

Having previously been introduced at the June 12, 2023, council meeting, Council Member \_\_\_\_\_ moved the adoption of the following Ordinance, which was seconded by Council Member \_\_\_\_\_:



### **ORDINANCE 23-180**

#### **AN ORDINANCE TO REZONE PROPERTY AT 719 4<sup>th</sup> PLACE SW FROM B-3 (BUSINESS COMMUNITY DISTRICT) TO I (INSTITUTION DISTRICT)**

**THE PUBLIC GOOD REQUIRING IT, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, ALABAMA AS FOLLOWS:**

**WHEREAS**, Soldiers of the Cross Church Inc., as Owner of land located at 719 4<sup>th</sup> Place SW, Alabaster, Alabama, (PID: 23 1 02 4 001 005.001) petitioned the City to rezone said property from B-3 (Business Community District) to I (Institution District), and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on this matter on May 23, 2023 and found the petition in conformity with the Comprehensive Plan and did recommend to the Council that said property be rezoned to I (Institution District), and

**WHEREAS**, required by law this proposed Ordinance was advertised for two (2) weeks in the Shelby County Reporter, a newspaper of general circulation within the City's limits, and that the City Council of the City of Alabaster, at its Public Hearing on the 10th day of July, 2023 at 7:00 p.m., considered said proposed Ordinance and that at such time and place all persons who desired had an opportunity to be heard in favor of or in opposition to such Ordinance.

**NOW, THEREFORE, be it Ordained that the Zoning Ordinance of the City of Alabaster, Alabama** and the zoning map adopted therewith, is hereby amended to rezone the property described as:

Parcel I:

A parcel of land situated in the NW 1/4 of SE 1/4 of Section 2, Township 21 South, Range 3 West, Shelby County, Alabama, being that all of that portion of the property described in Deed Book 251 page 762 and recorded in the Office of the Judge of Probate of Shelby County, Alabama that lies East of Alabama Highway# 119 and West of 4th Place SW said parcel being more particularly described as follows:

Commence at the SE corner of the NW 1/4 of the SE 1/4 of Section 2, Township 21 South, Range 3 West, Shelby County, Alabama; thence proceed northerly along East line of said NW 1/4 of SE 1/4 for 1324.33 feet to the NE corner of said NW 1/4 of SE 1/4; thence turn a deflection angle left of 146 degrees 52 minutes 15 seconds and proceed southwesterly for 602.00 feet to the SE corner of the " Don and Helen Bunn" property as described in Deed Book 251 page 762 and recorded in the Office of the Judge of Probate, Shelby County, Alabama; thence turn a deflection angle right of 90 degrees and proceed northwesterly along the Southwest property line of said " Bunn " property for approximately 509.27 feet to a point on the Westerly right of way margin of 4th Place SW said point being the Point of Beginning;

thence continue along the last described course for 137.63 feet to a point on the Southeast right of way margin or Alabama Highway# 119; thence turn a deflection angle right of 126 degrees 53 minutes 17 seconds and proceed northeasterly along said Southeast right of way margin of Alabama Highway# 119 for 9.30 Feet to a point; thence turn a deflection angle left of 8 degrees 23 minutes 30 seconds and continue

northeasterly along said Southeast right of way margin of Highway# 119 for 280.04 feet to a point at the intersection with the Westerly right of way margin of 4th Place SW; thence turn a deflection . angle right *of* 151 degrees 51 minutes 25 seconds and proceed southeasterly along said Westerly right of way margin of 4th Place SW for 253.56 feet to the Point of Beginning.

Less and except any portion of subject property conveyed to the State of Alabama in Warranty Deed recorded in Instrument 1993-38911.

Parcel II:

A parcel of land situated In NW 1/4 of SE 1/4 of Section 2; Township 21 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the NE corner of NW 1/4 of SE 1/4 of Section 2, Township 21 South, Range 3 West and run West along the North line of said 1/4 -1/4 for 728.08 feet to the most Easterly right of way line of Alabama Highway #119; thence 36°56'00" to the left and run Southwesterly along road right of way for 58.45 feet to the beginning of a curve to the Jeff having a radius of 1232.49 feet and subtending a central angle of 8°07'38"; run thence Southwesterly along arc of said curve for 174.83 feet to the Point of Beginning and also being P.O.C. (point on curve) to the left having a radius of 1232.49 feet and subtending a central angle of 16°00'39"; continue along arc of said curve for 344.41 feet; thence from tangent of said curve turn 87°22'22" left and run Southeasterly for 217.10 feet to the most Westerly right of way line of Old Montevallo Road; thence 90°00'00" left and run Northeasterly along said right of way for 341.78 feet; thence 90°00'00" left and run Northwesterly for 184.92 feet to the Point of Beginning.

Situated in Shelby County, Alabama.

Less and except that part condemned by the State of Alabama in Case No. CV00-529 being more particularly described as:

Commence at the NW corner of the NW 1/4 of SE 1/4 of Section 2, Township 21 South, Range 3 West and run east along the north line of said NW 1/4 of SE 1/4, a distance of 737 feet, more or less, to the present northwest right of way line of 4th Place\$. W.; thence southwesterly along said right of way line a distance of 350 feet, more or less, to the northeast property line; thence northwesterly along said property line a distance of 146 feet, more or less, to a point that is 60 feet southeasterly of and radial to the centerline of Project No. STPM-458 (1); and the point of beginning; thence southerly, parallel with said centerline, along a curve to the left, having a radius of 1,197.71 feet, a distance of 347 feet, more or less, to the southwest property line; thence northwesterly along said property line a distance of 45 feet, more or less, to the present southeast right of way line of Alabama Highway 119; thence northeasterly along said right of way line a distance of 348 feet, more or less, to the northeast property line; thence southeasterly along said property line a distance of 43 feet, more or less, to the point of beginning.

Situated in Shelby County, Alabama

LESS AND EXCEPT

A parcel of land situated in the N.W.1/4 of the S.E.1/4 of Section 2, Township 21 South, Range 3 West, Shelby County, Alabama, said parcel being more particularly described as follows:

Commence at the S.E. corner of the N.W. 1/4 of the S.E. 1/4 of Section 2, Township 21 South, Range 3 West, Shelby County, Alabama; thence proceed northerly along the East line of said N.W. 1/4 of S.E. 1/4 for 1324.33 feet to the N.E. corner of said N.W. 1/4 of S.E. 1/4; thence turn a deflection angle left of 146°52'15" and proceed southwesterly for

602.00 feet to the S.E. corner of the "Don and Helen Bunn" property as described in Deed Book 251, Page 762 and recorded in the office of the Judge of Probate, Shelby County, Alabama; thence turn a deflection angle right of 90° and proceed northwesterly along the Southwest property line of said "Bunn" property for approximately 509.27 feet to a point on the Westerly right of way margin of 4th Place S.W.; thence turn a deflection angle left of 89°34'10" and proceed southwesterly along said Westerly right of way margin of 4th Place S.W. for 291.48 feet to the POINT OF BEGINNING; thence continue southwesterly along the last described course and along said Westerly right of way margin of 4th Place S.W. for 50.00 feet to a point at the Northeast corner of that property belonging

to Siluria Baptist Church and described in that certain mortgage document written by Siluria Baptist

Church to The First Bank of Alabaster and dated April 12, 1966; thence leaving said Westerly right of way margin of 4th Place S.W., turn a deflection angle right of 90°00'33" and proceed northwesterly along the Northeasterly boundary line of said property belonging to Siluria Baptist Church for 171.70 feet to a point on the Southeast right of way margin of Alabama Highway #119, said Southeast right of way margin being in a curve to the right, said curve having a central angle of 02°34'59" and a radius of 1110.25 feet; thence turn a deflection angle right of 86°11'21" to tangent of said curve and proceed northeasterly along said Southeast right of way margin of Alabama Highway #119 and along the arc of said curve for 50.05 feet to a point; thence leaving said Southeast right of way margin of Alabama Highway #119, turn a deflection angle right of 91°13'40" from tangent of last described curve and proceed southeasterly for 173.89 feet to the POINT OF BEGINNING.

to I (Institution District).

All other items and provisions of the Zoning Ordinance of the City of Alabaster not herein specifically amended shall remain in full force and effect.

This Ordinance shall become effective upon its passage, execution and publication as provided by law.

**ADOPTED AND APPROVED THIS 10TH DAY OF JULY 2023.**

ATTEST:

CITY OF ALABASTER

\_\_\_\_\_  
J. Mark Frey, City Clerk

\_\_\_\_\_  
Sophie Martin, Council President

APPROVED:

\_\_\_\_\_  
Scott Brakefield, Mayor