

ORDINANCE NUMBER 3241

AN ORDINANCE TO DECLARE REAL PROPERTY AS NO LONGER NEEDED BY THE CITY OF VESTAVIA HILLS, ALABAMA FOR MUNICIPAL PURPOSES; AND AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE ALL DOCUMENTS NEEDED TO CONVEY SAID PROPERTY TO JEFFERSON COUNTY, ALABAMA, A POLITICAL SUBDIVISION OF THE STATE OF ALABAMA, FOR PUBLIC IMPROVEMENTS TO A BRIDGE OVER A TRIBUTARY OF THE CAHABA RIVER THAT WILL PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE COMMUNITY

THIS ORDINANCE NUMBER 3241 is approved and adopted by the City Council of the City of Vestavia Hills, Alabama on this the 9th day of September, 2024.

WITNESSETH THESE RECITALS:

WHEREAS, Jefferson County, Alabama (“the County”) is a political subdivision of the State of Alabama; and

WHEREAS, the County has identified a public need for replacement of a narrow bridge located on Old Looney Mill Road, which lies in unincorporated Jefferson County but is adjacent to a portion of the property owned by the City of Vestavia Hills, Alabama (“City”) located in the Patchwork Farms Planned Unit Development more particularly described as a portion of Lot 3C, Resurvey Patchwork Farms, Lot 3 Resurvey as recorded in the Probate Office of Jefferson County, Alabama at Map Book 239, Page 90; and

WHEREAS, the County has determined that a portion of said Lot 3C is property needed to be acquired in order to have sufficient right-of-way for the expansion/widening of the bridge; and

WHEREAS, the County has submitted documentation of said need to the City’s Engineering Department and, after review, the City Engineer has recommended that the City allow the County to acquire said property as it is no longer needed by the City for municipal purposes; and

WHEREAS, the legal description and a map of the portion of property needed by the County for said bridge improvements is detailed in Exhibit A, attached to and incorporated into this Ordinance Number 3241 as if written fully herein; and

WHEREAS, the market value of the property has been determined to be Thirteen Thousand Seven Hundred Twenty-four Dollars (\$13,724.00), however, the Mayor and City

Council has determined that this is a need of the general public and finds that it does serve a public purpose; and

WHEREAS, with consideration of a nearby Jefferson County project and an Intergovernmental Agreement for bridge and roadway improvements on Caldwell Mill Road, the Mayor and City Council find and determine it is in the best public interest to convey the property to the County at a cost of One Dollar (\$1.00); and


WHEREAS, the Mayor and City Council find and determine it is in the best public interest to declare the property detailed in the attached Exhibit A as surplus property because said property is no longer needed by the City for municipal purposes, and authorize the Mayor and City Manager to convey said property to the County.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

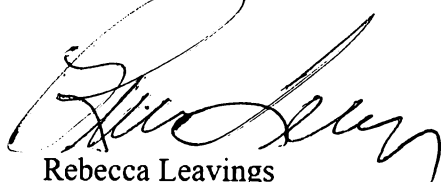
1. The recitals set forth in the premises above are hereby incorporated into this ordinance by reference as though set out fully herein; and
2. Exhibit A, being the legal description and a map of the portion of property needed by the County for bridge improvements, is incorporated into this Ordinance Number 3241 by reference as though set out fully herein; and
3. The real property detailed in the attached Exhibit A is hereby declared no longer needed by the City of Vestavia Hills for municipal purposes as required by Title 11-47-20, *Code of Alabama, 1975*; and
4. The value of the property is deemed to be valued by the City Council at a cost of One Dollar (\$1.00) as it does meet the definition of a public purpose as it does fulfill a public need; and
5. The conveyance of the property by the City to the County will serve a public purpose by promoting the health, safety and general welfare of the community; and
6. The Mayor and City Manager are hereby authorized to execute and deliver any and all documents required to resurvey and convey the property to Jefferson County; and
7. If any part, section or subdivision 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; and

8. This Ordinance Number 3241 shall become effective immediately upon the approval and adoption following the posting/publication pursuant to Alabama law.

ADOPTED and APPROVED on this the 9th day of September, 2024.


Ashley C. Curry
Mayor

ATTESTED BY


Rebecca Leavings
City Clerk

THIS INSTRUMENT PREPARED BY:
Brenda I. Dees
Sr. Land Acquisition Agent
716 Richard Arrington Jr. Blvd. N. A200
Birmingham, Alabama 35203

STATE OF ALABAMA)

JEFFERSON COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of One and no 00/100s Dollars (\$1.00) cash in hand paid by Jefferson County, the receipt whereof is hereby acknowledged, we, the undersigned, do hereby grant, bargain, sell and convey unto the said Jefferson County, its successors and assigns, a right-of-way and easement for public purposes, including a public road and appurtenances, including drainage facilities, underground water and sewer lines and other public utilities and devices both below and above ground. Said right-of-way being located in Jefferson County, Alabama and described as follows, to-wit:

Commence at the SW corner of the NW ¼ of the NE ¼, Section 34, Township 18 South, Range 2 West and run west along the south line of said ¼ - ¼ for a distance 302.187 feet; thence turn an angle left 157°31'15.83" and run southeasterly for a distance of 746.693 feet for the point of beginning of a curve to the left having a central angle of 7°37'58.04" and a radius of 1050 feet and a length of 139.88 feet; thence run southeasterly along the arc of said curve for a distance of 40.20 feet to the Point of Beginning of a variable width Right-of-Way being bound on the southwesterly side by the northeasterly prescriptive Right-of-Way of Old Looney Mill Road and being bound on the northeasterly side by a line being 52.06 feet northeasterly of and perpendicular to, at this point, and decreasing to 49.49 feet northeasterly of and perpendicular to a point 148.81 feet ahead along the following described line; thence run southeasterly along the arc of said curve for a distance of 99.68 feet to the end of said curve; thence continue southeasterly along the extended tangent of said curve for a distance of 49.13 feet to the end of said Right-of-Way.

Less and except any part of said Right-of-Way that lies outside of grantor's property line.

All of said Right-of-Way is located in the SW ¼ of the NE ¼, Section 34, Township 18 South, Range 2 West and contains 0.09 acres, more or less.

For the consideration aforesaid, the undersigned do grant, bargain, sell and convey unto said County the right and privilege of a perpetual use of said lands for such public purpose, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, including the right of ingress to and egress from said strip and the right to cut and keep clear all trees, undergrowth and other obstructions on the lands of the undersigned adjacent to said strip when deemed reasonably necessary for the avoidance of danger in and about said public use of said strip, and the right to prohibit the construction or maintenance of any improvement or obstruction on, over, across or upon said area herein conveyed without the written permission from Jefferson County.

In consideration of the benefit to the property of the undersigned by reason of the construction of said improvement, the undersigned hereby release Jefferson County, the State of Alabama, and/or the United States of America, and/or any of their agents, from all damages present or prospective to the property of the undersigned arising or resulting from the construction, maintenance and repair of said improvement, and the undersigned do hereby admit and acknowledge that said improvement, if and when constructed, will be a benefit to the property of the undersigned.

The undersigned covenant with said Jefferson County that the undersigned are seized in fee-simple of said premises and have a good right to sell and convey the same and that the same are free from all encumbrances, and the undersigned will warrant and defend the title to the aforegranted strip of ground from and against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, all on this _____ day of _____, 2024.

CITY OF VESTAVIA HILLS

BY: _____

ITS: _____

BY: _____

ITS: _____

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, THE UNDERSIGNED AUTHORITY, in and for said County, in said State, hereby certify that _____ whose name as _____ of the City of Vestavia Hills, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, (he/she), as such officer, and with full authority, has executed the same voluntarily for and as the act of said Corporation.

Given under my hand and official seal, this _____ day of _____, 20____.

My commission expires _____

Notary Public

STATE OF ALABAMA)

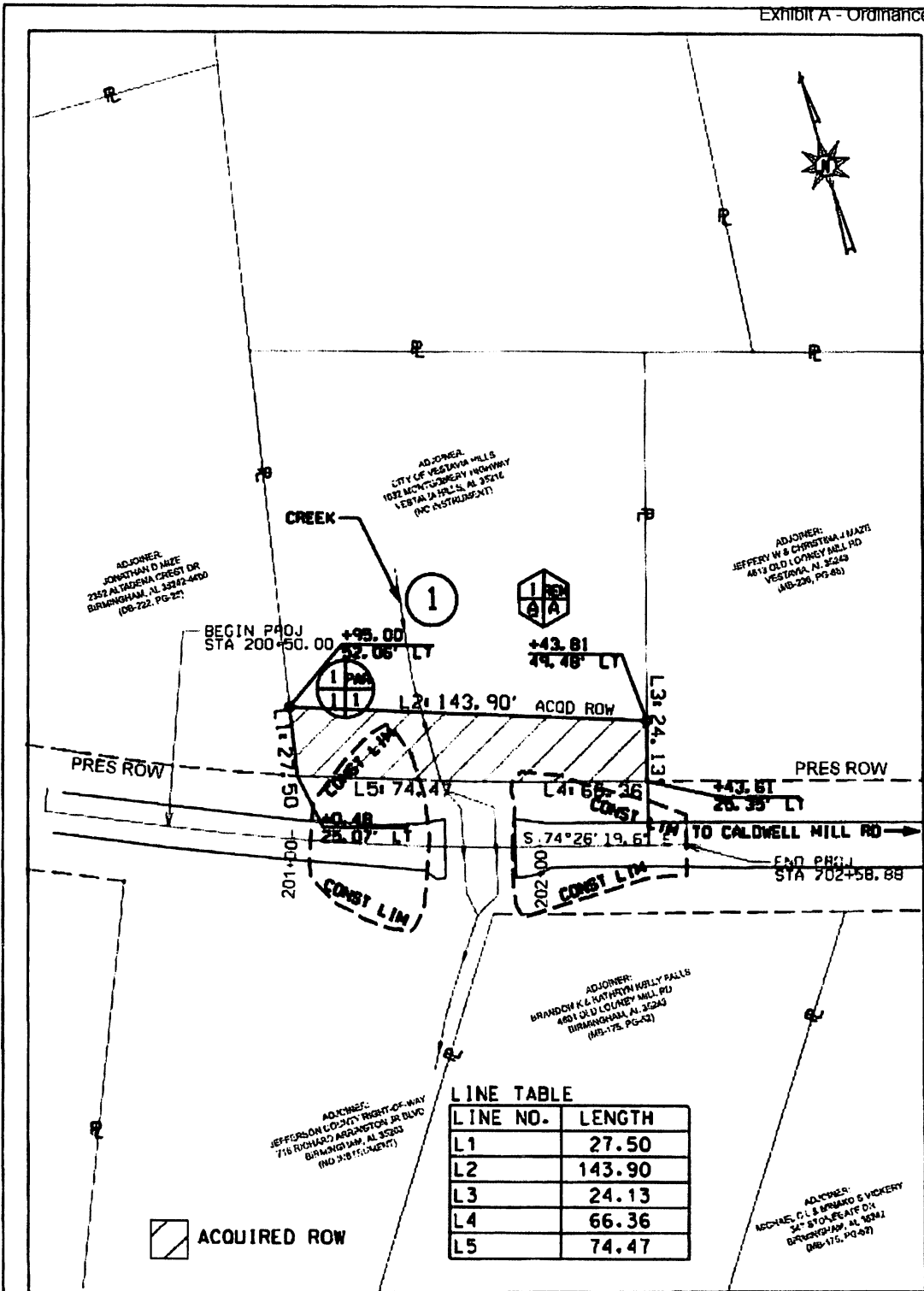
JEFFERSON COUNTY)

I, THE UNDERSIGNED AUTHORITY, in and for said County, in said State, hereby certify that _____ whose name as _____ of the City of Vestavia Hills, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, (he/she), as such officer, and with full authority, has executed the same voluntarily for and as the act of said Corporation.

Given under my hand and official seal, this _____ day of _____, 20____.

My commission expires _____

Notary Public



JEFFERSON COUNTY BRIDGE BUNDLE - OLD LOONEY MILL RD			
Tract #	1	Scale:	1"=50'
Grantor(s):		State:	Alabama
OWNER: CITY OF VESTAVIA HILLS		County:	JEFFERSON
PID:		PREPARED BY:	
28-00-34-1-002-007.007		BARGE DESIGN SOLUTIONS	
ADDRESS: 4609 OLD LOONEY MILL RD, VESTAVIA HILLS, AL - 35243			
Total Before:	0.58 AC	Project:	37-18-428
Total Acquired	0.09 AC	CPMS #:	0
Total Remainder:	0.49 AC	Date:	9/14/2023
THIS IS NOT A BOUNDARY SURVEY		Sketch:	1 OF 1

