

**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
(ORCHARD ESTATES 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 NORTHEAST CORNER OF LOT 43 ORCHARD ESTATES (MAP BOOK 11 PAGE 12, MOBILE COUNTY PROBATE COURT RECORDS), SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF CODY ROAD; THENCE RUN EAST, 23 FEET TO A POINT ON THE WEST LINE OF THE MOBILE CITY LIMITS, THENCE RUN SOUTH ALONG THE PRESENT MOBILE CITY LIMITS, 5300 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA; THENCE RUN WEST, 2800 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH RANGE 2 WEST, MOBILE COUNTY, ALABAMA; THENCE RUN SOUTH, 2600 FEET, MORE OR LESS TO THE NORTH RIGHT OF WAY LINE OF ZEIGLER BOULEVARD AND THE EAST LINE OF LOT 4, CENTRAL INDUSTRIAL PARK (MAP BOOK 34, PAGE 34, MOBILE COUNTY PROBATE COURT RECORDS); THENCE RUN WEST ALONG THE NORTH RIGHT OF WAY LINE OF ZEIGLER BOULEVARD, 2100 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 2B, ZEIGLER CORNERS, PHASE 2, RESUBDIVISION OF LOT 2 (MAP BOOK 131 PAGE 44, MOBILE COUNTY PROBATE COURT RECORDS); THENCE RUN NORTH, 815 FEET, MORE OR LESS; THENCE RUN WEST, 755 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF SCHILLINGER ROAD; THENCE RUN SOUTH ALONG THE WEST RIGHT OF WAY LINE OF SCHILLINGER ROAD, 603 FEET, MORE OR LESS, TO THE NORTH LINE OF LOT 1, WESTERN COMMERCIAL

PARK (UNRECORDED PLAT BY NEAL GIBSON & ASSOCIATES DATED 06/23/73); THENCE RUN WEST, 1320 FEET, MORE OR LESS, TO THE WEST LINE OF LOT 14 OF SAID WESTERN COMMERCIAL PARK; THENCE RUN SOUTH, 860 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF LOT 2, FAITH ACADEMY ATHLETIC COMPLEX (MAP BOOK 119, PAGE 115, MOBILE COUNTY PROBATE COURT RECORDS); THENCE DEPARTING THE AFOREMENTIONED WEST LINE OF THE MOBILE CITY LIMITS, RUN WEST, 420 FEET, MORE OR LESS; THENCE RUN NORTH ALONG THE WEST LINE OF FAITH ACADEMY ATHLETIC COMPLEX AND THE CONTINUATION THEREOF, 560 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF ZEIGLER BOULEVARD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF ZEIGLER BOULEVARD, RUN WEST, 250 FEET, MORE OR LESS, TO THE EAST LINE OF LOT 1, PRENTISS FAMILY DIVISION (MAP BOOK 107, PAGE 11, MOBILE COUNTY PROBATE COURT RECORDS); THENCE RUN NORTH, 2630 FEET, MORE OR LESS; THENCE RUN EAST, 665 FEET, MORE OR LESS, TO THE WEST LINE OF SCHILLINGER ROAD COMMERCIAL PARK (MAP BOOK 29, PAGE 90, MOBILE COUNTY PROBATE COURT RECORDS); THENCE RUN NORTH ALONG THE WEST LINE OF SAID COMMERCIAL PARK AND THE CONTINUATION THEREOF, 1320 FEET, MORE OR LESS; THENCE RUN EAST, 670 FEET, MORE OR LESS, TO A POINT THAT IS 611 FEET, MORE OR LESS, WEST OF SCHILLINGER ROAD NORTH; THENCE RUN NORTH, 673 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY LINE OF HOWELLS FERRY ROAD; THENCE RUN SOUTHEASTWARDLY ALONG SAID RIGHT OF WAY, 380 FEET, MORE OR LESS; THENCE RUN NORTHEASTWARDLY, 80 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HOWELLS FERRY ROAD; THENCE RUN NORTH, 350 FEET, MORE OR LESS; THENCE RUN NORTHWESTWARDLY, 150 FEET, MORE OR LESS; THENCE RUN NORTH, 300 FEET, MORE OR LESS; THENCE RUN EAST, 215 FEET, MORE OR LESS; THENCE RUN NORTH, 206 FEET, MORE OR LESS; THENCE RUN EAST, 303 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT OF WAY LINE OF SCHILLINGER ROAD; THENCE RUN NORTH ALONG SAID EAST RIGHT OF WAY LINE, 4296 FEET, MORE OR LESS, TO A POINT ON THE NORTH BOUNDARY OF WESTERN PARK, INC. SUBDIVISION (MAP BOOK 80, PAGE 79, MOBILE COUNTY PROBATE COURT RECORDS); THENCE ALONG SAID NORTH BOUNDARY OF WESTERN PARK, INC. SUBDIVISION, RUN EAST, 1389 FEET, MORE OR LESS TO THE EXISTING MOBILE CITY LIMITS; THENCE RUN SOUTH ALONG SAID CITY LIMITS, 4205 FEET, MORE OR LESS; THENCE CONTINUE EAST ALONG SAID CITY LIMITS, 2800 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF CAMELLIA TRAIL SUBDIVISION (MAP BOOK 122, PAGE 1, MOBILE COUNTY PROBATE COURT RECORDS); THENCE CONTINUE ALONG SAID EXISTING MOBILE CITY LIMITS RUN NORTH, 2650 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 31 ORCHARD ESTATES (MAP BOOK 11, PAGE 12, MOBILE COUNTY PROBATE COURT RECORDS); THENCE RUN EAST ALONG SAID EXISTING MOBILE CITY LIMITS, 1320 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: _____

Orchard Estates Area

- Orchard Estates Area
- Mobile Corporate Limits



Print Date: 3/12/2023

