ORDINANCE NO. 399

An Ordinance to Provide for the redemption of the General Obligation First Mortgage Industrial Building Warrants of the City of Hamilton, Dated March 1, 1973; and for the authorization of the sale of the Project Site financed by said Warrants to Alabama Power Company

Be it ordained by the Mayor and City Council of the City of Hamilton, Alabama, as follows:

Section 1. Findings. The City of Hamilton, Alabama (the "City") did issue and sell \$125,000.00 of its General Obligation First Mortgage Industrial Building Warrants, dated March 1, 1973 (the "Warrants"), for the purpose of constructing a Plant on the following described land in Marion County, Alabama (the "Plant Site"):

Five and no tenth (5.0) acres, more or less, of land in the Southeast corner of the Southwest Quarter of the Northeast Quarter (SW 1/4-NE 1/4) of Section Ten (10) Township Eleven (11) South, Range Fourteen (14) West, Marion County, Alabama, described as follows, to wit:

Beginning at a concrete monument on the North right-of-way line of the Airport Road, said concrete monument being Thirty (30) feet North of the Southeast corner and on the East line of the Southwest Quarter of the Northeast Quarter (SW 1/4-NE 1/4), of Section Ten (10), Township Eleven (11) South, Range Fourteen (14) West, Marion County, Alabama; thence North along the East line of said Forty (40) a distance of Two Hundred Seventy (270) feet to a concrete monument; thence North forty-three (43) degrees and Fifty-three (53) minutes West, a distance of Three Hundred Thirty-nine and Five Tenths (339.5) feet to a concrete monument; thence West and Parallel with said Forty (40) line and Airport Road a distance of Two Hundred Thirty-Eight and Four Tenths (238.4) feet to a point; thence South and Parallel to West line of

said Forty (40) a distance of Five Hundred Twenty-Two and Nine Tenths (522.9) feet to a point of the North right-of-way line of said Airport Road, said point also being Thirty (30) feet North of the North line of the Southwest Quarter of the Northeast Quarter (SW 1/4-NE 1/4) Section Ten (10), Township Eleven (11), Range Fourteen (14) West; thence East along the North right-of-way line of the said Airport Road, and Parallel to said Forty (40) line, a distance of Four Hundred Seventy Three and Four Tenths (473.4) feet to a concrete monument the designated point of beginning and containing Five and No Tenths (5.0) Acres, more or less, situated, lying and being in the City of Hamilton, Marion County, Alabama.

The City leased the Plant Site and the Plant (collectively referred to as the "Project") to Hamilton Manufacturing Incorporated, which has since changed its name to Alabama Steel Fabricating, Inc., under a lease agreement dated March 1, 1973 (the "Lease"). The City conveyed a mortgage on the Project to Exchange Security Bank, now First Alabama Bank of Birmingham (the "Trustee"), to secure the payment of the Warrants, under a Mortgage Indenture and Deed of Trust, Dated March 1, 1973 (the "Indenture"). There are currently outstanding \$75,000.00 of the Warrants, numbered 11 through 25. The City (Mortgagor) is not in default under the Indenture.

2. The City does hereby authorize Alabama Power Company to deposit with the Trustee the sum of \$82,675.00, and hereby gives the Trustee irrevocable instructions to use the money as follows:

> (a) To purchase and redeem Warrants 11 through 25 at face value plus accrued interest from those owners who are willing to surrender their Warrants, and

(b) To redeem on September 1, 1978, all of Warrants 11 through 25 that have not been purchased under subsection (a) above.

3. The City hereby calls for redemption on September 1, 1978, all of Warrants 11 through 25 that are then outstanding, and requests the Trustee to cause notice in the following form to be published one time in a newspaper published in the City of Birmingham, Alabama, not less than thirty (30) ays prior to September 1, 1978: First Alabama Bank of Birmingham does hereby give notice that the City of Hamilton, Alabama, General Obligation First Mortgage Industrial Building Warrants, dated March 1, 1973, numbered , are hereby called for redemption on September 1, 1978, at their face value, plus accrued interest to September 1, 1978, plus one year's interest thereon. Said Warrants will be redeemed upon presentation thereof at the main office of First Alabama Bank of Birmingham. All interest on said Warrants will cease after September 1, 1978.

4. The City hereby authorizes the Trustee to refund to Alabama Power Company any proceeds of the \$82,685.00 over and above the amount necessary to purchase Warrants, to redeem the remaining Warrants, to pay the Trustee a fee of \$250.00 and to pay the publication fee for the Redemption Notice.

5. Subject to Alabama Power Company's acquiring the interest of Alabama Steel Fabricating, Inc. in and to the Lease, the City hereby authorizes the sale of the Project to Alabama Power Company for and in consideration of the \$82,675.00 paid to the Trustee, plus \$1,000.00 to be paid by Alabama Power Company to the City, and further authorizes the cancellation of the Lease. The Mayor is authorized and directed to execute and deliver a deed conveying the Project to Alabama Power Company and cancelling the Lease, upon receiving satisfactory evidence that Alabama Power Company has acquired the interest of Alabama Steel Fabricating, Inc. in and to the Lease.

6. The City hereby directs the Trustee upon receipt of the sum of \$82,675.00 from Alabama Power Company, to cancel, satisfy and discharge the lien of the Indenture on the Project pursuant to Section 16.1 of the Indenture.

Adopted and approved this S day of May, 1978.

ATTESTED:

Darnet Offreys

Mayor

STATE OF ALABAMA)

)

MARION COUNTY

I, the undersigned, City Clerk of the City of Hamilton, hereby certify that the attached three pages constitute a true and correct copy of Ordinance No. <u>399</u>, which was duly adopted at a regular meeting of the City Council of Hamilton, Alabama, held on May 8, 1978.

WITNESS my official signature and corporate seal of said City this the 8th day of May, 1978.

+ Jeffrens

SEAL

ALABAMA POWER COMPANY 600 NORTH 18TH STREET — P. O. BOX 2641 BIRMINGHAM, ALABAMA 35291 — (205) 323-5341

May 4, 1978

Ordinance # 399

Honorable E. T. Sims, Jr. Mayor, City of Hamilton P. O. Box 188 Hamilton, Alabama 35570

Dear Mayor Sims:

Hamilton Crew Headquarters

Enclosed in duplicate is the proposed ordinance drawn up by Mr. A. Key Foster, of Balch, Bingham, Baker, Hawthorne, Williams and Ward, who handled the bond issue for the City of Hamilton. This ordinance needs to be duly presented and approved by the City Council in its regular meeting scheduled for Monday night, May 8, 1978.

After this ordinance has been approved, it will be in order for us to exchange our check for \$1,000 for the deed which is enclosed herewith. This can be done directly, or by executing this deed and meeting in a formal closing at the offices of the Trustee at First Alabama Bank of Birmingham or by sending it to said Trustee to exchange for the city on May 15, 1978.

We plan to make out the check for \$82,675 payable to First Alabama Bank of Birmingham as Trustee for The City of Hamilton and deliver this at the closing at their offices on May 15, 1978.

We are also preparing the deed to be executed by Alabama Steel Fabricating, Inc. and will get it to them in time for it to be signed and exchanged on May 15, 1978, at the closing.

If you have any questions regarding these arrangements, please advise.

Very truly yours,

J. H. Rouse Sr. Right-of-Way Agent Corporate Real Estate JHR:dh Enclosures c: Messrs. A. Key Foster, Jr.; Harold Williams; Arthur Fite; Wayne Riggs; E. A. Blankenship HELPING DEVELOP ALABAMA

S75 ANTY DEED-FORM 1
E STATE OF ALABAMA.
rionCounty.
KNOW ALL MEN BY THESE PRESENTS, That
-
One Thousand and no/100
In hand paid by the Alabama Power
corporation, the receipt whereof is hereby acknowledged, have granted bargained and a li
by these presents do hereby grant, bargain, sell and convey unto the said Alabama Porter
COMPANY, (hereinafter called the Company), its successors and assigns, the following describ
real estate, situated in the County of Marion and State of the
Five and no tenth (5.0) acres, more or less, of land in the Southeast corner of the Southwest Quarter of the Northeast Quarter (SW 1/4-NE 1/4) Marion County, Alabama, described as follows, to with
Airport.Road, said concrete monument on the North right-of-way line of the Airport.Road, said concrete monument being Thirty. (30) feet North of the east Quarter (SW 1/4-NE 1/4), of Section Ten (10), Township Eleven (11). the East line of said Forty (40) a distance of Two Hundred Seventy. (270). three (53) minutes West, a distance of Three Hundred Seventy. (270). three (53) minutes West, a distance of Three Hundred Thirty-mine and Five. said Forty (40) line and Airport Road a distance of Two Hundred Thirty-Eight. and Four Tenths (238.4) feet to a point; thence South and Parallel with and Four Tenths (238.4) feet to a point; thence South and Parallel to West (522.9) feet to a point of the North right-of-way line of said Airport Road, Quarter of the Northeast Quarter (SW 1/4-NE 1/4) Section Ten (10), Township of the said Airport Road, and parallel to Said Airport Road, Eleven (11), Range Fourteen (14) West; thence.East along.the North right-of-way the designated point of beginning and containing Five and No Tenths (5.0) Acres, Airport Road, and parallel to said Forty (40) line, a distance more or less, situated, lying and being in the City of Hamilton, Marion.County,
March 1, 1973, between the City of Hamilton and Hamilton Manufacturing Incorporated, as recorded in Deed Book 181, Pages 577-627 in the Probate Office of Marion County, Alabama (the "Lease"), required for terminating the Lease have been met. Grantor does hereby cancel and terminate said Lease, and Alabama Power Company (assignee of Hamilton Manufacturing Inc.) by acceptance of this deed does hereby join in the

1

.....

TO HAVE AND TO	
TO HAVE AND TO HOLD to the said Company, its succe ppurtenances thereunto belonging, forever. And the grantor covenant swith the said Company, its swfully seized in fee of the aforegranted premises: that the said principles.	25070 - 1
And the grantor covenant Swith the said Company, its succe wfully seized in fee of the aforegranted premises; that the said reference of the same to the said Company, its sell and convey the same to the said Company, its successors and d defend the said promise to the said Company, its successors and	assigns, with all the
willy seized in fee of the aforegranted premises; that the said reinabove mentioned; that they are free from all encumbrance; sell and convey the same to the said Company, its successors and d defend the said premises to the said Company, its successors and times and demands of all persons.	s successors and
aremanove mentioned; that there are a	d premises contained assigns, that it
sell and convey the same to the said a	that it has
aims and demands of mises to the said Company, its successors and	nd assigns, and the
sell and convey the same to the said Company, its successors and defend the said premises to the said Company, its successors and aims and demands of all persons. Reference to the said Company shell in the said	and assigns, forever will war
sell and convey the same to the said Company, its successors and ad defend the said premises to the said Company, its successors aims and demands of all persons. Reference to the said Company shall include its successors and	d against the law
IN WITNESS WHEDDOOR	
is the	
ne Thousand Nine Hundred	in the year of our Lor
igned, Sealed and Delivered in Du	
	(L. S.)
	(L. S.)
······	(L. S.)
	(L. S.)
•	(T g)
	(L. S.)
	(L. S.)
	(L. S.)
IN WITNESS WITH	
IN WITNESS WITH	
IN WITNESS WITH	
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E Q</u>	on has caused
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E Q</u> its Bresident and attested by <u>Darnet Q</u>	onhas caused inhas caused inhas City Clerk its Statesty and its
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E Q</u> its Breatment and attested by <u>Darnet Q</u>	onhas caused inhas caused inhas City Clerk its Statesty and its
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E Q</u> its Breatment and attested by <u>Darnet Q</u>	on has caused
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E Q</u> its Breatment and attested by <u>Darnet Q</u>	onhas caused inhas caused inhas City Clerk its Statesty and its
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E. 2</u> its Everyon and attested by <u>Darnet Off</u> correspondence seal to be affixed, on this the <u>Sarnet Off</u> Attest: <u>Darnet Off</u>	onhas caused inhas caused inhas City Clerk its Spectropy and its
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E. 2.8</u> its Eventient and attested by <u>Darmet Off</u> workerste seal to be affixed, on this the <u>day of May</u> Attest: <u>Darmet Off</u> <u>City Clerk</u> <u>Secretary</u> <u>By</u> <u>EC.</u>	Onhas caused in a product of the second discrete for the second discret
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E. 2</u> its Executent and attested by <u>Darmit Off</u> expressive seal to be affixed, on this the <u>day of</u> <u>May</u> Attest: <u>Darmit Off</u> <u>City Clerk</u> <u>Sequence</u> STATE OF	onhas caused inhas caused inhas City Clerk its Spectropy and its
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E. 2</u> its Executent and attested by <u>Darmit Off</u> expressive seal to be affixed, on this the <u>day of</u> <u>May</u> Attest: <u>Darmit Off</u> <u>City Clerk</u> <u>Sequence</u> STATE OF	(L. S.) onhas caused inc, as city Clerk , its Senetary, and its , 19.28. Its Residents
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E. 2</u> its Eventient and attested by <u>Darmet Off</u> STATE OF County of <u>I</u>	(L. S.) onhas caused ima, as city Clerk its Sensetary, and its , its Sensetary, and its , 19.78. Its Presidenty Mayor
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E. 2</u> its Eventient and attested by <u>Darmet Off</u> STATE OF County of <u>I</u>	(L. S.) onhas caused ima, as city Clerk its Sensetary, and its , its Sensetary, and its , 19.78. Its Presidenty Mayor
IN WITNESS WHEREOF, the said The City of Hamilt this instrument to be executed in its name by E 2 3 its EVENIGENT and attested by Darmat Offer 9000000000000000000000000000000000000	(L. S.) Onhas caused City Clerk City Clerk
IN WITNESS WHEREOF, the said The City of Hamilt this instrument to be executed in its name by E 2 3 its EVENIGENT and attested by Darmat Offer 9000000000000000000000000000000000000	(L. S.) Onhas caused City Clerk City Clerk
IN WITNESS WHEREOF, the said The City of Hamilt this instrument to be executed in its name by E.2. its Exectivent and attested by Darmat Officent exercises seal to be affixed, on this the day of Attest: 	(L. S.) onhas caused ima, as City Clerk its Serretary, and its , 19.78. Its Rresidenty Mayor
IN WITNESS WHEREOF, the said The City of Hamilt. this instrument to be executed in its name by E.2 & its Evention and attested by Darmet Offer corresponde seal to be affixed, on this the day of Attest: 	(L. S.) onhas caused inc, as City Clerk its Senetary, and its , 19.28. Its Presidenty Mayor
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E.Q.</u> its Breathent and attested by <u>Daract Quarks</u> correspondent seal to be affixed, on this the <u>Daract Quarks</u> Attest: <u>Daract Quarks</u> <u>City Clerk</u> <u>Starstasy</u> . STATE OF <u>County of</u> I, <u>in and for said County in said State, hereby certify that</u>	(L. S.) onhas caused ima, as city Clerk its Ennetary, and its , 1978. Its Rresidents Mayor
IN WITNESS WHEREOF, the said <u>The City of Hamilt</u> this instrument to be executed in its name by <u>E. 2</u> its Exectivent and attested by <u>Darmet Off</u> expressive seal to be affixed, on this the <u>day of</u> <u>May</u> Attest: <u>Darmet Off</u> <u>City Clerk</u> <u>Sequesters</u> . STATE OF <u>County of</u> <u>I</u> , <u>in and for said County in said State, hereby certify that</u>	(L. S.) onhas caused ima
IN WITNESS WHEREOF, the said The City of Hamilt this instrument to be executed in its name by E. 2 its Previous and attested by Darmet Q STRUME seal to be affixed, on this the day of Attest: 	(L. S.) on has caused in a property of the second
IN WITNESS WHEREOF, the said The City of Hamilt this instrument to be executed in its name by E. 2 its Breatment and attested by Darmet Q STRUMENT and attested by Darmet Q Attest: 	(L. S.) on has caused in a property of the second
IN WITNESS WHEREOF, the said The City of Hamilt this instrument to be executed in its name by E. 2. S its Breacher and attested by Darmet Office oxponence seal to be affixed, on this the day of May Attest: 	(L. S.) onhas caused inc, as City Clerk its Senetary, and its , its Senetary, and its , 19.28. Its Presidenty Mayor whose name whose name
IN WITNESS WHEREOF, the said The City of Hamilt this instrument to be executed in its name by E. 2. S its Breakherst and attested by Darnet Office corresponde seal to be affixed, on this the day of May corresponde seal to be affixed, on this the day of May Attest: 	(L. S.) onhas caused inc, as City Clerk
IN WITNESS WHEREOF, the said The City of Hamilt this instrument to be executed in its name by E. 2. S its Breakherst and attested by Darnet Office corresponde seal to be affixed, on this the day of May corresponde seal to be affixed, on this the day of May Attest: 	(L. S.) onhas caused inc, as City Clerk
IN WITNESS WHEREOF, the said The City of Hamilt this instrument to be executed in its name by E. 2. S its Breakherst and attested by Darnet Office comparate seal to be affixed, on this the day of May Attest: 	(L. S.) onhas caused inc, as city Clerk its Senretary, and its , its Senretary, and its , 1928. Its Presidenty Mayor
IN WITNESS WHEREOF, the said The City of Hamilt: Mayor	

UF			
of			
	id State, do hereby certify that		
	and who	known to me. schoo	wloder at 1 .
e name	gned to the foregoing Conveyance, and who. formed of the contents of the Conveyance	executed the same	voluptarily on
the serve hears date	and official seal, thisday o		
Given under my han			
			••••••••••••••••••••••••••••
	}		
ounty of) , a		
and for said Cour	ty in said State, do hereby certify that		
here nome or			is signed to
	t and who is known to me, acknowledge e instrument		
of the contents of t	e instrument	capacity as such	
executed the same	oluntarily, on the day the same bears d	ate.	
executed the same	oluntarily, on the day the same bears d y hand and official seal this the	ate.	, 19
executed the same Given under m	oluntarily, on the day the same bears d y hand and official seal this the	ate. day of	, 19
executed the same Given under m 	oluntarily, on the day the same bears d y hand and official seal this the	ate. day of	, 19
Executed the same Given under m STATE OF County of	voluntarily, on the day the same bears d y hand and official seal this the	ate. day of	, 19.
STATE OF	voluntarily, on the day the same bears d y hand and official seal this the	ate. day of	, 19
Executed the same Given under m STATE OF County of I, said County, in said	oluntarily, on the day the same bears d y hand and official seal this the	ate. day of	, 19
STATE OF Given under m STATE OF County of I, said County, in said	oluntarily, on the day the same bears d y hand and official seal this the	ate. day of	, 19 in an
executed the same Given under m STATE OF County of said County, in said whose name	oluntarily, on the day the same bears d y hand and official seal this the	ate. day of	in an
executed the same Given under m STATE OF County of i, said County, in said whose name me on this day, th on the day the sa	signed to the foregoing Conveyance, and the bears date.	ate. day of whoknown to me, a yancecxecuted ti	
executed the same Given under m STATE OF County of i, said County, in said whose name me on this day, th on the day the sa	signed to the foregoing Conveyance, and t, being informed of the contents of the Convey hand and official seal, this	ate. day of whoknown to me, a yancccxecuted ti 	, 19.
executed the same Given under m STATE OF County of i, said County, in said whose name me on this day, th on the day the sa	signed to the foregoing Conveyance, and t, being informed of the contents of the Convey hand and official seal, this	ate. day of whoknown to me, a yancecxecuted ti	, 19.
executed the same Given under m STATE OF County of i, said County, in said whose name me on this day, th on the day the sa	signed to the foregoing Conveyance, and t, being informed of the contents of the Convey hand and official seal, this	ate. day of whoknown to me, a yancccxecuted the second sec	, 19.
executed the same Given under m STATE OF County of i, said County, in said whose name me on this day, th on the day the sa Given under m	signed to the foregoing Conveyance, and the bears date.	ate. day of whoknown to me, a yancccxecuted ti 	, 19.
Executed the same Given under m STATE OF County of I	signed to the foregoing Conveyance, and t, being informed of the contents of the Convey hand and official seal, this	ate. day of whoknown to me, a yancccxecuted the second sec	, 19.
executed the same Given under m STATE OF County of i said County, in said whose name me on this day, th on the day the sa Given under m STATE OF County of	oluntarily, on the day the same bears day hand and official seal this the	ate. day of whoknown to me, a yancecxecuted ti 	, 19
state of the same Given under m STATE OF County of said County, in said whose name me on this day, th on the day the sa Given under m STATE OF County of I,	signed to the foregoing Conveyance, and the bears date.	ate. day of	, 19
STATE OF whose name Given under m STATE OF County of I, said County, in said whose name me on this day, th on the day the sa Given under m STATE OF County of I, County of I, County of I, County of I, County of I, County of I, County of I, County of County of I, County of I, County of County of I, County of County of I, County of County of I, County of County of I, County of I, County of County of I, County of County of I, County of County of County of I, County of I, County of County of County of County of I, County of County of I, County of County of I, County of I, I, County of I, I, County of I, I, I, I, I, I, I, I, I, I, I, I, I,	oluntarily, on the day the same bears day hand and official seal this the y hand and official seal this the	ate. day of	, 19 in and in and in and in and in and in and in and in and in and in and in
STATE OF whose name Given under m STATE OF County of I said County, in said whose name me on this day, th on the day the sa Given under m STATE OF County of I, STATE OF County of I, in and for said of whose name as is signed to the that bait bait	ALABAMA ALABAMA Marion ALABAMA MARI MARI MARIAN ALABAMA ALABAMA MARIAN ALABAMA ALABAM	ate. day of	
STATE OF whose name Given under m STATE OF County of I, said County, in said whose name me on this day, th on the day the sa Given under m STATE OF County of I, in and for said of whose name as is signed to the that, being infor executed the sam	oluntarily, on the day the same bears day hand and official seal this the y hand and official seal this the y hand and official seal this the signed to the foregoing Conveyance, and t being informed of the contents of the Conveyance y hand and official seal, this data ALABAMA Marion ALABAMA Marion Yester of The City of Hamilto oregoing instrument, and who is known e voluntarious of the instrument	ate. day of	
STATE OF whose name Given under m STATE OF County of I, said County, in said whose name me on this day, th on the day the sa Given under m STATE OF County of I, in and for said of whose name as is signed to the that, being infor executed the sam	oluntarily, on the day the same bears day hand and official seal this the y hand and official seal this the y hand and official seal this the signed to the foregoing Conveyance, and t being informed of the contents of the Conveyance y hand and official seal, this data ALABAMA Marion ALABAMA Marion Yester of The City of Hamilto oregoing instrument, and who is known e voluntarious of the instrument	ate. day of	
STATE OF whose name Given under m STATE OF County of I, said County, in said whose name me on this day, th on the day the sa Given under m STATE OF County of I, in and for said of whose name as is signed to the that, being infor executed the sam	ALABAMA ALABAMA Marion ALABAMA MARI MARI MARIAN ALABAMA ALABAMA MARIAN ALABAMA ALABAM	ate. day of	