

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
June 17, 2019**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:00 p.m. on the 17<sup>th</sup> day of June, 2019 being the scheduled time and place for said meeting. The meeting was called to order by Allen Noles, President of the Council. The invocation was given by Rusty Wheelles. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, NEAL WILLIS, MIKE LOCKHART,  
KEN SOCKWELL, ALLEN NOLES  
ABSENT: NONE

Allen Noles, President of the Council, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of trans action of business. Ricky Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Hall and seconded by Council Member Sockwell and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of June 3, 2019 and approved the minutes as written.

President Noles announced that the next item of business was consideration of a petition to annex the following described property.

Council Member Sockwell introduced the following ordinance and moved for its immediate consideration:

**STATE OF ALABAMA**

**COLBERT COUNTY**

**PETITION FOR UNANIMOUS CONSENT TO ANNEXATION**

**TO THE CITY OF MUSCLE SHOALS, ALABAMA:**

The undersigned, **VEAL'S CUSTOM HOMES, LLC**, does hereby execute and file with the City Clerk this petition in writing requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*, said property being more particularly described as follows, to wit:

Tract 1: A tract of land lying and being in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows: That part of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, described as follows: Commence at an existing nail and penny, the NW corner of said Section 20; thence South 01° 19' 30" East along the center line of Gargis Lane, a distance of 1,623.96 feet to an existing spike and the Southwest corner of that certain parcel of property conveyed unto Katherine Flannagin Kilburn by deed recorded in Fiche 9914 at Page 794 in the office of the Judge of Probate of Colbert County, Alabama; and the point of beginning of the tract herein described; thence South 89° 37' 0" East a distance of 1,061.58 feet to a point; thence South 01° 19' 30" East a distance of 165.71 feet, more or less, to a point; thence North 89° 37' 0" West a distance of 1,061.90 feet to an existing iron pin; thence North 01° 13' 50" West a distance of 165.71 feet to the point of beginning. Said tract containing 4.0 acres, more or less.

Assessed as Parcel 12-04-20-0-001-015.008

Tract 2: That part of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, described as follows: Commence at an existing nail and penny, the Northwest corner of said Section 20; thence South 01 degrees 19' 30" East along the center line of Gargis Lane, a distance of 1458.25 feet to an existing spike and the point of beginning; thence South 89 degrees 37' 00" E. a distance of 262.86 feet to an iron pin; thence South 01 degree 19' 30" East a distance of 165.71 feet to an iron pin; thence North 89 degrees 37' 00" West a distance of 263.13 feet to a spike in the center line of Gargis Lane; thence North 01 degree 13' 50" West a distance of 165.71 feet to the point of beginning.

Assessed as Parcel # 12-04-20-0-001-015.009

Tract 3: A tract of land lying and being in the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: Commence at an existing nail and penny, the Northwest corner of said Section 20; thence South 01 degrees 19 minutes 30 seconds East along the centerline of Gargis Lane, a distance of 1,458.25 feet to an existing spike and the Northwest corner of that certain parcel of property conveyed to Katherine Flannigan Kilburn by deed recorded in Fiche 9914 Frame 794 et seq in said probate office; thence South 89 degrees 37 minutes 00 seconds East a distance of 262.86 feet to an iron pin and the point of beginning of the tract herein described; thence continue East 798.45 feet to a point; thence South 01 degrees 19 minutes 30 seconds East a distance of 165.71 feet, more or less, to a point; thence North 89 degrees 37 minutes 00 seconds West a distance of 798.45 feet to a point; thence North 01 degrees 13 minutes 50 seconds West a distance of 165.71 feet to the point of beginning.

Subject to a non-exclusive easement for ingress and egress along the South 12.5 feet of the above described property.

Assessed as Parcel #: 12-04-20-0-001-015.011

1. The undersigned constitutes all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.

2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.

3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

**NOW, THEREFORE**, the undersigned petitions the governing body of the City of Muscle Shoals, Alabama, to annex the property described herein to the said municipality and requests that the governing body of the City of Muscle Shoals, Alabama, propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama, upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal this 4<sup>th</sup> day of June, 2019.

**VEAL'S CUSTOM HOMES, LLC**

s/ Ricky Veal \_\_\_\_\_ L.S.  
**Ricky Veal, Its Managing Member**

**STATE OF ALABAMA**

**COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that **Ricky Veal**, whose name as Managing Member of **VEAL'S CUSTOM HOMES, LLC**, a Limited Liability Company, is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that he, in his capacity as such Member, signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 4<sup>th</sup> day of June, 2019.

s/ Mae Hesity \_\_\_\_\_

Notary Public

My Commission expires: 12-18-22

**STATE OF ALABAMA**

**COLBERT COUNTY**

**ORDINANCE NUMBER 1514 - 19**

WHEREAS, a petition by a majority of the owners of property in the below described property, located in Colbert County, Alabama, has been presented to the Clerk requesting that the property be annexed into the City of Muscle Shoals, Alabama; and

WHEREAS, the Council has reviewed the petitions and signatures as well as the property sought to be annexed into the City of Muscle Shoals, Alabama; and

WHEREAS, the Council has determined that the public health or public good requires the property comprising the land described below be brought within the corporate limits of the City of Muscle Shoals, Alabama;

**BE IT ORDAINED** by the Council of the City of Muscle Shoals, Alabama, as follows:

The public health or public good requires that the following described property be brought within the corporate limits of the City of Muscle Shoals, Alabama said territory being described as follows, to wit:

Tract 1: A tract of land lying and being in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows: That part of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, described as follows: Commence at an existing nail and penny, the NW corner of said Section 20; thence South  $01^{\circ} 19' 30''$  East along the center line of Gargis Lane, a distance of 1,623.96 feet to an existing spike and the Southwest corner of that certain parcel of property conveyed unto Katherine Flannagin Kilburn by deed recorded in Fiche 9914 at Page 794 in the office of the Judge of Probate of Colbert County, Alabama; and the point of beginning of the tract herein described; thence South  $89^{\circ} 37' 0''$  East a distance of 1,061.58 feet to a point; thence South  $01^{\circ} 19' 30''$  East a distance of 165.71 feet, more or less, to a point; thence North  $89^{\circ} 37' 0''$  West a distance of 1,061.90 feet to an existing iron pin; thence North  $01^{\circ} 13' 50''$  West a distance of 165.71 feet to the point of beginning. Said tract containing 4.0 acres, more or less.

Assessed as Parcel 12-04-20-0-001-015.008

Tract 2: That part of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, described as follows: Commence at an existing nail and penny, the Northwest corner of said Section 20; thence South  $01$  degrees  $19' 30''$  East along the center line of Gargis Lane, a distance of 1458.25 feet to an existing spike and the point of beginning; thence South  $89$  degrees  $37' 00''$  E. a distance of 262.86 feet to an iron pin; thence South  $01$  degree  $19' 30''$  East a distance of 165.71 feet to an iron pin; thence North  $89$  degrees  $37' 00''$  West a distance of 263.13 feet to a spike in the center line of Gargis Lane; thence North  $01$  degree  $13' 50''$  West a distance of 165.71 feet to the point of beginning.

Assessed as Parcel # 12-04-20-0-001-015.009

Tract 3: A tract of land lying and being in the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: Commence at an existing nail and penny, the Northwest corner of said Section 20; thence South  $01$  degrees  $19$  minutes  $30$  seconds East along the centerline of Gargis Lane, a distance of 1,458.25 feet to an existing spike and the Northwest corner of that

certain parcel of property conveyed to Katherine Flannigan Kilburn by deed recorded in Fiche 9914 Frame 794 et seq in said probate office; thence South 89 degrees 37 minutes 00 seconds East a distance of 262.86 feet to an iron pin and the point of beginning of the tract herein described; thence continue East 798.45 feet to a point; thence South 01 degrees 19 minutes 30 seconds East a distance of 165.71 feet, more or less, to a point; thence North 89 degrees 37 minutes 00 seconds West a distance of 798.45 feet to a point; thence North 01 degrees 13 minutes 50 seconds West a distance of 165.71 feet to the point of beginning.

Subject to a non-exclusive easement for ingress and egress along the South 12.5 feet of the above described property.

Assessed as Parcel #: 12-04-20-0-001-015.011

1. That copy of map of said territory is attached hereto as Exhibit A.
2. That the City Clerk, Richard L. Williams, City Clerk of the City, shall certify a copy of this Ordinance and present a copy of same to the Probate Judge of Colbert County, Alabama.
3. This Ordinance is adopted pursuant and under the authority of Section 11-42-2 of the *Code of Alabama, 1975*.

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Council Member Lockhart seconded the motion and upon said motion being put to a vote, the following vote was recorded:

Ayes: Council Member Hall, Council Member Willis, Council Member Lockhart,  
Council Member Sockwell, Council Member Noles

Nays: None

President Noles announced that the motion for immediate consideration had passed unanimously. Council Member Sockwell moved that the Ordinance be approved. Council Member Lockhart seconded the motion and upon said motion being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Willis, Council Member Lockhart,  
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the motion for approval of the Ordinance was approved unanimously.

There being no further business to come before the meeting, upon the motion duly made and seconded the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

ATTEST:

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COUNCIL MEMBER - PLACE FIVE

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CITY CLERK