

RESOLUTION NO. 01-02-01-2024

AN RESOLUTION AUTHORIZING THE MAYOR OF ASHLAND TO CONVEY TO THE ALABAMA DEPARTMENT OF TRANSPORTATION A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT FOR PURPOSE OF CONSTRUCTING A PUBLIC ACCESS ROAD TO THE CITY’S INDUSTRIAL PARK PURSUANT TO THE AUTHORITY OF SECTIONS 11-54-22 AND 11-92A-21, CODE OF ALABAMA (1975).

WHEREAS, the City of Ashland (“City”) has at various times acquired real property within the City that serves as, and is intended to be further developed into, the City’s Industrial Park;

WHEREAS, the City has previously exchanged lands with the Clay County Economic Development Council (“EDC”) on several occasions for the purpose of providing entrances to the City’s Industrial Development Park;

WHEREAS, the Alabama Department of Transportation (“ALDOT”) has agreed to construct a public right-of-way that provides enhanced access to and from the City’s Industrial Park upon the City’s conveyance to ALDOT of a right-of-way for such purpose and a temporary construction easement to facilitate the construction of said right-of-way;

WHEREAS, the City desires to convey to ALDOT and ALDOT desires to accept from the City the property for a right-of-way and a temporary construction easement to be developed into a public access road that enhances the public’s ingress and egress and safety around the City’s Industrial Park;

WHEREAS, the City Council believes the donation of the property for the right-of-way and temporary construction easement to be fair and reasonable in that it will promote a convenient and safe entrance into the City’s Industrial Park;

WHEREAS, Sections 11-54-20, et. seq., Code of Alabama (1975) authorize a city's governing body to acquire land for the purpose of developing a municipal industrial park, and Sections 11-92-1, et. seq., Code of Alabama (1975), similarly authorize a city to acquire, transfer, and develop, including development of access to and from, a city's property acquired for industrial development purposes; and

WHEREAS, Section 94.01, Article IV, of the Alabama Constitution of 1901, as amended, authorizes a city's governing body sell, grant, exchange, or otherwise convey, on terms approved by the governing body, all or any part of real property of any kind or industrial park project to any entity, public or private, or any public corporation or authority created by the city for the purpose of constructing, developing, equipping, and operating industrial, commercial, research, or service facilities of any kind.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHLAND, ALABAMA AS FOLLOWS:

Section 1. That the City is authorized to convey to the Alabama Department of Transportation the following real property for the construction of a right-of-way over, above, and upon the same:

A part of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 15, Township 20 South, Range 8 East, identified as Tract No. 2 on Project No. ATRP2-14-2022-087 in Clay County, Alabama and being more fully described as follows:

A section of right-of-way being situated in the Southwest quarter of the Southwest quarter of Section 15, Township 20 South, Range 8 East, more particularly described as follows:

Commence from a found rebar being on the southerly present right-of-way line having the coordinates of N: 1011604.27; E: 664564.46, said found rebar being the Point of Commencement;

Thence run N84°21'38"E for a distance of 194.96 feet to a point, said point also being the Point of Beginning (said point offset 40.13' \pm RT and perpendicular to

centerline of SR-9 at approximate station 117+39.36);

thence run S45°38'55"E for a distance of 25.94 feet for a point (said point offset 60.00' ± RT and perpendicular to centerline of SR-9 at approximate station 117+56.05);

thence run N84°22'23"E for a distance of 234.49 feet to a point (said point offset 60.00'± RT and perpendicular to centerline of SR-9 at approximate station 119+90.53);

thence run N18°27'57"E for a distance of 21.82 feet to a point (said point offset 40.08' ± RT and perpendicular to centerline of SR-9 at approximate station 119+99.44);

thence run S84°21'38"W for a distance of 260.08 feet to the Point of Beginning, containing 0.11 acre, more or less.

Section 2. That the City is authorized to convey to the Alabama Department of Transportation a temporary construction easement, which shall revert to the City upon completion of the right-of-way project made the basis of the easement, over, above, and upon, the following real property in the City of Ashland, Alabama:

A section of temporary construction easement being situated in the Southwest quarter of the Southwest quarter of Section 15, Township 20 South, Range 8 East, more particularly described as follows:

Commence from a found rebar being on the southerly present right-of-way line having the coordinates of N: 1011604.27; E: 664564.46, said found rebar being the Point of Commencement;

Thence run N89°47'27"E for a distance of 212.58 feet to a point, said point also being the Point of Beginning (said point offset 60.00' ± RT and perpendicular to centerline of SR-9 at approximate station 117+56.05);

thence run S45°38'55"E for a distance of 65.29 feet to a point (said point offset 110.00' ± RT and perpendicular to centerline of SR-9 at approximate station 119+50.00);

thence run N84°22'23"E for a distance of 151.97 feet to a point (said point offset 110.00' ± RT and perpendicular to centerline of SR-9 at approximate station 119+82.87);

thence run N39°22'23"E for a distance of 46.49 feet to a point (said point offset

77.13' ± RT and perpendicular to centerline of SR-9 at approximate station 119+90.53);

thence run N18°27'57"E for a distance of 18.76 feet to a point (said point offset 60.00' ± RT and perpendicular to centerline of SR-9 at approximate station 119+90.53);

thence run S84°21'23"W for a distance of 234.49 feet to the Point of Beginning, containing 0.23 acre, more or less.

Section 3. The conveyance of the property for the right-of-way and temporary construction easement to the State of Alabama serves a public purpose and will provide a benefit to the City of Ashland and its residents, and the City is hereby authorized to donate the property for the right-of-way and temporary construction easement to the State of Alabama; provided, however, that no property in the industrial park owned by the City shall be sold to industrial or commercial enterprise for less than the sum permitted by law.

Section 4. Pursuant to the authority contained in Sections 11-54-1 and 11-92-1, et. seq. Code of Alabama (1975), among others, the City Council of the City of Ashland, Alabama does, upon the terms and conditions herein stated, hereby authorize the conveyance of that certain right-of-way described in Section 1, above, and that certain temporary construction easement described in Section 2, above, to the Alabama Department of Transportation and further authorizes the Mayor, to execute the deed and other associated documents on behalf of the City of Ashland, Alabama.

ADOPTED and APPROVED this the ____ day of _____, 202__.

ATTEST:

CITY OF ASHLAND, ALABAMA

CHELSEY WYNN, Ashland City Clerk

LARRY J. FETNER, its Mayor

ATTEST:

CITY OF ASHLAND, ALABAMA

CHELSEY WYNN, Ashland City Clerk

DIANNE BALLARD, Councilmember

BOBBIE STEED, Councilmember

KIM M. CAIN, Councilmember

ANNETTE F. GAITHER, Councilmember

TOMMY CANTRELL, Councilmember

STATE OF ALABAMA)
COUNTY OF CLAY)

CERTIFICATE OF CLERK

As the duly appointed, qualified, and acting Clerk of the City of Ashland, Alabama, I certify that the foregoing constitutes a complete, verbatim copy of Resolution No. _____ approving the conveyance of a right-of-way and temporary construction easement to the Alabama Department of Transportation pursuant to the authority of Sections 11-54-20 and 11-92-1, et. seq., Code of Alabama (1975), among others. The original resolution is on file and of record in the minute book of the City Council in my custody. This Ordinance was approved and adopted at a regular City Council meeting held on _____, 202__.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the City of Ashland and have affixed the official seal of the City of Ashland, this the ___ day of _____, 202__.

CHELSEY WYNN, Ashland City Clerk