

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
September 19, 2005**

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The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 19<sup>th</sup> day of September 2005 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by David Bradford, Mayor of the City. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT:   JOE PAMPINTO, NEAL WILLIS, JERRY KNIGHT GRISSOM  
                  JAMES HOLLAND, ALLEN NOLES, DAVID H. BRADFORD  
ABSENT:    NONE

Richard Williams, City Clerk of the City, was present and kept the minutes of the meeting.

David Bradford, Mayor of the City, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business.

Upon motion duly made by Council Member Holland, seconded by Council Member Pampinto unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting of September 6, 2005 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution awarding the annual bid for asphalt.

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2158-05**

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

[1] That advertisements for bids for the purchase of asphalt for the fiscal year beginning October 1, 2005 were distributed, the bid opening set for the 16<sup>th</sup> day of September, 2005, at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows with the basis of award being the grand total of all items:

BIDDER:	PRICE PER TON:
APAC - SOUTHEAST INC.	\$30.90
ROGERS GROUP, INC.	\$31.00

[3] After verifying the bids with the specifications it has been determined that the lowest, responsive, responsible bidder submitting a bid for asphalt is APAC - Southeast Inc. The Council hereby elects to award the bid to multiple vendors. APAC-Southeast, Inc. shall be awarded the bid as the primary supplier and Rogers Group, Inc. shall be awarded the bid as the secondary supplier in the event that the primary vendor cannot provide product at time of notification.

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Council Member Noles seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution awarding the annual bid for coarse aggregates.

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2159-05**

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

[1] That advertisements for bids for the purchase of coarse aggregates for the fiscal year beginning October 1, 2005 were distributed, the bid opening set for the 16<sup>th</sup> day of September, 2005, at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows with the basis of award being the grand total of all items:

Item:	Rogers Group, Inc.	Vulcan Materials
No. 57	\$6.90/ton	\$6.51/ton
Crusher Run	\$6.55/ton	\$6.20/ton
Rip Rap	\$7.50/ton	\$7.57/ton
Grand Total of All Items:	\$20.95/ton	\$20.28/ton

[3] After verifying the bids with the specifications it has been determined that the lowest, responsive, responsible bidder submitting a bid for coarse aggregates is Vulcan Materials. The bid is hereby awarded to Vulcan Materials.

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Council Member Noles seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution giving notice of the regular meetings of the City Council for the fiscal year beginning October 1, 2005 and ending September 30, 2006 and other matters related to the Alabama Open Meetings Law.

Council Member Noles introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2160 -05**

**WHEREAS**, Act #2005-40, enacted by the Alabama Legislature, addresses the manner in which municipalities conduct and give notice of public meetings of the governing body, and

**WHEREAS**, Act #2005-40, the Alabama Open Meetings Act, becomes effective on October 1, 2005, and

**WHEREAS**, the Alabama Open Meetings Act requires notice to the public of meetings of governmental bodies covered by the act, now

**THEREFORE BE IT RESOLVED** By the City Council of the City of Muscle Shoals, Alabama that notice is hereby given of the regular meetings of the City Council for the fiscal year commencing on October 1, 2005 and ending on September 30, 2006 as noted on Exhibit "A" of this resolution, and

**BE IT FURTHER RESOLVED** that all regular meetings of the City Council shall commence at 6:30 p.m. in the City Hall Auditorium located at 2010 E. Avalon Avenue and shall be preceded by a work session of the City Council one hour earlier, and

**BE IT FURTHER RESOLVED** that public notice of special or emergency meetings of the City Council shall be given to the public by posting notice on the bulletin board in city hall, and

**BE IT FURTHER RESOLVED** that any member of the public or media desiring direct notification of meetings of the City Council shall do so in writing on forms provided by the City Clerk, and

**BE IT FURTHER RESOLVED** that direct notice of public meetings of the City Council shall be distributed by the City Clerk by any method, at his discretion, likely to provide the requested notice as provided under Act #2005-40.

**EXHIBIT "A"**

Schedule of Regular Meetings/Work Sessions  
Muscle Shoals City Council

Monday, October 3, 2005

Monday, October 17, 2005

Monday, November 7, 2005

Monday, November 21, 2005

Monday, December 5, 2005

Monday, December 19, 2005

Tuesday, January 3, 2006 (Conflict with observance of New Year's Holiday)

Tuesday, January 17, 2006 (Conflict with Martin Luther King Federal Holiday)

Monday, February 6, 2006

Monday, February 20, 2006  
Monday, March 6, 2006  
Monday, March 20, 2006  
Monday, April 3, 2006  
Monday, April 17, 2006  
Monday, May 1, 2006  
Monday, May 15, 2006  
Monday, June 5, 2006  
Monday, June 19, 2006  
Monday, July 3, 2006  
Monday, July 17, 2006  
Monday, August 7, 2006  
Monday, August 21, 2006  
Tuesday, September 5, 2006 (Conflict with Labor Day Holiday)  
Monday, September 18, 2006

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Council Member Willis seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution granting a cost of living adjustment to certain retirees.

Council Member Willis introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2161 -05**

**BE IT HEREBY RESOLVED** by the Mayor and City Council of the City of Muscle Shoals, Alabama; that the City of Muscle Shoals elects to come under the provisions of Section 6 of Act 316 of the first special session of the 2005 Legislature.

**BE IT FURTHER RESOLVED** that the City of Muscle Shoals agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the increase as provided for by said Act for those eligible employees retired from the City of Muscle Shoals with the aforementioned increase being effective with the October 2005 benefit payments.

**BE IT FURTHER RESOLVED** that the City Clerk is authorized to make a lump sum payment with remittance of this resolution on October 1, 2005.

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Council Member Grissom 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 Pampinto, Council Member Willis, Council Member Grissom,  
Council Member Holland, Council Member Noles

NAYS: None ABSTAINING: Mayor Bradford

Mayor Bradford thereupon declared said motion carried and the resolution approved.

Mayor Bradford announced that the next item of business was consideration of an ordinance annexing 60 acres of property located on the north side of E. 6<sup>th</sup> Street owned by the City of Muscle Shoals. A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Grissom introduced the following ordinance which was presented in writing in the meeting:

STATE OF ALABAMA  
COLBERT COUNTY

**PETITION FOR UNANIMOUS CONSENT TO ANNEXATION**

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, CITY OF MUSCLE SHOALS, ALABAMA a municipal corporation,, being the owner of all of the hereinafter described real property, 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:

A tract of land lying in the SW ¼ of Section 3, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: Commence at a PK nail and shiner set (stamped typical R. Collins, L.S.-13406) being locally known and accepted as the SW corner of said Section 3; said point lying 0.83 feet West of the centerline intersection of Gnat Pond Road (Colbert County Road #61 —80 foot right of way) and 0.37 feet South of the centerline intersection with Sixth Street (Colbert County Road #24—80 foot right of way); thence N 00 degrees 19' 20" W and along the westwardly line of said Section 3 for 1658.95 feet to an iron pin set (capped typical R. Collins, L.S.-13406) 10.92 feet West of the centerline of the aforementioned Gnat Pond Road; thence S 88 degrees 23' 19" E 1577.20 feet to an iron phi set; thence S 00 degrees 19' 20" E 1657.16 feet to a PK nail and shiner set on the southwardly line of said Section 3, said point lying 2.88 feet North of the centerline of the aforementioned Sixth Street; thence N 88 degrees 27' 14" W and along the southwardly line of said Section 3 for 1577.14 feet to the point of beginning. Said tract contains 60 acres, more or less, is subject to one half the right of ways of said Gnat Pond Road and Sixth Street off the westwardly and southwardly sides thereof, is subject to a 275 foot TVA Transmission Line Easement across said property and is subject to any easements of record or easements existing on site.

The undersigned represents unto the governing body of the City of Muscle Shoals, Alabama as follows:

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, the undersigned Petitioner has caused this instrument to be executed this 19<sup>th</sup> day of September 2005.

CITY OF MUSCLE SHOALS, ALABAMA,  
a municipal corporation

BY: s/ David H. Bradford L.S.  
David H. Bradford  
Its Mayor

ATTEST:

s/ Richard L. Williams

Richard L. Williams

Its City Clerk

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that David H. Bradford and Richard L. Williams, whose names, as Mayor and City Clerk, respectively, are signed to the foregoing and who are each known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that they as such officers of the CITY OF MUSCLE SHOALS, ALABAMA, a municipal corporation, and with full authority, signed the same voluntarily on the day that same bears date for and as the act of said municipal corporation.

Given under my hand and official seal this 19<sup>th</sup> day of September 2005.

s/ Lisa Ricks  
Notary Public  
My Commission expires: 9/16/08

### **ORDINANCE NO. 1353-05**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

Section 2. The boundary lines of the City of Muscle Shoals, Alabama, be, and the same are hereby, altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Muscle Shoals, Alabama, and in addition thereto, the following described territory:

A tract of land lying in the SW ¼ of Section 3, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: Commence at a PK nail and shiner set (stamped typical R. Collins, L.S.-13406) being locally known and accepted as the SW corner of said Section 3; said point lying 0.83 feet West of the centerline intersection of Gnat Pond Road (Colbert County Road #61 —80 foot right of way) and 0.37 feet South of the centerline intersection with Sixth Street (Colbert County Road #24—80 foot right of way); thence N 00 degrees 19' 20" W and along the westwardly line of said Section 3 for 1658.95 feet to an iron pin set (capped typical R. Collins, L.S.-13406) 10.92 feet West of the centerline of the aforementioned Gnat Pond Road; thence S 88 degrees 23' 19" E 1577.20 feet to an iron phi set; thence S 00 degrees 19' 20" E 1657.16 feet to a PK nail and shiner set on the southwardly line of said Section 3, said point lying 2.88 feet North of the centerline of the aforementioned Sixth Street; thence N 88 degrees 27' 14" W and along the southwardly line of said Section 3 for 1577.14 feet to the point of beginning. Said tract contains 60 acres, more or less, is subject to one half the right of ways of said Gnat Pond Road and Sixth Street off the westwardly and southwardly sides thereof, is subject to a 275 foot TVA Transmission Line Easement across said property and is subject to any easements of record or easements existing on site.

Section 3. This Ordinance shall be published as provided by law and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

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Council Member Grissom moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Holland and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom,  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Grissom then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Holland and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom,  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

Mayor Bradford announced that the next item of business was consideration of an ordinance annexing 120 acres of property located on the north side of E. 6<sup>th</sup> Street owned by John M. Counts, Jr, William M. Counts, Sr., Robert E. Murtagh, Elizabeth Murtagh Yaw and Deborah Murtagh Nichols. A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Grissom introduced the following ordinance which was presented in writing in the meeting:

STATE OF ALABAMA  
COLBERT COUNTY

**PETITION FOR UNANIMOUS CONSENT TO ANNEXATION**

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, JOHN M. COUNTS, JR., WILLIAM M. COUNTS, SR., ROBERT E. MURTAGH, ELIZABETH MURTAGH YAW and DEBORAH MURTAGH NICHOLS, being the owners of all of the hereinafter described real property, do 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:

200 acres in Section 3, Township 5 South, Range 10 West , known as the Charlie Sherrod Place, and more particularly described as follows, to wit: The South 1/2 of the SW 1/4 less 15 acres off of the West end; the NW 1/4 of the SW 1/4, less 0 acres off of the North side, 10 acres off of the South side of the NE 1/4 of the SW 1/4; the S 1/2 of the SE 1/4 less 25 acres off of the East end, all in Section 3, Township 4 South, Range 10 West and containing 160 acres, more or less. 15 Also, 15 acres off of the West side of the SW 1/4 of the SW 1/4 of Section 3, Township 4, Range 10 West and the SE 1/4 of the SE 1/4 of Section 3, Township 4 South, Range 10 West, except and less 15 acres off the West side thereof; containing 40 acres, more or less, making the total acres in the parcel 200 acres as above stated.



For purposes of further identification, the tract described herein is further described as Parcel # 20-12-02-03-0-001-014.000 under the assessment in Account # 10221 in the Office of the Revenue Commissioner of Colbert County, Alabama.

**LESS AND EXCEPT THEREFROM:**

A tract of land lying in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 3, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows, to wit: To find the point of beginning, commence at a PK nail and shiner set (stamped typical R. Collins, L.S. – 13406) being locally known and accepted as the SW corner of said Section 3; said point lying 0.83 feet West of the centerline intersection of Gnat Pond Road (Colbert County Road #61 – 80 foot right of way) and 0.37 feet South of the centerline intersection with Sixth Street (Colbert County Road #24 – 80 foot right of way); thence N 00 degrees 19' 20" W and along the westwardly line of said Section 3 for 1658.95 feet to an iron pin set (capped typical R. Collins, L.S. – 13406) 10.92 feet West of the centerline of the aforementioned Gnat Pond Road and to the point of beginning; continue thence N 00 degrees 19' 20" W and along the westwardly line of said Section 3 for 658.20 feet to a PK nail and shiner set 7.82 feet west of said centerline; thence S 88 degrees 23' 19" E 1323.58 feet to an iron pin set; thence S 00 degrees 27' 29" E 658.26 feet to an iron pin set; thence N 88 degrees 23' 19" W 1325.14 feet to the point of beginning. Said tract contains 20 acres, more or less, is subject to one half the right of way of said Gnat Pond Road off the westwardly side thereof, is subject to a 275 foot TVA Transmission Line Easement across said property as shown on the attached plat and is subject to any easements of record or easements existing on site.

**ALSO LESS AND EXCEPT THEREFROM:**

A tract of land lying in the SW  $\frac{1}{4}$  of Section 3, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: Commence at a PK nail and shiner set (stamped typical R. Collins, L.S.- 13406) being locally known and accepted as the SW corner of said Section 3; said point lying 0.83 feet West of the centerline intersection of Gnat Pond Road (Colbert County Road #61 —80 foot right of way) and 0.37 feet South of the centerline intersection with Sixth Street (Colbert County Road #24—80 foot right of way); thence N 00 degrees 19' 20" W and along the westwardly line of said Section 3 for 1658.95 feet to an iron pin set (capped typical R. Collins, L.S.- 13406) 10.92 feet West of the centerline of the aforementioned Gnat Pond Road; thence S 88 degrees 23' 19" E 1577.20 feet to an iron phi set; thence S 00 degrees 19' 20" E 1657.16 feet to a PK nail and shiner set on the southwardly line of said Section 3, said point lying 2.88 feet North of the centerline of the aforementioned

Sixth Street; thence N 88 degrees 27' 14" W and along the southwardly line of said Section 3 for 1577.14 feet to the point of beginning. Said tract contains 60 acres, more or less, is subject to one half the right of ways of said Gnat Pond Road and Sixth Street off the westwardly and southwardly sides thereof, is subject to a 275 foot TVA Transmission Line Easement across said property and is subject to any easements of record or easements existing on site.

The undersigned represent unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitute all of the owners of the herein described real property, said 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 petition the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and request 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 15<sup>th</sup> day of March 2004.

S/ John M. Counts L.S.  
JOHN M. COUNTS, JR.

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that JOHN M. COUNTS, JR., whose name 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 signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 15<sup>th</sup> day of March, 2004.

S/ Glynell Clemmons  
Notary Public  
My Commission expires:11-11-2005

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15<sup>th</sup> day of March 2004.

S/ William M. Counts, Sr. L.S.  
WILLIAM G. COUNTS, SR.

STATE OF ALABAMA  
LAUDERDALE COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that WILLIAM M. COUNTS, SR., whose name 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 signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 15<sup>th</sup> day of March 2004.

S/ Glynell Clemmons  
Notary Public

My Commission expires:11-11-2005

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 22<sup>nd</sup> day of March 2004.

S/ Robert E. Murtagh L.S.  
ROBERT E. MURTAGH

STATE OF LOUISIANA  
EAST BATON ROUGE PARISH

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that ROBERT E. MURTAGH, whose name 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 signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 22<sup>nd</sup> day of March 2004.

S/ James Gordon Chustz  
Notary Public

My Commission expires: At Death

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20<sup>th</sup> day of March 2004.

S/ Elizabeth Murtagh Yaw L.S.  
ELIZABETH MURTAGH YAW

STATE OF MISSOURI  
PLATTE COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that ELIZABETH MURTAGH YAW, whose name 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 she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 20<sup>th</sup> day of March 2004.

S/ Dianna Brockman

Notary Public

My Commission expires: June 12, 2004

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 24<sup>th</sup> day of March 2004.

S/ Deborah Murtagh Nichols L..S.

DEBORAH MURTAGH NICHOLS

STATE OF TEXAS

DALLAS COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that DEBORAH MURTAGH NICHOLS, whose name 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 she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 24<sup>th</sup> day of March 2004.

S/ Deanna J. Mitchell

Notary Public

My Commission expires:7/30/07

## **ORDINANCE NO. 1354-05**

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:**

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

Section 2. The boundary lines of the City of Muscle Shoals, Alabama, be, and the same are hereby, altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Muscle Shoals, Alabama, and in addition thereto, the following described territory:

200 acres in Section 3, Township 5 South, Range 10 West , known as the Charlie Sherrod Place, and more particularly described as follows, to wit: The South 1/2 of the SW 1/4 less 15 acres off of the West end; the NW 1/4 of the SW 1/4, less 0 acres off of the North side, 10 acres off of the South side of the NE 1/4 of the SW 1/4; the S 1/2 of the SE 1/4 less 25 acres off of the East end, all in Section 3, Township 4 South, Range 10 West and containing 160 acres, more or less. 15 Also, 15 acres off of the West side of the SW 1/4 of the SW 1/4 of Section 3, Township 4, Range 10 West and the SE 1/4 of the SE 1/4 of Section 3, Township 4 South, Range 10 West, except and less 15 acres off the West side thereof; containing 40 acres, more or less, making the total acres in the parcel 200 acres as

above stated.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-02-03-0-001-014.000 under the assessment in Account # 10221 in the Office of the Revenue Commissioner of Colbert County, Alabama.

**LESS AND EXCEPT THEREFROM:**

A tract of land lying in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 3, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows, to wit: To find the point of beginning, commence at a PK nail and shiner set (stamped typical R. Collins, L.S. – 13406) being locally known and accepted as the SW corner of said Section 3; said point lying 0.83 feet West of the centerline intersection of Gnat Pond Road (Colbert County Road #61 – 80 foot right of way) and 0.37 feet South of the centerline intersection with Sixth Street (Colbert County Road #24 – 80 foot right of way); thence N 00 degrees 19' 20" W and along the westwardly line of said Section 3 for 1658.95 feet to an iron pin set (capped typical R. Collins, L.S. – 13406) 10.92 feet West of the centerline of the aforementioned Gnat Pond Road and to the point of beginning; continue thence N 00 degrees 19' 20" W and along the westwardly line of said Section 3 for 658.20 feet to a PK nail and shiner set 7.82 feet west of said centerline; thence S 88 degrees 23' 19" E 1323.58 feet to an iron pin set; thence S 00 degrees 27' 29" E 658.26 feet to an iron pin set; thence N 88 degrees 23' 19" W 1325.14 feet to the point of beginning. Said tract contains 20 acres, more or less, is subject to one half the right of way of said Gnat Pond Road off the westwardly side thereof, is subject to a 275 foot TVA Transmission Line Easement across said property as shown on the attached plat and is subject to any easements of record or easements existing on site.

**ALSO LESS AND EXCEPT THEREFROM:**

A tract of land lying in the SW  $\frac{1}{4}$  of Section 3, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: Commence at a PK nail and shiner set (stamped typical R. Collins, L.S.- 13406) being locally known and accepted as the SW corner of said Section 3; said point lying 0.83 feet West of the centerline intersection of Gnat Pond Road (Colbert County Road #61 —80 foot right of way) and 0.37 feet South of the centerline intersection with Sixth Street (Colbert County Road #24—80 foot right of way); thence N 00 degrees 19' 20" W and along the westwardly line of said Section 3 for 1658.95 feet to an iron pin set (capped typical R. Collins, L.S.- 13406) 10.92 feet West of the centerline of the aforementioned Gnat Pond Road; thence S 88 degrees 23' 19" E 1577.20 feet to an iron phi set; thence S 00 degrees

19' 20" E 1657.16 feet to a PK nail and shiner set on the southwardly line of said Section 3, said point lying 2.88 feet North of the centerline of the aforementioned Sixth Street; thence N 88 degrees 27' 14" W and along the southwardly line of said Section 3 for 1577.14 feet to the point of beginning. Said tract contains 60 acres, more or less, is subject to one half the right of ways of said Gnat Pond Road and Sixth Street off the westwardly and southwardly sides thereof, is subject to a 275 foot TVA Transmission Line Easement across said property and is subject to any easements of record or easements existing on site.

Section 3. This Ordinance shall be published as provided by law and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

Council Member Grissom moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Holland and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Grissom then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Holland and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

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

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

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MAYOR

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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

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK