

**ORDINANCE
2017-8**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUFAULA, ALABAMA TO AUTHORIZE AND APPROVE THE EXCHANGE OF REAL PROPERTY FOR EXPANDING, IMPROVING, AND RE-ROUTING DALE ROAD

WHEREAS, the City of Eufaula, Alabama, herein known as the "City" desires to exchange that certain property described or depicted in the attached Exhibit A ("Property") with BB, LLC, for the public improvement of Dale Road; and

WHEREAS, the Property to be acquired from BB, LLC, by the City, in the exchange for property owned by BB, LLC, is necessary for expanding, improving, and re-routing Dale Road which is in the best interests of the citizens of Eufaula in that the project will contribute to the health, safety, and general welfare of the citizens of Eufaula; and

WHEREAS, the Property to be transferred by the City to BB, LLC, in the exchange, is no longer needed for a public or municipal purpose and the exchange is in the best interests of the citizens of Eufaula in that the project will contribute to the health, safety, and general welfare of the citizens of Eufaula; and

WHEREAS, the Property to be received by the City, is of at least equal value or of greater value to the City; and

WHEREAS, the Mayor and the City Attorney have reviewed the exchange and believe it is fair and reasonable and acquiring the Property by voluntary exchange enables the City to avoid the significant costs and delay of a condemnation action; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EUFAULA, as follows:

1. The foregoing recitals are incorporated into this Ordinance by reference and it is hereby established that the following described real property of the City of Eufaula, Alabama, is no longer needed for public or municipal purposes, to wit:

PARCEL B (Remnant Parcel to be conveyed to BB, LLC by the City of Eufaula)

All that certain tract or parcel of land containing 0.109 acre located in the Northwest Quarter of Section 8, Township 10 North, Range 29 East, Eufaula, Barbour County, Alabama, being more particularly described as follows:

Starting at the Northwest corner of Section 8, Township 10 North, Range 29 East, Eufaula, Barbour County, Alabama go North 88 degrees 20 minutes East a distance of 658.3 feet to a point on the East right of way of Old Dale Road; thence South 67 degrees 53 minutes 40 seconds East a distance of 599.04 feet to an Alabama Power Company metal monument on the West right of way of Dale Road; thence along the West right of way of Dale Road South 21 degrees 35 minutes 34 seconds West a distance of 954.46 feet to the POINT of BEGINNING; thence continue along the West right of way of Dale Road South 21 degrees 35 minutes 34 seconds West a distance of 25.59 feet; thence North 69 degrees 50 minutes 22 seconds West a distance of 195.54 feet; thence along a curve, concave Southerly, with a radius of 150.00 feet, an arc distance of 27.22

feet, a chord direction of North 85 degrees 25 minutes 27 seconds East, and a chord distance of 27.18 feet; thence South 83 degrees 52 minutes 16 seconds East a distance of 104.39 feet; thence South 60 degrees 50 minutes 22 seconds East a distance of 71.09 feet to the POINT of BEGINNING.

PARCEL C (Remnant Parcel to be conveyed to BB, LLC by the City of Eufaula)

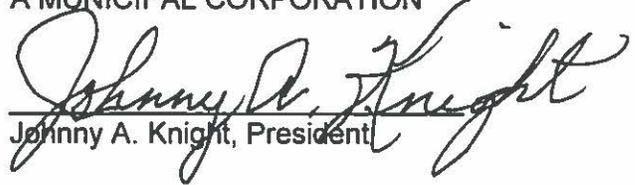
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2. The Mayor is hereby authorized, directed, and empowered to execute all documents necessary to exchange the Property as described above for the aforesaid purposes.
3. In case of failure to acquire the Property for the purposes aforesaid by voluntary conveyance from the owner thereof, the Mayor is hereby authorized to engage the City Attorney to file a condemnation action and conduct condemnation proceedings on behalf of the City of Eufaula for the acquisition of the Property by exercise of eminent domain.
4. Any prior acts taken by the administration toward the acquisition of the property pursuant to eminent domain code are hereby ratified.

ADOPTED AND APPROVED THIS 2nd day of October, 2017.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION


Johnny A. Knight, President

ATTEST:


Joy White, City Clerk/Treasurer

TRANSMITTED TO MAYOR this the 3rd day of October, 2017.

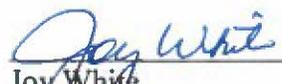

Joy White
City Clerk/Treasurer

APPROVED this the 3rd day of October, 2017.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION


Jack B. Tibbs, Jr., Mayor

ATTEST:


Joy White
City Clerk/Treasurer

DALE ROAD REALIGNMENT PROJECT

PARCEL A (Right of way to be conveyed by BB, LLC to the City of Eufaula)

All that certain tract or parcel of land containing 0.914 acre located in the Northwest Quarter of Section 8, Township 10 North, Range 29 East, Eufaula, Barbour County, Alabama, being more particularly described as follows:

Starting at the Northwest corner of Section 8, Township 10 North, Range 29 East, Eufaula, Barbour County, Alabama go North 88 degrees 20 minutes East a distance of 658.3 feet to a point on the East right of way of Old Dale Road; thence South 67 degrees 53 minutes 40 seconds East a distance of 599.04 feet to an Alabama Power Company metal monument on the West right of way of Dale Road; thence along the West right of way of Dale Road South 21 degrees 35 minutes 34 seconds West a distance of 980.05 feet; thence North 69 degrees 50 minutes 22 seconds West a distance of 195.54 feet to the POINT of BEGINNING; thence along a curve, concave Easterly, with a radius of 150.00 feet, an arc distance of 341.21 feet, a chord direction of South 15 degrees 03 minutes 33 seconds West, and a chord distance of 272.26 feet; thence South 50 degrees 06 minutes 24 seconds East a distance of 61.69 feet; thence South 86 degrees 35 minutes 35 seconds East a distance of 111.30 feet to a point on the aforementioned West right of way of Dale Road; thence along the West right of way of Dale Road South 21 degrees 35 minutes 34 seconds West a distance of 13.16 feet to its intersection with the West right of way of U.S. Highway 431 (also known as South Eufaula Avenue); thence along the West right of way of U.S. Highway 431 South 39 degrees 54 minutes 04 seconds West a distance of 157.52 feet; thence North 17 degrees 40 minutes 24 seconds West a distance of 72.40 feet; thence North 50 degrees 06 minutes 24 seconds West a distance of 94.38 feet; thence along a curve, concave Northeasterly, with a radius of 215.00 feet, an arc distance of 84.36 feet, a chord direction of North 38 degrees 51 minutes 59 seconds West, and a chord distance of 83.82 feet; thence South 82 degrees 02 minutes 46 seconds West a distance of 1.91 feet to a point on the West line of the property of BB, LLC; thence along the West line of the property of BB, LLC North 11 degrees 52 minutes 07 seconds West a distance of 99.58 feet; thence along a curve, concave Southeasterly, with a radius of 210.00 feet, an arc distance of 287.03 feet, a chord direction of North 46 degrees 32 minutes 39 seconds East, and a chord distance of 265.20 feet; thence South 21 degrees 22 minutes 46 seconds West a distance of 61.18 feet; thence South 69 degrees 50 minutes 22 seconds East a distance of 13.40 feet to the POINT of BEGINNING.

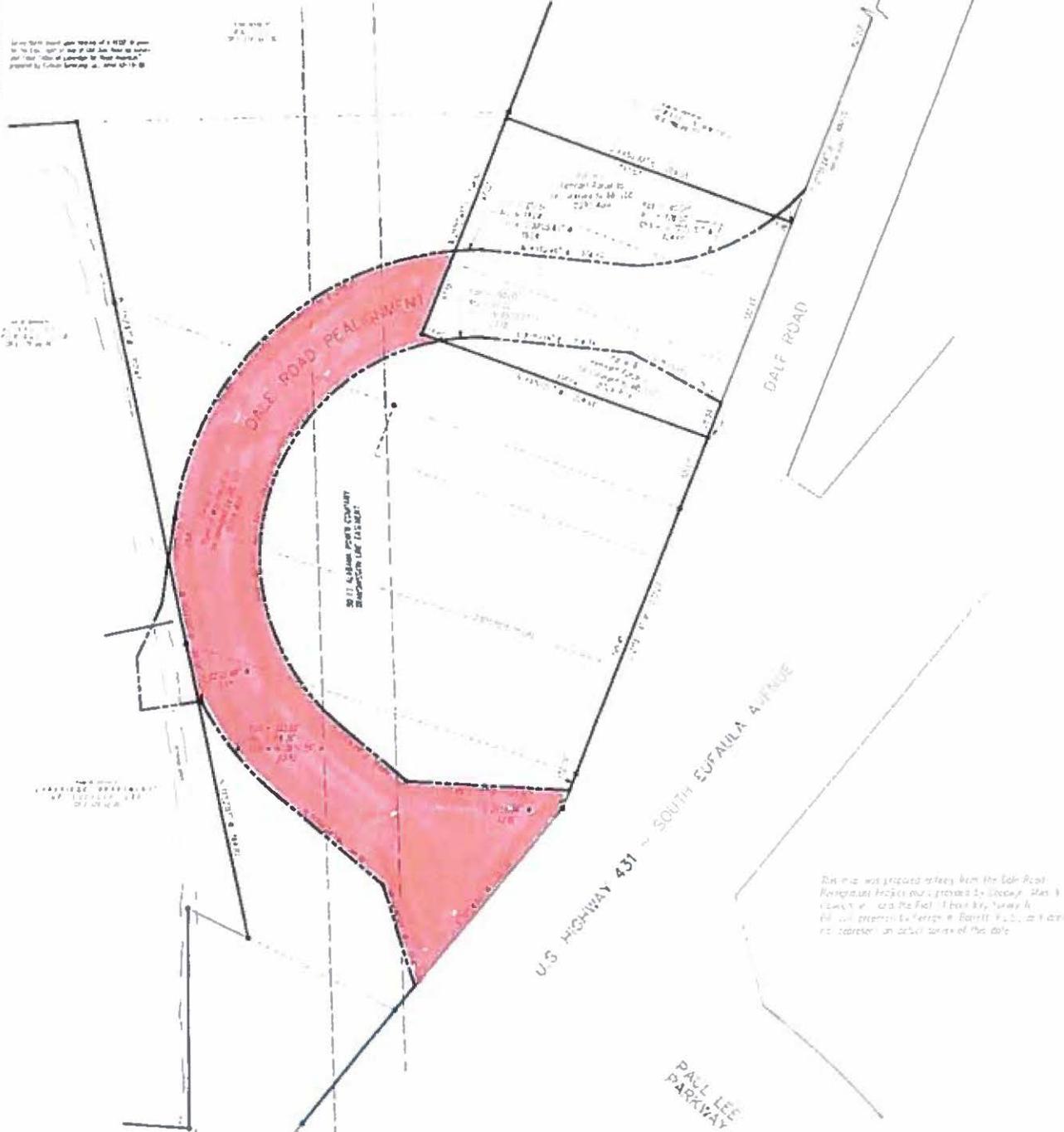
SECTION 8
TOWNSHIP 10 NORTH
RANGE 29 EAST

RIGHT OF WAY MAP EXHIBIT

DALE ROAD REALIGNMENT

LOCATED IN NW 1/4 OF SECTION 8, TOWNSHIP 10 NORTH, RANGE 29 EAST,
EUFALA, BARBOUR COUNTY, ALABAMA

For the full report see pages of a 1122 9 pages
to the City of Eufula, Ala. for the
"Final Right of Way Map Exhibit"
prepared by Barrett-Simpson, Inc. 08-19-08



This map was prepared solely from the Dale Road
Realignment Project and is provided by Barrett-Simpson, Inc.
It is not to be used for any other purpose without the
written consent of Barrett-Simpson, Inc. and does not
represent an actual survey of the date.

BSI **BARRETT-SIMPSON, INC.**
Civil Engineers & Land Surveyors
708 12th Street, Phenix City, AL 36860 (904) 336-7973 Fax 336-794-2493
121 W. Spruill Street, Eufula, AL 36527 (904) 334-6877 Fax 334-681-8878
227 South 10th Street, Troy, AL 36060 (904) 536-7400 Fax 334-744-3171



DRAWN BY: C.B.S.
DATE OF PLAN: 24 MAR 2011
SCALE: 1" = 50'

PARCEL B (Remnant Parcel to be conveyed to BB, LLC by the City of Eufaula)

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SECTION 6 SECTION 5

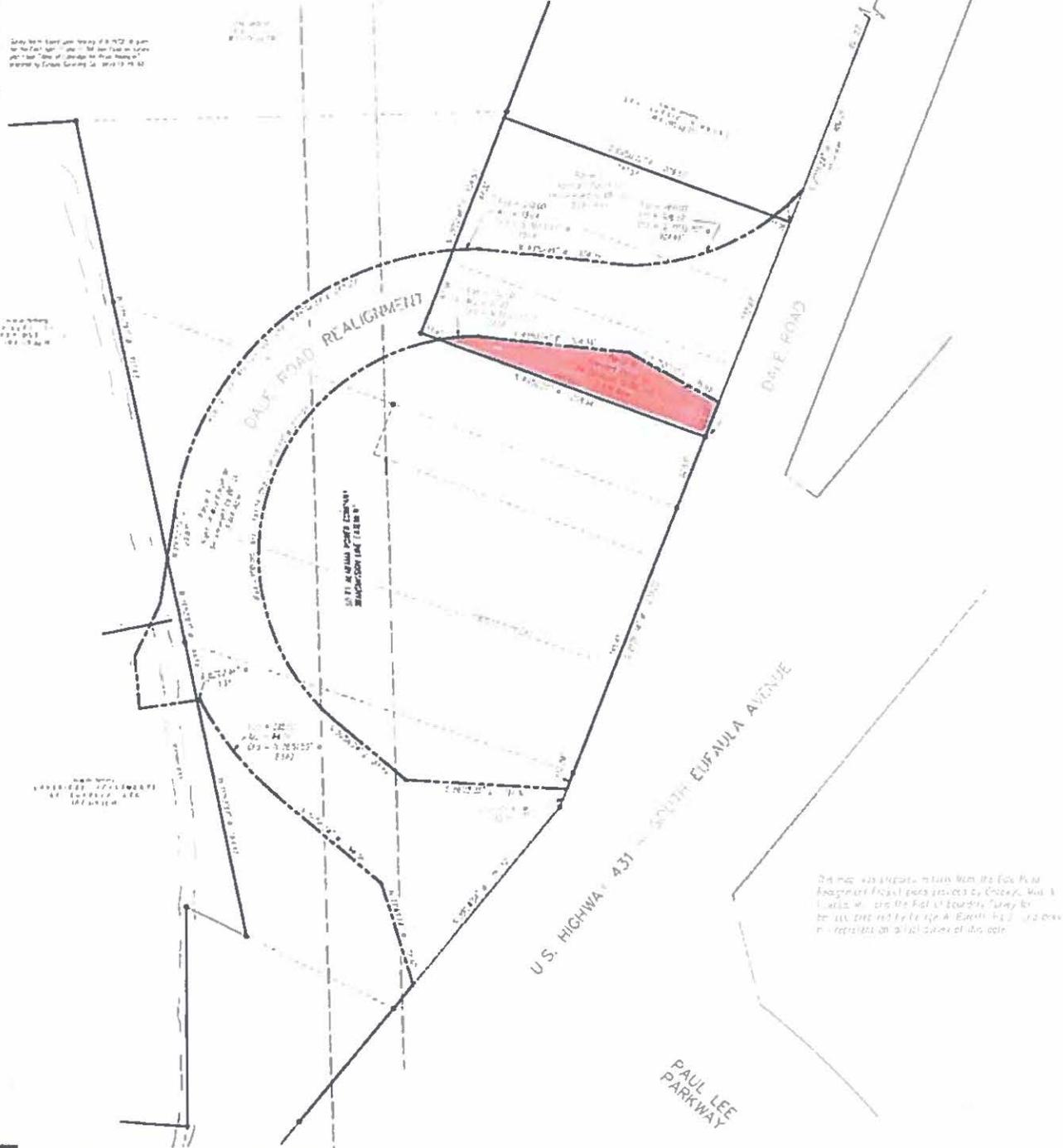
SECTION 7 SECTION 8

RIGHT OF WAY MAP EXHIBIT

DALE ROAD REALIGNMENT

LOCATED IN NW 1/4 OF SECTION 8, TOWNSHIP 10 NORTH, RANGE 29 EAST,
EUFULA, BARBOUR COUNTY, ALABAMA

Scale: 1" = 50'
Date: 24 AUG 2017



This map was prepared in accordance with the Dale Road Realignment Project prepared by the Alabama Department of Transportation. The realignment was approved by the Alabama Department of Transportation on 10/12/16. The realignment was approved by the Alabama Department of Transportation on 10/12/16.

BSI **BARRETT-SIMPSON, INC.**
 Civil Engineers & Land Surveyors
 100 SOUTH STREET, PHOENIX CITY, AL 36860 (PH) 334-297-2473 FAX 334-297-2444
 21 N. BRIDGES STREET, EUFULA, AL 36527 (PH) 334-687-4237 FAX 334-687-0670
 213 SOUTH MAIN STREET, LITTLE ROCK, AR 72201 (PH) 501-344-1070 FAX 501-344-1071



DRAWN BY: CWR
 DATE OF PLOT: 24 AUG 2017
 SCALE: 1" = 50'

PARCEL C (Remnant Parcel to be conveyed to BB, LLC by the City of Eufaula)

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SECTION 6
SECTION 7

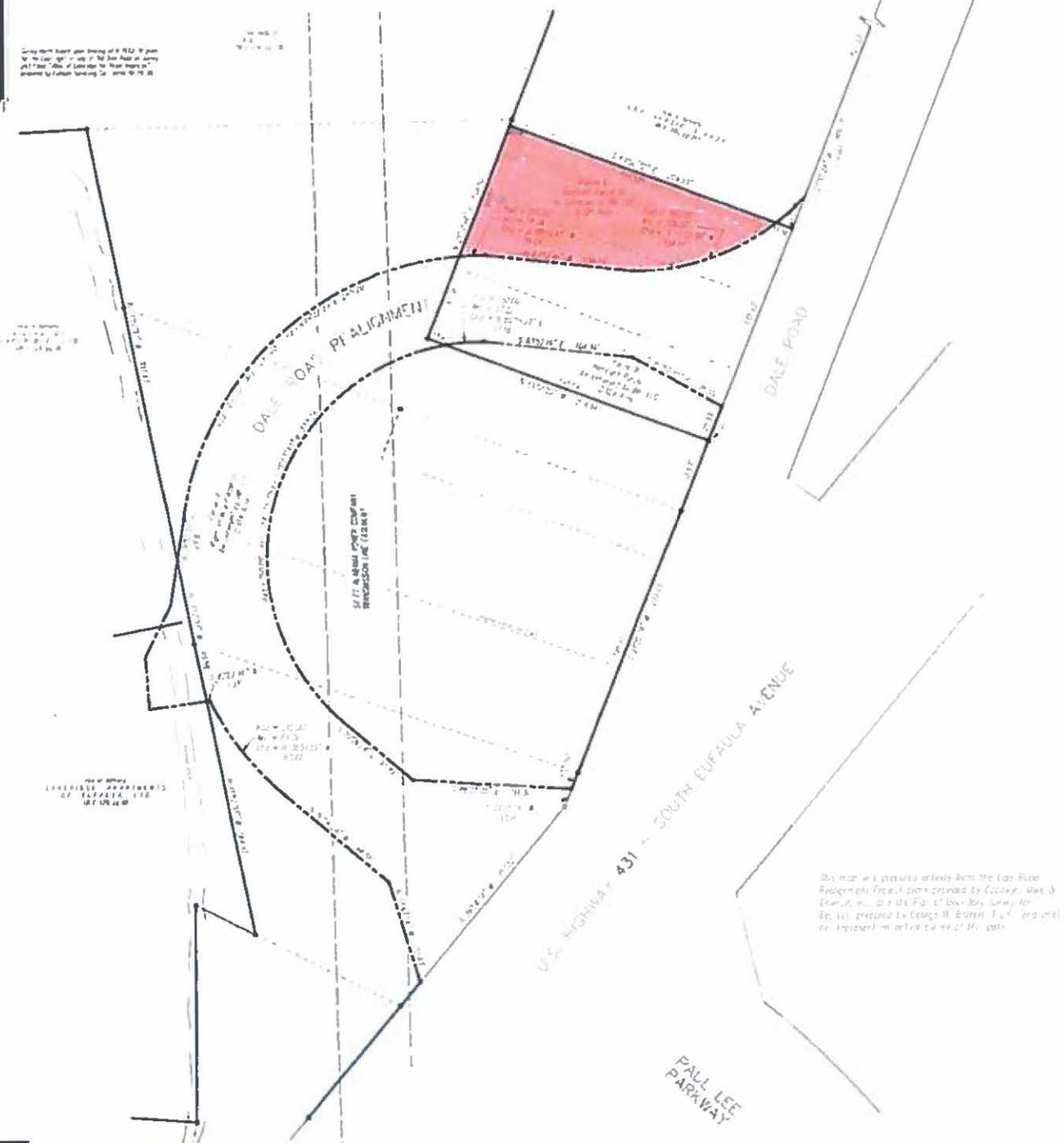
SECTION 5
SECTION 8

RIGHT OF WAY MAP EXHIBIT

DALE ROAD REALIGNMENT

LOCATED IN NW 1/4 OF SECTION 8, TOWNSHIP 10 NORTH, RANGE 29 EAST,
EUFALA, BARBOUR COUNTY, ALABAMA

Copyright based upon drawing of R.W. of Dale Road located in NW 1/4 of Section 8, Township 10 North, Range 29 East, Barbour County, Alabama, prepared by Paul Lee, Inc., dated 10/15/03.



This map was prepared to show the Dale Road Realignment Project shown by Exhibit Map 3. It is prepared by George W. Barrett, Inc. and is not to be used for any other purpose.

BSI **BARRETT-SIMPSON, INC.**
 Civil Engineers & Land Surveyors
 700 17th Street, Montgomery, AL 36104 (404) 249-2425 FAX 205-267-2449
 121 W. Broad Street, Euftala, AL 36027 (205) 336-8287 FAX 205-336-8670
 333 South 1st Street, Opelika, AL 36801 (334) 336-1400 FAX 334-664-3871



DRAWN BY: CWR
DATE OF PLOT: 24 MAR, 2012
SCALE: 1" = 50'

