



## Legislation Text

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**File #:** 18-0346, **Version:** 1

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An Ordinance to Rescind Ordinance 810-04 An Ordinance Declaring Certain Property No Longer Needed For Municipal Purposes And Authorizing The Lease Of The Same To Habitat For Humanity Of Baldwin County, Inc.

**DESCRIPTION OF TOPIC:** (who, what, when, where, why, and how much)

On November 1, 2004, Council adopted Ordinance 810-04 An Ordinance Declaring Certain Property No Longer Needed For Municipal Purposes And Authorizing The Lease Of The Same To Habitat For Humanity Of Baldwin County, Inc. Habitat For Humanity signed a ground lease on November 8, 2004, which states "15. Abandonment of Lease Premises of the Ground Lease, If tenant should fail to occupy the Leased Premises for a period of one hundred eighty (180) consecutive days, then Lessor shall have the option, at its sole discretion, to declare the rights of Tenant under this Lease to be abandoned and to declare this Lease terminated. If Lessor chooses not to declare the Lease terminated, then the Lease will remain in effect and Tenant will be subject to all of the rights and liabilities hereunder." Habitat For Humanity did not develop the property therefore Ordinance 810-04 must be rescinded and the Ground Lease must be terminated. This is a housekeeping item.

WHEREAS, On November 1, 2004, Council adopted Ordinance 810-04 An Ordinance Declaring Certain Property No Longer Needed For Municipal Purposes And Authorizing The Lease Of The Same To Habitat For Humanity Of Baldwin County, Inc., and

WHEREAS, Habitat For Humanity signed a ground lease on November 8, 2004, which states "15. Abandonment of Lease Premises of the Ground Lease, If tenant should fail to occupy the Leased Premises for a period of one hundred eighty (180) consecutive days, then Lessor shall have the option, at its sole discretion, to declare the rights of Tenant under this Lease to be abandoned and to declare this Lease terminated. If Lessor chooses not to declare the Lease terminated, then the Lease will remain in effect and Tenant will be subject to all of the rights and liabilities hereunder.", and

WHEREAS, Habitat For Humanity did not develop the property therefore Ordinance 810-04 must be rescinded and the Ground Lease must be terminated.

BE IT ORDAINED that the Foley City Council as follows:

SECTION 1: Rescinds Ordinance 810-04 An Ordinance Declaring Certain Property No Longer Needed For Municipal Purposes And Authorizing The Lease Of The Same To Habitat For Humanity Of Baldwin County, Inc.

SECTION 2: Terminates the Ground Lease between the City of Foley and Habitat For Humanity of

Baldwin County, Inc. for property known as Tax Parcel # 54-08-28-2-000-001.006, PPIN#262964.

SECTION 3: "The terms and provisions of this ordinance are severable. If any part or portion of this ordinance is declared invalid, void, or unconstitutional, that portion shall be deemed severed, and the remaining portions of the ordinance shall remain in full force and effect."

SECTION 4: All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

SECTION 5: This ordinance shall become effective upon its publication as required by law.