



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Signature Copy

Resolution: 18-1330-RES

File Number: 18-0622

Enactment Number: 18-1330-RES

### A RESOLUTION AUTHORIZING THE MIFLIN ROAD CAPITAL IMPROVEMENT PROGRAM

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

#### Section 1. Representations of the City

The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) The City has authorized the incorporation, and is a member, of the following cooperative districts (collectively, the "Districts") under Chapter 99B of Title 11 of the Code of Alabama 1975:

(1) The Public Athletic and Sports Facilities Cooperative District of the City of Foley, Alabama; and

(2) The Public Cultural and Entertainment Facilities Cooperative District of the City of Foley, Alabama.

(b) (1) The Districts have levied certain project user fees (the "Project User Fees") within the corporate limits of the City and the area described on Exhibit A (the "Project Site") for the use of public infrastructure of the District therefor (as in existence and improved from time to time, the "Project") financed and provided by the City.

(2) Pursuant to contractual agreements with the City, the Districts transfer to the City the proceeds of the Project User Fees in consideration for the financing and provision of the Project by the City.

(c) It is necessary, desirable and in the public interest that the City establish a capital improvement program for the acquisition and construction during the fiscal year period 2019-2033 of capital improvements (including without limitation parking lots, lighting and landscaping) to the public infrastructure facilities which benefit and serve public and private establishments and facilities within the Project Site and within the adjoining and surrounding area along Miflin Road in the City and to provide for the payment of the costs of such capital improvements in an aggregate amount not exceeding \$1,500,000 solely from the proceeds of the Project User Fees received by the City which the City may use for such purposes (the "Miflin Road Capital Improvement Program").

(d) The expenditure of the Project User Fees received by the City, as public funds thereof, for the Miflin Road Program, will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(e) (1) On November \_\_, 2018 the City caused to be published in *The Onlooker*, which newspaper has the largest circulation in the City, the notice required by Amendment No. 750, a true and correct copy of which notice is attached to this Resolution as Exhibit B.

- (2) The information set forth in said notice is true and correct.  
(3) Publication of such notice is ratified and confirmed.

**Section 2. Authorization of Mifflin Road Program**

The Council approves, authorizes, and directs the expenditure of the public funds of the City consisting of the proceeds of the Project User Fees for the purposes of the Mifflin Road Capital Improvement Program in an aggregate amount not exceeding \$1,500,000 during the fiscal year period 2019-2023.

**Section 3. General Authorization**

(a) The Mayor and the City Clerk are hereby authorized and directed to take all such actions, and execute, deliver, file and perform all such documents, agreements, instruments and notices, as may be necessary or desirable to effect the purposes of this Resolution.

(b) Any prior action taken by or on behalf of the City or by any officer of the City, or any agreements, documents, petitions or proceedings executed by or on behalf of the City, in connection with the agreements, documents and transactions herein authorized, are hereby ratified and confirmed.

**Section 4. Other Proceedings**

(a) Any resolution, order, ordinance, or part thereof, in conflict or inconsistent with the provisions of this Resolution is hereby, to the extent of such conflict or inconsistency, repealed.

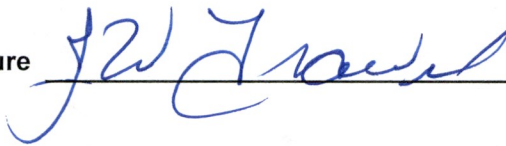
(b) The provisions of Section 4(a) shall not operate or be construed to revive any instrument, ordinance order or resolution, or part thereof, of the City.

**Section 5. Effect of this Resolution**

This Resolution shall take effect immediately.

PASSED, APPROVED AND ADOPTED this 3rd day of December 2018.

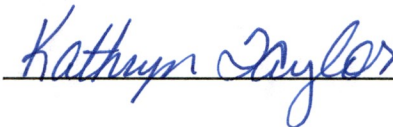
President's Signature



Date

12-6-18

Attest by City Clerk



Date

12-6-18

Mayor's Signature



Date

12/7/18

