STATE OF ALABAMA
COUNTY OF DeKALB
TOWN OF COLLINSVILLE

ORDINANCE NO. 2015-05

An ordinance authorizing the DeKalb Cherokee Gas District to convey real estate to the City of Fort Payne

WHEREAS, The Town of Collinsville, Alabama is a founding member-municipality DeKalb-Cherokee Counties District; and,

WHEREAS, The DeKalb-Cherokee Counties Gas District has determined that it owns certain real estate that has become unnecessary for the conduct of its business and is therefore properly classified as surplus property, the description of said property being set forth below in this ordinance; and,

WHEREAS, DeKalb-Cherokee Counties Gas District has resolved to donate and convey to the City of Fort Payne, Alabama the subject surplus property, provided that it obtains the consent of each of its three (3) member-municipalities, such consent to be evidenced by ordinance, as required by the Code of Alabama 1975 as amended, Section 11-50-314 (10); and,

WHEREAS, the City of Fort Payne, Alabama has determined that the proposed conveyance of real property would provide additional public parking in a business district of the City and would be beneficial to local commerce and the general public:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL, AS THE GOVERNING BODY OF THE TOWN OF COLLINSVILLE, AS FOLLOWS:

Section 1. The Mayor and Town Council, as the governing body of the Town of Collinsville, Alabama, a founding member-municipality of the DeKalb-Cherokee Counties Gas District, acknowledges, authorizes, and consents to the conveyance by the DeKalb-Cherokee Counties Gas District of that certain real property described below, to the City of Fort Payne, Alabama.

A parcel of land in the City of Fort Payne, Alabama, bounded on the northwest by Grand Avenue N.W., on the northeast by Third Street N.W., and on the southeast by an alley 15 feet in width. All of said parcel lying in Block 58 of the L.N. Christensen Survey to the City of Fort Payne as recorded in the Office of the Judge of Probate in DeKalb County, Alabama. Said parcel being more particularly described as follows:

Commencing at the southwesterly corner of Block 59 of said L.N. Christensen Survey run N 37 degree 34? 00? E with the northwesterly boundary line of said Block 59 and the southeasterly right-of-way line of Grand Avenue N.W. (80' R.O.W.) for 50.00 feet to a ½" iron pin; thence continue N 37 degree 34? 00? with the southeasterly right-of-way line of said Grand Avenue for 167.50 feet to the southwesterly corner of lot 20 Block 58 of said L.N. Christensen Survey for a point of beginning.

Thence continue N 37 degree 34? 00? E with the northwesterly boundary line of said Block 58 and the southeasterly right-of-way line of Grand Avenue N.W. for 173.50 feet to the northwesterly corner of Lot 14 of said Block 58. Said point being where the southeasterly right-of-way of Grand Avenue N.W. intersects the southwesterly right-of-way line of Third Street N.W. and the northeasterly boundary line of said Lot 14 of Block 58 for 110.00 feet to the northeasterly corner

of said Lot 14. Said point also lying on the northwesterly right-of-way line of an alley (15' R.O.W.); thence run S 37 degree 34? 00? W. with the southeasterly boundary line of lots 14, 15, 16, 17, 18, 19, and 20 of said Block 58 and with the northwesterly right-of-way line of said alley 173.50 feet to a point on the southeasterly boundary line of said lot 20; thence leaving the northwesterly right-of-way line of said alley run N 52 degree 26? 00? W. on a line lying approximately 2.12 feet northeastwardly from the northeasterly edge of a raised concrete curb or island for 110.00 feet and to the point of beginning.

The above described parcel of land being an of Lots 14, 15, 16, 17, 18, 19, and part of lot 20, all in Block 58, of the above said L.N. Christensen Survey and containing 0.43 acres more or less, Grantor reserves a nonexclusive, perpetual, and assignable easement over and across the above described property to maintain and preserve access, ingress, and egress to existing open ways to and from Grand Avenue N.W., Third Street N.W., and Block 59.

Section 2. That all other ordinances or parts of ordinances in conflict hereof are expressly repealed.

Section 3. That if any part, section, or subsection of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect, notwithstanding such holding.

Section 4. That this ordinance shall become effective immediately following its approval, adoption, and publication as required by law.

THE ABOVE AND FORGOING ORDINANCE WAS READ, ADOPTED AND APPROVED on the 7th day of December, 2015 by the Mayor and Town Council of the Town of Collinsville, Alabama.

Johnny Traffanstedt, Mayor

ATTEST:

Peggy Wright, City Clerk