

ORDINANCE NO. 811-04

**AN ORDINANCE DECLARING CERTAIN REAL PROPERTY NOT
PRESENTLY NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING
THE LEASE OF THE SAME TO GULF TIDE DEVELOPMENT, L.L.C.**

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

Section 1. It is hereby found, established and declared that the property described below, which served as the location for the old Fire Department and Police Department, is not presently needed for public or municipal purposes:

Lots 6, 7, 8 and part of Lots 5, 9 and 10 in Block 9, Foley, Alabama as recorded in Map Book 1, Page 25 in the Office of the Judge of Probate, Baldwin County, Alabama, being more particularly described as follows:

Beginning at the Northwest corner of Lot 5 in Block 9, Foley, Alabama, as recorded in Map Book 1, Page 25 in the Office of the Judge of Probate, Baldwin County, Alabama; thence run South 89°46'39" East along the North line of said Lot 5, 89.03 feet; thence departing the said North line, run South 0°06'49" West, 12.00 feet; thence run South 89°46'39" East, 36.00 feet to a point on the West right-of-way line of an alley, having a 25 foot right-of-way; thence run South 0°06'49" West along the said West right-of-way line, 98.82 feet; thence departing the said West right-of-way line, run North 89°48'26" West, 36.06 feet; thence run South 0°11'07" West, 39.00 feet to a point on the South line of Lot 10 in the aforementioned Block 9, Foley, Alabama; thence run North 89°51'00" West along the said South line, 88.96 feet to a point on the East right-of-way line of Alston Street, having a 100 foot right-of-way; thence run North 0°07'45" East along the said East right-of-way line, 149.95 feet to the Point of Beginning and containing 0.39 acre, more or less.

Section 2. It is hereby found, established and declared that it is in the best interest of the public and the City of Foley, Alabama to lease said real property to Gulf Tide Development, L.L.C. upon the following basic terms, in addition to any other terms the Mayor and legal counsel wish to add:

- 1) 30 year ground lease with no renewals;
- 2) Pre-paid rent due on the Commencement Date equal to EIGHTY-ONE THOUSAND DOLLARS (\$81,000);
- 3) Tenant to provide minimum of 14 free public parking spaces;
- 4) Tenant to remove existing structures within two (2) years; and
- 5) Tenant is to leave the monitoring well undisturbed.

Section 3. That, pursuant to the authority granted by Section 11-47-21, Code of Alabama, the Mayor and the City Clerk are hereby authorized and directed to execute and attest a lease approved by legal counsel and to take any and all other actions they deem necessary or prudent to effectuate the lease of said property to Gulf Tide Development, L.L.C.

Section 4. This ordinance shall become effective immediately upon its adoption and publication as required by law.

PASSED, ADOPTED and APPROVED this the 15th day of November, 2004.


R. Timothy Russell, Mayor

ATTEST:


A. Perry Wilbourne, CMC
City Clerk/Administrator

"I certify that the foregoing Ordinance was published in the
Foley Onlooker, a newspaper of general circulation in the City
of Foley, in its issue of Saturday, December 4, 2004 .


A. Perry Wilbourne, CMC
City Administrator/Clerk

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

2004 December -14 8:31AM

Instrument Number	857875	Pages	2
Recording	6.00	Mortgage	
Deed		Min fax	
Index		DP	
Archive	5.00		5.00

Adrian T. Johns, Judge of Probate