

STATE OF ALABAMA
COUNTY OF GENEVA
CITY OF GENEVA

ORDINANCE NO. 11-2023-13

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 19, Township 7 North, Range 16 West, Geneva County, Alabama, and being listed in the Geneva County Tax Appraisal Office as Parcel No.: 34-2504190000005006 and further described as follows:

Commence at the Southwest corner of Government Lot #7, Section 19, Township 7 North, Range 16 West, Geneva County, Alabama. Thence run North 02 degrees-44 minutes-37 seconds East 515 feet, thence South 87 degrees-10 minutes-01 seconds East 1177.18 feet to the West Right of Way line of a paved county road. Thence run Northerly along the West Right of Way line of said road North 20 degrees-32 minutes-48 seconds West 21.81 feet to the Point of Beginning. Thence continue Northerly along the West Right of Way line of said paved road North 20 degrees-32 minutes-48 seconds West 464.36 feet. Thence North 89 degrees-36 minutes West 484.19 feet. Thence South 04 degrees-33 minutes East 137.25 feet. Thence South 16 degrees-39 minutes-46 seconds East 285.96 feet to the North boundary line of a 20 foot wide easement, running Easterly and Westerly along the entire length of the South boundary line of this property. (This easement shall not be deeded with this property, but must remain open for access into and out of this property.) Thence run Easterly along the North boundary line of said easement South 87 degrees-10 minutes-01 seconds East 554.95 feet to the Point of Beginning. Containing 5.089 acres, more or less.

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 **Tony D. Moon II** the above described parcel listed in the Geneva County Tax Appraisal Office as Parcel No. 34-2504190000005006 on the 20th day of November, 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. 34-2504190000005006, a 5.089 acre more or less parcel.

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

- A. This conveyance is subject to the following deed restrictions: Any residence, mobile home, or building must be located at least 10 feet inside the boundary lines of this property. No more than 2 residences may be put on this property. No buses may be used as a residence on this property. No junk yard or salvage yard of any kind may be started on this property. No commercial chicken houses or hog farms may be constructed on this property.
- 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 20th day of November, 2023.



David B. Hayes, Mayor

ATTEST:



Lisa Johnson, City Clerk