

ORDINANCE NO. 15-10

**AN ORDINANCE AUTHORIZING AND DIRECTING  
THE MAYOR TO CONVEY CERTAIN PROPERTY  
TO THE JEFFERSON COUNTY BOARD OF  
EDUCATION, AND TO EXTEND THE TERM OF A  
LEASE BETWEEN SAID BOARD AND THE CITY**

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**WHEREAS**, the City of Pinson purchased several properties near Pinson Valley High School as they became available in preparation for school growth and to prevent Pinson Valley High School from becoming land-locked;

**WHEREAS**, the Pinson City Council has consistently supported our schools and is mindful that Pinson Valley High School is in dire need of a practice area for football and other programs;

**WHEREAS**, the Jefferson County Board of Education (the "Board") has committed to construct a practice field on certain property owned by the City lying between the current school property and Innsbrooke Parkway, immediately upon conveyance of that certain property to the Board by the City;

**WHEREAS**, that certain real property is described as follows:

That part of the NE 1/4 of the NW 1/4 of Section 29, Township 15 South, Range 1 West, Jefferson County, Alabama, more particularly described as follows:

Begin at the most Southerly and Easterly corner of Lot 11, as shown by the survey of Harry Charles Addition 1 to Pearl Lake, as recorded in Map Book 27, page 33, in the Office of the Judge of Probate of said county; thence run Southwestwardly along the Southeasterly line of Lots 11 and 10 in said survey a distance of 97.99 feet; thence turn 0°48'54" left and run 101.91 feet to the Northeast line of the tract conveyed to Jefferson County Board of Education by deed recorded in Real Volume 635, page 741, in said Probate Office; thence 94°25'02" left, in a Southeasterly

direction along the Northeast line of said Board of Education tract, a distance of 389.99 feet to the most Southerly and Easterly corner thereof; thence 87°04'07" to the right (angle measured to tangent) in the arc of a curve to the right, having a radius of 7,514.49 feet and a central angle of 4°34'51" in a Southwesterly direction along a Southeasterly line of said tract, a distance of 600.79 feet to a point; thence 97°21'12" to the left (angle measured to tangent) in a Southeasterly direction, a distance of 75.62 feet to a point on the South line of said NE ¼ of the NW ¼, said point also being on the Northwesterly right of way line of the L & N Railroad; thence 82°54'45" left (angle measured to tangent) in a Northeasterly direction, along said right of way line and a curve to the left, having a radius of 7,589.49 feet and a central angle of 5°40'49", a distance of 752.42 feet to a point thereon where the same would be intersected by an extension of the Northeasterly line of the aforementioned Lot 11, according to Harry Charles First Addition to Pearl

Lake; thence 80°24'39" left (angle measured to tangent) in a Northwesterly direction, along said Northeasterly line, so extended, a distance of 437.92 feet to the point of beginning; all lying in the NE ¼ of the NW ¼ of Section 29, Township 15 South, Range 1 West, Jefferson County, Alabama, Birmingham Division.

Plus any and all of the City's right, title, interest and claim in and to real estate (i) which is contiguous to the southeast side of the above-described tract any part of the above real property; (ii) is, or has been, subject to a railroad right of way or easement, or which has been used for railroad purposes; and (iii) was acquired by the City pursuant to an April 27, 2011 deed from Dwight Sandlin to the City of Pinson, Alabama, recorded at BK LR201103, Page 27142 in the Office of the Judge of Probate of Jefferson County, Alabama

(the "Property");

**WHEREAS**, the Pinson City Council finds that is in the best interest of the citizens and school students to convey the Property to the Board;

**WHEREAS**, the Property is not being used by the City or needed by the City for municipal purposes, and the City Council finds that the conveyance of such property for no consideration is in the public interest, will provide a public benefit, and will serve the public purposes of the Board; and

**WHEREAS**, the Board and the City are parties to that certain 2010 Lease Agreement that was the subject of Resolution 2010-\_\_\_\_\_, concerning the real property that the City currently subleases to the Palmerdale Fire District and the Palmerdale Homestead Community Center (the “Lease”), and the City desires to extend the initial term of the Lease from 20 years to 99 years.

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINSON, ALABAMA** while in regular session on March 19th, 2015 at 7p.m., as follows:

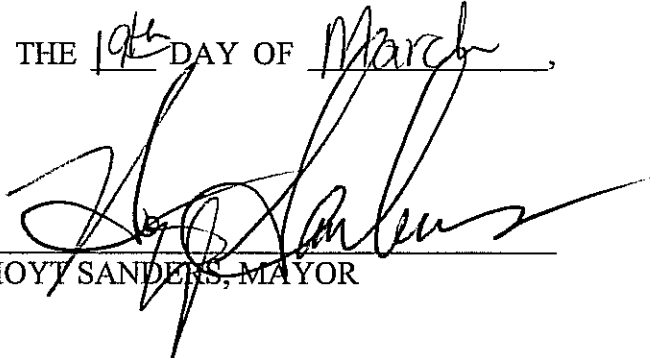
1. The Mayor is hereby authorized and directed, on behalf of the City of Pinson, to convey the Property to the Board subject to the following: (a) the Property shall be conveyed less and except an easement reserved by the City over, across, and under (i) a 30.00 foot wide strip along the NW boundary of the Property, and (ii) a 28 foot wide strip along the NE boundary of the Property (so as to maintain a 35 foot distance from the SW curb of Innsbrooke Parkway), for purposes of public transportation, public sidewalk, landscaping, plantings, and buffer strip; (b) the City shall place a restrictive covenant onto the Property, such that no structures may be constructed on the Property without the approval of the Pinson City Council; (c) the City hereby requests that the JCBOE install screening fabric onto the new fence which is proposed to be black vinyl coated; (e) the City shall deliver the deed at no charge to the Board; and (f) such other and additional terms as the Mayor may prescribe, but that are not inconsistent herewith.

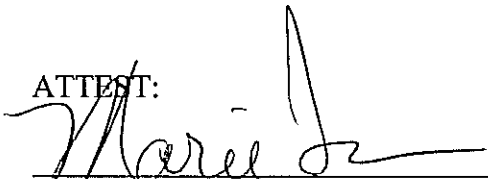
2. The Mayor is authorized to take actions and execute such other and further documents as may be necessary to effect and carry out the real estate conveyance

contemplated above, to the extent that the same are not inconsistent with any provision of this Ordinance.

3. The Mayor is further authorized to enter into an amendment to the Lease to extend the initial term of the Lease from twenty (20) years to ninety-nine (99) years. The Mayor is authorized to take actions and execute such other and further documents as may be necessary to effect and carry out such amendment, including but not limited to the execution and recording of a memorandum of such lease in the probate records.

ADOPTED AND APPROVED THIS THE 19<sup>th</sup> DAY OF March, 2015.

  
HOYT SANDERS, MAYOR

ATTEST:  
  
Marie Turner, City Clerk

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, Marie Turner, City Clerk of the City of Pinson, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Pinson, Alabama, on the 19<sup>th</sup> day of March, 2015.

The above and foregoing ordinance was published on the 19<sup>th</sup> day of March, 2015, by posting copies thereof in three public places within the City of Pinson, one of which was the post office or the Mayor's office in the City of Pinson.

Witness my hand and seal of office this 19<sup>th</sup> day of March, 2015.  
Marie Turner  
Marie Turner, City Clerk