-WAY LINE, 3820 FEET, MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 15, CHING DAIRY ROAD ESTATES, AS RECORDED IN MAP BOOK 23, PAGE 91 IN THE RECORDS OF THE MOBILE COUNTY PROBATE COURT; SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF ROSE CHING DRIVE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF ROSE CHING DRIVE, RUN EASTWARDLY 152 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 15, CHING DAIRY ROAD ESTATES; THENCE ALONG THE EAST BOUNDARY OF SAID LOT 15, CHING DAIRY ROAD ESTATES, RUN NORTHWARDLY 182 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF REMINGTON ESTATES UNIT ONE PART "A" AS RECORDED IN MAP BOOK 59, PAGE 36 IN THE RECORDS OF THE MOBILE COUNTY PROBATE COURT; THENCE RUN WEST 170 FEET, MORE OR LESS, TO A POINT ON THE SAID EAST RIGHT-OF-WAY LINE OF CHING DAIRY ROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF CHING DAIRY ROAD, RUN NORTHWARDLY 1961 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARCEL "A", REMINGTON CORRECTED PLAT AS RECORDED IN MAP BOOK 46, PAGE 122 IN THE RECORDS OF THE MOBILE COUNTY PROBATE COURT; THENCE ALONG THE SOUTH LINE OF SAID PARCEL "A", REMINGTON CORRECTED PLAT, RUN EASTWARDLY 191 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID PARCEL "A", REMINGTON CORRECTED PLAT; THENCE ALONG THE EAST LINE OF SAID PARCEL "A", REMINGTON CORRECTED PLAT, RUN NORTHWARDLY, 116 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 24 OF SAID REMINGTON CORRECTED PLAT; THENCE ALONG THE SOUTH LINE OF SAID LOT 24, REMINGTON CORRECTED PLAT, RUN EASTWARDLY 205 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF REMINGTON COURT; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF REMINGTON COURT, RUN NORTHWARDLY 167 FEET TO A POINT ON THE SOUTH LINE OF LOT 22 OF SAID REMINGTON CORRECTED PLAT; THENCE ALONG SAID SOUTH LINE OF LOT 22, REMINGTON CORRECTED PLAT, RUN NORTHWESTWARDLY 113 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 22, REMINGTON CORRECTED PLAT, THENCE ALONG THE WEST LINE OF SAID LOT 22, REMINGTON CORRECTED PLAT, RUN NORTHWARDLY 102 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 22, REMINGTON CORRECTED PLAT; THENCE ALONG THE NORTH LINE OF

SAID REMINGTON CORRECTED PLAT, RUN EASTWARDLY 1257 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST; THENCE RUN EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER 1307 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SAID SECTION 20; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 20, RUN SOUTHWARDLY 521 FEET, MORE OR LESS, TO A POINT; THENCE RUN SOUTHEASTWARDLY AND ALONG THE NORTH BOUNDARY OF KINGS BRANCH SUBDIVISION, PHASE TWO, UNIT THREE AS PER PLAT RECORDED IN INSTRUMENT NO. 2020019996 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA, AND ALONG THE NORTH BOUNDARY OF KINGS BRANCH SUBDIVISION, PHASE TWO, UNIT TWO, AS PER PLAT RECORDED IN MAP BOOK 122, PAGE 84 OF SAID PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA, A DISTANCE OF 3064 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID SECTION 20; THENCE ALONG THE EAST LINE OF SAID SECTION 20, RUN SOUTHWARDLY 813 FEET, MORE OR LESS, TO THE NORTH LINE OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 2 WEST; THENCE RUN EAST, 2640 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 28, TOWNSHIP 3 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 1335 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE ALONG THE NORTH LINE OF SAID SECTION 28, RUN EAST 2180 FEET, MORE OR LESS TO A POINT; THENCE RUN SOUTH 215 FEET, MORE OR LESS TO A POINT; THENCE RUN EAST 55 FEET, MORE OR LESS, TO A POINT; THENCE RUN SOUTH 211 FEET, MORE OR LESS, TO A POINT; THENCE RUN EAST 380 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF JARRETT ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF JARRETT ROAD, RUN SOUTH 3576 FEET, MORE OR LESS, TO THE NORTH LINE OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 2 WEST; SAID POINT BEING SITUATED ON THE EXISTING MOBILE CITY LIMITS; THENCE ALONG SAID NORTH LINE OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 2 WEST AND THE EXISTING MOBILE CITY LIMITS, RUN WEST, 5253 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

A map depicting this area is attached hereto and incorporated herein. In the event of a conflict between the attached map and the written description of the territory described above, the depiction of the territory on the attached map shall control and be given effect.

2. The Mayor of the City of Mobile is authorized and directed to certify and deliver a copy of this Resolution with the attached map to the Judge of Probate for Mobile County pursuant to and in accordance with § 11-42-42 of the Code of Alabama.

3. If the majority of those persons voting in such an election vote in favor of the above-described territory being brought within the corporate limits of the City of Mobile, then all of such territory, and all property having a situs within such territory, shall be exempt from City ad valorem taxation or the payment of ad valorem taxes to the City for a period of ten (10) years from the time when such territory is brought within the corporate limits of the City, all as provided by § 11-42-57 of the *Code of Alabama*; except that, from time to time after the lapse of five (5) years from the time when such territory is brought within the corporate limits of the City, all portions of such territory as has residing on it a population of at least twenty (20) persons on a contiguous ten (10) acres of land and all property having a situs on such populated territory shall thereafter be subject to ad valorem taxation by the City and ad valorem taxes thereon shall thereafter be paid to the City, all as provided by § 11-42-58 of the *Code of Alabama*.

4. Pursuant to § 11-42-83 of the *Code of Alabama*, every person, firm, company or corporation engaged in or carrying on any business, vocation, occupation or profession in the territory brought within the corporate limits of the City pursuant to this Resolution shall be exempt from the City's gross receipts business license tax with respect to gross receipts received from the business, vocation, occupation, or profession engaged in or carried on in such territory for so long as the territory is exempt from City taxation under the provisions of this Resolution; provided, however, that a business license tax shall be

assessed and collected from each such person, firm, company or corporation in proportion to the capital employed within the territory exempt from City taxation in such trade, business, vocation, occupation or profession, including the value of the land with improvements thereon, used in such trade, business, vocation, or occupation and shall not exceed \$2.00 per \$1,000.00 where the capital employed does not exceed \$100,000.00, and shall not exceed \$1.00 per \$1,000.00 on the excess of capital employed over \$100,000.00 up to \$200,000.00, and shall not exceed \$.50 per \$1,000.00 on the excess of the capital employed over \$200,000.00 up to \$300,000.00, and shall not exceed \$.25 per \$1,000.00 on the excess of capital employed over \$300,000.00; provided, however, that if no capital is employed or where the capital employed is less than \$1,000.00, there shall be no privilege or license tax assessed and collected. At such time as such territory is no longer exempt from City taxation under the provisions of Title 11, Chapter 42, Article 3 of the *Code of Alabama*, the then existing City gross receipts business license tax shall be annually assessed and collected from each and every such person, firm, company or corporation engaging in or carrying on any business, vocation, occupation or profession in the territory formerly exempt from City taxation.

5. This Resolution is passed under the provisions of Title 11, Chapter 42, Article 3, of the *Code of Alabama*.

Adopted:

CITY CLERK

CERTIFICATION OF RESOLUTION BY MAYOR

I, William S. Stimpson, Mayor of the City of Mobile, do hereby certify that this is a true and correct copy of the Resolution adopted by the City Council of the City of Mobile at its regular meeting of _____, 2023, and, as Mayor, I do hereby request that the Judge of Probate of Mobile County enter an Order within ten (10) days of the filing of this Resolution ordering an election to be held by the qualified electors residing in the territory described in this Resolution not less than twenty (20) days nor more than forty (40) days from the date of making of the Order, all as provided by § 11-42-43 of the *Code of Alabama*.

So certified this _____ day of _____, 2023.

WILLIAM S. STIMPSON
MAYOR
CITY OF MOBILE

STATE OF ALABAMA *

COUNTY OF MOBILE *

Sworn to and subscribed before me this _____ day of _____, 2023.

NOTARY PUBLIC
My Commission expires: _____

