

TUSCALOOSA COUNTY COMMISSION

MEETING

March 2, 2011

TUSCALOOSA COUNTY §

STATE OF ALABAMA §

This being the date and hour to which the Tuscaloosa County Commission adjourned, the County Commission met pursuant to such adjournment with Probate Judge W. Hardy McCollum presiding as Chairman. The following members were present:

Gary Youngblood
Don Wallace
Bobby Miller
Reginald Murray

Commissioner Gary Youngblood moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to amend the Solid Waste Authority budget to add \$35,000.00 for one Animal Control Officer position. This will include salary, vehicle expenses, radio equipment, etc.

Probate Judge W. Hardy McCollum presented a 30-year service pin to Deborah Fowler and Lois Lowery, both of the Tax Assessor's Office, and thanked them for their dedicated service to Tuscaloosa County.

Commissioner Gary Youngblood moved, seconded by Commissioner Reginald Murray, the County Commission voted unanimously to authorize the Engineering Department to advertise for proposals to design/construct a metal building for Camp Cedar Cove.

Commissioner Don Wallace moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to adopt a resolution granting Probate Judge W. Hardy McCollum the authority to challenge ADEM Permit No. ALR040000, through an appropriate filing with ADEM (Alabama Department of Environmental Management), including but not limited to, retaining such professional services as he deems appropriate.

Exhibit 3-1, Page

Commissioner Reginald Murray moved, seconded by Commissioner Gary Youngblood, the County Commission voted unanimously to authorize County Attorney Robert Spence to proceed with the purchase of 1.59 acres on Sand Road for a roadway project from W. R. and Zora Ballard at the appraised price of \$5,500.00 per acre for a total of \$9,000.00.

Exhibit 3-2, Page

Commissioner Reginald Murray moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to authorize County Attorney Robert Spence to begin condemnation proceedings on a portion of Sand Road for a roadway project. This portion of property is owned by Deborah Hampton.

Exhibit 3-3, Page

Commissioner Reginald Murray moved, seconded by Commissioner Don Wallace, the County Commission voted unanimously to reappoint Farrell Noland to the Buhl, Elrod, Holman Water Authority Board. His term will expire March 1, 2017.

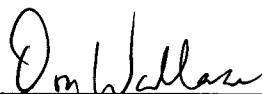
Commissioner Don Wallace's motion to appoint Caroline Barnes to the Coker Water Authority Board was seconded by Commissioner Reginald Murray. Commissioner Miller's motion to table for two weeks for further discussion passed unanimously.

Commissioner Bobby Miller moved, seconded by Commissioner Reginald Murray, the County Commission voted unanimously to waive the right-of-way requirements on Indian Creek Cutoff and the gravel portion of Indian Creek Road.

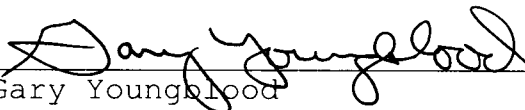
There being no further business to come before the Tuscaloosa County Commission, the meeting adjourned to Wednesday, March 16, 2011.



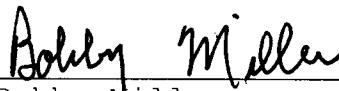
W. Hardy McCollum
Judge of Probate and Chairman
Tuscaloosa County Commission



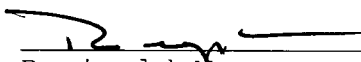
Don Wallace
Commissioner - District I



Gary Youngblood
Commissioner - District II



Bobby Miller
Commissioner - District III



Reginald Murray
Commissioner - District IV

RESOLUTION

WHEREAS, the Alabama Department of Environmental Management (“ADEM”) has made a final determination to issue General NPDES Permit No. ALR040000 which regulates storm water discharges from small municipal storm water systems located within the boundaries of the State of Alabama; and

WHEREAS, ADEM has previously notified the public of its issuance of the referenced Permit; and

WHEREAS, NPDES Permit No. ALR040000 in its present form is an unfunded mandate; and

WHEREAS, many of the requirements of said Permit are not required by the federal Clean Water Act or under the federal Environmental Protection Agency’s (“EPA”) regulations; and

WHEREAS, many of the requirements of said Permit are simply EPA guidance provisions which have not been subject to appropriate notice and comment; and

WHEREAS, the Tuscaloosa County Commission is a permittee under the referenced Permit and is required to adhere to all requirements promulgated thereto; and

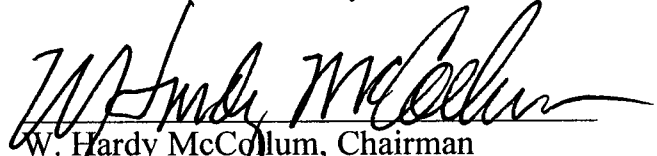
WHEREAS, it appears that the Permit will require extensive expenditures of money and resources in order to comply with same while providing limited value to residents of Tuscaloosa County; and

WHEREAS, the Permit as described herein may be challenged by Tuscaloosa County through an appropriate filing with ADEM, so long as such challenge is properly filed on or before March 2, 2011;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

That the Chairman is hereby authorized to take all steps necessary to challenge Permit No. ALR040000 which regulates storm water discharges in Tuscaloosa County, including but not limited to, retaining such professional services as he deems appropriate.

IN WITNESS WHEREOF, the Tuscaloosa County Commission has caused this Resolution to be executed in its name on its behalf by its Chairman on this the 2nd day of March, 2011.


W. Hardy McCollum, Chairman
Tuscaloosa County Commission

ATTEST:


Melvin Vines, County Administrator

THIS INSTRUMENT PREPARED BY:

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ROSEN HARWOOD, P.A.
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(205) 344-5000

Source of Title: Deed Book 1997 at Page 8258

STATE OF ALABAMA)

TUSCALOOSA COUNTY)

RESOLUTION AUTHORIZING PURCHASE OF RIGHT OF WAY

WHEREAS, the County is presently engaged in efforts to design, construct, improve, operate and maintain a right-of-way that will cross certain real property located in Tuscaloosa County, Alabama owned by W.R. Ballard and Zora Ballard, husband and wife (hereinafter referred to as the "Owners");

WHEREAS, as part of its roadway project, it is necessary and expedient for the County to acquire fee ownership of certain tracts of land for the purposes of constructing, laying, installing, maintaining, operating, improving, inspecting, altering, renewing, repairing, removing, changing the size and/or relocating and replacing a roadway including, without limitation maintenance facilities, signs, service roads, and the County may elect, together with all connections and other appurtenances necessary or convenient to the County in the construction, operation, inspection, maintenance or use of said improvements in the locations described and depicted on the attached Exhibits "A" and "B" which are hereby incorporated herein by reference (hereinafter referred to as the "Property");

WHEREAS, in the judgment of the County, it is necessary and expedient for carrying out the

full powers granted to the County that such Property be acquired;

WHEREAS, the County has been able to reach an agreement with the Owners for the voluntary conveyance of the Property;

WHEREAS, an appraisal was conducted of the Property at the direction of the County Attorney as authorized by the County;

WHEREAS the Property consists of 1.59 acres and the appraisal of the Property determined that the value of the Property was \$5,500.00 per acre, resulting in a total purchase price of \$9,000.00;

WHEREAS, the Property does not lie within the corporate limits of any municipality in Tuscaloosa County, but within the jurisdiction of Tuscaloosa County, Alabama; and

WHEREAS, the County desires to authorize the County's attorney to acquire said Property for the price determined by the appraisal.

NOW, THEREFORE, be it resolved by the Tuscaloosa County Commission, Alabama, as follows:


1. That it is in the interest of the public that the County acquire fee ownership of the Property, as depicted on and described in Exhibits "A" and "B" hereto.

2. That the assent of the Tuscaloosa County Commission is hereby given to the acquisition of said Property located in Tuscaloosa County, Alabama, as depicted on, and described in Exhibits "A" and "B" hereto.

3. That the County's attorney be, and is hereby authorized to acquire said Property as set out herein.

RESOLVED AND DONE this 22nd day of March, 2011.

TUSCALOOSA COUNTY COMMISSION

By: 
W. Hardy McCollum, Judge of Probate

ATTEST:


Melvin Vines, County Administrator

APPROVED THIS THE 22nd DAY OF March, 2011.

BALLARD PROPERTY
SAND ROAD RIGHT-OF-WAY
EXHIBIT "A"

STATE OF ALABAMA
TUSCALOOSA COUNTY

A 85-foot wide strip of land, being 30 feet on the South side of and 55 feet on the North side of and parallel to the herein described centerline of the existing Sand Road and the proposed new alignment of said Sand Road, for the purpose of constructing and maintaining a public road, being located in Southwest quarter of the Southeast quarter of Section 8, Township 22 South, Range 11 West, Tuscaloosa County, Alabama, and being more particularly described as follows:

Begin at the intersection of the centerline of said Sand Road and the North boundary of the Southwest quarter of the Southeast quarter of said Section 8; thence proceed S59°37"E and in a southeasterly direction and along the centerline of said Sand Road a distance of 247 feet, more or less to a point; thence along a curve, said curve being concave southeasterly and having a radius of 2330 feet and an arc length of 767 feet, more or less, a chord bearing of S50°20'E a chord distance of 764.5 feet, more or less, to the intersection of the proposed centerline of said Sand Road and the East boundary of said Southwest quarter of the Southeast quarter of said Section 8 and the Point of Ending of said right-of-way. Said 85-foot wide strip of land containing 1.59 acres, more or less.

It is the intent of this document to create a 85-foot wide strip of land for being a public right-of-way. Said strip of land being 30 feet on the South side of and 55 feet on the North side of and parallel to the above described centerline of the existing Sand Road and the proposed new alignment of said Sand Road as constructed and shown on the attached Exhibit "B".

BALLARD TRACT

SAND ROAD RIGHT-OF-WAY

SECTION 8 — TOWNSHIP 22 SOUTH — RANGE 11 WEST

TUSCALOOSA COUNTY, ALABAMA

1) SKETCH IS NOT TO SCALE

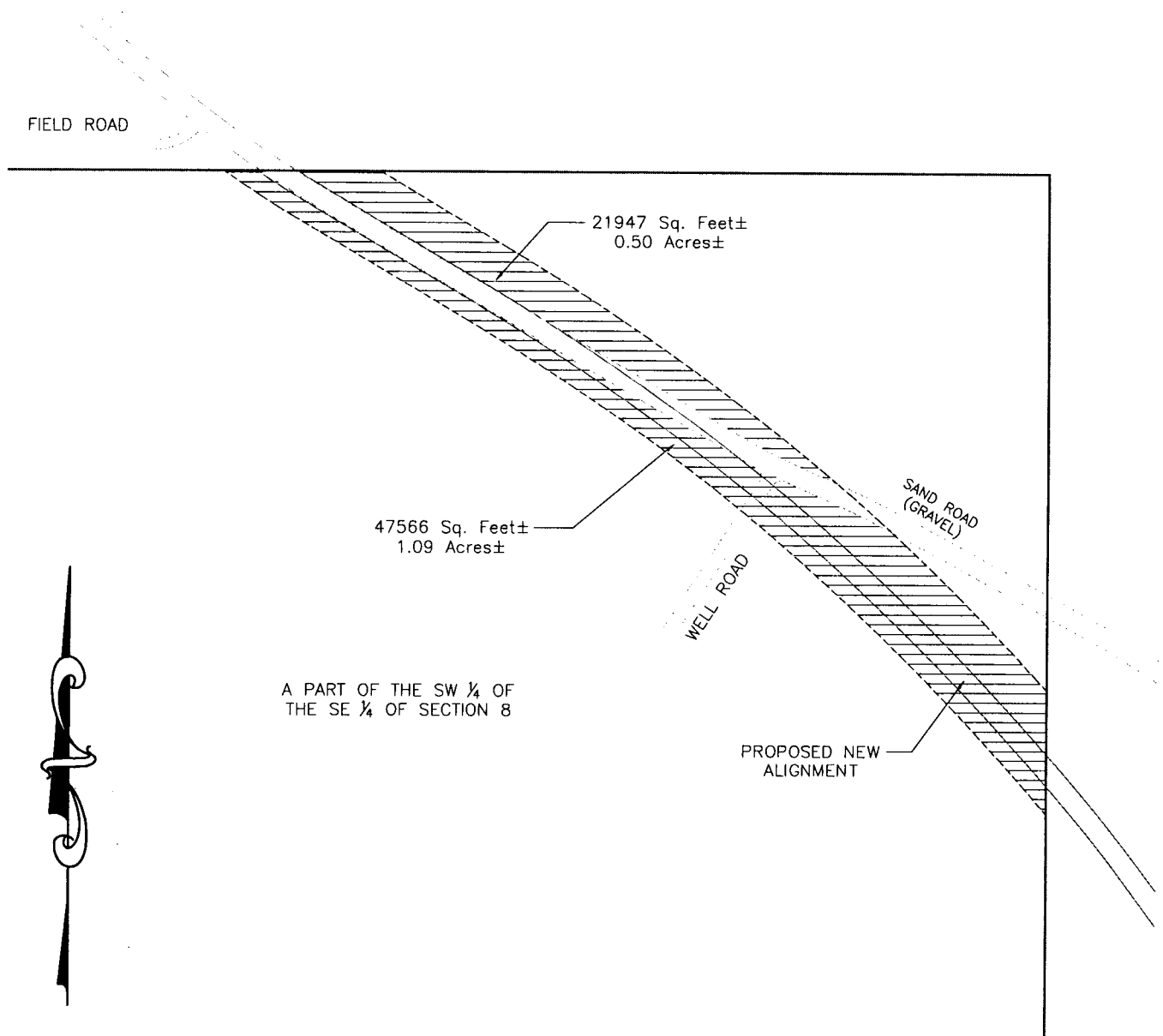
2) SKETCH DEPICTED WITHOUT BENEFIT OF AN ACTUAL FIELD SURVEY

NOTES:

1. NORTH END ASPHALT SECTION AVERAGES \pm 20' IN WIDTH.
2. SOUTH END ASPHALT SECTION AVERAGES \pm 24' IN WIDTH.
3. GRAVEL SECTION AVERAGES 20' TO 28' IN WIDTH.

LEGEND

- | = ASPHALT SURFACE
- = GRAVEL SURFACE
- ▨ = PROPOSED ROW
- = PROPOSED ROADWAY



THIS INSTRUMENT PREPARED BY:

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Source of Title: Deed Book 2009 at Page 18998

STATE OF ALABAMA)

TUSCALOOSA COUNTY)

RESOLUTION AUTHORIZING CONDEMNATION

WHEREAS, the County is presently engaged in efforts to design, construct, improve, operate and maintain a right-of-way that will cross certain real property located in Tuscaloosa County, Alabama owned by Debra J. Hampton (hereinafter referred to as the "Owner");

WHEREAS, as part of its roadway project, it is necessary and expedient for the County to acquire fee ownership of certain tracts of land for the purposes of constructing, laying, installing, maintaining, operating, improving, inspecting, altering, renewing, repairing, removing, changing the size and/or relocating and replacing a roadway including, without limitation maintenance facilities, signs, service roads, and the County may elect, together with all connections and other appurtenances necessary or convenient to the County in the construction, operation, inspection, maintenance or use of said improvements in the locations described and depicted on the attached Exhibits "A" and "B" which are hereby incorporated herein by reference (hereinafter referred to as the "Property");

WHEREAS, in the judgment of the County, it is necessary and expedient for carrying out the full powers granted to the County that such Property be acquired;

WHEREAS, the County has been unable to reach an agreement with the Owner for the voluntary conveyance of the Property;

WHEREAS, the County desires and hereby proposes the condemnation of fee ownership in said Property pursuant to Code of Alabama, Sections 11-80-1, 18-1A-1, *et seq.*, and 18-1B-1, *et seq.*;

WHEREAS, the Property does not lie within the corporate limits of any municipality in Tuscaloosa County, but within the jurisdiction of Tuscaloosa County, Alabama;

WHEREAS, it appears to the Tuscaloosa County Commission, that the condemnation of said Property will not adversely affect the interest of the public in any way; and

WHEREAS, the County desires to authorize the County's attorney to acquire said Property by condemnation.

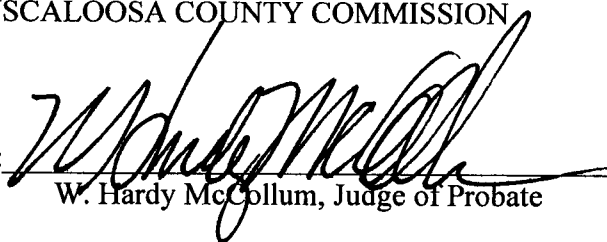
NOW, THEREFORE, be it resolved by the Tuscaloosa County Commission, Alabama, as follows:

1. That it is in the interest of the public that the County acquire fee ownership of the Property, as depicted on and described in Exhibits "A" and "B" hereto, by condemnation.
2. That the assent of the Tuscaloosa County Commission is hereby given to the condemnation of said Property located in Tuscaloosa County, Alabama, as depicted on, and described in Exhibits "A" and "B" hereto.
3. That the County's attorney be, and is hereby authorized to acquire said Property by condemnation.
4. That the Judge of Probate of Tuscaloosa County, Alabama, be, and is hereby authorized to present a copy of this Resolution, duly certified as correct by County Clerk, to the County attorney in order that the same may be attached to the Petition for Condemnation to be filed in the Probate Court of Tuscaloosa County.

RESOLVED AND DONE this 2nd day of March, 2011.

TUSCALOOSA COUNTY COMMISSION

By:


W. Hardy McCollum, Judge of Probate

ATTEST:


Melvin Vines, County Administrator

APPROVED THIS THE 2nd DAY OF March, 2011.

VAN TASSELL PROPERTY
SAND ROAD RIGHT-OF-WAY
EXHIBIT "A"

STATE OF ALABAMA
TUSCALOOSA COUNTY

A 130-foot wide strip of land, being 65 feet on each side of and parallel to the herein described centerline of the existing Sand Road and the proposed new alignment of said Sand Road, for the purpose of constructing and maintaining a public road, being located in the East one half of the Northeast quarter of Section 17, Township 22 South, Range 11 West, Tuscaloosa County, Alabama, and being more particularly described as follows:

Begin at the intersection of the centerline of said Sand Road and the North boundary of said Section 17; thence proceed in a westerly direction and along said North boundary of said Section 17 a distance of 410 feet, more or less, to the intersection of said North boundary and the centerline of the proposed new alignment of said Sand Road; thence along a curve concave southeasterly, having a radius of 2330 feet and an arc length of 1002 feet, more or less, a chord bearing of S10°30'E, a chord distance of 994.1 feet, more or less, to a point in the centerline of the existing Sand Road; thence along the meandering centerline of the existing Sand Road to the intersection of the centerline of said Sand Road and the South boundary of the East one half of the Northeast quarter of Section 17 and the Point of Ending of said right-of-way. Said 130-foot wide strip of land containing 7.29 acres, more or less.

It is the intent of this document to create a 130-foot wide strip of land for being a public right-of-way. Said strip of land being 65 feet on each side of and parallel to the above described centerline of the existing Sand Road and the proposed new alignment of said Sand Road as constructed and shown on the attached Exhibit "B".