

**STATE OF ALABAMA
COUNTY OF GENEVA
CITY OF GENEVA**

ORDINANCE NO. 10-2024-05

**AN ORDINANCE OF THE CITY OF GENEVA, ALABAMA, AUTHORIZING THE
SALE OR EXCHANGE OF REAL PROPERTY**

WHEREAS, the Alabama Code Section 11-47-20 authorizes the sale by municipalities of any real property, capital improvements, or personal property, or interest therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the City of Geneva, Alabama is the owner of certain land and premises situated in Section 17, Township 1 North, Range 22 East, Geneva County, Alabama, and being listed in the Geneva County Tax Appraisal Office as A PORTION OF Parcel No.: 34-1804174002005000 and further described as follows:

A 25 FOOT EASEMENT OF LAND LOCATED IN THE SE 1/4, OF THE SE 1/4, OF SECTION 17, T1N, R22E, IN THE CITY OF GENEVA, GENEVA COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SE 1/4, OF THE SE 1/4, OF SECTION 17, T1N, R22E; THENCE N00°01'33"W A DISTANCE OF 359.61 FEET TO THE SOUTH R/W OF AIRPORT ROAD AKA BUCK WILLIAMS ROAD (50' R/W); THENCE N00°49'40"E A DISTANCE OF 50.05 FEET TO THE NORTH R/W OF AIRPORT ROAD; THENCE S87°33'40"E ALONG THE NORTH R/W OF AIRPORT ROAD DISTANCE OF 185.08 FEET TO THE POINT OF BEGINNING; THENCE N00°17'03"E A DISTANCE OF 39.97 FEET; THENCE S76°30'14"E A DISTANCE OF 25.68 FEET (CRF, CA 621); THENCE S00°17'03"W A DISTANCE OF 35.04 FEET TO THE NORTH R/W OF AIRPORT ROAD AKA BUCK WILLIAMS ROAD (CRF, CA 621); THENCE N87°33'40"W ALONG SAID NORTH R/W A DISTANCE OF 25.02 FEET TO THE POINT OF BEGINNING.

WHEREAS, the Mayor and Council of the City of Geneva have determined that said land is no longer needed for public use; and

WHEREAS, the City of Geneva desires to make available for ingress and egress a deeded easement to Steven McCoy and Dawn McCoy the above described parcel listed in the Geneva County Tax Appraisal Office as A PORTION OF Parcel No. 34-1804174002005000 and on the ___ day of October, 2024; and

WHEREAS, the governing body of the City of Geneva, Alabama declares the above

described parcel is no longer necessary for public use and continued ownership exposes the city to unnecessary liability; and

WHEREAS, the governing body of the City of Geneva, Alabama desires to authorize such sale and has determined that a public purpose is served; and

NOW THEREFORE BE IT ORDAINED, by the governing body of the City of Geneva, County of Geneva, State of Alabama as follows:

SECTION 1. The City of Geneva hereby authorizes the sale of the described portion of Geneva County Tax Appraisal Office Parcel No. 34-1804174002005000.

SECTION 2. The sale of the property is subject to the following conditions:

- A. This conveyance is subject to any and all covenants, restrictions, regulations, conditions, easements, rights-of-ways, liens, set back lines, and other rights of whatever nature, recorded and/or unrecorded.
- B. The descriptions of the properties are intended as a general guide only and may not be accurate. **NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE CITY OF GENEVA AS TO THE CONDITIONS OF THE PROPERTY; SAID PREMISES ARE BEING SOLD IN THEIR PRESENT CONDITIONS "AS IS".**
- C. That should the title to the properties prove to be unmarketable for any reason, the liability of the City of Geneva shall be limited to the Geneva County Tax Appraisal value. Notice of any alleged defect in title or claim of unmarketability must be served on the City of Geneva Clerk, by the purchaser, in writing no later than thirty (30) days after the sale is approved by the City of Geneva Council. Failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition.
- D. That the sale is made subject to all applicable laws and ordinances of the State of Alabama and the City of Geneva.
- E. That the City of Geneva shall convey the property by a Quitclaim Deed unless an adequate title binder, sufficient in the sole discretion of the City of Geneva Attorney, which is prepared at the expense of the Purchaser, by a title company licensed to do business in the State of Alabama, is forwarded to the City of Geneva prior to the conveyance, in which case a Warranty Deed will be the form of conveyance.

SECTION 3. The City of Geneva Clerk is hereby authorized and directed to proceed to advertise this exchange and to take all steps necessary to effectuate the purposes of this Ordinance.

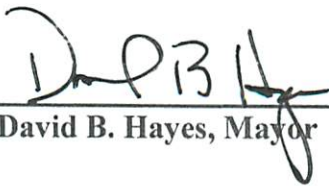
SECTION 4. The Mayor is hereby authorized to sign any documents necessary and to take all steps necessary to effectuate the purposes of this Ordinance.

SECTION 5. All Ordinances of the City of Geneva which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION 6. If any section, subsection clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the Ordinance.

SECTION 7. This Ordinance shall take effect upon proper publishing as required by Law.

SECTION 8. ADOPTION: The forgoing ordinance was unanimously adopted this 21st day of October, 2024.



David B. Hayes, Mayor

ATTEST:

Lisa Johnson, City Clerk