

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

**ORDINANCE NO. 07-2023-07**

**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 within the City, situated in Section 24, Township 1 North, Range 21 East, Geneva County, Alabama, and being listed in the Geneva County Tax Appraisal Office as Parcel No.: 34-19-06-24-0-000-004.019, and further described as follows:

Lot 15 of the Herring Subdivision lying and being situated in the City of Geneva, Alabama, and being duly recorded in the Probate Office of Geneva County, Alabama, in Plat Book 2 Page 18, subject to all restrictive covenants filed in the Probate Office of Geneva County, Alabama, in OR Book 360, Page 40, together with any and all easements relating to said subdivision. Said lot lying and being situated in the City of Geneva, Geneva County, Alabama.

**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 sale to Donald Morris and Kimberly Morris the parcel listed in the Geneva County Tax Appraisal Office as Parcel No. 34-19-06-24-0-000-004.019 on the 3<sup>rd</sup> day of July, 2023; 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 Geneva County Tax Appraisal Office Parcel No. 34-19-06-24-0-000-004.019, a vacant parcel of land, also known as Lot 15 of the Herring Subdivision.

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

- A. This conveyance is subject to all restrictive covenants filed in the Probate Office of Geneva County, Alabama, in OR Book 360, Page 40 together with any and all easements relating to said subdivision.
- 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.

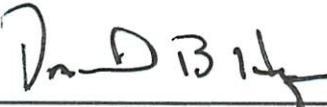
**SECTION 4.** The Mayor is hereby authorized to sign any documents necessary and to take all steps necessary to effectuate the purposes of this Ordinance.

**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 in the Geneva Ledger, as required by Law.

**SECTION 8. ADOPTION:** The forgoing ordinance was unanimously adopted this 3<sup>rd</sup> day of July, 2023.

  
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David B. Hayes, Mayor

**ATTEST:**

  
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Lisa Johnson, City Clerk