

ORDINANCE NO. _____

**AN ORDINANCE DECLARING CERTAIN REAL PROPERTY NOT
PRESENTLY NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING
THE CONVEYANCE OF AN EASEMENT OVER THE SAME TO THE ORANGE
BEACH WATER, SEWER AND FIRE PROTECTION AUTHORITY FOR USE AS A
WATER WELL SITE**

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

Section 1. It is hereby found, established and declared that the three parcels of real property described below, all of which are located in the City of Foley, Baldwin County, Alabama, are not presently needed for public or municipal purposes, to wit:

Parcel 1:

Commence at the Northeast Corner of Section 23, Township 8 South, Range 4 East, and run thence South 00 degrees 03 minutes 19 seconds East, for a distance of 1321.05 feet; thence run North 89 degrees 52 minutes 02 seconds West, for a distance of 2,700.34 feet to a ½ inch capped rebar found CA-604; thence run South 00 degrees 18 minutes 32 seconds East, for a distance of 1316.42 feet to a ½ inch capped rebar found CA-604, at the North right of way of Russian Road; thence run South 89 degrees 55 minutes 27 seconds West, along said North right of way for a distance of 230.00 feet to the POINT OF BEGINNING: Thence continue South 89 degrees 55 minutes 27 seconds West, along said North right of way for a distance of 100.00 feet; thence run North 00 degrees 04 minutes 33 seconds West, for a distance of 75.00 feet; thence run North 89 degrees 55 minutes 27 seconds East, for a distance of 100.00 feet; thence run South 00 degrees 04 minutes 33 seconds East, for a distance of 75.00 feet to the Point of Beginning. Containing 7,500 square feet (0.17 acres, more or less).

Being in the Southeast Quarter of the Northwest Quarter of Section 23, Township 8 South, Range 4 East, St. Stephens Meridian, Baldwin County, Alabama. Description based on record deed recorded at Instrument 816208, Parcel "C" as recorded in the Office of the Judge of Probate, Baldwin County, Alabama and an actual field survey.

Parcel 2:

Commence at the Northeast Corner of the Southwest Quarter of Section 13, Township 8 South, Range 4 East, and run thence South 00 degrees 04 minutes 19 seconds East, for a distance of 40.00 feet to the South right of way of Wolf Bay Drive; thence run South 89 degrees 46 minutes 02 seconds West, for a distance of 50.00 feet to the Northwest Corner of CenturyLink Telephone Company Substation as recorded in Real Property Book 492, at Page 0008 in the Office of the Judge of Probate, Baldwin County, Alabama and the POINT OF BEGINNING: Thence run South 00 degrees 02 minutes 40 seconds East, along the West property line of said CenturyLink property, for a distance of 75.00 feet; thence run South 89 degrees 46 minutes 02 seconds West,

for a distance of 100.00 feet; thence run North 00 degrees 02 minutes 40 seconds West, for a distance of 75.00 feet to the South right of way of said Wolf Bay Drive; thence run North 89 degrees 46 minutes 02 seconds East, along said South right of way for a distance of 100.00 feet to the Point of Beginning. Containing 7,500 square feet (0.17 acres, more or less).

Being in the Northeast Quarter of the Southwest Quarter of Section 13, Township 8 South, Range 4 East, St. Stephens Meridian, Baldwin County, Alabama. Description based on records and an actual field survey.

Parcel 3:

Commence at the Northeast Corner of Section 23, Township 8 South, Range 4 East, and run thence South 00 degrees 03 minutes 19 seconds East, for a distance of 1260.04 feet; thence run North 89 degrees 52 minutes 02 seconds West, for a distance of 51.70 feet to the POINT OF BEGINNING: Thence continue North 89 degrees 52 minutes 02 seconds West, for a distance of 75.00 feet; thence run North 00 degrees 07 minutes 58 seconds East, for a distance of 100.00 feet; thence run South 89 degrees 52 minutes 02 seconds East, for a distance of 75.00 feet; thence run South 00 degrees 07 minutes 58 seconds West, for a distance of 100.00 feet to the Point of Beginning. Containing 7,500 square feet (0.17 acres, more or less).

Being in the Northeast Quarter of the Northeast Quarter of Section 23, Township 8 South, Range 4 East, St. Stephens Meridian, Baldwin County, Alabama.

TOGETHER WITH AN INGRESS AND EGRESS UTILITY EASEMENT DESCRIBED AS FOLLOWS TO-WIT:

Commence at the Northeast Corner of Section 23, Township 8 South, Range 4 East and run thence South 00 degrees 03 minutes 19 seconds East, for a distance of 1260.04 feet; thence run North 89 degrees 52 minutes 02 seconds West, for a distance of 126.70 feet to the POINT OF BEGINNING: Thence run North 89 degrees 52 minutes 02 seconds West, for a distance of 2598.91 feet to the West line of Baldwin EMC easement as described in Real Property Book 458, Page 79, recorded in the Office of the Judge of Probate, Baldwin County, Alabama; thence run South 00 degrees 18 minutes 32 seconds East, along said West line of Baldwin EMC easement, for a distance of 1377.52 feet to the North right of way of a 40 foot right of way known as Russian Road; thence run South 89 degrees 55 minutes 27 seconds West, along said North right of way for a distance of 35.00 feet; thence run North 00 degrees 18 minutes 32 seconds West, for a distance of 1407.65 feet; thence run South 89 degrees 52 minutes 02 seconds East, for a distance of 2634.14 feet; thence run South 00 degrees 07 minutes 58 seconds West, for a distance of 30.00 feet to the Point of Beginning.

Containing 2.9 acres, more or less, and being in the North Half of the Northeast Quarter and the East Half of the Northwest Quarter of Section 23, Township 8 South, Range 4 East, St. Stephens Meridian, Baldwin County, Alabama. Descriptions composed from records and an actual field survey.

Section 2. It is hereby found that the Orange Beach Water, Sewer and Fire Protection Authority, which desires to acquire an easement over said parcels of real property for use as water wells, will serve a public purpose and will serve the best interests of the public and the City of Foley.

Section 3. It is hereby found, established and declared that it is in the best interest of the public and the City of Foley, Alabama to grant an easement over, upon and under said real property to the Orange Beach Water, Sewer and Fire Protection Authority for use as a water well upon the following basic terms, in addition to any other terms the Mayor and legal counsel wish to add:

- 1) a perpetual easement;
- 2) consideration of Ten Dollars (\$10.00) and the conveyance by the Orange Beach Water, Sewer and Fire Protection Authority to The Utilities Board of the City of Foley d/b/a Riviera Utilities of a parcel of land located in the City of Foley;
- 3) conveyance to include a temporary construction easement over an area twenty-five feet in width of immediately adjacent City property.

Section 4. That, pursuant to the authority granted by Section 11-47-20 of the Code of Alabama, the Mayor and the City Clerk are hereby authorized and directed to execute and attest an easement agreement as approved by legal counsel and to take any and all other actions they deem necessary or prudent to effectuate the conveyance of said rights to said property to the Orange Beach Water, Sewer and Fire Protection Authority.

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 _____, 2017.

MAYOR

ATTEST:

CITY CLERK

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