

ORDINANCE NO. _____

**AN ORDINANCE DECLARING CERTAIN REAL PROPERTY
EASEMENTS NO LONGER NEEDED FOR MUNICIPAL PURPOSES
AND AUTHORIZING THE CONVEYANCE OF THE SAME
TO THE UNDERLYING FEE OWNER**

BE IT ORDAINED BY THE CITY COUNCIL OF FOLEY, ALABAMA, at its meeting on _____, 2014 as follows:

Section 1. That it is hereby found, established and declared that certain real property interests, which are located in Baldwin County, Alabama, and which are described below, are not needed for public or municipal purposes, to wit:

That certain twenty foot (20') wide drainage easement located and depicted as being adjacent to the western boundary of Lot 3 of the Cate Hudson subdivision plat filed on October 29, 2009, as Slides 2428-B and 2428-C, Instrument Number 1205249, in the office of the Judge of Probate of Baldwin County, Alabama, and comprising the westernmost 20 feet of said Lot 3, less and except the drainage easements that run along and inside the northern and southern lot lines of said Lot 3, if any.

(hereinafter, the "Drainage Easement").

Section 2. That it is further hereby found, established and declared that the conveyance by the City of Foley of said Drainage Easement to the underlying fee owner(s) of the real property burdened by the Drainage Easement will serve a public purpose and forward the best interests of the public and the City of Foley by making the property burdened by the Drainage Easement more useful and productive in light of subsequent resubdivisions of the real property around the Drainage Easement.

Section 3. That it is further hereby found, established and declared to be in the best interest of the public and the City of Foley, Alabama to sell said Drainage Easement to the underlying fee owner(s) of the real property burdened by the same for \$10.00 by means of a quit claim deed, which is hereby found to be fair and adequate financial consideration for the value of the Drainage Easement to the City of Foley.

Section 4. That, pursuant to the authority granted by Section 11-47-20, Code of Alabama, the Mayor and the City Clerk are hereby authorized and directed to execute and attest such documents, deeds, and instruments as are required to complete and close the sale transaction on the above terms and such other terms that are not inconsistent therewith as agreed upon by legal counsel which conveys the Drainage Easement to the underlying fee owner(s) of the property burdened by the same, and to take any and all other actions they deem necessary or prudent to effectuate the sale of said property. Further, any and all prior actions taken by the Mayor and City Clerk and other municipal agents, officers, and employees in connection with this transaction are hereby ratified, approved, authorized and confirmed.

Section 5. This ordinance shall become effective immediately upon its adoption and publication as required by law.

PASSED, ADOPTED and APPROVED this the _____ day of _____, 2014.

Presiding Officer

ATTEST:

City Clerk