

ORDINANCE No. 496

An Ordinance Declaring Certain Real Property as Surplus and Approving the Sale
of said Surplus Real Property to Campus No. 124, LLC

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

Section 1. It is hereby established and declared that the following described real property of the City of Pelham, Alabama (the "City") is no longer needed for public or municipal purposes:

As described in the legal description attached as **Exhibit A** and survey dated January 11, 2019 attached as **Exhibit B**. The subject property is located at 310 Opportunity Drive, Pelham, Alabama 35124 (the "Property").

Section 2. Pursuant to the authority granted by § 11-47-20, Code of Alabama 1975, the Mayor is hereby authorized and directed to execute a statutory warranty deed for the Property and such other necessary instruments of conveyance, for the total sales price of One Million Dollars, (\$1,000,000.00) to Campus No. 124, LLC (the "Company"), in accordance with the terms and conditions as set forth in the Special Economic Development Agreement to be dated the date of delivery between the City and the Company, which is attached hereto as **Exhibit C** (the "Development Agreement"), and which shall be approved by the Council pursuant to a separate resolution, and which shall become a permanent part of this Ordinance.

Section 3. It is hereby established and declared that the consideration being paid to the City by the Company, which is an affiliate of the Schrimsher Company Inc., for the purchase of the Property, which includes the cash purchase price of \$1,000,000 plus the obligation of the Company as provided in the Development Agreement to make a significant capital investment in the Property in order to convert the Property into a commercial and retail development generating significant sales and ad valorem tax proceeds and business license fees to the City, constitutes the fair market value of the Property.

Section 4. In support of the City's determination of the fair market value of the Property, it is hereby established and declared that the purpose and intent of the City's sale of the Property is for it to be developed into a commercial and retail development generating significant sales and ad valorem tax proceeds and business license fees to the City. The City acknowledges the receipt of other offers for the purchase of the Property, but notwithstanding such other offers, the City hereby establishes and declares that the offer by the Company for the purchase of the Property is the most favorable offer received by the City and represents the fair market value thereof, given the significant experience of the Company and its parent, the Schrimsher Company Inc., in developing commercial and retail developments of a like character as proposed for the Property and desired by the City.

Section 5. Pursuant to, and for the purposes of, Amendment No. 772 of the Constitution of Alabama of 1901, as amended ("Amendment No. 772"), it is necessary, desirable and in the public interest for the City to sell the Property to the Company on the terms and for the purposes specified in the Development Agreement. The sale of the Property to the Owner on the terms and for the purposes specified in the Development Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities. On July 24, 2019, the City caused to be published in *The Shelby County Reporter*, which newspaper has the largest circulation in the Municipality, the notice required by Amendment No. 772(c)(2), a true and correct copy of which notice is attached hereto as **Exhibit D**.

Section 6. This Ordinance shall become effective upon its passage and publication or posting as required by law.

Ron Scott, a member of the Pelham City Council, moved that all rules which would prevent the immediate consideration of **Ordinance No. 496**, hereupon attached, be suspended and immediate consideration given to passage of said Ordinance. Said motion was seconded by Beth McMillan, a member, and passed unanimously by roll call vote.

The vote on said motion was as follows:

Rick Hayes Council President	<u>Yes</u>
Ron Scott Council Member	<u>Yes</u>
Beth McMillan Council Member	<u>Yes</u>
Maurice Mercer Council Member	<u>Yes</u>
Mildred Lanier Council Member	<u>Yes</u>

THEREUPON Maurice Mercer, a councilmember moved and Beth McMillan, a councilmember seconded the motion that Ordinance No. 496 be given vote. The roll call vote on said motion was as follows:

Rick Hayes Council President	<u>Yes</u>
Ron Scott Council Member	<u>Yes</u>
Beth McMillan Council Member	<u>Yes</u>
Maurice Mercer Council Member	<u>Yes</u>
Mildred Lanier Council Member	<u>Yes</u>

Ordinance No. 496 passed by majority vote of all members of the Council and the Council President declared the same passed.

ADOPTED and approved this 5th day of August 2019.

R. Hayes

Rick Hayes, Council President

Ron Scott

Ron Scott, Council Member

Beth McMillan

Beth McMillan, Council Member

Maurice Mercer

Maurice Mercer, Council Member

Mildred Lanier

Mildred Lanier, Council Member



ATTEST:

APPROVED:

Tom Seale

Tom Seale, MMC, City Clerk/Treasurer

8/5/2019

Gary Waters, Mayor

Date

POSTING AFFIDAVIT

I, the undersigned qualified City Clerk/Treasurer of the City of Pelham, Alabama, do hereby certify that the above and foregoing ORDINANCE No. 496 was duly ordained, adopted, and passed by the City Council of the City of Pelham, Alabama at a regular called meeting of such Council held on the 5th day of August 2019, and duly published by posting an exact copy thereof on the 10th day of August 2019, at four public places within the City of Pelham, Alabama, including the Mayor's Office at City Hall, Recreation Center, Library, Water Works and www.pelhamalabama.gov. I further certify that said Ordinance is on file in the office of the City Clerk/Treasurer and a copy of the full ordinance may be obtained from the office of the City Clerk/Treasurer during normal business hours.

Tom Seale

Tom Seale, MMC, City Clerk/Treasurer



EXHIBIT A

SURVEY LEGAL DESCRIPTION

Parcel 1:

A parcel of land situated in the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Northwest Quarter of Section 6, Township 20 South, Range 2 West, Shelby County, Alabama, said parcel being more particularly described as follows:

Commence at a found rebar marking the Southwest corner of the Southwest Quarter of the Northwest Quarter of said Section 6; thence run North 00 degrees 08 minutes 05 seconds West along the West line of said Section line for a distance of 86.22 feet to a found capped rebar stamped 25657, said point being the POINT OF BEGINNING of the parcel herein described; thence run North 00 degrees 27 minutes 21 seconds West along the West line of said Section for a distance of 1035.70 feet to a SET 5/8 inch capped rebar stamped CA-560LS (Line Iron); thence continue along the last described course for a distance of 33.81 feet to a point, said point lying in the center line of Old Bishop Creek; thence run in a Northeasterly and Southeasterly direction along said centerline of Old Bishop Creek the following courses, North 53 degrees 51 minutes 35 seconds East for a distance of 256.31 feet to a point; thence run North 19 degrees 25 minutes 06 seconds East for a distance of 51.43 feet to a point; thence run North 16 degrees 20 minutes 53 seconds East for a distance of 132.00 feet to a point; thence run North 53 degrees 01 minutes 08 seconds East for a distance of 52.87 feet to a point; thence run North 66 degrees 48 minutes 53 seconds East for a distance of 60.64 feet to a point; thence run South 50 degrees 06 minutes 34 seconds East for a distance of 114.83 feet to a point; thence run South 59 degrees 58 minutes 08 seconds East for a distance of 202.42 feet to a point; thence run South 68 degrees 22 minutes 19 seconds East for a distance of 47.33 feet to a point; thence run North 88 degrees 30 minutes 54 minutes East for a distance of 42.24 feet to a point; thence run North 82 degrees 47 minutes 08 seconds East for a distance of 119.12 feet to a point; thence run North 60 degrees 18 minutes 53 seconds East for a distance of 44.15 feet to a set 5/8 inch capped rebar stamped CA-560LS on the West Right of Way of U.S. Highway 31 (AKA U.S. Highway 119), said point also lying on a curve to the right, said curve having a radius of 2,764.93 feet, a central angle of 13 degrees 09 minutes 18 seconds, a chord bearing of South 17 degrees 26 minutes 02 seconds West, and a chord distance of 633.43 feet; thence run along the arc of said curve and along said Right of Way for a distance of 634.82 feet to a set 5/8 inch capped rebar stamped CA-560LS, said point lying on a spiral curve to the Right, having a chord bearing of South 26 degrees 01 minutes 17 seconds West, a chord distance of 294.81 feet; thence run along said spiral curve and along said Right of Way for a distance of 300.00 feet to a found concrete monument stamped 519+80.2; thence run South 26 degrees 56 minutes 45 seconds West along said Right of Way for a distance of 617.54 feet to a found capped rebar stamped 25657; thence leaving said Right of Way run North 64 degrees 32 minutes 29 seconds West for a distance of 285.60 feet to the POINT OF BEGINNING. Said parcel contains 828,418 Square feet or 19.02 Acres more or less.

END OF LEGAL DESCRIPTION