



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Signature Copy

Resolution: 15-2260-RES

File Number: 15-0474

Enactment Number: 15-2260-RES

RESOLUTION AUTHORIZING AN AGREEMENT OF SALE AMONG THE CITY OF FOLEY, ALABAMA AND CRAINE CREEK FARMS, LLC

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOLEY, ALABAMA (the "Council"), GOVERNING BODY OF THE CITY OF FOLEY, ALABAMA (the "City"), as follows:

Section 1. The City has heretofore, upon evidence duly presented to and considered by it, found and determined, and does hereby find, determine and declare that:

(a) The City currently owns approximately 1.37 acres of real property situated near the Northwest corner of the Coastal Alabama Farmers' and Fishermen's Market ("CAFFM") in Foley, Baldwin County, Alabama (the "Property"). The City desires to locate a hydroponics facility in the City to expand the CAFFM, to expand the production of locally-grown fresh fruits and vegetables, and to educate the public about hydroponics. Craine Creek Farms, LLC ("Craine") desires to purchase the Property and construct a hydroponics greenhouse on the Property, and the City intends to sell the Property to Craine for \$35,000.

(b) The City and Craine propose to execute and deliver an Agreement of Sale (the "Agreement") wherein, among other things, the City will agree to sell, and Craine will agree to purchase, the Property for \$35,000. At closing, Craine will deliver the purchase price of \$35,000, and the City will execute and deliver a Statutory Warranty Deed in order to convey title to the Property to Craine.

(c) Pursuant to Amendment No. 772 of the Constitution of Alabama of 1901, as amended, and the Agreement, for the purpose of economic development of the City, the City proposes to sell to Craine the Property in consideration, and for the purpose, of the expansion of the CAFFM and construction of the hydroponics greenhouse on the Property, located in the City.

(d) The Agreement will be executed and delivered by Craine and the City.

(e) Pursuant to Amendment No. 772 to the Constitution of Alabama of 1901, as amended ("Amendment No. 772"), the City has caused the Notice attached hereto as Exhibit A (the "Notice") to be published on July 22, 2015 in *The Foley Onlooker* with respect to certain actions proposed to be taken, and the Agreement proposed to be made and delivered, by the parties, to provide for the economic development of the City thereby. The information set forth in the Notice is true and correct and the publication of the Notice is hereby ratified and confirmed.

(f) The Agreement has been made available for public inspection with respect to the transactions described in the Notice and the undertakings by the City in connection therewith.

(g) The expenditure of public funds for the purposes specified in the Notice and the Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(h) The City seeks to achieve, by undertaking its obligations pursuant to the Agreement, to promote the local economic and commercial development of the City; to promote the expansion and retention of business enterprise within the City; to increase employment in the City; to promote and develop for the public good and welfare trade, commerce, industry, and employment opportunities in the City; to increase the tax and revenue base of the City and property values of the City; and to promote the convenience, order, prosperity and welfare of its citizens. The increased tax revenues, additional economic activity, creation of new jobs and the other benefits will directly benefit the City.

(i) It is necessary, desirable, and in the best interests of the taxpayers and citizens of the City for the City to deliver and perform the agreements and undertakings of the City set forth in the Agreement.

Section 2. The City does hereby approve, ratify and confirm (i) the form and content of, and the statements set forth in, the Notice and (ii) the publication of the Notice as set forth in Section 1 of this resolution.

Section 3. The City does hereby approve, adopt, authorize, direct, ratify and confirm the representations, agreements and covenants of the City set forth in, and the transactions to be undertaken by the City pursuant to, the Agreement.

Section 4. The Agreement is approved in substantially the form and the content attached hereto as Exhibit B.

Section 5. The Agreement presented to, considered and adopted by the City Council shall be filed in the permanent records of the City.

Section 6. The Mayor of the City is hereby authorized to execute, acknowledge and deliver on behalf of the City a Agreement in substantially the form attached hereto as Exhibit B, upon any conditions and with any revisions thereto as may be approved by the Mayor of the City, with such execution and delivery to be conclusive proof of the Mayor's approval.

Section 7. The officers of the City, or any one or more of them, are hereby authorized and directed to do and perform or cause to be done or performed in the name and on behalf of the City such other acts, and execute, deliver, file and record such other instruments, documents, certificates, notifications and related documents, all as shall be required by law or necessary or desirable to carry out the provisions and purposes of this Resolution and the Agreement.

Section 8.

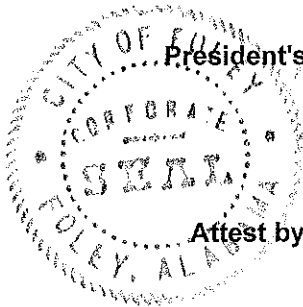
(a) All ordinances, resolutions, orders, or parts thereof in conflict or inconsistent with any provision herein hereby are, to the extent of such conflict or inconsistency, repealed.

(b) This resolution shall take effect immediately.

PASSED, APPROVED AND ADOPTED this 3rd day of August, 2015.

Aye: 3 President Trawick, Council Member Hellmich and Council Member Blackwell

Nay: 1 Council Member Ebert III



President's Signature

[Handwritten Signature]

Date

8-5-15

Attest by City Clerk

[Handwritten Signature]

Date

8-5-2015

Mayor's Signature

[Handwritten Signature]

Date

8/5/15

RESOLUTION AUTHORIZING AN AGREEMENT OF SALE AMONG
THE CITY OF FOLEY, ALABAMA AND CRAINE CREEK FARMS, LLC

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Section 1. The City has heretofore, upon evidence duly presented to and considered by it, found and determined, and does hereby find, determine and declare that:

(a) The City currently owns approximately 1.37 acres of real property situated near the Northwest corner of the Coastal Alabama Farmers' and Fishermen's Market ("CAFFM") in Foley, Baldwin County, Alabama (the "Property"). The City desires to locate a hydroponics facility in the City to expand the CAFFM, to expand the production of locally-grown fresh fruits and vegetables, and to educate the public about hydroponics. Craine Creek Farms, LLC ("Craine") desires to purchase the Property and construct a hydroponics greenhouse on the Property, and the City intends to sell the Property to Craine for \$35,000.

(b) The City and Craine propose to execute and deliver an Agreement of Sale (the "Agreement") wherein, among other things, the City will agree to sell, and Craine will agree to purchase, the Property for \$35,000. At closing, Craine will deliver the purchase price of \$35,000, and the City will execute and deliver a Statutory Warranty Deed in order to convey title to the Property to Craine.

(c) Pursuant to Amendment No. 772 of the Constitution of Alabama of 1901, as amended, and the Agreement, for the purpose of economic development of the City, the City proposes to sell to Craine the Property in consideration, and for the purpose, of the expansion of the CAFFM and construction of the hydroponics greenhouse on the Property, located in the City.

(d) The Agreement will be executed and delivered by Craine and the City.

(e) Pursuant to Amendment No. 772 to the Constitution of Alabama of 1901, as amended ("Amendment No. 772"), the City has caused the Notice attached hereto as Exhibit A (the "Notice") to be published on July 22, 2015 in *The Foley Onlooker* with respect to certain actions proposed to be taken, and the Agreement proposed to be made and delivered, by the parties, to provide for the economic development of the City thereby. The information set forth in the Notice is true and correct and the publication of the Notice is hereby ratified and confirmed.

(f) The Agreement has been made available for public inspection with respect to the transactions described in the Notice and the undertakings by the City in connection therewith.

(g) The expenditure of public funds for the purposes specified in the Notice and the Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(h) The City seeks to achieve, by undertaking its obligations pursuant to the Agreement, to promote the local economic and commercial development of the City; to promote the expansion and retention of business enterprise within the City; to increase employment in the City; to promote and develop for the public good and welfare trade, commerce, industry, and employment opportunities in the City; to increase the tax and revenue base of the City and property values of the City; and to promote the convenience, order, prosperity and welfare of its citizens. The increased tax revenues, additional economic activity, creation of new jobs and the other benefits will directly benefit the City.

(i) It is necessary, desirable, and in the best interests of the taxpayers and citizens of the City for the City to deliver and perform the agreements and undertakings of the City set forth in the Agreement.

Section 2. The City does hereby approve, ratify and confirm (i) the form and content of, and the statements set forth in, the Notice and (ii) the publication of the Notice as set forth in Section 1 of this resolution.

Section 3. The City does hereby approve, adopt, authorize, direct, ratify and confirm the representations, agreements and covenants of the City set forth in, and the transactions to be undertaken by the City pursuant to, the Agreement.

Section 4. The Agreement is approved in substantially the form and the content attached hereto as Exhibit B.

Section 5. The Agreement presented to, considered and adopted by the City Council shall be filed in the permanent records of the City.

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Section 7. The officers of the City, or any one or more of them, are hereby authorized and directed to do and perform or cause to be done or performed in the name and on behalf of the City such other acts, and execute, deliver, file and record such other instruments, documents, certificates, notifications and related documents, all as shall be required by law or necessary or desirable to carry out the provisions and purposes of this Resolution and the Agreement.

Section 8.

(a) All ordinances, resolutions, orders, or parts thereof in conflict or inconsistent with any provision herein hereby are, to the extent of such conflict or inconsistency, repealed.

(b) This resolution shall take effect immediately.

I, Vickey Southern, City Clerk of the City of Foley, Alabama, do hereby certify that the attached is a true and correct copy of the Resolution Authorizing an Agreement of Sale among the City of Foley, Alabama and Craine Creek Farms, LLC, duly passed by the City Council in their meeting of August 3, 2015, 2015, as to which proper notice was given and at which a quorum was in attendance and acting. I further certify that the said resolution has not been amended, repealed or revoked.

WITNESS my hand and seal of the City of Foley, Alabama, this the ____ day of _____, 2015.

[SEAL]

Vickey Southern,
City Clerk of the City of Foley, Alabama

EXHIBIT A

LEGAL NOTICE

(See Attached)

GULF COAST MEDIA

A DIVISION OF OPC NEWS, LLC
PO BOX 1677 • SUMTER, SC 29150

TWICE WEEKLY

The Courier • 251-928-2321
The Foley Onlooker • 251-943-2151
The Islander • 251-943-2151

WEEKLY

The Times Independent
251-947-7712

PROOF OF PUBLICATION STATE OF ALABAMA • BALDWIN COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared April M. Wallace who, by me duly sworn, deposes and says that: she is the Legal Representative of the following newspaper listed below, a newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Baldwin County, Alabama, and that there was published in the Onlooker in the issue/s of:

07/22/2015, ,

a legal notice, a copy of which is hereto attached. The sum charged by the Newspaper for said publication does not exceed the lowest classified rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper(s) in which the public notice appeared.

There are no agreements between the Newspaper and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney.

X April Wallace

April M. Wallace, Legal Ad Representative

X Amber Kimbler

Amber Kimbler, Notary Public
Baldwin County, Alabama

My commission expires April 10, 2018



AMBER KIMBLER
My Commission Expires
APRIL 10, 2018

Sworn and subscribed to on 07/22/2015.

Advertiser Account Name: ADAMS AND REESE LLP- LEGAL ACCO

Acct#: 986134

Description:

Amount of Ad: \$130.80

Legal File# Craine Creek

LEGAL NOTICE

OF
PUBLIC MEETING OF
FOLEY CITY COUNCIL
Regarding Economic Development
Action Under Alabama
Constitutional Amendment

No. 72 for
Craine Creek Farm, LLC
Notice is hereby given that the City Council (the "City Council") of the City of Foley, Alabama (the "City") will meet in public session at 5:30 p.m. on Monday, August 3, 2015, in City Hall in the City for the purpose of consideration of the transaction of any business that may properly come before the City Council such business to include, but not be limited to, the authorization by the City Council, pursuant to Amendment No. 72 of the Constitution of Alabama of 1901, as amended, of a resolution (the "Resolution") authorizing the conveyance of certain property to Craine Creek Farm, LLC ("Craine") and the execution and delivery of an Agreement of Sale (the "Agreement") to be entered into by the City and Craine, and authorizing the City to execute such documents necessary to carry out the terms of the Agreement, as more particularly described hereinafter.

The Agreement will be executed and delivered by the City and Craine.

The City currently owns approximately 17.4 acres of real property situated near the Northwest corner of the Coastal Alabama Farmers and Fishermen's Market ("CAFFM") in Foley, Baldwin County, Alabama (the "Property"). The City desires to expand the CAFFM to include a hydroponics facility in order to produce locally grown fresh fruits and vegetables and educate the public about hydroponics. Craine desires to purchase the Property and construct a hydroponics greenhouse on the Property and the City intends to sell the Property to Craine for \$35,000.

Among other things by entering into the Agreement, the City agrees to sell and Craine agrees to purchase the Property for \$35,000. At closing, Craine will deliver the purchase price of \$35,000, and the City will execute and deliver a Statutory Warranty Deed in order to convey title to the Property to Craine.

Pursuant to Amendment No. 72 of the Constitution of Alabama of 1901, as amended, and the Agreement, for the purpose of economic development of the City, the City will sell to Craine the Property in consideration and for the purpose of the expansion of the CAFFM and construction of the hydroponics greenhouse on the Property located in the City.

The City seeks to achieve by selling the Property and undertake its obligations pursuant to the Agreement, to promote the local economic and commercial development of the City, to promote the

enterprises within the City, to increase employment in the City, to promote and develop for the public good and welfare trade, commerce, industry, and employment opportunities in the City, to increase the tax and revenue base of the City, and property values of the City, and to promote the convenience, order, prosperity and welfare of its citizens. The increased tax revenues, additional economic activity, creation of new jobs and the other benefits will directly benefit the City and serve a valid and sufficient public purpose.

The City Council expects to determine at its public meeting that the grant of funds and things of value in connection with the transaction described above will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to Craine or any other private entity or entities, including from any additional value the Property might otherwise have generated.

All interested persons may examine and review the Agreement and make copies thereof at their personal expense at the offices of the City Manager of the City in City Hall, Foley, Alabama, during normal business hours, before and after the meeting of the City Council referenced herein.

Further information concerning the information in the Notice may be obtained from the City Manager of the City at the offices of the City in City Hall during normal business hours.

The Foley Onlooker
July 22, 2015

EXHIBIT B

AGREEMENT OF SALE

(See Attached)