



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
204 South 7th Street
September 1, 2015
TIME: 7:00 PM

1. Call to Order
2. Roll Call
 1. Patricia Jones, Larry Gray, Dozier Smith T, David Canon, Eddie Smith
3. Invocation
 1. Provided by Mark McIntire, Director of His Place.
4. Pledge of Allegiance
 1. Destiny Turner and Kayden Threadgill from Southview Primary
5. Reading of Minutes
 1. CM Minutes of the 8-18-15
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
6. Unfinished Business
7. Remarks By the Mayor
 1. Mayor Fuller thanked all the citizens for being present and concerned about animal control.
 2. Recognize 20<40 class member - Matthew Battles.
 3. Presented proclamation designating September as prevent Ovarian-Gynecologic Cancer month.
8. Citizen Communications
(Limit comments to five minutes or less)
 1. Approximatley 40-50 citizens were present to show their concern about the proposed animal impount & shelter agreement. Nine citizens spoke expressing their support for the LCHS and against the proposed agreement. Two local veterinarians also spoke to clarify the information that was presented. President Smith thanked everyone for being present and letting the City Council know how you feel. Your input made a difference and we will continue to look at our options.
 2. Councilman Canon also thanked all the citizens for sharing their conerns about animal control. However, we have many issues that come before the City Council and if we don't hear from you we have to make a decision based on information provided to us.
 3. Mattie Clark thanked the Mayor, City Council and everyone that was involved in making the National Night Out event a great success.
9. Report of Disbursements
10. Committee Reports
11. General Business
 1. Public Hearing Weed Abatement Assessment - 225 Vero Court
President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed the public hearing.
 2. Public Hearing Weed Abatement Assessment - 12 East Johnson Avenue

President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed the public hearing.

3. Public Hearing Weed Abatement Assessment- 229 Vero Court

President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed the public hearing.

4. Public Hearing Weed Abatement Assessment - 706 Geneva St.

President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed the public hearing.

5. Public Hearing Weed Abatement Assessment - 3309 Arnold Ave.

President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed the public hearing.

12. Awarding of Bids

13. Resolutions

1. Resolution 218-15 Expense Reports for 9-1-15 CM

RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

2. Resolution 219-15 Travel Advancement for Zach Vollor

RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

3. Resolution 220-15 Travel Advancement for Wesley Ballard

RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

4. Resolution 221-15 Weed Abatement Assessment - 225 Vero Court

RESULT: APPROVED [UNANIMOUS]
MOVER: Larry Gray, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

5. Resolution 222-15 Weed Abatement Assessment - 12 East Johnson Avenue

RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

6. Resolution 223-15 Weed Abatement Assessment - 229 Vero Court

- | | | |
|--|------------------|------------------------------------|
| | RESULT: | APPROVED [UNANIMOUS] |
| | MOVER: | Larry Gray, Council Member |
| | SECONDER: | David Canon, Council Member |
| | AYES: | Jones, Gray, Smith T, Canon, Smith |
7. Resolution 224-15 Weed Abatement Assessment - 706 Geneva St.
- | | | |
|--|------------------|------------------------------------|
| | RESULT: | APPROVED [UNANIMOUS] |
| | MOVER: | David Canon, Council Member |
| | SECONDER: | Dozier Smith T, Council Member |
| | AYES: | Jones, Gray, Smith T, Canon, Smith |
8. Resolution 225-15 Weed Abatement Assessment - 3309 Arnold Ave.
- | | | |
|--|------------------|------------------------------------|
| | RESULT: | APPROVED [UNANIMOUS] |
| | MOVER: | Dozier Smith T, Council Member |
| | SECONDER: | Patricia Jones, President Pro-Tem |
| | AYES: | Jones, Gray, Smith T, Canon, Smith |
9. Resolution 226-15 Designate City Personal Property Surplus and Authorize Disposal
- | | | |
|--|------------------|------------------------------------|
| | RESULT: | APPROVED [UNANIMOUS] |
| | MOVER: | Patricia Jones, President Pro-Tem |
| | SECONDER: | David Canon, Council Member |
| | AYES: | Jones, Gray, Smith T, Canon, Smith |
10. Resolution 227-15 Special Appropriation / Food Bank - Community Market
- | | | |
|--|------------------|------------------------------------|
| | RESULT: | APPROVED [UNANIMOUS] |
| | MOVER: | Patricia Jones, President Pro-Tem |
| | SECONDER: | Dozier Smith T, Council Member |
| | AYES: | Jones, Gray, Smith T, Canon, Smith |
11. Resolution 228-15 Tax Abatement, KOAM, LLC.
- | | | |
|--|------------------|------------------------------------|
| | RESULT: | APPROVED [UNANIMOUS] |
| | MOVER: | David Canon, Council Member |
| | SECONDER: | Larry Gray, Council Member |
| | AYES: | Jones, Gray, Smith T, Canon, Smith |
12. Resolution 229-15 Amend Resolution No. 195-15, Five Grants - ADECA
- | | | |
|--|------------------|------------------------------------|
| | RESULT: | APPROVED [UNANIMOUS] |
| | MOVER: | Patricia Jones, President Pro-Tem |
| | SECONDER: | David Canon, Council Member |
| | AYES: | Jones, Gray, Smith T, Canon, Smith |
13. Resolution Adopting Hazards Mitigation Plan
- | | | |
|--|------------------|--|
| | RESULT: | REMOVED FROM AGENDA [UNANIMOUS] |
| | MOVER: | David Canon, Council Member |
| | SECONDER: | Larry Gray, Council Member |
| | AYES: | Jones, Gray, Smith T, Canon, Smith |
14. Resolution 230-15 Amending Fiscal Year 2014/2015 Budget
- | | | |
|--|------------------|------------------------------------|
| | RESULT: | APPROVED [UNANIMOUS] |
| | MOVER: | Patricia Jones, President Pro-Tem |
| | SECONDER: | Larry Gray, Council Member |
| | AYES: | Jones, Gray, Smith T, Canon, Smith |
15. Resolution 231-15 Approve Expenditures from Carver-Jeter Initiative

RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith

16. Resolution 232-15 Vacate 25 Foot Wide Power Easement at 1105 Preston Street

RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

17. Resolution 233-15 Cell Tower Special Use Permit for Crown Castle

RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

14. Ordinances

1. Ordinance 119-15-ORD Amend Ordinance No. 118-15, Lease Agreement East Central Ala. Highway Safety Office

Said Ordinance was introduced by Mr. Canon.

Then Mr. Gray made the motion to suspend the rules and consider this ordinance for approval.

Ms. Jones provided a second to said motion. The following vote was recorded.

Aye Jones, Gray, Smith T, Canon, Smith.

Nay None

RESULT: FIRST READING AND APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

15. Appointments

None.

16. Adjourn

These City Council meeting minutes of 9-01-15 are hereby adopted and approved this the ____ day of _____, 2015.

President of the City Council

City of Opelika, Alabama

ATTEST:

City Clerk - Treasurer

1. Motion to adjourn.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**CM MINUTES (ID # 1310)**

Meeting: 09/01/15 07:00 PM

Department: City Clerk

Category: CM Minutes

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 1310

CM Minutes of the 8-18-15

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith



OPELIKA CITY COUNCIL “ REGULAR MEETING MINUTES “

204 South 7th Street

August 18, 2015

TIME: 7:00 PM

1. Call to Order
2. Roll Call
 1. Patricia Jones, Larry Gray, Dozier Smith T, David Canon, Eddie Smith
3. Invocation
 1. Mr. Sunil Macwan gave the invocation.
4. Pledge of Allegiance
 1. Zayne Lackey and Chip Odem of Cub Scout Pack 858 lead the pledge.
5. Reading of Minutes
 1. Approval of Minutes for the 8-04-15 Council Meeting.
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
6. Unfinished Business
7. Remarks By the Mayor
 1. Recognize the Huntingdon College graduates.
 Mayor Fuller recognized each graduate of the first class of Huntingdon College that has a branch located at our local Southern Union Community College.
 2. Recognize 20<40 class member - Angela George.
 Mayor Fuller recognized Angela George in the audience that is a member of the current 20 < 40 class.
 3. Recognize Doug Underwood - Summer Swing 5K Race.
 Mayor Fuller presented a proclamation to Doug Underwood in recognition of creating a 5K Summer Swing run many years ago.
 4. July 2015 Building Reports
 Mayor Fuller called on Joey Motley, City Administrator, to present the July 2015 Building reports.
8. Citizen Communications
 (Limit comments to five minutes or less)
 No one came forward to speak.
9. Report of Disbursements
10. Committee Reports
11. General Business
12. Awarding of Bids
 1. Bids 203-15 Re-Roofing of the P&R Denson Facility.

Attachment: CM minutes MT, 8-18-15 (1310 : CM Minutes of the 8-18-15)

RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith

13. Resolutions

1. Resolution 204-15 Expense Reports for 8/18 CM.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
2. Resolution 205-15 Special Use Permit for Cell Tower, to Southern Linc for 3995 Gateway Dr.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
3. Resolution 206-15 Professional OPD Services Contract 2015 with City of Auburn.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
4. Resolution 207-15 Repair and Sales of Goods with RMI Railworks-Parks & Rec.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
5. Resolution 208-15 Agreement with Optum Healthcare Solutions, Inc.-Parks and Rec.
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith
6. Resolution 209-15 Amendment to Official Payments Services Agreement for Credit Card Processing Services
RESULT: APPROVED [UNANIMOUS]
MOVER: Larry Gray, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
7. Resolution 210-15 Amend Tax Abatement Agreement with Hanwha L&C Alabama, LLC.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith
8. Resolution 211-15 Amend Tax Abatement Resolution for Spartan Partners, LLC

RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

9. Resolution 212-15 Approval of CDBG Action Plan PY2015

RESULT: APPROVED [UNANIMOUS]
MOVER: Larry Gray, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

10. Resolution 213-15 Digital Mapping Fees and Charges - IT Dept.

RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

11. Resolution 214-15 ALDOT Agreement for Shared Use Path to Downtown

RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

12. Resolution 215-15 Agreement with ALDOT for a Signal at Lake Condé and Lafayette Parkway

RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith

13. Resolution 216-15 ALDOT Agreement, for a Traffic Signal at Gateway Drive & Hamilton Place St.

RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

14. Resolution 217-15 New Position of Stormwater Management Coordinator for the Engineering Department

RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

14. Ordinances

15. Appointments

1. Appoint Julia Stutts to the Medical Clinic Board. New term expires 3-02-19.

RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith

2. Appoint Mike Mann to the Medical Clinic Board. New term expires 3-02-21.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Larry Gray, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

16. Adjourn

These City Council meeting minutes of 8-18-15 are hereby adopted and approved this the ____ day of _____, 2015.

 President of the City Council
 City of Opelika, Alabama

ATTEST:

 City Clerk - Treasurer

1. Motion to Adjourn.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

Attachment: CM minutes MT, 8-18-15 (1310 : CM Minutes of the 8-18-15)



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1286)

Meeting: 09/01/15 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Jeff Kappelman

Sponsors: Chief Building Inspector Jeff Kappelman

DOC ID: 1286

Public Hearing Weed Abatement Assessment - 225 Vero Court

WEED ABATEMENT INVOICE**Date: 8/11/2015****To: Mary Sanks c/o Gloria Grant
PO Box 115
Salem AL. 36874****Property Address:
225 Vero Ct.
Opelika AL. 36801
Parcel # 10-03-08-2-002-031.000**

On July 9, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement: 226.20

Certified mail: 25.96

Misc.

Total 252.16

Attachment: Weed Invoice - 225 Vero Court (Sanks) (1286 : Public Hearing Weed Abatement Assessment - 225 Vero Court)

WEED ABATEMENT INVOICE**Date: 08/11/2015****To: Glenn Stephen Jr.
6037 Shadow Lakes Way
Lithonia Ga. 30058****Property Address:
225 Vero Ct.
Opelika Al. 36801
Parcel # 10-03-08-2-002-031.000**

On July 9, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement: 226.20

Certified mail: 25.96

Misc.

Total 252.16

Attachment: Weed Invoice - 225 Vero Court (Stephens) (1286 : Public Hearing Weed Abatement Assessment - 225 Vero Court)

To: Mary Sanks
 c/o Gloria Grant
 P.O. Box 115
 Salem, AL 36874

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 225 Vero Court, Parcel 43-10-03-08-2-002-031.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 225 Vero Court, Parcel No. 031.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$252.16.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 1st day of September, 2015.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 14th day of August, 2015.

 Jerry Bush
 Code Enforcement Officer

Cc: Joey Motley – City Administrator
 Jeff Kappelman – Chief Building Inspector
 Jerry Bush – Code Enforcement Officer
 Guy. F. Gunter, III – City Attorney

To: Glenn Stephen Jr.
6037 Shadow Lakes Way
Lithonia Ga. 30058

**NOTICE OF PUBLIC HEARING ON COST OF
ABATEMENT OF WEED NUISANCE LOCATED AT
225 Vero Court, Parcel 43-10-03-08-2-002-031.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 225 Vero Court, Parcel No. 031.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$252.16.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 1st day of September, 2015.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 14th day of August, 2015.

Jerry Bush
Code Enforcement Officer

Cc: Joey Motley – City Administrator
Jeff Kappelman – Chief Building Inspector
Jerry Bush – Code Enforcement Officer
Guy. F. Gunter, III – City Attorney

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 1284)**

Meeting: 09/01/15 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Jeff Kappelman

Sponsors: Chief Building Inspector Jeff Kappelman

DOC ID: 1284

Public Hearing Weed Abatement Assessment - 12 East Johnson Avenue

WEED ABATEMENT INVOICE**Date: 08/11/2015****To: Andreada Holland
9 Lee Rd 0648
Opelika Al. 36801****Property Address:
12 E Johnson Ave
Opelika Al. 36801
Parcel # 10-04-17-2-000-013.000**

On July 13, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement: 199.97

Certified mail: 25.96

Misc.

Total 225.93

WEED ABATEMENT INVOICE

Date: 08/11 /2015

**To: Matthew Pitts
31 Lee Rd 616
Auburn Al. 36830**

**Property Address:
12 E Johnson Ave
Opelika Al. 36801
Parcel # 10-04-17-2-000-013.000**

On July 13, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement: 199.97

Certified mail: 25.96

Misc.

Total 225.93

To: Matthew Pitts
31 Lee Rd 616
Auburn Al. 36830

**NOTICE OF PUBLIC HEARING ON COST OF
ABATEMENT OF WEED NUISANCE LOCATED AT
12 E Johnson Ave Tax parcel 43-10-04-17-2-000-013.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 12 E Johnson Ave Parcel No. 013.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$225.93.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 1st day of September, 2015.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 14th day of August, 2015.

Jerry Bush
Code Enforcement Officer

Cc: Joey Motley – City Administrator
Jeff Kappelman – Chief Building Inspector
Jerry Bush – Code Enforcement Officer
Guy. F. Gunter, III – City Attorney

To: Andreada Holland
9 Lee Rd 0648
Opelika Al. 36801

**NOTICE OF PUBLIC HEARING ON COST OF
ABATEMENT OF WEED NUISANCE LOCATED AT
12 E Johnson Ave Tax parcel 43-10-04-17-2-000-013.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 12 E Johnson Ave Parcel No. 013.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$225.93.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 1st day of September, 2015.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 14th day of August 2015.

Jerry Bush
Code Enforcement Officer

Cc: Joey Motley – City Administrator
Jeff Kappelman – Chief Building Inspector
Jerry Bush – Code Enforcement Officer
Guy. F. Gunter, III – City Attorney



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1282)

Meeting: 09/01/15 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Jeff Kappelman

Sponsors: Chief Building Inspector Jeff Kappelman

DOC ID: 1282

Public Hearing Weed Abatement Assessment- 229 Vero Court

WEED ABATEMENT INVOICE

Date: 08/11/2015

**To: State of Alabama
PO Box 327210
Montgomery Al. 36132**

**Property Address:
229 Vero Ct.
Opelika Al. 36801
Parcel # 10-03-08-2-002-032.000**

On July 9, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement: 233.60

Certified mail: 12.98

Misc.

Total 246.58

Attachment: WEED INVOICE - 229 Vero Court (1282 : Public Hearing Weed Abatement Assessment- 229 Vero Court)

To: State of Alabama
PO Box 327210
Montgomery Al. 36132

**NOTICE OF PUBLIC HEARING ON COST OF
ABATEMENT OF WEED NUISANCE LOCATED AT
229 Vero Court, Parcel 43-10-03-08-2-002-032.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 229 Vero Court, Parcel No. 032.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$246.58.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 1st day of September, 2015.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 14th day of August, 2015.

Jerry Bush
Code Enforcement Officer

Cc: Joey Motley – City Administrator
Jeff Kappelman – Chief Building Inspector
Jerry Bush – Code Enforcement Officer
Guy. F. Gunter, III – City Attorney



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1280)

Meeting: 09/01/15 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Jeff Kappelman

Sponsors: Chief Building Inspector Jeff Kappelman

DOC ID: 1280

Public Hearing Weed Abatement Assessment - 706 Geneva St.

WEED ABATEMENT INVOICE

Date: 08/11 /2015

**To: Nancy S. Thompson
PO Box 885
Albertville Al. 35950**

**Property Address:
706 Geneva St.
Opelika Al. 36801
Parcel # 10-04-18-1-001-117.000**

On July 9, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing you of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that you owe the City of Opelika for the abatement:

Cost of Abatement:	<u>570.00</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>582.98</u>

Attachment: WEED INVOICE - 706 Geneva St (1280 : Public Hearing Weed Abatement Assessment - 706 Geneva St.)

To: Nancy Thompson
PO Box 885
Albertville Al. 35950

**NOTICE OF PUBLIC HEARING ON COST OF
ABATEMENT OF WEED NUISANCE LOCATED AT
706 Geneva St, Parcel 43-10-04-18-1-001-117.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 706 Geneva St, Parcel No. 117.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$582.98.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 1st day of September, 2015.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 14th day of August, 2015.

Jerry Bush
Code Enforcement Officer

Cc: Joey Motley – City Administrator
Jeff Kappelman – Chief Building Inspector
Jerry Bush – Code Enforcement Officer
Guy. F. Gunter, III – City Attorney



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1278)

Meeting: 09/01/15 07:00 PM

Department: Planning

Category: Purchase

Prepared By: Jerry Bush

Initiator: Jeff Kappelman

Sponsors: Chief Building Inspector Jeff Kappelman

DOC ID: 1278

Public Hearing Weed Abatement Assessment - 3309 Arnold Ave.

WEED ABATEMENT INVOICE

Date: 08/11/2015

**To: Marvis Sanders c/o Curtrisher Sanders
212 Samford ave
Opelika AL 36801**

**Property Address:
3309 Arnold Ave
Opelika AL 36801
Parcel # 09-05-15-1-000-053.000**

On July 10, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement:	<u>188.10</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>201.08</u>

Attachment: WEED INVOICE - 3309 Arnold Avenue (1278 : Public Hearing Weed Abatement Assessment - 3309 Arnold Avenue)

To: Marvis Sanders c/o Curtrisher Sanders
212 Samford Ave
Opelika Al. 36801

**NOTICE OF PUBLIC HEARING ON COST OF
ABATEMENT OF WEED NUISANCE LOCATED AT
3309 Arnold Avenue, Parcel 43-09-05-15-000-053.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 3309 Arnold Avenue, Parcel No. 053.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$201.08.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 1st day of September, 2015.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 14th day of August, 2015.

Jerry Bush
Code Enforcement Officer

Cc: Joey Motley – City Administrator
Jeff Kappelman – Chief Building Inspector
Jerry Bush – Code Enforcement Officer
Guy. F. Gunter, III – City Attorney

RESOLUTION NO. 218-15

Expense Reports for 9-1-15 CM**RESOLUTION NO. _____**

BE IT RESOLVED, by the City Council of the City of Opelika, Alabama, as follows:

-) That the following employees were required by the City of Opelika to travel on City business and/or attend a training session, meeting or conference.

Employee	Department	\$ Amount
-----	-----	-----
Russell Jones	Accounting	\$188.60

-) That attached is an expense report(s) prepared, dated and signed by the City employee or official covering the various expenses incurred on said trip and reviewed/approved by the City's accounting department and City official(s).
- 3) That the Opelika City Council hereby approves the attached expense reports for reimbursement to said City employee or official.
- 4) That the Mayor and/or appropriate City official is hereby directed and authorized to take the necessary steps so a check can be prepared covering the attached expense reports.
- 5) That the City Treasurer is authorized to sign said check so it can be delivered to the appropriate City employee or official.

ADOPTED and APPROVED this the _____ day of _____, 2015.

C. E. “Eddie” Smith, Jr.
President City Council
City of Opelika, Alabama

ATTEST:

Robert G Shuman, CMC
City Clerk - City Treasurer

EXPENSE REPORT

13.1.a

NAME RUSSELL JONES DEPARTMENT ACCOUNTING PERIOD ENDING 8/28/2015

ITEMIZE ALL REIMBURSABLE EXPENSES IN APPROPRIATE BLANKS - ITEMIZE ANY NON-REIMBURSABLE EXPENSES ON REVERSE OF LAST COPY.

DATE	DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS Itemize Below			ENTERTAINMENT Itemize Below	MISC EXPENSES Itemize Below	DAILY TOTAL
				AIR, RAIL, ETC	RENTAL CAR, LIMO, ETC.	LOCAL TAXI, TOLLS, & PUBLIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
	SUN												\$ -
	MON												\$ -
	TUE												\$ -
	WED	OPELIKA, AL											
		TUSCALOOSA, AL					\$ 94.30						\$ 94.30
	THU	TUSCALOOSA, AL											
		OPELIKA, AL					\$ 94.30						\$ 94.30
	FRI												\$ -
	SAT												\$ -
WEEKLY CATEGORY TOTALS \$			\$ -	\$ -	\$ -	\$ -	\$ 188.60	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 188.60

WEEKLY TOTAL OF EXPENSES ↑

ITEMIZED ENTERTAINMENT AND BUSINESS MEALS					
DATE	NAME OF PERSON(S) ENTERTAINED; COMPANY, TITLE	TIME & PLACE	NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	ALLOCATED TO BUSINESS

NUMBER OR DAYS AWAY FROM HOME

2

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

CERTIFIED GOVERNMENTAL ACCOUNTING

TECHNICIAN PROGRAM

METHOD OF REIMBURSEMENT

MAIL TO:

ACCOUNTING

ITEMIZED AUTOMOBILE EXPENSES		
DATE	MILEAGE, GAS, PARKING, REPAIRS, ETC	AMOUNT
26-Aug	164 MILES x .575	\$ 94.30
27-Aug	164 MILES x .575	\$ 94.30

ITEMIZED MISCELLANEOUS EXPENSES		
DATE	ITEMS	AMOUNT

SIGNATURE

APPROVED BY

RESOLUTION NO. 219-15

Travel Advancement for Zach Vollar

Cash Advance for Zach Vollar to attend Module III of Advanced Line workers Class in Adel, Georgia

Fact Sheet

Subject:

Travel Advance

Facts:

Journey Linemen Zach Vollar is attending the Module III of Advanced Line Workers Class in Adel Georgia, which begins on September 23, 2015

Zach is requesting 6 meals, parking fees, and Fuel for city vehicle with an estimated cost of \$200.00

6 Meals ~ \$100.00

Fuel for City vehicle while in Adel ~ \$60.00

Parking Fees ~ \$40.00

Recommendations:

The Council to approve the travel advance for Zach Vollar during the September 1, 2015 Council Meeting.

**Event Details**

Event » Advanced Lineworker Class - Module 3

 [Export \(iCal\)](#)

Location:	Adel Training Center
Category:	Training & Safety
Date:	9/23/2015
Time:	8:00 am to 4:00 pm
Contact Name:	Christina Lenis
Contact Phone:	770-661-2770
Contact Email:	clenis@ecoga.org
Recurrence:	Occurs daily effective 9/23/2015 until 09/24/2015 from 8:00 am to 4:00 pm

[Print](#) [Close](#)

Attachment: ECG Event Detail (219-15 : Travel Advancement)

RESOLUTION NO. 220-15

Travel Advancement for Wesley Ballard

Cash Advance for Wesley Ballard to attend Module III of Advanced Line workers Class in Adel, Georgia

**Event Details**

Event » Advanced Lineworker Class - Module 3

 [Export \(iCal\)](#)

Location:	Adel Training Center
Category:	Training & Safety
Date:	9/23/2015
Time:	8:00 am to 4:00 pm
Contact Name:	Christina Lenis
Contact Phone:	770-661-2770
Contact Email:	clenis@ecoga.org
Recurrence:	Occurs daily effective 9/23/2015 until 09/24/2015 from 8:00 am to 4:00 pm

[Print](#) [Close](#)

Attachment: ECG Event Detail (220-15 : Travel Advancement)

Fact Sheet

Subject:

Travel Advance

Facts:

Journey Linemen Wesley Ballard is attending the Module III of Advanced Line Workers Class in Adel Georgia, which begins on September 23, 2015

Wesley is requesting 6 meals, parking fees, and Fuel for city vehicle with an estimated cost of \$200.00

6 Meals ~ \$100.00

Fuel for City vehicle while in Adel ~ \$60.00

Parking Fees ~ \$40.00

Recommendations:

The Council to approve the travel advance for Wesley Ballard during the September 1, 2015 Council Meeting.

RESOLUTION NO. 221-15

Weed Abatement Assessment - 225 Vero Court

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
225 Vero Court, Parcel No. 031.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 225 Vero Court, parcel no. 031.000 has been removed as provided for and required by law: and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 225 Vero Court, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 1st day of September, 2015 at 7:00 p.m. in the City Council Chambers in the

Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City

Council to hear and determine any objections or defenses which may be raised by any of the property

owners liable to be assessed for the work of abating said weed nuisance; and

WHEREAS, a copy of the itemized statement of expenses, together with the notice of the time when said statement shall be submitted to the City Council for confirmation, was sent to the property owner by certified mail at least five (5) days in advance of the time fixed by the City Council to consider the assessment of the cost against the property; and

WHEREAS, the Council met at the designated time and place for the purpose of

receiving and

considering said statement of expenses and to pass upon all such objections to and protest against the proposed assessment for the work of abating said nuisance; and

WHEREAS, the President of the City Council presided over said public hearing and opened the

floor for comments from the public and any persons interested in said assessment or the amount thereof;

and

WHEREAS, the City Council has considered all evidence and other matters in relation to the

proposed assessment and the members of the Council are of the opinion that the amount to be assessed

against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika as

follows:

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$252.16 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 225 Vero Court, Parcel no. 031.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-03-08-2-002-031.000 according to the records of the Revenue Commissioner of Lee County Alabama.

4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

This Resolution and the weed lien assessed herein are adopted pursuant to Act No. 2012-366 of the 2012 Regular Session of the Legislature of Alabama and Article III of Chapter 18 of the Code of Ordinances of the City of Opelika, Alabama.

ADOPTED AND APPROVED this the _____ day of _____,
2015.

President of the City Council
City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC
City Clerk - City Treasurer

WEED ABATEMENT INVOICE**Date: 8/11/2015****To: Mary Sanks c/o Gloria Grant
PO Box 115
Salem AL. 36874****Property Address:
225 Vero Ct.
Opelika AL. 36801
Parcel # 10-03-08-2-002-031.000**

On July 9, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement:	<u>226.20</u>
Certified mail:	<u>25.96</u>
Misc.	<u> </u>
Total	<u>252.16</u>

Attachment: Weed Invoice - 225 Vero Court (Sanks) (221-15 : Weed Abatement Assessment - 225 Vero Court)

WEED ABATEMENT INVOICE

Date: 08/11/2015

**To: Glenn Stephen Jr.
6037 Shadow Lakes Way
Lithonia Ga. 30058**

**Property Address:
225 Vero Ct.
Opelika Al. 36801
Parcel # 10-03-08-2-002-031.000**

On July 9, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement:	<u>226.20</u>
Certified mail:	<u>25.96</u>
Misc.	<u> </u>
Total	<u>252.16</u>

Attachment: Weed Invoice - 225 Vero Court (Stephens) (221-15 : Weed Abatement Assessment - 225 Vero Court)

RESOLUTION NO. 222-15

Weed Abatement Assessment - 12 East Johnson Avenue

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
12 E Johnson Ave Parcel No. 013.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 12 E Johnson Ave, parcel no. 013.000 has been removed as provided for and required by law; and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 12 E Johnson Ave, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 1st day of September, 2015 at 7:00 p.m. in the City Council Chambers in the

Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City

Council to hear and determine any objections or defenses which may be raised by any of the property

owners liable to be assessed for the work of abating said weed nuisance; and

WHEREAS, a copy of the itemized statement of expenses, together with the notice of the time when said statement shall be submitted to the City Council for confirmation, was sent to the property owner by certified mail at least five (5) days in advance of the time fixed by the City Council to consider the assessment of the cost against the property; and

WHEREAS, the Council met at the designated time and place for the purpose of

receiving and

considering said statement of expenses and to pass upon all such objections to and protest against the proposed assessment for the work of abating said nuisance; and

WHEREAS, the President of the City Council presided over said public hearing and opened the

floor for comments from the public and any persons interested in said assessment or the amount thereof;

and

WHEREAS, the City Council has considered all evidence and other matters in relation to the

proposed assessment and the members of the Council are of the opinion that the amount to be assessed

against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika as

follows:

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$225.93 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 12 E Johnson Ave Parcel no. 013.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-04-17-2-000-013.000 according to the records of the Revenue Commissioner of Lee County Alabama.

4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

This Resolution and the weed lien assessed herein are adopted pursuant to Act No. 2012-366 of the 2012 Regular Session of the Legislature of Alabama and Article III of Chapter 18 of the Code of Ordinances of the City of Opelika, Alabama.

ADOPTED AND APPROVED this the _____ day of _____,
2015.

President of the City Council
City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC
City Clerk - City Treasurer

WEED ABATEMENT INVOICE**Date: 08/11/2015****To: Andreada Holland
9 Lee Rd 0648
Opelika Al. 36801****Property Address:
12 E Johnson Ave
Opelika Al. 36801
Parcel # 10-04-17-2-000-013.000**

On July 13, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement: 199.97

Certified mail: 25.96

Misc.

Total 225.93

Attachment: Weed Invoice - 12 east Johnson Avenue (Holland) (222-15 : Weed Abatement Assessment - 12 East Johnson Avenue)

WEED ABATEMENT INVOICE**Date: 08/11 /2015****To: Matthew Pitts
31 Lee Rd 616
Auburn Al. 36830****Property Address:
12 E Johnson Ave
Opelika Al. 36801
Parcel # 10-04-17-2-000-013.000**

On July 13, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement: 199.97

Certified mail: 25.96

Misc.

Total 225.93

Attachment: Weed Invoice - 12 east Johnson Avenue (Pitts) (222-15 : Weed Abatement Assessment - 12 East Johnson Avenue)

RESOLUTION NO. 223-15

Weed Abatement Assessment - 229 Vero Court

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
229 Vero Court, Parcel No. 032.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 229 Vero Court, parcel no. 032.000 has been removed as provided for and required by law: and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 229 Vero Court, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 1st day of September, 2015 at 7:00 p.m. in the City Council Chambers in the

Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City

Council to hear and determine any objections or defenses which may be raised by any of the property

owners liable to be assessed for the work of abating said weed nuisance; and

WHEREAS, a copy of the itemized statement of expenses, together with the notice of the time when said statement shall be submitted to the City Council for confirmation, was sent to the property owner by certified mail at least five (5) days in advance of the time fixed by the City Council to consider the assessment of the cost against the property; and

WHEREAS, the Council met at the designated time and place for the purpose of

receiving and

considering said statement of expenses and to pass upon all such objections to and protest against the proposed assessment for the work of abating said nuisance; and

WHEREAS, the President of the City Council presided over said public hearing and opened the

floor for comments from the public and any persons interested in said assessment or the amount thereof;

and

WHEREAS, the City Council has considered all evidence and other matters in relation to the

proposed assessment and the members of the Council are of the opinion that the amount to be assessed

against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika as

follows:

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$246.58 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 229 Vero Court, Parcel no. 032.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-03-08-2-002-032.000 according to the records of the Revenue Commissioner of Lee County Alabama.

4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

This Resolution and the weed lien assessed herein are adopted pursuant to Act No. 2012-366 of the 2012 Regular Session of the Legislature of Alabama and Article III of Chapter 18 of the Code of Ordinances of the City of Opelika, Alabama.

ADOPTED AND APPROVED this the _____ day of _____,
2014.

President of the City Council
City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC
City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 08/11/2015

**To: State of Alabama
PO Box 327210
Montgomery Al. 36132**

**Property Address:
229 Vero Ct.
Opelika Al. 36801
Parcel # 10-03-08-2-002-032.000**

On July 9, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement: 233.60

Certified mail: 12.98

Misc.

Total 246.58

Attachment: WEED INVOICE - 229 Vero Court (223-15 : Weed Abatement Assessment - 229 Vero Court)

RESOLUTION NO. 224-15

Weed Abatement Assessment - 706 Geneva St.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
706 Geneva St., Parcel No. 117.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 706 Geneva St., parcel no. 117.000 has been removed as provided for and required by law; and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 706 Geneva St., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 1st day of September, 2015 at 7:00 p.m. in the City Council Chambers in the

Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City

Council to hear and determine any objections or defenses which may be raised by any of the property

owners liable to be assessed for the work of abating said weed nuisance; and

WHEREAS, a copy of the itemized statement of expenses, together with the notice of the time when said statement shall be submitted to the City Council for confirmation, was sent to the property owner by certified mail at least five (5) days in advance of the time fixed by the City Council to consider the assessment of the cost against the property; and

WHEREAS, the Council met at the designated time and place for the purpose of

receiving and

considering said statement of expenses and to pass upon all such objections to and protest against the proposed assessment for the work of abating said nuisance; and

WHEREAS, the President of the City Council presided over said public hearing and opened the

floor for comments from the public and any persons interested in said assessment or the amount thereof;

and

WHEREAS, the City Council has considered all evidence and other matters in relation to the

proposed assessment and the members of the Council are of the opinion that the amount to be assessed

against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika as

follows:

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$582.98 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 706 Geneva St., Parcel no. 117.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-04-18-1-001-117.000 according to the records of the Revenue Commissioner of Lee County Alabama.

4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

This Resolution and the weed lien assessed herein are adopted pursuant to Act No. 2012-366 of the 2012 Regular Session of the Legislature of Alabama and Article III of Chapter 18 of the Code of Ordinances of the City of Opelika, Alabama.

ADOPTED AND APPROVED this the _____ day of _____,
2015.

President of the City Council
City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC
City Clerk - City Treasurer

WEED ABATEMENT INVOICE**Date: 08/11 /2015****To: Nancy S. Thompson
PO Box 885
Albertville Al. 35950****Property Address:
706 Geneva St.
Opelika Al. 36801
Parcel # 10-04-18-1-001-117.000**

On July 9, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing you of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that you owe the City of Opelika for the abatement:

Cost of Abatement:	<u>570.00</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>582.98</u>

Attachment: WEED INVOICE - 706 Geneva St (224-15 : Weed Abatement Assessment - 706 Geneva St.)

RESOLUTION NO. 225-15

Weed Abatement Assessment - 3309 Arnold Ave.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
3309 Arnold Avenue, Parcel No. 053.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 3309 Arnold Avenue, parcel no. 053.000 has been removed as provided for and required by law; and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 3309 Arnold Avenue, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 1st day of September, 2015 at 7:00 p.m. in the City Council Chambers in the

Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City

Council to hear and determine any objections or defenses which may be raised by any of the property

owners liable to be assessed for the work of abating said weed nuisance; and

WHEREAS, a copy of the itemized statement of expenses, together with the notice of the time when said statement shall be submitted to the City Council for confirmation, was sent to the property owner by certified mail at least five (5) days in advance of the time fixed by the City Council to consider the assessment of the cost against the property; and

WHEREAS, the Council met at the designated time and place for the purpose of

receiving and

considering said statement of expenses and to pass upon all such objections to and protest against the proposed assessment for the work of abating said nuisance; and

WHEREAS, the President of the City Council presided over said public hearing and opened the

floor for comments from the public and any persons interested in said assessment or the amount thereof;

and

WHEREAS, the City Council has considered all evidence and other matters in relation to the

proposed assessment and the members of the Council are of the opinion that the amount to be assessed

against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika as

follows:

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$201.08 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 3309 Arnold Avenue, Parcel no. 053.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-09-05-15-1-000-053.000 according to the records of the Revenue Commissioner of Lee County Alabama.

4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

This Resolution and the weed lien assessed herein are adopted pursuant to Act No. 2012-366 of the 2012 Regular Session of the Legislature of Alabama and Article III of Chapter 18 of the Code of Ordinances of the City of Opelika, Alabama.

ADOPTED AND APPROVED this the _____ day of _____,
2015.

President of the City Council
City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC
City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 08/11/2015

To: Marvis Sanders c/o Curtrisher Sanders
212 Samford ave
Opelika Al. 36801

Property Address:
3309 Arnold Ave
Opelika Al. 36801
Parcel # 09-05-15-1-000-053.000

On July 10, 2015 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement: 188.10

Certified mail: 12.98

Misc. _____

Total	<u>201.08</u>
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Attachment: WEED INVOICE - 3309 Arnold Avenue (225-15 : Weed Abatement Assessment - 3309 Arnold Avenue)

RESOLUTION NO. 226-15

Designate City Personal Property Surplus and Authorize Disposal**RESOLUTION NO. _____**

WHEREAS, the City of Opelika, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Alabama Code of 1975 authorizes the Municipal Governing body to dispose of unneeded personal property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama as follows:

SECTION 1. That the following personal property owned by the City of Opelika, Alabama, is no longer needed for public or municipal purposes:

No.	Qty.	Unit	Item Description	Fixed Asset #
1.	1	Ea	IBM Keyboard	N/A
2.	1	Ea	Logitech Keyboard	N/A
3.	1	Ea	Plantronics Headset	N/A
4.	1	Ea	HP Printer	N/A
5.	5	Ea	Chairs	N/A

SECTION 2. That the Mayor be and he is hereby authorized and directed to dispose of the personal property owned by the City of Opelika, Alabama, described in Section 1 above. If any such property has marketable value, the Mayor shall receive bids or quotations for such property and shall sell the same to the highest bidder. If the property has no marketable value, the Mayor may dispose of such property in the most economical and feasible manner available to him.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

C. E. "Eddie Smith, Jr.
President of the City Council
City of Opelika

ATTEST:

Robert G. Shuman
City Clerk - Treasurer

RESOLUTION NO. 227-15

Special Appropriation / Food Bank - Community Market**RESOLUTION NO. _____**

WHEREAS, it has been determined that the Food Bank of East Alabama has a need for additional funding in providing food services to the citizens of Opelika, and

WHEREAS, Council President Eddie Smith Ward 4, President Pro-tem Patricia Jones Ward 1, Councilman Larry Gray Ward 2, Councilman Dozier Smith T Ward 3 and Councilman David Canon Ward 5 wish to utilize their discretionary funds to assist the East Alabama Food Bank - Community Market.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama, a municipal corporation, as follows:

1. That each City Council member hereby agrees to provide \$700.00 from their discretionary funds as detailed below:

Patricia Jones	Ward 1	Current year	\$700.00
Larry Gray	Ward 2	Current year	\$700.00
Dozier Smith T	Ward 3	Current year	\$700.00
Eddie Smith	Ward 4	Reserve fund	\$700.00
David Canon	Ward 5	Current year	\$700.00

2. The City Council hereby declares and determines that said appropriation of public funds to the Food Bank of East Alabama will serve a public purpose.
3. The Mayor and the Controller is hereby authorized and directed to transfer \$3,500.00 from the respective discretionary funds as detailed in number 1. above to the appropriate account.

4. The City Clerk is hereby authorized to process the necessary documents so that a check for \$3,500.00, payable to Food Bank of East Alabama and earmarked for the Community Market, can be prepared and delivered.

APPROVED and ADOPTED this the ____ day of _____, 2015.

C. E. "Eddie" Smith, Jr.
City Council President
City of Opelika, Alabama

Attest:

Robert G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. 228-15

Tax Abatement, KOAM, LLC.

RESOLUTION NO. _

RESOLUTION APPROVING CERTAIN TAX
ABATEMENTS AND EXEMPTIONS FOR
KOAM, LLC

WHEREAS, KOAM, LLC (the "Company") operates a manufacturing facility (the "Facility") in the W. C. Davis Industrial Park within the corporate limits of the City of Opelika (the "City"); and

WHEREAS, the Company specializes in the design and fabrication of metal racks for material handling and storage; and

WHEREAS, the Facility has resulted in the creation of approximately 36 full time jobs and made significant contributions to the tax base and tax resources of the City; and

WHEREAS, the Company has announced plans to purchase, acquire, and install approximately \$965,380.00 worth of new building additions and improvements, and/or new additions to the existing building, new manufacturing machinery, and other new personal property (the "Project") in its existing Facility located at 2401 Industrial Boulevard within the corporate limits of the City of Opelika; and

WHEREAS, the Project (the acquisition, construction and installment of new building improvements, and/or new additions to the existing building, new manufacturing

machinery, , and other new personal property) is estimated to be placed in service by December 31, 2017; and

WHEREAS, the Project will be operated by the Company as an "industrial or research enterprise" as defined under Alabama Code §40-9B-3(a)(10); and

WHEREAS, the Company's NAICS Code 314910 meets the qualifications of an industrial or research enterprise as defined under Alabama Code 40-9B-3(a)(10); and

WHEREAS, the Project is expected to result in the creation of approximately 12 new jobs; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1, et seq,

Code of Alabama, 1975) (the "Act"), the Company has requested from the City the abatement of

(a) all state and local non-education ad valorem taxes (property taxes); and (b) all construction related transaction taxes (sales and use taxes), except those construction related transaction taxes levied for educational purposes or for capital improvements for education; and

WHEREAS, the Company requested that the abatement of state and local non educational property taxes be extended for a term of ten (10) years in accordance with the Act; and

WHEREAS, the City has considered the requests of the Company and its completed form CO:CAA Application to Local Abatement Authority for Abatement; and

WHEREAS, the City has found the information contained in the Abatement Application to be sufficient to permit the City to make a reasonable cost/benefit analysis of the proposed Project and to determine the economic benefit to the community; and

WHEREAS, the Project will involve a capital investment of approximately nine hundred sixty five thousand three hundred and eighty dollars (\$965,380.00); and

WHEREAS, the City Council has been furnished a copy of a Tax Abatement Agreement between the City and the Company and the City Council has determined that the general terms of such Agreement are acceptable to the City in principle; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama and has power to enter into and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the City represents and warrants to the Company that it has the power under the Constitution and the laws of the State of Alabama (including particularly the provisions of the Act) to carry out the provisions of the Tax Abatement Agreement; and

WHEREAS, the City wishes to secure the numerous and significant benefits to the City, its business community and residents that will likely result from the expanded use of the Facility due to the construction of new building improvements and/or new additions to existing buildings and the installation of said new manufacturing machinery, and other new personal property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama as follows:

1. Approval is hereby given to application of the Company and abatement is hereby authorized of (1) all state and local non-educational property taxes for a period of ten (10) years; and (2) all construction related transactions (sales and use) taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education.
2. The abatements and exemptions granted herein do not include any ad valorem taxes earmarked for city and county schools and school district purposes. The tax abatements and exemptions for ad valorem taxes under paragraph 1 shall not exceed the maximum abatement allowed by state law.
3. The Mayor and the City Clerk are hereby authorized and directed to execute the Tax Abatement Agreement with the Company and such other ancillary documents and agreements as may be necessary to provide the abatements and exemptions granted in paragraph 1 above.
4. A certified copy of this resolution, with Application and Abatement Agreement, shall be forwarded to the Company to deliver to the appropriate taxing authorities and to the Alabama Department of Revenue in accordance with the Act.

5. The officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or caused to be executed and delivered in the name and on behalf of the City such other notices, certificates, assurances, or other instruments or other communications under the seal of the City, or otherwise, as they or any of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this resolution.

6. This resolution shall take effect upon passage and adoption by the City Council. ADOPTED AND APPROVED this the__ day of September, 2015.

PRESIDENT OF THE CITY COUNCIL OF
THE CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Tax Abatement Agreement

This Agreement is made this 1st day of September, 2015, (the Effective Date) by and between the The City of Opelika (the Granting Authority), and KOAM, LLC (the Company), its successors and assigns.

WHEREAS, the Company's Standard Industrial Classification Code, 314910, meets the qualifications of an industrial or research enterprise in accordance with Section 40-9B-3(6), **Code of Alabama 1975**, as amended.

WHEREAS, the Company has announced plans for a (check one):

☐ new project or ☒ major addition to their existing facility (the Project),

located within the jurisdiction of the Granting Authority; and

WHEREAS, the Project is estimated to be completed by the 31 day of December, 2017; and

WHEREAS, the Project will be located in the County of Lee (check whichever is applicable)

☒ inside the city limits of Opelika,

☒ inside the police jurisdiction of Opelika,

☐ outside the city limits and police jurisdiction of the City of _____; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

☒ all state and local noneducational property taxes,

☒ all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

☐ all mortgage and recording taxes; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, at its meeting held on the 1st day of September, 2015 (the Meeting), the Granting Authority approved the Company's application for abatement of (check all that apply):

- ☒ all state and local noneducational property taxes,
- ☒ all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or
- ☐ all mortgage and recording taxes; and

WHEREAS, the Project will consist of private use industrial development property, which is composed of all real and related personal property to be acquired, constructed, and installed thereon, as described in Attachment One hereto; and

WHEREAS, the private use industrial development property for which the abatement is applied shall be (check whichever is applicable):

- ☒ owned by the entity applying for the abatement,
- ☐ leased from a public authority, municipal, or county government; and

WHEREAS, in the event that the private use industrial development property is leased from a public authority, municipal, or county government, the lessee shall be treated as the owner of such property for federal income tax purposes; and

WHEREAS, it shall be indicated whether the Granting Authority intends to issue bonds in connection with the private use industrial development property herein described, and, if so intends, shall attach a copy of the inducement agreement; and

WHEREAS, for the purposes of abatement of all noneducational property taxes (if applicable), it has been determined that no portion of the Project has been placed in service or operation by the Company or by a related party, as defined in 26 U.S.C. §267, with respect to the Company prior to the Effective Date of this Agreement; and

WHEREAS, for the purposes of the abatement of all construction related transaction taxes (if applicable), no portion of the Project which has been requested for abatement has been purchased prior to the Effective Date of this Agreement; and

WHEREAS, the Project conducts trade or business as described in any of the following 1987 Standard Industrial Classification Major Groups 20 to 39, inclusive, 50 or 51, Industrial Group Number 737, or Industry Numbers 0724, 4613, 8731, 8733, or 8734, as set forth in the Standard Industrial Classification Manual published by the United States Government Office of Management and Budget; and

WHEREAS, if the Project is a major addition to an existing facility, the request for abatement of all state and local noneducational property taxes (if applicable) and/or all construction related transaction taxes (if applicable) does not include any capitalized repairs, rebuilds, maintenance, replacement equipment, or costs associated with the renovating or remodeling of existing facilities of industrial development property previously placed in service by the Company; and

WHEREAS, if the Project is a major addition to an existing facility the addition equals the

lesser of (i) thirty (30) percent of the original cost of the industrial development property, or (ii) \$2,000,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in this Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company (a) that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of this Agreement, (b) that the execution of this Agreement on its behalf has been duly authorized by resolution adopted by the governing body of the Granting Authority;

NOW, THEREFORE, the Granting Authority and the Company, in consideration of the mutual promises and benefits specified herein, hereby agree as follows:

1. In accordance with the Act, the Granting Authority hereby grants to the Company an abatement from liability for the following taxes as permitted by the Act (check all that apply):

☒ **Noneducational Property Taxes:** all property taxes that are not required to be used for educational purposes or for capital improvements for education;

☒ **Construction Related Transaction Taxes:** the transaction taxes imposed by Chapter 23 of Title 40 of the **Code of Alabama 1975** on the tangible personal property and taxable services to be incorporated into the Project, the cost of which may be added to capital account with respect to the Project, except for those local construction related transaction taxes levied for educational purposes or for capital improvements for education;

☐ **Mortgage and Recording Taxes:** all taxes imposed by Chapter 22 of Title 40 of the **Code of Alabama 1975** relating to mortgages, deeds, and documents relating to issuing or securing obligations and conveying title into or out of the Granting Authority with respect to the Project.

2. An estimate of the amount of tax abated pursuant to this Agreement is set forth below. The Granting Authority and the Company hereby acknowledge that this estimate reflects the amount of tax abated for the period stated, under current law, and that the actual abatement for such taxes may be for a greater or lesser amount depending upon the actual amount of such taxes levied during the abatement period as stated. (Check all that apply)

☒ (a) If no bonds are to be issued, noneducational property taxes are expected to be approximately \$4,017. per year and the maximum period for such abatement shall be valid for a period of 10 years, beginning with the October 1 lien date next proceeding the acquisition date of abated property.

☐ (b) If bonds are issued, noneducational property taxes are expected to be approximately \$_____ per year and the maximum period for such abatement shall be valid for a period of _____ years, beginning the initial date bonds are issued to finance project.

☒ (c) Construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, are expected to be approximately \$34,645. and such abatement shall not extend beyond the date

the Project is placed in service.

☐ (d) Mortgage and recording taxes are expected to be approximately \$_____.

3. The Company hereby makes the following good faith projections:

(a) Amount to be invested in the Project: \$ 965,380 for building improvements and equipment.

(b) Number of individuals to be employed initially at the Project and in each of the succeeding three years:

Initially 1 Year 1 6 Year 2 4 Year 3 1;

(c) Additional Annual payroll initially at the Project and in each of the succeeding three years:

Initially \$40,000 Year 1 \$150,000 Year 2 \$100,000 Year 3 \$25,000;

4. The Company shall file with the Alabama Department of Revenue within 90 days after the date of the Meeting a copy of this agreement as required by Section 40-9B-6(c) of the Act.

GENERALLY

5. Compliance. If the Company fails to comply with any provision in this Agreement or if any of the material statements contained herein or in Attachment Two (*Note: This attachment shall include the application for abatement*), are determined to have been misrepresented whether intentionally, negligently, or otherwise, the Granting Authority shall terminate this Agreement and take such equitable action available to it as if this Agreement had never existed. If it is determined that certain items, which are identified on the application form for abatement of taxes, are not in compliance with the Act or governing regulations, these items may be subject to taxation for all local and state taxing authorities.

6. Binding Agreement. Each party to this Agreement hereby represents and warrants that the person executing this Agreement on behalf of the party is authorized to do so and that this Agreement shall be binding and enforceable when duly executed and delivered by each party. This Agreement shall be binding upon and inure to the benefit of each of the parties and their respective successors.

7. Limitations. Notwithstanding any provision contained herein to the contrary, this Agreement is limited solely to the abatement of (check all that apply):

☒ all state and local noneducational property taxes,

☒ all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

☐ all mortgage and recording taxes fees for the periods specified herein. Nothing in this Agreement shall be construed as a waiver by the Company of any greater benefits that the

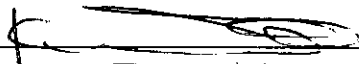
Project or any portion thereof may have available under provisions of the law other than the Act.

8. Severability. This Agreement may be amended or terminated upon mutual consent of the Company and the Granting Authority. Any such amendment or termination shall not in any manner affect the rights and duties by and between the Company and the Granting Authority.

This Agreement is executed as of the dates specified below.

KOAM, LLC

(the Company)

By: 

Name: In Bae Kim

Title: Managing Member

Date: 8/25/2015

City of Opelika

(the Granting Authority)

By: _____

Name: Gary Fuller

Title: Mayor

Date: September 1, 2015



ALABAMA DEPARTMENT OF REVENUE

Application to Granting Authority for Abatement of Taxes

Under Chapter 9B, Title 40, Code of Alabama 1975

Noneducational Sales and Use Taxes, Noneducational Property Taxes, and/or Mortgage and Recording Taxes

This form is to be submitted to the granting authority for consideration in granting an abatement of all state and local noneducational property taxes, all construction related transaction (sales and use) taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or mortgage and recording fees, in accordance with the provisions of Section 40-9B-1 et seq., Code of Alabama 1975.

1a. TYPE OF ABATEMENT APPLYING FOR: ☒ Sales & Use Taxes ☒ Property Taxes ☐ Mortgage & Recording Taxes		2. PROJECT NAICS CODE: 3 1 4 9 1 0	
1b. IS APPLICANT REQUESTING PROPERTY TAX ABATEMENT FOR A PERIOD LONGER THAN 10 YEARS? ☐ Yes ☒ No		3. TYPE OF PROJECT: ☐ New Project ☒ Major Addition To An Existing Facility	
4. DOES MAJOR ADDITION EQUAL THE LESSER OF: (CHECK APPLICABLE BOX) ☐ \$2,000,000 - OR - ☒ 30% of original cost of existing property, original cost \$ 50,000			
5. PROJECT APPLICANT: KOAM, LLC		DEA:	
6. ADDRESS OF APPLICANT: 2401 Industrial Blvd		CITY: Opelika	STATE: AL ZIP CODE: 36801
7. NAME OF CONTACT PERSON: Gretchen Deitch		EMAIL ADDRESS: info@koamllc.com	TELEPHONE NUMBER: (334) 737-3279
8. DATE COMPANY ORGANIZED: 12/10/2009			
9. PHYSICAL LOCATION OF PROJECT: 2401 Industrial Blvd			
CITY (IF OUTSIDE CITY LIMITS, PLEASE INDICATE): Opelika		COUNTY: Lee	ZIP CODE: 36801
10. BRIEF DESCRIPTION OF PROJECT (ATTACH A COMPLETE AND DETAILED LISTING OF PROJECT PROPERTY COSTS TO ENABLE A COST-BENEFIT ANALYSIS BY GRANTING AUTHORITY): Expanding services offered to our clients which are currently outsourced			
11. ESTIMATED DATE CONSTRUCTION WILL BEGIN: 09/15/2015		12. ESTIMATED DATE CONSTRUCTION WILL BE COMPLETED: 12/31/2017	13. ESTIMATED DATE PROPERTY WILL BE PLACED IN SERVICE: 12/31/2017
14. HAVE BONDS BEEN ISSUED FOR PROJECT: ☒ No ☐ Yes If yes, date bonds issued:		15. WILL BONDS BE ISSUED FOR PROJECT: ☒ No ☐ Yes If yes, projected date of issue:	

16. ESTIMATED NUMBER OF NEW EMPLOYEES	17. ESTIMATED ANNUAL PAYROLL OF NEW EMPLOYEES	Estimated Investment for Project	18. COST OR VALUE FOR PROPERTY TAX	19. COST SUBJECT TO SALES TAX
INITIALLY	INITIALLY		18a	
1	\$ 40,000	a. Land (if donated, show market value)		XXXXXXXXXX
YEAR 1	YEAR 1		18b	
6	\$ 150,000	b. Existing Building(s) (if any)		XXXXXXXXXX
YEAR 2	YEAR 2		18c	
4	\$ 100,000	c. Existing Personal Property (if any)		XXXXXXXXXX
YEAR 3	YEAR 3		18d	
1	\$ 25,000	d. New Building(s) and/or New Additions to Existing Building(s) (19d = building materials only)		\$ 400,000
This form may be used as the application to the granting authority required by Section 40-9B-6(a), Code of Alabama 1975. The information requested here is required by Section 40-9B-6 and Section 40-2-11(7), Code of Alabama 1975.		e. New Manufacturing Machinery	18e	19e
			\$ 518,730	\$ 518,730
		f. Other New Personal Property (non-mfg machinery, office equipment, computers, etc.)	18f	19f
			\$ 46,650	\$ 46,650
		g. TOTALS (PROPERTY TAX TOTAL MUST EQUAL TOTAL PROJECT INVESTMENT. SALES TAX TOTAL WILL BE LESS.)	18g	19g
			\$ 565,380	\$ 965,380

The abatement of noneducational property taxes is based on the market value of specific assets; therefore, the actual amount of taxes abated is determined each year as the property is assessed and valued. An abatement of noneducational sales and use taxes shall apply only to tangible personal property and taxable services incorporated into private use industrial property, the cost of which may be added to capital account with respect to the property, determined without regard to any rule which permits expenditures property chargeable to capital account to be treated as current expenses. No abatement of sales and use taxes shall extend beyond the date private use industrial property is placed in service. A verification inspection of qualifying property will be conducted by the Alabama Department of Revenue to insure compliance with Section 40-9B-1 et seq., Code of Alabama 1975, as amended.

I hereby affirm that, to the best of my knowledge and belief, the information in this application and any accompanying statement, schedules, and other information is true, correct and complete.

In Bae Kim

NAME (PRINT)

SIGNATURE

Managing Member

TITLE

08/17/2015

DATE



KOAM, LLC

2401 Industrial Blvd., Suite 2

Opelika, AL 36801

Phone: (334) 737-3279 Fax: (334) 737-3281

08/20/2015

Here is our proposed list of equipment purchases.

1	Sewing machines (10)	74,730.00
	Multicam 3-204-R-PF08552 CNC	
2	Router	100,000.00
3	Multicam 3-204-P Plasma Cutter	110,000.00
4	Material Handling equipment (2)	54,000.00
5	CNC Bridgeport Milling Maching	40,000.00
6	Roboteck Welder	110,000.00
7	Production Saw	30,000.00
		518,730.00

Sincerely,

Gretchen Deitch

Office Manager

Attachment: KOAM Equipment (228-15 : Tax Abatement, KOAM, LLC)



ALABAMA DEPARTMENT OF REVENUE
SALES, USE & BUSINESS TAX DIVISION

ST: EX-A2
4/01

Application For
Sales and Use Tax Certificate of Exemption
For an Industrial or Research Enterprise Project

This Certificate of Exemption will be limited to purchases which qualify for an abatement of sales and use taxes pursuant to **Code of Alabama 1975**, Section 40-9B-1, et seq.

APPLICANT'S LEGAL NAME		FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN)
KOAM, LLC		27-4395178
MAILING ADDRESS		
2401 Industrial Blvd		
CITY, STATE, AND ZIP		
Opelika, AL 36801		
ADDRESS OF THE PROJECT SITE		
2401 Industrial Blvd, Opelika AL 36801		
CONTACT PERSON	IF CONTRACTOR APPLICATION, NAME OF PRIVATE USER	
Gretchen Deitch		
BUSINESS PHONE NUMBER	DATE ABATEMENT WAS GRANTED	ESTIMATED PROJECT COMPLETION DATE PER ABATEMENT AGREEMENT
(334) 737-3279		12/31/2017

A **prime contractor** must attach written confirmation from the private user that it will be making purchases of tangible personal property to be incorporated into the project referenced above. A **contractor or subcontractor** must attach written confirmation from the private user or the prime contractor that it will be making purchases of tangible personal property to be incorporated into the project referenced above.

The undersigned hereby makes application for a certificate of exemption (Form STE-2) in accordance with the provisions of Sales and Use Tax Rule 810-6-4-.24 and further agrees to abide by the procedures outlined in Sales and Use Tax Rule 810-6-4-.24.01.

Name In Bae Kim
(PLEASE PRINT)

Signature 

Title Managing Member

Date 8/20/2015

Mail to:

Alabama Department of Revenue
Attn: Abatement Program Administrator
P. O. Box 327001
Montgomery, AL 36132-7001
(334) 242-1175

Attachment: KOAM Sales Tax and Usage Certificate of Exemption Application (228-15 : Tax Abatement, KOAM, LLC)

RESOLUTION NO. 229-15

Amend Resolution No. 195-15, Five Grants - ADECA

RESOLUTION NO. _____

**RESOLUTION AMENDING RESOLUTION NO. 195-15 AND AUTHORIZING THE
SUBMITTAL OF FIVE GRANT APPLICATIONS TO THE ALABAMA DEPARTMENT
OF ECONOMIC AND COMMUNITY AFFAIRS, LAW ENFORCEMENT AND
TRAFFIC SAFETY DIVISION**

WHEREAS, the East Central Alabama Highway Safety Office is located in City of Opelika, Alabama; and

WHEREAS, the City of Opelika, Alabama (the “City”) has been delegated the responsibility for administration of certain grant programs through the Alabama Department of Economic and Community Affairs, Law Enforcement and Traffic Safety Division for the following 18 counties in the East Central Region of Alabama: Lee, Macon, Elmore, Chambers, Tallapoosa, Coosa, Chilton, Randolph, Clay, Talladega, Shelby, Cleburne, Calhoun, St. Clair, Jefferson, Blount, Etowah and Cherokee; and

WHEREAS, the City intends to apply for grant funds for the following law enforcement and safety activities and in the following amounts:

(a)	Community Traffic Safety Program Administration Grant	\$178,289.73
(b)	402 Selective Traffic Enforcement	\$252,460.00
(c)	Impaired Driving Hotspot Sustained Enforcement	\$203,700.00
(d)	2016 Click It or Ticket It Law Enforcement Campaign	\$ 57,294.43
(e)	2016 Drive Sober or Get Pulled Over Campaign	\$ 59,405.94

; and

WHEREAS, if awarded, the City will enter into grant agreements with the Alabama Department of Economic and Community Affairs, Law Enforcement Traffic Safety Division for implementation of said grants; and

WHEREAS, if awarded, grant funds will be distributed to law enforcement agencies in the 18 counties in the East Central Alabama Region of the State of Alabama; and

WHEREAS, five (5) grant applications have been prepared and submitted to the City Council for approval as follows:

- (a) Community Traffic Safety Program Administration Grant Application
(Exhibit “A”)
- (b) 402 Selective Traffic Enforcement Grant Application (Exhibit “B”)
- (c) Impaired Driving Hotspot Sustained Enforcement Grant Application
(Exhibit “C”)
- (d) 2016 Click It or Ticket It Law Enforcement Campaign Grant Application
(Exhibit “D”)
- (e) 2016 Drive Sober or Get Pulled Over Campaign Grant Application
(Exhibit “E”)

Collectively referred to as the “Grant Applications”; and

WHEREAS, the City Council has determined that it is now in the best interest of the City and its citizens to approve said grant applications.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama, as follows:

1. That the City Council of the City of Opelika, Alabama, authorizes the submittal of the above grant applications to the Alabama Department of Economic and Community Affairs Law Enforcement and Traffic Safety Division
2. That the Mayor and the Controller (financial officer) are hereby authorized and empowered to execute in the name and on behalf of the City all grant documents, including, but not limited to, the grant applications, necessary to secure grant funds and to implement the above grant projects.
3. That the City agrees to act as the fiscal agent for the administration of the above-referenced grant programs.
4. That the officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of

them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, certificates, assurances or other instruments or other communications under the seal of the City or otherwise, as they or any of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution and the attached grant applications.

5. That the Mayor and Controller are hereby authorized and directed to make all appropriate accounting and budget entries necessary to carry into effect the provisions of the attached Agreement.

6. That this Resolution amends Resolution No. 195-15 referencing the following phrases as follows:

(a) East Alabama Highway Safety Office to East Central Alabama Highway Safety Office.

(b) East Region of Alabama to East Central Region.

7. That this Resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

RESOLUTION NO. (ID # 1317)

Adopting Hazards Mitigation Plan

RESOLUTION NO _____

CITY OF OPELIKA

RESOLUTION ADOPTING HAZARDS MITIGATION PLAN

WHEREAS, the City of Opelika, Alabama has experienced repetitive natural disasters that have damaged commercial, residential and public properties, displaced citizens and businesses, closed streets and bridges, and presented general public health and safety concerns; and

WHEREAS, the community has prepared the *Lee County Natural Hazards Mitigation Plan* that outlines the community's options to reduce overall damage and impact from natural hazards; and

WHEREAS, the *Lee County Natural Hazards Mitigation Plan* has been reviewed by community residents, business owners, and federal, state and local agencies, and has been revised to reflect their concerns;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama, as follows:

1. The *Lee County Natural Hazards Mitigation Plan* is hereby adopted as an official plan of the City of Opelika.
2. The Lee County Natural Mitigation Plan Advisory Committee is hereby

established as the permanent community advisory body. The Lee County Emergency Management Agency shall designate its members, subject to approval of the City Council of the City of Opelika. They shall serve two-year terms. The group's duties shall be as designated by the *Lee County Natural Hazards Mitigation Plan*.

3. The Lee County Emergency Management Agency is charged with supervising the implementation of the Plan's recommendations within the funding limitations as provided by the City Council and the City of Opelika or other sources.
4. The Lee County Emergency Management Agency shall give priority attention to the action items recommended by the *Lee County Natural Hazards Mitigation Plan*.
5. The Lee County Emergency Management Agency shall convene the Lee County Natural Hazards Mitigation Plan Advisory Committee yearly, or as needed. The advisory committee shall monitor implementation of the plan and shall submit a written progress report to City Council of the City of Opelika in accordance with the following format:
 - a. A review of the original plan.
 - b. A review of any disasters or emergencies that occurred during the previous calendar year.
 - c. A review of the actions taken, including the previous year accomplishments.

- d. A discussion of any implementation problems.
- e. Recommendations for new projects, revised action items, or other needed changes to the plan. Such recommendations shall be subject to approval by the City Council of the City of Opelika.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

SEAL:

RESOLUTION NO. 230-15

Amending Fiscal Year 2014/2015 Budget

RESOLUTION NO _____

RESOLUTION AMENDING FISCAL YEAR 2014-15 BUDGET

WHEREAS, the City Council desires to add a new Fund Balance account entitled Fund Balance - Committed for the Carver-Jeter Initiative; and

WHEREAS, the City Council desires to transfer the amounts of certain Fund Balance accounts previously committed for other specific uses to the new Carver-Jeter line item; and

WHEREAS, in addition, the City Council desires to transfer the amount of Fund Balance Committed for the Veterans Memorial to the Unassigned Fund Balance of the General Fund;

NOW, THEREFORE, be it resolved by the City Council of the City of Opelika, Alabama is as follows:

1. That a new Fund Balance account entitled Fund Balance - Committed for the Carver-Jeter Initiative is hereby added to the Chart of Accounts of the City of Opelika.
2. That the amounts from the following accounts are hereby transferred to the new Carver-Jeter Initiative Account:

(1) FB - Committed Farrish Street drainage	\$13,410.00
(2) FB - Committed Southside Park	\$25,000.00
(3) FB - Committed Drainage-Brannon/Jeter	<u>\$14,000.00</u>
Total transferred	\$52,410.00

3. That the Fund Balance Committed for the Veterans Memorial in the amount of \$54,835.37 be hereby transferred to the Unassigned Fund Balance of the General Fund.
4. That the Controller is hereby authorized and directed to make the appropriate budget adjustments and accounting entries necessary to carry out the actions contemplated in this resolution.
5. This resolution shall take in affect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

RESOLUTION NO. 231-15

Approve Expenditures from Carver-Jeter Initiative

RESOLUTION NO _____

RESOLUTION APPROVING EXPENDITURES FROM CARVER-JETER INITIATIVE

WHEREAS, the City Council heretofore approved a conceptual general Master Plan for the development of the Carver-Jeter neighborhoods; and

WHEREAS, the Master Plan authorizes street art at designated intersections in the Carver-Jeter neighborhoods in a way that reflects the heritage, history, character and aspirations of said neighborhoods; and

WHEREAS, Tevin Drake and Carole Carson are known in the community for their artistic abilities; and

WHEREAS, beginning October 10, 2015, Tevin Drake, Carole Carson and community residents will be decorating four (4) designated intersections in the Carver-Jeter neighborhoods; and

WHEREAS, the City Council has determined that it is appropriate to approve the transfer of \$5,000 for certain expenditures from Fund Balance Committed for the Carver-Jeter Initiative account. This transfer will be relative to the fiscal year 2015/2016 budget for the purpose of defraying costs associated with said intersection decorations.

NOW, THEREFORE, be it resolved by the City Council of the City of Opelika, Alabama as follows:

1. That the following expenditures from the Carver-Jeter line item in the 2015/2016 budget are hereby approved:
 - (a) To Tevin Drake and Carole Carson for street art design the sum of \$2,000.00
 - (b) To Sherman Williams and any other vendors selected by the Purchasing Manager for paints and paint supplies an amount not to exceed \$3,000.00.

2. That the Purchasing-Revenue Manager is hereby authorized to issue all purchase orders as necessary to carry into effect the intent of this resolution.
3. That the Mayor and the Controller are hereby authorized and directed to make all necessary budget and accounting entries as appropriate to carry into effect the intent of this resolution.
4. That this resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

RESOLUTION NO. 232-15

Vacate 25 Foot Wide Power Easement at 1105 Preston Street

The petitioners are requesting the City to vacate a 25 foot wide power easement at 1105 Preston Street. There are no utility lines in the 25' x 360' power easement that was platted in 1966. At the August 25th meeting, the Planning Commission voted unanimously to send a positive recommendation to City Council to vacate the easement (See PC report and maps attached). Planning is requesting City Council to approve vacating the easement at the September 1st CC meeting. A public hearing is not required for vacating an easement.

RESOLUTION NO. _____

**RESOLUTION RATIFYING VACATION AND ABANDONMENT
OF UTILITY EASEMENT BETWEEN PRESTON STREET
AND CSX RAILROAD RIGHT-OF-WAY**

WHEREAS, McCraney Farms, LLC, a limited liability company, (the “Petitioner”) is the owner of the land on which a certain utility easement presently exists, as hereinafter described, which easement lies within the City of Opelika, Lee County, Alabama; and

WHEREAS, the Petitioner has executed a Declaration or Petition for vacating and abandoning said easement as described in said Petition, which has been duly presented to the City Council (the “City Council”) of the City of Opelika, Alabama, a municipal corporation, said Petition being hereinafter affixed and marked Exhibit “A” and made a part hereof; and

WHEREAS, it appears to the City Council that the vacation of said easement is in order and that the vacation of said easement will not impair or diminish the City’s ability to provide utility service in the immediate area.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the vacation of the following described utility easement is declared assented to and approved and the same is hereby vacated, said easement being described as follows, to-wit:

SEE ATTACHED EXHIBIT “B” ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE THERETO

BE IT FURTHER RESOLVED, that the City of Opelika, Alabama, a municipal corporation, remise, release and quitclaim unto McCRANEY FARMS, LLC, whatever right, title and interest the said City of Opelika, Alabama, may have acquired in and to the above-described utility easement by virtue of the dedication of said easement or otherwise, and that Gary Fuller, Mayor of the City of Opelika, Alabama, a municipal corporation, be and he is hereby authorized and directed on behalf of the City to execute a quitclaim deed to McCraney Farms, LLC for the purpose of carrying out the intent and intention of this paragraph and that Robert G. Shuman, City Clerk, be and he is hereby authorized and directed on behalf of the City of Opelika, Alabama, to attest the same.

ADOPTED AND APPROVED this the ____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF
THE CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Exhibit "A"**PETITION TO VACATE UTILITY EASEMENT BETWEEN
PRESTON STREET AND CSX RAILROAD RIGHT-OF-WAY**

STATE OF ALABAMA

LEE COUNTY

TO THE HONORABLE MAYOR OF THE CITY OF OPELIKA AND THE COUNCIL
MEMBERS FOR THE CITY OF OPELIKA:

Comes Now **MCCRANEY FARMS LLC**, a limited liability company (hereinafter referred to as the Petitioner), who represents as follows:

1) The Petitioner is the owner of all the property abutting upon a utility easement and it does, by this written instrument, hereby vacate the same in its entirety, said utility easement being described as follows, to wit:

All that certain tract or parcel of land located in and being a part of Section 6, Township 19 North, Range 27 East, Opelika, Lee County, Alabama and being more particularly described as follows:

Beginning at the Southeast corner of Lot 2, Preston Street Industrial Park according to and as shown by map or plat of said subdivision of record in Plat Book 37, at Page 81 in the Office of the Judge of Probate of Lee County, Alabama also being on the Western right of way of CSX Railroad and the POINT of BEGINNING, thence along mentioned Western right of way N11°07'19E 25.66 feet; thence leaving mentioned

right of way S88°07'32"W 170.19 feet; thence S88°26'08"W 203.30 feet to the Northeasterly right of way of North First Street; thence along mentioned Northeasterly right of way S42°54'23"E 33.30 feet; thence leaving mentioned right of way N88°26'08"E 182.05 feet; thence N88°07'32"E 163.80 feet to the POINT of BEGINNING.

The above described property being a portion of a power easement as described in Deed Book 243, Page 58 in the Office of the Judge of Probate of Lee County, Alabama.

See Exhibit "A" attached hereto and incorporated herein by reference thereto.

- 2) The Petitioner desires to vacate the above-described utility easement so as to destroy the force and effect of any dedication of the same and to have divested therefrom all public rights therein.

NOW, THEREFORE, in consideration of the premises, Petitioner hereby requests that your Honors assent to, approve, ratify, and confirm the vacation of the above-described utility easement, and the annulment of any dedication thereof and the divestment of all public rights therein, and that the City of Opelika, through its duly elected officials, adopt such resolution and authorize the execution of such appropriate instrument as may be meet and proper in order to divest the public of all rights to use the same and convey to the Petitioner, all rights, title, and claims and interest which the City has or may have in the utility easement as described above.

IN WITNESS WHEREOF, McCraney Farms, LLC has caused this Petition to be executed on its behalf on this the _____ day of _____, 2015 by its Managing Member.

MCCRANEY FARMS LLC

BY: _____
 Bryan Stone, Its Managing Member

STATE OF ALABAMA)
 LEE COUNTY)

I, the undersigned authority, in and for said County and State or said State at Large, hereby certify that Bryan Stone, whose name is signed to the foregoing instrument as Managing Member of McCraney Farms, LLC, and who is known to me, being informed of the foregoing contents, he, in such capacity and as such Managing Member of McCraney Farms, LLC, and with full authority executed the same voluntarily as the act of the said McCraney Farms, LLC on the day the same bears date.

Given under my hand and official seal of office this the ____ day of _____, 2015.

 NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

Exhibit "B"

Power Easement

All that certain tract or parcel of land located in and being a part of Section 6, Township 19 North, Range 27 East, Opelika, Lee County, Alabama and being more particularly described as follows:

Beginning at the Southeast corner of Lot 2, Preston Street Industrial Park according to and as shown by map or plat of said subdivision of record in Plat Book 37, at Page 81 in the Office of the Judge of Probate of Lee County, Alabama also being on the Western right of way of CSX Railroad and the POINT of BEGINNING, thence along mentioned Western right of way N11°07'19"E 25.66 feet; thence leaving mentioned right of way S88°07'32"W 170.19 feet; thence S88°26'08"W 203.30 feet to the Northeasterly right of way of North First Street; thence along mentioned Northeasterly right of way S42°54'23"E 33.30 feet; thence leaving mentioned right of way N88°26'08"E 182.05 feet; thence N88°07'32"E 163.80 feet to the POINT of BEGINNING.

The above described property being a portion of a power easement as described in Deed Book 243, Page 58 in the Office of the Judge of Probate of Lee County, Alabama.

City of Opelika

Planning Commission Report

Action Requested: Vacate 25 foot wide power easement at 1105 Preston Street

Location of Property: Beginning at Preston Street/N. 1st Street
(See map attached) Intersection of Preston/N. 1st Street

Property Owner(s): Bryan Stone, McCraney Farms, LLC

Current Zoning/Land Use M-1/Vacant

**Surrounding Zoning Districts
And Land Uses:**

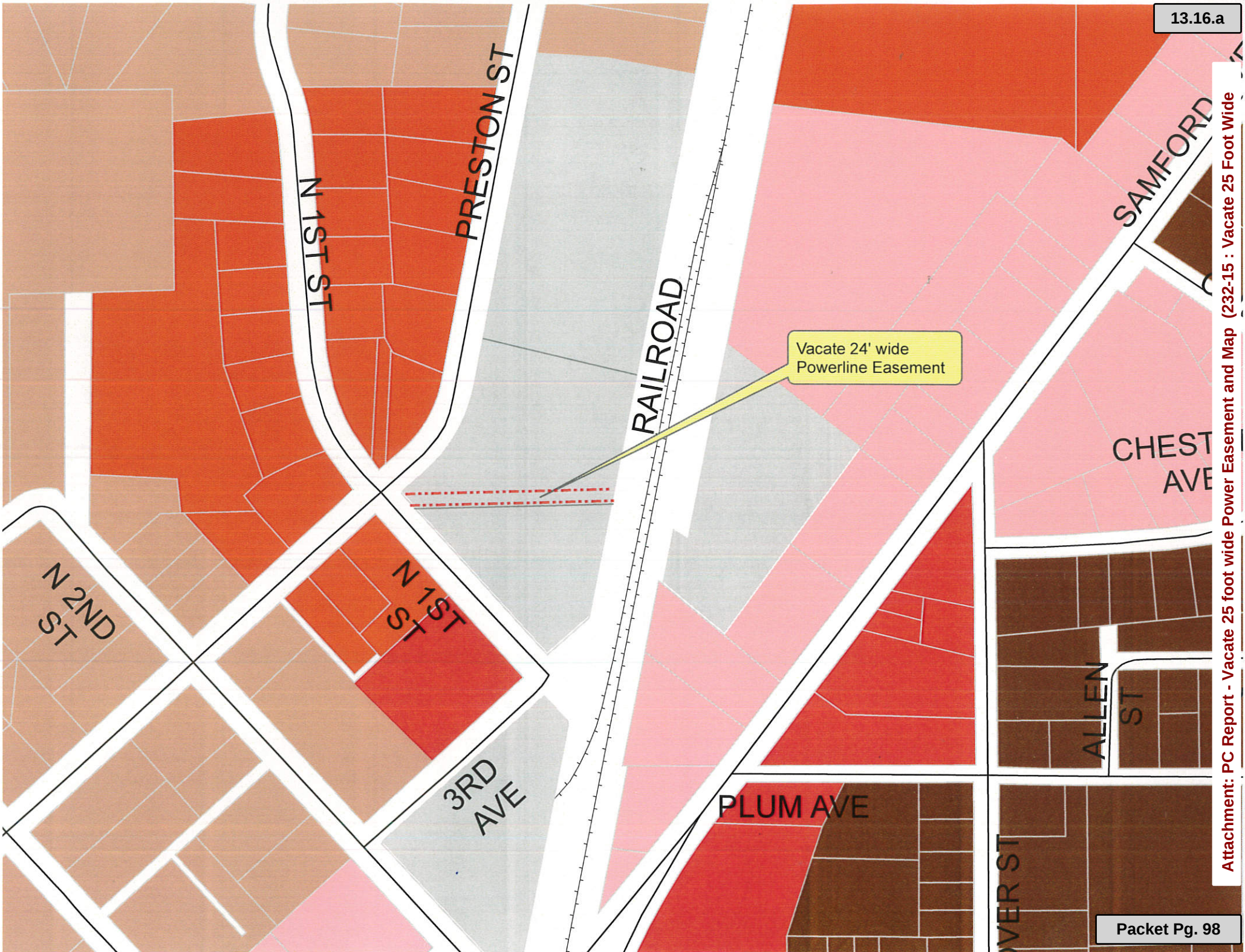
North: R-2/Residential
South: M-1/Piedmont Fertilizer
East: M-1/CSX Railroad
West: R-4/Residential

Proposal:

The petitioner is requesting the City to vacate the 25' (width) X 360' (length) power easement platted in 1966. No improvements are located in this easement.

RECOMMENDATION: Planning staff recommend Approval to City Council

At the August 25th meeting, the Planning Commission voted unanimously to send a positive recommendation to the City Council to vacate the power easement. Staff requesting from City Council resolution approval at the September 1st CC meeting. (A City Council public hearing is not required for vacating an easement.)



RESOLUTION NO. _____

**RESOLUTION RATIFYING VACATION AND ABANDONMENT
OF POWER EASEMENT BETWEEN PRESTON STREET
AND CSX RAILROAD RIGHT-OF-WAY**

WHEREAS, McCraney Farms, LLC, a limited liability company, (the “Petitioner”) is the owner of the land on which a certain power easement presently exists, as hereinafter described, which easement lies within the City of Opelika, Lee County, Alabama; and

WHEREAS, the Petitioner has executed a Declaration or Petition for vacating and abandoning said easement as described in said Petition, which has been duly presented to the City Council (the “City Council”) of the City of Opelika, Alabama, a municipal corporation, said Petition being hereinafter affixed and marked Exhibit “A” and made a part hereof; and

WHEREAS, it appears to the City Council that the vacation of said easement is in order and that the vacation of said easement will not impair or diminish the City’s ability to provide power service in the immediate area.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the vacation of the following described power easement is declared assented to and approved and the same is hereby vacated, said easement being described as follows, to-wit:

SEE ATTACHED EXHIBIT “B” ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE THERETO

BE IT FURTHER RESOLVED, that the City of Opelika, Alabama, a municipal corporation, remise, release and quitclaim unto McCRAINEY FARMS, LLC, whatever right, title and interest the said City of Opelika, Alabama, may have acquired in and to the above-described power easement by virtue of the dedication of said easement or otherwise, and that Gary Fuller, Mayor of the City of Opelika, Alabama, a municipal corporation, be and he is hereby authorized and directed on behalf of the City to execute a quitclaim deed to McCraney Farms, LLC for the

purpose of carrying out the intent and intention of this paragraph and that Robert G. Shuman, City Clerk, be and he is hereby authorized and directed on behalf of the City of Opelika, Alabama, to attest the same.

ADOPTED AND APPROVED this the ____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF
THE CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Exhibit "A"

**PETITION TO VACATE POWER EASEMENT BETWEEN
PRESTON STREET AND CSX RAILROAD RIGHT-OF-WAY**

STATE OF ALABAMA
LEE COUNTY

TO THE HONORABLE MAYOR OF THE CITY OF OPELIKA AND THE COUNCIL
MEMBERS FOR THE CITY OF OPELIKA:

Comes Now **MCCRANEY FARMS LLC**, a limited liability company (hereinafter referred to as the Petitioner), who represents as follows:

1) The Petitioner is the owner of all the property abutting upon a power easement and it does, by this written instrument, hereby vacate the same in its entirety, said power easement being described as follows, to wit:

All that certain tract or parcel of land located in and being a part of Section 6, Township 19 North, Range 27 East, Opelika, Lee County, Alabama and being more particularly described as follows:

Beginning at the Southeast corner of Lot 2, Preston Street Industrial Park according to and as shown by map or plat of said subdivision of record in Plat Book 37, at Page 81 in the Office of the Judge of Probate of Lee County, Alabama also being on the Western right of way of CSX Railroad and the POINT of BEGINNING, thence along mentioned Western right of way N11°07'19E 25.66 feet; thence leaving mentioned right of way S88°07'32"W 170.19 feet; thence S88°26'08"W 203.30 feet to the Northeasterly right of way of North First Street; thence along mentioned Northeasterly right of way S42°54'23"E 33.30 feet; thence leaving mentioned right of way N88°26'08"E 182.05 feet; thence N88°07'32"E 163.80 feet to the POINT of BEGINNING.

The above described property being a portion of a power easement as described in Deed Book 243, Page 58 in the Office of the Judge of Probate of Lee County, Alabama.

See Exhibit "A" attached hereto and incorporated herein by reference thereto.

2) The Petitioner desires to vacate the above-described power easement so as to destroy the force and effect of any dedication of the same and to have divested therefrom all public rights therein.

Attachment: CC - Resolution, Petition and Legal Description (232-15 : Vacate 25 Foot Wide Power Easement at 1105 Preston Street)

NOW, THEREFORE, in consideration of the premises, Petitioner hereby requests that your Honors assent to, approve, ratify, and confirm the vacation of the above-described power easement, and the annulment of any dedication thereof and the divestment of all public rights therein, and that the City of Opelika, through its duly elected officials, adopt such resolution and authorize the execution of such appropriate instrument as may be meet and proper in order to divest the public of all rights to use the same and convey to the Petitioner, all rights, title, and claims and interest which the City has or may have in the power easement as described above.

IN WITNESS WHEREOF, McCraney Farms, LLC has caused this Petition to be executed on its behalf on this the 20th day of August, 2015 by its Managing Member.

MCCRANEY FARMS LLC

BY:


Bryan Stone, Its Managing Member

STATE OF ALABAMA)
LEE COUNTY)

I, the undersigned authority, in and for said County and State or said State at Large, hereby certify that Bryan Stone, whose name is signed to the foregoing instrument as Managing Member of McCraney Farms, LLC, and who is known to me, being informed of the foregoing contents, he, in such capacity and as such Managing Member of McCraney Farms, LLC, and with full authority executed the same voluntarily as the act of the said McCraney Farms, LLC on the day the same bears date.

Given under my hand and official seal of office this the 20 day of August, 2015.


NOTARY PUBLIC

MY COMMISSION EXPIRES: 8/19/17

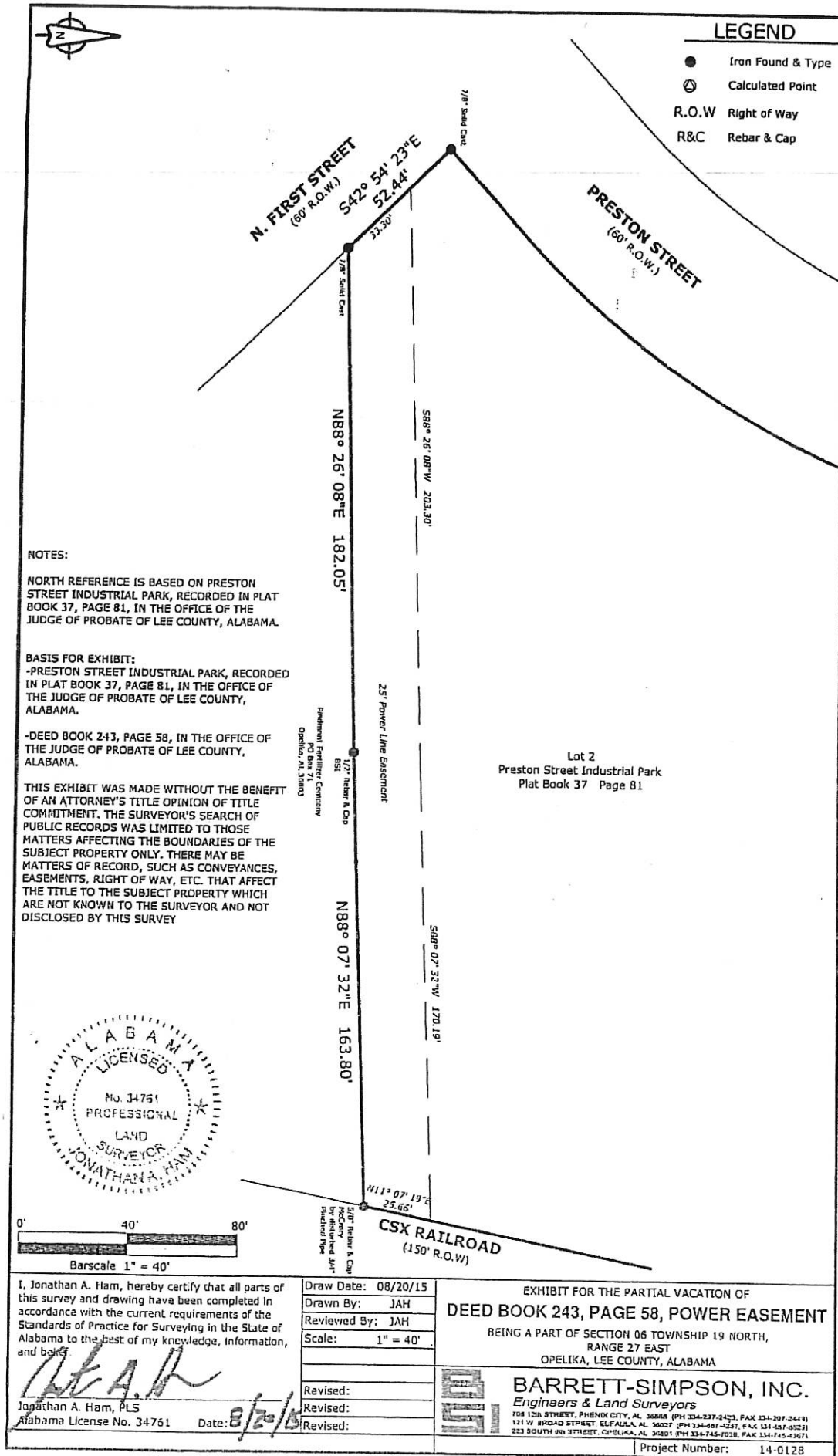
Exhibit "B"

Power Easement

All that certain tract or parcel of land located in and being a part of Section 6, Township 19 North, Range 27 East, Opelika, Lee County, Alabama and being more particularly described as follows:

Beginning at the Southeast corner of Lot 2, Preston Street Industrial Park according to and as shown by map or plat of said subdivision of record in Plat Book 37, at Page 81 in the Office of the Judge of Probate of Lee County, Alabama also being on the Western right of way of CSX Railroad and the POINT of BEGINNING, thence along mentioned Western right of way N11°07'19E 25.66 feet; thence leaving mentioned right of way S88°07'32"W 170.19 feet; thence S88°26'08"W 203.30 feet to the Northeasterly right of way of North First Street; thence along mentioned Northeasterly right of way S42°54'23"E 33.30 feet; thence leaving mentioned right of way N88°26'08"E 182.05 feet; thence N88°07'32"E 163.80 feet to the POINT of BEGINNING. The above described property being a portion of a power easement as described in Deed Book 243, Page 58 in the Office of the Judge of Probate of Lee County, Alabama.

Exhibit "B"



RESOLUTION NO. 233-15

Cell Tower Special Use Permit for Crown Castle

RESOLUTION NO. _____

WHEREAS, Crown Castle has requested to construct a new wireless telecommunication facility located at 345 Lee Road 118, Opelika, AL to provide improved wireless services essentially within the corporate limits and planning jurisdiction of the City of Opelika, and;

WHEREAS, Crown Castle has complied with City's Ordinance No. 102-00 and has demonstrated the need for construction of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and Verizon customers in Opelika will benefit from improved service, and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for construction of this facility located at 345 Lee Road 118, which will consist of a 195' monopole tower and a 75' by 75' wireless telecommunication compound;

THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama that Crown Castle is hereby granted a Special Use Permit to construct the wireless telecommunications facility at 345 Lee Road 118. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion:

1. Prior to issuance of the Building Permit, Crown Castle must submit a Certified Structural Analysis performed in accordance with ANSI/TIA-222-G standard, including the "As Built" foundation design.
2. To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously as possible, the facility must be built, activated and be providing service no later than one hundred eighty (180) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City. Crown Castle

may petition the City of an extension of this for good cause shown, but the decision weather not to grant the extension shall exclusively be the prerogative of the City.

3. Crown Castle must provide contractor information to CMS and to the City prior to request for issuance of the Building Permit.
4. Once Crown Castle has met all the conditions of the permit and any other requirements of the City and a building permit is issued, Crown Castle must notify the City's consultant for all inspections.
5. At the completion of construction, Crown Castle must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
6. Crown Castle shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
7. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED and APPROVED this 1st day of September, 2015.

C.E. "Eddie" Smith, Jr.

President City Council

Opelika, Alabama

ATTEST:

R. G. Shuman, CMC

City Clerk-Treasurer

ORDINANCE NO. 119-15-ORD

Amend Ordinance No. 118-15, Lease Agreement East Central Ala. Highway Safety Office

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 118-15 AND APPROVING LEASE
AGREEMENT WITH EAST CENTRAL ALABAMA HIGHWAY SAFETY OFFICE**

BE IT ORDAINED by the City Council of the City of Opelika, Alabama as follows:

Section 1. It is hereby established and declared that the following described real property of the City of Opelika, Alabama (the "City") is not currently needed for public or municipal purposes, to-wit:

One (1) room on the first floor of the Public Works Administration Building located at 700 Fox Trail, Opelika, Alabama.

Section 2. That the City, having received an offer from East Central Alabama Highway Safety Office to lease said room described in Section 1 above, it is hereby declared to be in the best interest of the public and the City, to lease said office room to East Alabama Highway Safety Office at a monthly rental of \$1,900.00 for a term of one (1) year commencing on October 1, 2015 and ending on September 30, 2016.

Section 3. That a proposed Lease Agreement to be entered into between the City and East Central Alabama Highway Safety Office, a copy of which is attached as Exhibit "A", be and the same is hereby approved, authorized, ratified and confirmed in substantially the form submitted to the City Council.

Section 4. That the Mayor and the City Clerk are hereby authorized and directed to execute, attest and deliver said Lease Agreement in the name and on behalf of the City.

Section 5. That this ordinance amends Ordinance No. 118-15 adopted on August 4, 2015 by changing the name of the lessee from East Alabama Highway Safety Office to East Central Alabama Highway Safety Office.

Section 6. That this ordinance shall become effective immediately upon its adoption and publication as required by law.

Section 7. That the City Clerk of the City of Opelika is hereby authorized and directed to cause this ordinance to be published one (1) time in a newspaper published in and of general circulation in the City of Opelika, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR this the ____ day of _____, 2015.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

STATE OF ALABAMA
COUNTY OF LEE

LEASE AGREEMENT

THIS LEASE made and entered into as of October 1, 2015, by and between the City of Opelika, Alabama, 204 South 7th Street, Opelika, Alabama 36801, hereinafter referred to as LESSOR, and the East Central Alabama Highway Safety Office, 700 Fox Trail (Administration Building) Opelika, Alabama 36801 hereinafter referred to as LESSEE, as follows:

PREMISES

1. LESSOR, in consideration of the mutual covenants herein to be kept and performed by LESSEE does hereby rent and lease to LESSEE the following described property: Room on the first floor of the 700 Fox Trail (Administration Building) Opelika, Alabama 36801. This Lease Agreement is based upon the conditions in the following sections, each and all of which the parties herein agree to fully keep and perform.

TERMS

2. The term of this Lease shall commence on October 1, 2015, and shall run through September 30, 2016.

RENT

3. LESSEE agrees to pay to LESSOR the sum of NINETEEN HUNDRED and NO/100 DOLLARS (\$1,900.00) per month as rental upon the said PREMISES. Office Furnishings to include desks, chairs, tables, bookcases, filing cabinets, and other items shall be included in said rental. The payment is due on or before the first day of the months. Payment will be made to City of Opelika.

USE OF THE PREMISES

4. The PREMISES during the term of this Lease shall be used and occupied solely for the operation of the business office of the Project Director East Central Alabama Highway Safety Program and LESSEE shall not use or permit the same to be used for any other purpose or purposes without prior written consent of LESSOR.

EXAMINATION OF PREMISES

5. LESSEE shall examine said PREMISES before taking possession and LESSEE's entry into possession shall constitute conclusive evidence that as of the date thereof, said PREMISES were in good order and satisfactory condition.

MAINTENANCE AND REPAIR

6. LESSOR shall be responsible for all maintenance and repair of every type and character upon the PREMISES. LESSEE agrees to permit no waste of property but on the contrary, to take good care of same and upon termination of this Lease, to surrender possession of same in as good condition as at the commencement of the term, or as it may be put during the term, as reasonable use and wear thereof will permit.

DAMAGE, LOSS OF PROPERTY, PERSONAL INJURY

- 7.1 LESSOR shall not be liable for any loss of any property of LESSEE, or property of other in the possession or under the control of LESSEE, occurring on or near the premises, or for any damages to or from any property of LESSEE, however occurring.

- 7.2 LESSOR agrees to secure and maintain liability insurance for loss from any accident resulting in bodily injury to or death of persons, and for loss from accident resulting in damage to or destruction of property.
- 7.3 LESSOR agrees to maintain fire, flood and casualty insurance upon the PREMISES to the full extent of its insurable value, provided coverage for the interests of LESSOR or LESSEE.

ENTRY OF LESSOR

8. LESSOR, its agents and representatives, at all reasonable times, may enter said PREMISES for the purpose of inspection thereof. Such entry by or on behalf of LESSOR shall not be or constitute an eviction or deprivation of rights of LESSEE, and shall not alter the obligation of LESSEE hereunder or create any rights in LESSEE adverse to LESSOR, LESSEE will be notified of entry within 24 hours of such entry.

UTILITIES AND SERVICES

9. LESSOR shall provide and pay the costs of all water, sewer, garbage, gas, electrical Power, fuel and other utilities consumed in or at said PREMISES. LESSEE shall provide and pay for all costs of telephone service and additional internet connections.

ASSIGNMENT OR SUBLETTING

10. LESSEE shall have the privilege to assign or transfer this Lease or any benefit or interest herein or sublet the PREMISES only upon the written consent of LESSOR.

DEFAULT

- 11.1 Happening of any one or more of the following listed events, hereinafter referred to as EVENT OF DEFAULT, shall constitute a breach of this Lease Agreement on the part of the LESSEE:
- (a). The filing by or on behalf of the LESSEE of any petition or pleading to declare LESSEE bankrupt, or the adjudication in bankruptcy of LESSEE under any Bankruptcy law or act.
 - (b). The failure of LESSEE to pay any rent payable under this Lease Agreement within (10) days of the due date herein.
 - (c). The failure of LESSEE to fully and properly perform any act required of them in the performance of this Lease or otherwise comply with any term or provisions thereof.
 - (d). The appointing by any court or under any law of a receiver, trustee, or other custodian of property, assets from business of LESSEE.
 - (e). The assignment by LESSEE of all or any part of its property or assets for the benefit of creditors.
 - (f). The levy of execution, attachment or other taking of property, assets or the leasehold interest of the LESSOR by process of law or otherwise, in satisfaction of any judgment, debt or claim.
- 11.2 Upon the happening of any EVENT OF DEFAULT, LESSOR, or any other person by its order, may re-enter the PREMISES without process of law, and without being liable to any prosecution, therefore, and may either elect to terminate this Lease, or if LESSOR desires, not terminate the Lease, but terminate the right to possession and occupancy and relet the said PREMISES to any person, firm or corporation, as the agent of the LESSEE, or otherwise, for whatever rent to shall obtain, applying the such rent first payment of such expenses as the LESSOR may incur in the re-entering and reletting of same, and

- then to the fulfillment of the LESSEE's covenants, and paying over to the LESSEE the balance, if any; the LESSEE shall remain liable for any deficiency.
- 11.3 LESSEE waives service of any demand for payment of rent or notice to terminate or demand for possession of the PREMISES except as provided herein, including any and all forms of demand and notice described by law. LESSEE agrees to pay a reasonable attorney's fee and all costs if it becomes necessary for LESSOR to employ an attorney to enforce any of the provisions of this Lease, and LESSEE expressly waives all exemptions secured to the LESSEE under the laws of the State of Alabama, or any state of the United States as against the collection of the debt herein or hereby incurred or secured.

RELATIONSHIP THAT OF LESSOR AND LESSEE

12. The execution of this Lease or the performance of any act pursuant to the provisions thereof shall not be deemed or construed to have the effect of creating between LESSOR and LESSEE the relationship of principal or agent, or of partnership, or of joint venture, and the relationship between them shall only that of LESSOR and LESSEE.

TAXES

13. LESSOR will pay all real estate property taxes for the ad valorem tax years during the term of this Lease.

NOTICES

14. All notices required to be given to LESSOR hereunder, shall be delivered to City of Opelika, 204 Seventh Street South, Opelika, Alabama 36801, or such other address as LESSOR may direct by written notice forwarded to LESSEE by certified mail. All notices required to be given LESSEE shall be delivered to the address written above, or such address as LESSEE may direct by written notice forwarded to LESSOR by certified mail.

CONVERSION TO TENANCY AT WILL

15. After the terms of this Lease, this Agreement shall convert to a tenancy at will between the parties hereto and may be terminated at any time without cause upon LESSEE's giving notice in writing to LESSOR, or LESSOR's giving notice in writing to LESSEE at least thirty (30) days prior to the termination date.

COMPLIANCE WITH THE LAW

16. LESSEE agrees to comply with all federal, state and local laws governing the operation of this office.

WAIVER

17. The failure of the LESSOR to insist upon strict performance of any of the covenants or conditions of this Lease or to exercise any option herein conferred in any one or more instances shall not be construed as a waiver or relinquishment of any such covenants, conditions or options, but the same shall be and remain in full force and effect. The receipt by the LESSOR of rent, with knowledge of the breach of any covenant hereof, shall not be deemed a waiver of such breach, and no waiver by the LESSOR of any provisions hereof shall be deemed to have been made unless expressed in writing and signed by the LESSOR.

INDEMNITY

18. LESSEE will indemnify and save harmless the LESSOR of and from all fines, suits, claims, demands and actions of any condition hereof on the part of the LESSEE. LESSEE will indemnify, protect and save harmless the LESSOR from any loss, cost, damage, or expense caused by injuries to persons or property while in, on or about said PREMISES herein leased, and any and all property of LESSEE which may be located or stored either in the PREMISES or the building of which the PREMISES forms a part shall be at the sole risk of LESSEE.

NO ORAL AGREEMENT BINDING

19. This Lease contains the entire agreement between the parties hereto, and neither party is bound by any representation or agreement of any kind except as contained herein.

RENEWAL OPTIONS

20. This Lease may be renewed from year to year on the same terms as provided herein for a maximum period five (5) years, unless one party gives the other notice it does not intend to renew at least thirty (30) days prior to the end of the lease year.

LESSOR:
CITY OF OPELIKA, ALABAMA

By: _____

Mr. Gary Fuller, Mayor

ATTEST:

Notary

Date

My Commission Expires

LESSEE:
EAST CENTRAL ALABAMA HIGHWAY SAFETY OFFICE

By: _____

Terry J. Henderson, Director