

ORDINANCE NO. 2005-815

BE IT ORDAINED by the City Council of the City of Hamilton, Alabama, as follows:

SECTION 1. It is hereby established and declared that the following described real property of the City of Hamilton, Alabama, is no longer needed for public or municipal purposes, to-wit:

A tract of land containing 46.20 acres, situated in the Southwest Quarter OF Section 2, Township 11 South, Range 14 West, Marion County, Alabama , and being more particularly described as follows: Commence at the Northwest corner of the Southwest Quarter of said Section 2; thence run South 00 degrees 41' West along the West boundary of said Section 2, 1 distance of 61.62 feet to its intersection with the Southerly right of way of 10<sup>th</sup> Avenue Southeast (Marion County Highway Number 42); thence run North 88 degrees 55' East along the Southerly right of way of said 10<sup>th</sup> Avenue Southeast a distance of 357.63 feet to the point of beginning for the tract herein described, to wit: thence continue North 88 degrees 55' East along the Southerly right of way of said avenue a distance of 1013.44 feet to the P.C. of a curve to the right, said P.C. having a roadway station of 20+15.20; thence continue in an Easterly direction along the Southerly right of way of said avenue and along the arc of said curve to the right (Central Angle = 43 degrees 00', Radius = 793.51 feet) for a distance of 595.52 feet to the P.T. of said curve, said P.T. having a roadway station of 26+29.50; thence run South 41 degrees 55' West and continue along the Southerly right of way of said avenue, a distance of 15.00 feet to a point that is a perpendicular distance of 40.00 feet from the centerline of said avenue; thence run South 48 degrees 05' East and continue along the Southerly right of way of said avenue a distance of 235.00 feet to the center of the Buttahatchee River; thence run the following consecutive bearings and distances (South 43 degrees 00' West, 400.00 feet; South 35 degrees 00' West, 300.00 feet; South 24 degrees 00' West 500.00 feet; South 21 degrees 00' West, 450.00 feet; South 16 degrees 00' West, 368.00 feet) downstream, along the meanderings of said river to the Mouth of Key Branch; thence run the following consecutive bearings and distances (North 64 degrees 00' West, 250.00 feet; North 33 degrees 37' West, 229.8 feet; North 17 degrees 29' West, 300.00 feet) upstream, along the meanderings of said Key Branch to a point; thence run North 73 degrees 16' East a distance of 34.00 feet to capped rebar corner; thence run North 16 degrees 44' West along an old barbed wire fence, a distance of 306.00 feet to the point of beginning.

LESS AND EXCEPT: Commencing at the Northwest corner pf the Southwest Quarter of Section 2, Township 11 South, Range 14 West, Marion County, Alabama; thence run South 00 degrees 41' West along the West boundary of said Section 2 for a distance of 61.62 feet to its intersection with the southerly right of way of 10<sup>th</sup> Avenue Southeast (Marion County Highway No. 42);

thence run North 88 degrees 55' East along the Southerly right of way of said 10<sup>th</sup> Avenue Southeast for a distance of 357.63 feet to the point of beginning for the tract herein described. From said point of beginning, continue North 88 degrees 55' East along the Southerly right of way of said avenue for a distance of 26.14 feet; thence run South 08 degrees 08'32" East a distance of 409.80 feet; thence run South 16 degrees 55'54" East a distance of 309.53 feet; thence run North 88 degrees 30' 21" East a distance of 310.26 feet; thence run South 00 degrees 53' 12" East a distance of 23.18 feet; thence run South 87 degrees 05'03" West a distance of 320.37 feet; thence run North 16 degrees 44' 00" West a distance of 447.75 feet; thence run North 6 degrees 45' 00" West a distance of 306.00 feet to the point of beginning. Said parcel being in a part of the Southwest Quarter of Section 2, Township 11 South, Range 14 West, Marion County, Alabama, and containing 0.60 acres, more or less.

LESS AND EXCEPT: A 50' X 50' parcel being in and a part of the Southwest 1/4 of Section 2, Township 11 South, Range 14 West, Marion County, Alabama and being more particularly described as follows: Commencing at the Northwest Corner of the Southwest 1/4, Section 2, Township 11 South, Range 14 West, Marion County, Alabama; thence run S 00 degrees 41' 00" W along the West line of said Southwest 1/4 for a distance of 61.62 feet; thence run N 88 degrees 55' 00" E for a distance of 1289.78 feet to the point of beginning. FROM SAID POINT OF BEGINNING run N 88 degrees 55' 00" E for a distance of 50.00 feet; thence run S 01 degrees 05' 00" E for a distance of 50.00 feet; thence run S 88 degrees 55' 00" W for a distance of 50.00 feet; thence run N 01 degree 05' 00" W for a distance of 50.00 feet to the point of beginning. Said parcel containing 0.057 acres more or less. Also a 20 foot wide utility easement described as follows: Said parcel being in and a part of the Southwest 1/4, Section 2, Township 11 South, Range 14 West, Marion County, Alabama, and being more particularly described as follows: Commencing at the Northwest corner of the Southwest 1/4, Section 2, Township 11 South, Range 14 West, Marion County, Alabama; thence run S 00 degrees 41' 00" W along the West line of said Southwest 1/4 for a distance of 61.62 feet; thence run N 88 degrees 55' 00" E for a distance of 920.00 feet to the point of beginning. FROM SAID POINT OF BEGINNING run N 88 degrees 55' 00" E for a distance of 389.78 feet; thence run S 01 degrees 05' 00" E for a distance of 20.00 feet; thence run S 88 degrees 55' 00" W for a distance of 389.78 feet; thence run N 01 degrees 05' 00" E for a distance of 20.00 feet to the point of beginning.

LESS AND EXCEPT: a 0.93 acre, (40693.94 square feet), more or less, tract of land situated in the Northwest 1/4 of Southwest 1/4 of Section 2, Township 11 South, Range 14 West, Marion County, Alabama, being more particularly described as follows: Commence at the northwest corner of Section 2, Township 11 South, Range 14 West, thence run S. 03 degrees 55' 48" W., along the westerly boundary of said Section 2, a distance of 2642.80 feet, to the Southwest corner of the Northwest 1/4 of Section 2; thence continue S. 03 degrees 55' 48" W., along the westerly boundary of said Section 2, a distance of 36.86 feet, to the centerline of Marion County Highway Number 42; thence run S. 87 degrees 53' 05" E., along the centerline of said Highway Number 42, a distance of 1123.84 feet, to beginning Project Station 0+00.00, to a point; thence run S. 88 degrees 23' 43" E., along the new centerline of County Highway 42, a distance of 218.27 feet; to PC Station 2+18.27; thence run S. 01 degree 36' 17" W., a distance of 27.17 feet to the original southerly right-of-way of said Highway Number 42, to a capped 1/2 inch solid pin, said pin being the point of beginning of the tract of land herein described, to-wit; thence run in an easterly

direction, along the original southerly right-of-way of said Highway Number 42, along the arc of a curve to the right having a radius of 793.51 feet, a delta angle of 43 degrees 00' 00", an arc distance of 595.52 feet, a chord bearing of S. 66 degrees 20' 59" E., a chord distance of 581.64 feet, to a point; thence continue along the original southerly right-of-way of said Highway Number 42, S. 45 degrees 09' 01" W., a distance of 15.00 feet, to a point; thence continue along the original southerly right-of-way of said Highway Number 42, S. 44 degrees 50' 59" E., a distance of 235.00 feet, to a point in the center of the Buttahatchee River; thence run S. 46 degrees 14' 01" W., downstream, along the meander of the center of said river, a distance of 58.30 feet, to a point that is perpendicular to and 90.00 feet, in a southerly direction from Station 10+89.33 of the new centerline of said Highway Number 42; thence run N. 45 degrees 45' 37" W., a distance of 261.99 feet, to a capped ½ inch solid pin set that is radial to and 90.00 feet, in a southerly direction from PT Station 8+27.34 of the new centerline of said Highway Number 42; thence run in a westerly direction along the arc of a curve to the left having a radius of 728.51 feet, a delta angle of 03 degrees 18' 49", an arc distance of 42.13 feet, a chord bearing of N. 47 degrees 25' 15" W., a chord distance of 42.13 feet, to a capped ½ inch solid pin set that is radial to and 90.00 feet, in a southerly direction from Station 7+80.00 of the new centerline of said Highway Number 42; thence run N. 40 degrees 55' 33" E., along the radial line of said Station 7+80.00, a distance of 30.00 feet, to a capped ½ inch solid pin; thence run in a westerly direction along the arc of a curve to the left having a radius of 758.51 feet, a delta angle of 39 degrees 19' 16", an arc distance of 520.55 feet, a chord bearing of N. 68 degrees 44' 05" W., a chord distance of 510.40 feet, to a capped ½ inch solid pin set that is radial to and 60.00 feet, in a southerly direction, to PC Station 2+18.27 of the new centerline of said Highway 42; thence run N. 01 degree 36' 17" E., along the radial line of said PC Station 2+18.27, a distance of 32.83 feet, to the point of beginning.

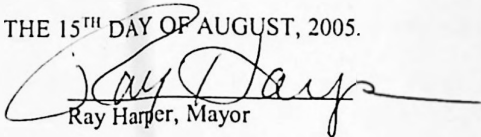
SECTION 2. The City of Hamilton, Alabama, having received an offer from Cavalier Homes, Inc., to lease that real property described in Section 1, above, it is hereby declared to be in the best interest of the public and the City of Hamilton, Alabama, to lease said real property to Cavalier Homes, Inc., under the following terms and conditions, to-wit:

The lease shall be for a term of three (3) years, with an annual lease payment of \$1,000. Cavalier Homes, Inc., shall have complete access and use to the basement of the facility located on the property herein described and to an area behind the facility suitable for the needs of its service department.

SECTION 3. Pursuant to the authority granted by Section 11-27-21 of the Code of Alabama of 1975, the Mayor and City Clerk of the City of Hamilton, Alabama, are hereby directed and authorized to execute and attest, respectively, for and on behalf of the City of Hamilton, Alabama, said lease agreement in the name of the City of Hamilton, Alabama.

SECTION 4. This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED THIS THE 15<sup>TH</sup> DAY OF AUGUST, 2005.

  
Ray Harper, Mayor

Attest:

  
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City Clerk