



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
204 South 7th Street
July 3, 2018
TIME: 7:00 PM

1. Call to Order

President Smith called the Council meeting to order at 7:00 pm and asked Mr. Shuman to call the roll.

2. Roll Call

Mr. Shuman called the roll and all city council members were present.

1. Patricia Jones, Tiffany Gibson-Pitts, Dozier Smith T, David Canon, Eddie Smith

3. Invocation

Mr. Murray provided the invocation.

1. Joseph Murray with the Way 2 Serve Ministries.

4. Pledge of Allegiance

Taylor, Cole and McKell lead the Pledge of Allegiance.

1. Boy Scouts from Troop 354, Taylor Brady, Cole Brady and McKell Stackhouse.

5. Reading of Minutes

1. Minutes from the 6-19-18 city council meeting.

The minutes of the city council meeting on 6-19-18 was approved as prepared.

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller reminded everyone that the Back-to-School sales tax holiday weekend is July 20-22.

Mayor Fuller said because of the July 4th holiday, the Wednesday garbage pickup would be picked up on Thursday and the normal Thursday pickup would be picked up on Friday. He wished everyone a safe and wonderful 4th of July.

8. Citizen Communications

(Limit comments to five minutes or less)

Shirley Lazenby, 1400 Morris Avenue, said they had just closed on 15 acres and now owns over 200 acres on Morris Avenue. If Morris Avenue is to be widened, it should include bike lanes and residential paths. It would be great to have a 12 foot multi-use lane. A bike path all the way to the Sportsplex should be part of the plan as well. The city should also consider having a median and islands on Morris Avenue to help future land development and property values.

Peter Elliott, 1309 Morris Avenue, thanked the Mayor and Council for the opportunity to speak. I have about 4 acres on Morris Avenue. There are signs on Morris Avenue that say "No trucks allowed". However, there are a lot of trucks on Morris Avenue going to the mill. There are many violations and needs to be enforced. Should Morris Avenue be widened, it could let to even more trucks. I am opposed to the widening of Morris Avenue since it will increase car and truck traffic. Also, it is very likely that the City will have to obtain additional Right of Way on certain parts of Morris Avenue to widen the street properly. I think it is a bad idea and ask the City to please reconsider the plans to widen Morris Avenue.

President Smith advised Mr. Elliott that Police Chief McEachern is aware of the trucks on Morris Avenue and tickets are being issued.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Brick Oven Pizza Co. request a retail beer & wine on-premise license.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: David Canon, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

12. Awarding of Bids

1. Bids 141-18 2018 City Wide Resurfacing Continuation - ENG

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

13. Resolutions

1. Resolution 142-18 Expense reports from various departments.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

2. Resolution 143-18 Designate City Personal Property Surplus & Authorize Disposal

RESULT: **APPROVED [UNANIMOUS]**

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

3. Resolution 144-18 Budget Resolution for New Police Dept and Municipal Ct-PD & MC

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

4. Resolution 145-18 Award Bids for New Police Department and Municipal Court - PD & MC

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

5. Resolution 146-18 Authorize Revised Purchase of Real Property, Lauderdale

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

6. Resolution 147-18 Sewer Refund 2709 Rocky Brook Lane.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

7. Resolution 148-18 Purchase-Cisco Equipment-State Contract-IT

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

8. Resolution 149-18 Grant application, I-85 Connector Grant - Eng.

Mr. Smith T reminded the concerned citizens that we are just applying for funding for this project. No final decisions have been made. Should we receive said grant, there will be further discussions and approvals required for the final plans for Morris Avenue.

Mr. Canon said we are years away before breaking ground on this project. Applying for this grant is just the first step.

Ms. Pitts asked if the City can deny these grant funds should the City be awarded this grant. Scott Parker, City Engineer stated the City can decline the grant funds should the City be awarded this grant.

Ms. Jones said we will do what is best for the community. This is just the first step for the City to be considered for Federal grant funds. The final plans and approvals will be decided later if the City receives the grant funding.

President Smith thanked the citizens for speaking and sharing their concerns and ideas with Mayor Fuller and the City Council.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

9. Resolution 150-18 Special appropriation, Dixie Boys Baseball in State Tournament.

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

10. Resolution 151-18 Approve consent order with ADEM.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

14. Ordinances

1. Ordinance Sell City Property to Marsh Real Estate Investments, LLC - 2nd Reading.
This ordinance was introduced by Mr. Smith T.

RESULT: **FIRST READING INTRODUCED**

2. Ordinance Amend City Code Chapter 28 Sec. 28-141 (F), Wastewater Surcharge
Formula - 2nd Reading.

This ordinance was introduced by Mr. Canon.

RESULT: **FIRST READING INTRODUCED**

15. Appointments

1. Appoint Tom Morris to the Al. Municipal Electric Election Committee. Term ends 5-31-19.

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

16. Adjourn

The City Council meeting minutes of July 3, 2018 are hereby adopted and approved this the 17th day of July, 2018.

/s/ Eddie Smith

President of City Council

City of Opelika, Alabama

ATTEST:

/s/ R. G. Shuman

R. G. "Bob" Shuman, CMC

City Clerk - Treasurer

1. Motion to adjourn.

The city council meeting ended at 7:23 pm.

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



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

CM MINUTES (ID # 2892)

Meeting: 07/03/18 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:
DOC ID: 2892

Minutes from the 6-19-18 city council meeting.

COMMENTS - Current Meeting:

The minutes of the city council meeting on 6-19-18 was approved as prepared.

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



OPELIKA CITY COUNCIL “ REGULAR MEETING MINUTES “

204 South 7th Street

June 19, 2018

TIME: 7:00 PM

1. Call to Order

President Smith called the council meeting to order at 7:00pm and asked Mr. Shuman to call the roll.

2. Roll Call

All Council members were present.

1. Patricia Jones, Tiffany Gibson-Pitts, Dozier Smith T, David Canon, Eddie Smith

3. Invocation

Mr. Duncan gave the invocation. President Smith also asked Mr. Duncan to explain what the Global K9 Protection Group is doing since they are located in Opelika. President Smith thanked Mr. Duncan for what he is doing with the Global K9 Protection Group.

1. Jonathan Duncan, Chaplain for the Global K9 Protection Group.

4. Pledge of Allegiance

1. Boy Scouts from Troop 858, Riley Stadler, Zayne Lackey, Atticus O'Banner, Gabriel Boone.

Zayne Lackey was not able to attend the council meeting. Riley, Atticus and Gabriel lead the Pledge of Allegiance.

5. Reading of Minutes

1. Minutes from the 6-05-18 city council meeting.

The minutes were approved as presented.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller reminded everyone that Project Share at OPS is a program that helps senior citizens and the disabled with their heating and cooling bills. The citizens can donate through paying their power bill or make a donation directly to OPS.

Mayor Fuller stated the 10th Street water utility repair should be completed Friday so 10th Street can be reopened to traffic.

1. May 2018 Monthly Building Report

Mayor Fuller called on Joey Motley, City Administrator, to present a summary of the May 2018 Building report.

2. May 2018 City Financial Statements.

Mayor Fuller passed out copies of the May 2018 City Financial Statements to the Council members and asked them to call him, Joey or Cindy if they have any questions.

8. Citizen Communications

(Limit comments to five minutes or less)

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Public Hearing Weed Abatement Assessment - 308 Brannon 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.

2. Public Hearing Weed Abatement Assessment - 1441 Gateway Dr.

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 - 1451 Gateway Dr.

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, project agreement with Renovation - FA & Nuri.

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

12. Awarding of Bids

1. Bids 125-18 Christmas Decorations - ADM

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

13. Resolutions

1. Resolution 126-18 Expense reports from various departments.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

2. Resolution 127-18 Designate City Personal Property Surplus and Authorize Disposal

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

3. Resolution 128-18 Emergency Repairs - Flyght Pump - PW

RESULT: **APPROVED [UNANIMOUS]**

MOVER: David Canon, Council Member

SECONDER: Patricia Jones, President Pro-Tem

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

4. Resolution 129-18 Purchase - Five (5) Two-Way Radios - State Contract - FD

- RESULT:** APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
5. Resolution 130-18 Purchase - One (1) 2018 Ford Explorer 4X2 - State Contract - OPS
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
6. Resolution 131-18 Purchase - Cameras for New Fire Station - Sole Source - IT
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
7. Resolution 132-18 Weed Abatement Assessment - 308 Brannon Ave
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
8. Resolution 133-18 Weed Abatement Assessment - 1441 Gateway Dr.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
9. Resolution 134-18 Weed Abatement Assessment - 1451 Gateway Dr.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
10. Resolution 135-18 Project Agreement with Renovation - FA and Nuri.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
11. Resolution 136-18 Tax abatement agreement with Renovation FA & Nuri.
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
12. Resolution 137-18 Tax Abatement Agreement with Mando.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
13. Resolution 138-18 Special appropriation to Southern Union College Foundation.

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

14. Resolution 139-18 Agreements with Springbuk, Inc. - H/R.

RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

15. Resolution 140-18 Amending Organizational Chart of Opelika Power Services

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

14. Ordinances

15. Appointments

16. Adjourn

The City Council meeting minutes of June 19, 2018 are hereby adopted and approved this the ____ day of _____, 2018.

/s/

 President of City Council
 City of Opelika, Alabama

ATTEST:

/s/

 R. G. "Bob" Shuman, CMC

City Clerk - Treasurer

1. Motion to adjourn.

The council meeting ended at 7:35pm.

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

Attachment: CM 7-03-18, minutes from 6-19-18 CM (2) (2892 : Minutes from the 6-19-18 city council meeting.)



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

Meeting: 07/03/18 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright

Initiator: Lillie Finley
Sponsors:

GENERAL BUSINESS (ID # 2894)

DOC ID: 2894

Brick Oven Pizza Co. request a retail beer & wine on-premise license.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Canon, Council Member
SECONDER:	Tiffany Gibson-Pitts, Council Member
AYES:	Jones, Gibson-Pitts, Smith T, Canon, Smith



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 141-18

Meeting: 07/03/18 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 2909

2018 City Wide Resurfacing Continuation - ENG

RESOLUTION NO. _____

WHEREAS, the Purchasing Department solicited sealed bids for a contract for 2018 City Wide Resurfacing Continuation for the Engineering Department of the City of Opelika; and

WHEREAS, East Alabama Paving Co., Inc. was the sole bidder meeting specifications; and

WHEREAS, budgeted funds will come from the appropriate accounts;

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

1. That the bid be awarded to East Alabama Paving Co., Inc. on their sole bid meeting specifications.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to East Alabama Paving Co., Inc. in the amount of \$285,350.00.
3. That the Controller be authorized to adjust the budget as necessary for this contract.
4. That the Mayor is hereby authorized to sign all documents pertaining to this contract.

APPROVED AND ADOPTED this the _____ day of _____, 2018.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

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

FACT SHEET

SUBJECT: Sealed Bid #18035 – We are asking the Council to approve a contract for 2018 City Wide Resurfacing Continuation

FACTS:

- Bid opening date – 6/27/18
- User department – Engineering
- The bid was mailed to 11 vendors
- 1 bid was received
- East AL Paving Co., Inc. submitted the sole bid meeting specifications
- Budgeted contract
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the bid be awarded to East AL Paving Co., Inc. on their sole bid meeting specifications in the amount of \$285,350.00.**

[illegible]

RESOLUTION NO. 142-18

Expense reports from various departments.

RESOLUTION NO. _____

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

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

Employee	Department	\$ Amount
-----	-----	-----
Jonathan Hill	IT	99.84
Dorothy Daniels	Municipal Court	71.61
Jamie Payne	Municipal Court	71.61
Ashley Smith	Municipal Court	600.64

-) 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.
- 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(s) can be prepared covering the attached expense report(s).
- 5) That the City Treasurer is authorized to sign said check(s) so it can be delivered to the appropriate City employee or official.

ADOPTED and APPROVED this the ____ day of _____, 2018.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - City Treasurer

EXPENSE REPORT

PERIOD ENDING

5-4-2018

NAME

Name ASHLEY SMITH

DEPARTMENT

Department MUNICIPAL COURT

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAINMENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
01.26.18	Opelika, AL to Montgomery, AL					33.84						67.68
01.26.18	Montgomery, AL to Opelika, AL					33.84						
02.02.18	Opelika, AL to Montgomery, AL					33.84						67.68
02.02.18	Montgomery, AL to Opelika, AL					33.84						
02.09.18	Opelika, AL to Montgomery, AL					33.84						67.68
02.09.18	Opelika, AL to Montgomery, AL					33.84						
02.16.18	Opelika, AL to Montgomery, AL					33.84						67.68
02.16.18	Montgomery, AL to Opelika, AL					33.84						
02.23.18	Opelika, AL to Montgomery, AL					33.84						67.68
02.23.18	Montgomery, AL to Opelika, AL					33.84						
05.02.18	Opelika, AL to Mobile, AL					125.90						125.90
05.04.18	Mobile, AL to Opelika, AL					125.90		10.44				136.34
WEEKLY CATEGORY TOTALS \$												
		0.00	0.00	0.00	0.00	590.20	0.00	10.44	0.00	0.00	0.00	600.64

WEEKLY TOTAL EXPENSES ↑

DATE	NAME OF PERSON(S) ENTERTAINED; COMPANY, TITLE	TIME & PLACE	NATURE & PUPOSE OF ENTERTAINMENT	AMOUNT	% OR \$ ALLOCATED TO BUSINESS

NUMBER OF DAYS AWAY FROM HOME

0

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0%

NATURE OR PURPOSE OF TRAVEL

personal vehicle travel to attend Magistrate School

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM
MY ADVANCE

☒ MAIL TO

ITEMIZED AUTOMOBILE EXPENSES		
DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
01.26.18	Opelika to Montgomery & Back	124 miles
02.02.18	Opelika to Montgomery & Back	124 miles
02.09.18	Opelika to Montgomery & Back	124 miles
02.16.18	Opelika to Montgomery & Back	124 miles
02.23.18	Opelika to Montgomery & Back	124 miles
05.02.18	Opelika to Mobile	231 miles
05.04.18	Mobile to Opelika	231 miles

ITEMIZED MISCELLANEOUS EXPENSES		
DATE	ITEMS	AMOUNT

@.545

APPROVED BY: *DS*
 DATE: *5-4-2018*
 SIGNATURE: *ASHLEY SMITH*
 APPROVED BY: *ASHLEY SMITH*

SIGNATURE: *Ashley Smith*
 APPROVED BY: *ASHLEY SMITH*

EXPENSE REPORT

NAME

Name Dorothy Daniels

DEPARTMENT

Department Municipal Court

PERIOD ENDING

6-1-2018

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	Mileage	BREAKFAST	LUNCH	DINNER			
SUN												0.00
MON												0.00
TUE												0.00
WED												0.00
THU												0.00
FRI	Montgomery, AL					\$71.61						\$71.61
SAT												0.00
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	\$71.61	0.00	0.00	0.00	0.00	0.00	\$71.61

WEEKLY TOTAL EXPENSES

DATE	NAME OF PERSON(S) ENTERTAINED; COMPANY, TITLE	TIME & PLACE	NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	% OR \$ ALLOCATED TO BUSINESS

NUMBER OF DAYS AWAY FROM HOME

1

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

Attn 2018 ADC Maintenance Seminar

METHOD OF REIMBURSEMENT

☐

DEDUCT FROM MY ADVANCE

☒

MAIL TO

ITEMIZED AUTOMOBILE EXPENSES		
DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
6-1-18	65.7 x .34.5	\$71.61

\$71.61

ITEMIZED MISCELLANEOUS EXPENSES		
DATE	ITEMS	AMOUNT

SIGNATURE

APPROVED BY

EXPENSE REPORT

NAME
Name

PERIOD ENDING

6-1-2018

DEPARTMENT

Department

Municipal Court

DAY	CITY AND STATE	LODGING	TRANSPORTATION			MILEAGE	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		BREAKFAST	LUNCH	DINNER			
SUN												0.00
MON												0.00
TUE												0.00
WED												0.00
THU												0.00
FRI	Montgomery, AL					13.4						71.61
SAT												0.00
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

WEEKLY TOTAL EXPENSES

DATE	NAME OF PERSON(S) ENTERTAINED, COMPANY, TITLE	TIME & PLACE	NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	% OR \$ ALLOCATED TO BUSINESS

NUMBER OF DAYS AWAY FROM HOME

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

TO Attend magistrate maintenance class

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM MY ADVANCE☒ MAIL TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC	AMOUNT
6-1-18	65.7 x 2 = 131.4 x 1.545	71.61

\$71.61

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

SIGNATURE

APPROVED BY

EXPENSE REPORT

NAME

Jonathan Hill

DEPARTMENT

IT

PERIOD ENDING

6/15/2018

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAIN- MENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	Itemize Below					
SUN							BREAKFAST	LUNCH	DINNER			0.00
MON 6/4	Opelika, AL					49.92						49.92
TUE												0.00
WED												0.00
THU												0.00
FRI 6/8	Atlanta, GA					49.92						49.92
SAT												0.00
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	99.84	0.00	0.00	0.00	0.00	0.00	99.84

WEEKLY TOTAL EXPENSES ↑

DATE	NAME OF PERSON(S) ENTERTAINED; COMPANY, TITLE	TIME & PLACE	NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	% OR \$ ALLOCATED TO BUSINESS

NUMBER OF DAYS AWAY FROM HOME

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

Genetec Conference- Gas Mileage to the Atlanta Airport

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM
MY ADVANCE☒ MAIL TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
6/4	Gas Mileage 91.6*.545	49.92
6/8	Gas Mileage 91.6*.545	49.92

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

SIGNATURE

APPROVED BY

RESOLUTION NO. 143-18

Designate City Personal Property Surplus & 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 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	Lot	Pro Guard Push Bumpers	N/A

SECTION 2. That the Mayor 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.

APPROVED AND ADOPTED this the _____ day of _____, 2018.

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

ATTEST:

Robert G. Shuman
City Clerk - Treasurer

RESOLUTION NO. 144-18

Budget Resolution for New Police Dept and Municipal Ct-PD & MC

RESOLUTION NO. _____

**RESOLUTION APPROVING BUDGET FOR THE
NEW POLICE DEPARTMENT AND MUNICIPAL COURT BUILDING**

WHEREAS, the City of Opelika, Alabama, a municipal corporation organized under the laws of the State of Alabama (the “City”) has determined that the City for general municipal purposes will develop and construct a new Police Department and Municipal Court building to be located at 501 South 10th Street, Opelika, Alabama (the “Project”); and

WHEREAS, the City Council previously authorized The Robins & Morton Group, as construction manager, to prepare a detailed budget for the Project with design plans acceptable to the City; and

WHEREAS, Robins & Morton has provided a detailed Project budget to the City which is acceptable to the City Council; and

WHEREAS, the City Council desires to adopt a total project budget, to include all costs associated with the design, construction and administration of the Project, including costs associated with the demolition of the existing building, whether such costs have been expended or will be expended in the future.

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

1. That the City Council does hereby approve a total project development budget for

the Project in an amount not to exceed \$18,533,407.

2. That a copy of the approved project development budget is attached hereto and marked as Exhibit "A".

3. That all expenditures associated with the Project shall be paid from the Assigned Fund Balance, and that the Controller is hereby authorized and directed to make all necessary and appropriate budget adjustments to implement this Resolution.

4. That the Purchasing-Revenue Manager is hereby authorized and directed to issue such purchase orders as may be necessary to carry out the provisions of this Resolution.

5. That the Mayor or his duly authorized representative is hereby authorized to approve for payment all invoices in accordance with the approved Project budget or as otherwise approved by the City Council.

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

ADOPTED AND APPROVED this the _____ day of _____, 2018.

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

ATTEST:

CITY CLERK

RESOLUTION NO. 145-18

Award Bids for New Police Department and Municipal Court - PD & MC

RESOLUTION NO. _____

**RESOLUTION AWARDING BIDS FOR CONSTRUCTION OF THE
NEW POLICE DEPARTMENT AND MUNICIPAL COURT BUILDING**

WHEREAS, the City Council (“Council”) of the City of Opelika, Alabama (the “City”) has determined that the City for general municipal purposes will develop and construct a new Police Department and Municipal Court building to be located at 501 South 10th Street (the “Project”); and

WHEREAS, the construction work for the Project has been divided into four (4) bid packages (the “Bid Packages”), each of which was competitively bid as separate prime contracts in accordance with the Public Works Law, Alabama *Code* §39-1-1, et.seq.; and

WHEREAS, the City advertised each prime contract as referenced in the bid packages for sealed bids and opened said bids publicly on June 26, 2018 at the advertised time and place; and

WHEREAS, the construction manager and the architect have recommended to the Council that the City award the contracts to the lowest pre-qualified responsible bidders in accordance with Alabama *Code* §39-2-6; and

WHEREAS, the Council desires to award each of said four (4) prime contracts to the lowest pre-qualified responsible bidders as recommended by the construction manager and the architect.

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

1. That Bid Package 1A, General Works, is hereby awarded to Freeman &

Associates on its low bid of \$8,550,000.

2. That Bid Package 5A, Structural Steel, is hereby awarded to Contractor Steel Supply, Inc., on its low bid of \$985, 206.
3. That Bid Package 15A, Mechanical, is hereby awarded to Bradley Plumbing and Heating, Inc., on its low bid of \$1,787,500.
4. That Bid Package 16A, Electrical, is hereby awarded to Auburn Electric Company, Inc., on its low bid of \$2,444,000.
5. That the Mayor is hereby authorized and directed to execute in the name of and on behalf of the City the prime contracts for each of the Bid Packages as provided above, and the City Clerk is hereby authorized and directed to attest said contracts. The Mayor, the City Clerk and the officers of the City are hereby authorized and directed to execute and attest such ancillary documents, notices, instruments and certificates as may be necessary to carry out the provisions of this Resolution or the prime contracts and to punctually observe and perform all agreements and obligations of the City under the prime contracts.
5. The Council certifies that the four (4) prime contracts referenced above are let in accordance with Title 39 of the *Alabama Code*, and all other laws governing the letting and execution of public contracts.
6. The Council does hereby delegate to the Mayor the authority to approve and execute on recommendation of the construction manager and the architect, all change orders related to said prime contracts necessary for the successful delivery of the Project, provided the aggregate amount of said prime contracts and all change orders does not exceed the total project development budget. Notwithstanding the foregoing, the Mayor shall approve and process all change orders in compliance with the provisions of Title 39 of the *Alabama Code* and all other laws governing public contracts.
7. That the Mayor is hereby delegated the authority to approve and execute all professional contracts, such as environmental testing, necessary for the successful delivery of the Project.

8. That the compensation to be paid to the contractors under and pursuant to the prime contracts should be paid from the Assigned Fund Balance, and the Controller is hereby authorized and directed to make all necessary and appropriate budget adjustments to implement this Resolution.

9. That the Purchasing-Revenue Manager is hereby authorized and directed to issue appropriate purchase orders for each of the four (4) Bid Packages as provided above.

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

ADOPTED AND APPROVED this the _____ day of _____, 2018.

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

ATTEST:

 CITY CLERK

FACT SHEET

SUBJECT: Sealed Bid #18029 – We are asking the Council to approve a contract for the New Police Department and Municipal Court

FACTS:

- Bid opening date – 6/26/18
- User department – Police and Municipal Court
- The bid was mailed to 19 vendors
- 9 bids were received
- Budgeted contract
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the bid be awarded to Freeman & Associates, Inc. in the amount of \$8,550,000.00, Contractors Steel Supply, Inc. in the amount of \$985,206.00, Bradley Plumbing & Heating, Inc. in the amount of \$1,787,500.00, and Auburn Electric Company, Inc. in the amount of \$2,444,000.00 on their low bid meeting specifications.**

RESOLUTION NO. 146-18

Authorize Revised Purchase of Real Property, Lauderdale

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE PURCHASE OF
PROPERTY LOCATED ON MARTIN LUTHER KING JR. BOULEVARD FROM
WILLIE M. LAUDERDALE AND KENT M. LAUDERDALE
AND REPEALING RESOLUTION NO. 089-18**

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

1. It is hereby established and declared that the following described real property located in the City of Opelika is needed by the City of Opelika for the construction of the new Opelika Police Department facility:

Commencing at a found 1" open top iron pin located at the intersection of the southeasterly R/W line of Avenue C and the southwesterly R/W line of 10th Street; thence, along the last-mentioned R/W line, S41°01'22"E, 451.75 feet to a found ½" open top iron pin; thence S41°59'12"E, 162.33 feet to a found 1" open top iron pin; thence S44°01'01"W, 11.06 feet to a set ½" capped rebar (Cert. No. 18677); thence S42°14'12"E, 286.51 feet to a magnail set in asphalt; thence S28°25'21"E, 62.49 feet to a set ½" capped rebar (Cert. No. 18677) and the True Point of Beginning of the Parcel of Land herein described; thence continue S28°25'21"E, 41.77 feet to a found concrete R/W monument at the intersection of the southwesterly R/W line of the aforementioned 10th Street with the northwesterly R/W line of Martin Luther King, Jr. Boulevard; thence southwesterly, along said R/W line, being a curve concave northwesterly and having a radius of 690.00 feet, an arc length of 122.45 feet and a chord bearing and distance of S54°15'29"W, 122.29 feet to a set ½" capped rebar (Cert. No. 18677); thence, leaving said R/W line, N30°13'32"W, 45.45 feet to a found ¼" rebar (bent); thence N56°01'37"E, 123.30 feet to the True Point of Beginning.

Said parcel of land being the remainder of Lot 2 of Block 47 of Totten's Official Real Estate Map of Opelika, Alabama, as recorded in Plat Book 2, Page 9, in the office of the Judge of Probate of Lee County, Alabama; lying and being in the northeast quarter of

Section 18, Township 19 North, Range 27 East, in Opelika, Lee County, Alabama, and containing 5550.9 square feet or 0.13 acre, more or less.

The above-described property is further described as Tax Parcel #43 10 04 18 1 001 052.000.

2. That the Mayor is hereby authorized and directed to purchase the premises described in paragraph 1 above from Willie M. Lauderdale and Kent M. Lauderdale, for and in consideration of the sum of \$7,500.00. The purchase price shall be paid to the property owners in cash at closing and shall be paid from the unassigned fund balance of the general fund.

3. That the proposed contract to be entered into between Willie M. Lauderdale and Kent M. Lauderdale, as Sellers, and the City of Opelika, Alabama, as Purchaser, a copy of which is attached hereto as Exhibit "A", be and the same is hereby approved, authorized, ratified and confirmed in the form substantially submitted to the City Council with such changes thereto (by addition, deletion or substitution) as the Mayor shall approve which approval shall be conclusively evidenced by execution and delivery of said Agreement. The Mayor is hereby authorized and directed to execute said contract for and in the name of the City, and the City Clerk is hereby authorized and directed to attest said contract and to affix the seal of the City thereto.

4. The Mayor and the City Clerk are hereby authorized and directed on behalf of the City to execute, deliver and accept all documents and instruments necessary to consummate this transaction.

5. That Resolution No. 089-18 adopted on May 1, 2018 is hereby repealed in its entirety and this Resolution is substituted in lieu thereof.

ADOPTED AND APPROVED this the ____ day of _____, 2018.

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

ATTEST:

CITY CLERK

REAL ESTATE SALES AGREEMENT

BETWEEN

WILLIE M. LAUDERDALE AND KENT M. LAUDERDALE (“SELLERS”)

AND

THE CITY OF OPELIKA, ALABAMA (“PURCHASER”)

Attachment: CM 7-03-18, agreement, purchase real estate, on MLK from Lauderdale. (146-18 : Authorize Revised Purchase of Real Property,

STATE OF ALABAMA)
 :
 COUNTY OF LEE) **REAL ESTATE SALES AGREEMENT**

THIS AGREEMENT made and entered into this the ____ day of _____, 2018 by and between **WILLIE M. LAUDERDALE and KENT M. LAUDERDALE** (hereinafter referred to as “**SELLERS**”): and the **CITY OF OPELIKA, ALABAMA**, a municipal corporation, having address at 204 South 7th Street, Opelika, Alabama (hereinafter referred to as “**PURCHASER**”).

WITNESSETH:

In consideration of the mutual covenants contained herein, **SELLERS** and **PURCHASER** agree as follows:

1. **PURCHASE OF PROPERTY.** **SELLERS** hereby agree to sell and convey unto **PURCHASER**, and **PURCHASER** hereby agrees to purchase from **SELLERS**, subject to the conditions hereinafter set forth, the following described real property located in the City of Opelika, Alabama (hereinafter called “**PROPERTY**”), described as follows:

Commencing at a found 1” open top iron pin located at the intersection of the southeasterly R/W line of Avenue C and the southwesterly R/W line of 10th Street; thence, along the last-mentioned R/W line, S41°01’22”E, 451.75 feet to a found ½” open top iron pin; thence S41°59’12”E, 162.33 feet to a found 1” open top iron pin; thence S44°01’01”W, 11.06 feet to a set ½” capped rebar (Cert. No. 18677); thence S42°14’12”E, 286.51 feet to a magnail set in asphalt; thence S28°25’21”E, 62.49 feet to a set ½” capped rebar (Cert. No. 18677) and the True Point of Beginning of the Parcel of Land herein described; thence continue S28°25’21”E, 41.77 feet to a found concrete R/W monument at the intersection of the southwesterly R/W line of the aforementioned 10th Street with the northwesterly R/W line of Martin Luther King, Jr. Boulevard; thence southwesterly, along said R/W line, being a curve concave northwesterly and having a radius of 690.00 feet, an arc length of 122.45 feet and a chord bearing and distance of S54°15’29”W, 122.29 feet to a set ½” capped rebar (Cert. No. 18677); thence, leaving said R/W line, N30°13’32”W, 45.45 feet to a found ¼” rebar (bent); thence N56°01’37”E, 123.30 feet to the True Point of

Beginning.

Said parcel of land being the remainder of Lot 2 of Block 47 of Totten's Official Real Estate Map of Opelika, Alabama, as recorded in Plat Book 2, Page 9, in the office of the Judge of Probate of Lee County, Alabama; lying and being in the northeast quarter of Section 18, Township 19 North, Range 27 East, in Opelika, Lee County, Alabama, and containing 5550.9 square feet or 0.13 acre, more or less.

The above-described property is further described as Tax Parcel #43 10 04 18 1 001 052.000.

2. **PURCHASE PRICE.** The purchase price for the PROPERTY shall be \$7,500.00, payable in full at the time of closing.

3. **CLOSING:** Subject to the terms and provisions of this Contract, the "Closing" will be held at City Hall, or at such other place as is mutually agreeable to the **SELLERS** and the **PURCHASER** on a date to be designated by the **PURCHASER** within thirty (30) days after the date hereof. At Closing and upon the payment of the entire purchase price as recited in this Contract, the **SELLERS** shall execute and deliver to **PURCHASER** a quitclaim deed releasing to the **PURCHASER** all the right, title, interest or claim of the **SELLERS** to the property. At closing, **PURCHASER** shall deliver to **SELLERS** a check in the amount of the purchase price. There shall be no proration of 2017-2018 property taxes and the **PURCHASER** shall be responsible for the payment of all property taxes on the real estate when they become due on October 1, 2018.

4. **PROPERTY "As Is":** **PURCHASER** has heretofore inspected the PROPERTY and is acquainted with the condition of the PROPERTY. **PURCHASER** agrees to take the PROPERTY "as is", in its present condition. The provisions of this Section shall survive closing and shall survive the expiration or earlier termination of this Agreement.

5. **POSSESSION:** **SELLERS** shall deliver to **PURCHASER** possession of the PROPERTY at closing.

6. **BROKERS.** Each party represents to the other that it has not dealt with any real estate broker or agent or finder in connection with this Agreement. The parties agree to indemnify and hold one another harmless based upon their actions and dealings of any claims or causes of any actions concerning any brokerage or finders' fees or commissions

7. **CHARITABLE DEDUCTION.** **SELLERS** may be entitled to a charitable contribution deduction equal to the difference between the fair market value of the Property and the purchase price. The **PURCHASER** has furnished to the **SELLERS** a detailed appraisal report of the Property prepared by William H. Brown of the Brown Agency, Inc. According to the appraisal report, the market value of the property is \$10,000.00. The **SELLERS** or their accountants shall prepare any affidavits or forms required by the Internal Revenue Service or Alabama Department of Revenue to claim the appropriate charitable deduction.

8. **DEFAULT.** In the event of a default by **SELLERS** or **PURCHASER**, the non-defaulting party may state its or his intention to comply with the contract and seek specific performance of this contract or bring suit for damages.

9. **LEGAL FEES.** Each party agrees to pay its own legal fees for closing this transaction.

10. **SURVIVAL OF TERMS.** The **SELLERS'** covenants and representations shall survive the closing and shall not be merged in the deed delivered by **SELLERS**.

11. **BINDING EFFECT.** This Contract shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, legal representatives, successors and

assigns.

12. **ENTIRE AGREEMENT.** This Contract embodies the entire agreement between the parties hereto and there are no oral or parole agreements existing between the **SELLERS** and the **PURCHASER** relating to the subject matter which is not expressly set forth herein and covered hereby.

13. **TIME OF ESSENCE.** Time is of the essence of this Contract.

14. **CONSTRUCTION.** This Agreement shall be governed and construed in accordance with the State of Alabama.

14. **COUNTERPARTS.** This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which taken together shall constitute one and the same instrument. The date of this Agreement shall be the date of **PURCHASER**'s execution hereof.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have hereunto set their hands and seals on the day and date first above written.

WILLIE M. LAUDERDALE

KENT M. LAUDERDALE

**CITY OF OPELIKA, ALABAMA--
PURCHASER**

By: _____
ITS MAYOR

ATTEST:

CITY CLERK

RESOLUTION NO. 147-18

Sewer Refund 2709 Rocky Brook Lane.

Sewer Refund 2709 Rocky Brook Ln Michael Allen Homes

RESOLUTION NO. _____

Whereas, a petition by Michael Allen Homes, Inc. for the property located at 2709 Rocky Brook Ln, has been presented to the City of Opelika for refund of sewer assessment fee overpaid in the amount of \$1,250.00; and

Whereas, the petition has been validated by the sewer collection personnel for the City of Opelika, Alabama, and

Whereas, the amount of credit due was verified by the Public Works Dept,

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

- 1) That the petitioner be and the same is entitled to a refund in said amount; and
- 2) That the Public Works Director is hereby authorized to process the necessary paperwork so said refund check can be prepared.
- 3) That the Clerk of the City of Opelika is hereby authorized to refund said fees to the petitioner at 2709 Rocky Brook Ln, Opelika, Alabama 36801, in the amount of \$1,250.00.

APPROVED and ADOPTED this the ____ day of _____, 2018.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. 148-18

Purchase-Cisco Equipment-State Contract-IT

RESOLUTION NO. _____

WHEREAS, the Information Technology Department desires to purchase Cisco equipment utilizing State Contract #T637 for additional bandwidth and upgrades for the Intelligent City-Camera System; and

WHEREAS, CDW Government LLC is the State Contract Vendor for the Cisco equipment; and

WHEREAS, funding for this purchase will come from Capital Expenditures;

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

1. That the purchase be awarded to CDW Government LLC utilizing the State of Alabama Contract.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to CDW Government LLC in the total amount of \$82,472.58.
3. The Controller is authorized to adjust the budget as necessary for this purchase.
4. That the Mayor is hereby authorized to sign all documents pertaining to this purchase.

APPROVED AND ADOPTED this the _____ day of _____, 2018.

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

ATTEST:

Robert G. Shuman
City Clerk - Treasurer



QUOTE CONFIRMATION

DEAR STEPHEN DAWE,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
JWFJ432	6/18/2018	JWFJ432	0936449	\$82,472.58

IMPORTANT - PLEASE READ

Special Instructions: TAX: MULTIPLE TAX JURISDICTIONS APPLY
TAX: CONTACT CDW FOR TAX DETAILS

QUOTE DETAILS

ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
Cisco Catalyst 9300 - Network Essentials - switch - 24 ports - managed - ra Mfg. Part#: C9300-24P-E UNSPSC: 43222612 TAX: OPELIKA, AL .0000% \$.00 Contract: MARKET	4	4708805	\$3,240.00	\$12,960.00
Cisco SMARTnet extended service agreement Mfg. Part#: CON-SNT-C93002PE UNSPSC: 81111812 Electronic distribution - NO MEDIA TAX: OPELIKA, AL .0000% \$.00 Contract: MARKET	4	4708810	\$343.13	\$1,372.52
Cisco Config 1 Secondary Power Supply - power supply - hot-plug / redundant Mfg. Part#: PWR-C1-715WAC/2 UNSPSC: 39121004 TAX: OPELIKA, AL .0000% \$.00 Contract: State of Alabama Networking-T637 (T637-4013346)	4	2966332	\$743.75	\$2,975.00
Cisco Catalyst 9300 Series Network Module - expansion module Mfg. Part#: C9300-NM-8X UNSPSC: 43201404 TAX: OPELIKA, AL .0000% \$.00 Contract: MARKET	4	4727526	\$1,701.82	\$6,807.28
Cisco StackWise 480 - stacking cable - 1.6 ft Mfg. Part#: STACK-T1-50CM UNSPSC: 26121609 TAX: OPELIKA, AL .0000% \$.00 Contract: MARKET	4	4752735	\$69.75	\$279.00
Cisco StackPower - power cable - 1 ft Mfg. Part#: CAB-SPWR-30CM UNSPSC: 26121636 TAX: OPELIKA, AL .0000% \$.00	4	4752739	\$66.97	\$267.88

QUOTE DETAILS (CONT.)

Contract: MARKET

<u>Cisco Digital Network Architecture Essentials - Term License (3 years) - 24</u>	4	4756239	\$408.97	\$1,635.88
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Mfg. Part#: C9300-DNA-E-24-3Y

UNSPSC: 43233204

Electronic distribution - NO MEDIA

TAX: OPELIKA, AL .0000% \$.00

Contract: MARKET

<u>Cisco Catalyst 9300 - Network Essentials - switch - 48 ports - managed - ra</u>	5	4708816	\$6,551.84	\$32,759.20
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Mfg. Part#: C9300-48P-E

UNSPSC: 43222612

TAX: OPELIKA, AL .0000% \$.00

Contract: MARKET

<u>Cisco SMARTnet extended service agreement</u>	5	4735874	\$644.93	\$3,224.65
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Mfg. Part#: CON-SNT-C93004PE

UNSPSC: 81111812

Electronic distribution - NO MEDIA

TAX: OPELIKA, AL .0000% \$.00

Contract: MARKET

<u>Cisco Config 1 Secondary Power Supply - power supply - hot-plug / redundant</u>	5	2966332	\$743.75	\$3,718.75
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Mfg. Part#: PWR-C1-715WAC/2

UNSPSC: 39121004

TAX: OPELIKA, AL .0000% \$.00

Contract: State of Alabama Networking-T637 (T637-4013346)

<u>Cisco Catalyst 9300 Series Network Module - expansion module</u>	5	4727526	\$1,500.00	\$7,500.00
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Mfg. Part#: C9300-NM-8X

UNSPSC: 43201404

TAX: OPELIKA, AL .0000% \$.00

Contract: MARKET

<u>Cisco StackWise 480 - stacking cable - 1.6 ft</u>	5	4752735	\$60.00	\$300.00
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Mfg. Part#: STACK-T1-50CM

UNSPSC: 26121609

TAX: OPELIKA, AL .0000% \$.00

Contract: MARKET

<u>Cisco StackPower - power cable - 1 ft</u>	5	4752739	\$57.00	\$285.00
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Mfg. Part#: CAB-SPWR-30CM

UNSPSC: 26121636

TAX: OPELIKA, AL .0000% \$.00

Contract: MARKET

<u>Cisco Digital Network Architecture Essentials - Term License (3 years) - 48</u>	5	4728329	\$726.70	\$3,633.50
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Mfg. Part#: C9300-DNA-E-48-3Y

UNSPSC: 43233204

Electronic distribution - NO MEDIA

TAX: OPELIKA, AL .0000% \$.00

Contract: MARKET

<u>Cisco Catalyst 3560CX-8XPD-S - switch - 8 ports - managed - rack-mountable</u>	3	3797317	\$1,425.03	\$4,275.09
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Mfg. Part#: WS-C3560CX-8XPD-S

UNSPSC: 43222612

TAX: OPELIKA, AL .0000% \$.00

Contract: State of Alabama Networking-T637 (T637-4013346)

<u>Cisco SMARTnet extended service agreement</u>	3	4257528	\$129.86	\$389.58
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Attachment: 7-3-18 - INTELLIGENT CITY CAMERA SYSTEM BANDWIDTH & UPGRADES - STATE CONTRACT #T637 - CNCL PKT (148-18 :

QUOTE DETAILS (CONT.)

Mfg. Part#: CON-SNT-WSC356CD

UNSPSC: 81111812

Electronic distribution - NO MEDIA

TAX: OPELIKA, AL .0000% \$.00

Contract: State of Alabama Networking-T637 (T637-4013346)

[Cisco power cable retainer](#)

3

2869108

\$0.00

\$0.00

Mfg. Part#: PWR-CLP

UNSPSC: 39131709

TAX: OPELIKA, AL .0000% \$.00

Contract: MARKET

[Cisco power cable - 8 ft](#)

3

3017736

\$29.75

\$89.25

Mfg. Part#: CAB-TA-NA=

UNSPSC: 26121636

TAX: OPELIKA, AL .0000% \$.00

Contract: State of Alabama Networking-T637 (T637-4013346)

PURCHASER BILLING INFO

Billing Address:

CITY OF OPELIKA

ACCOUNTS PAYABLE

PO BOX 390

OPELIKA, AL 36803-0390

Phone: (334) 705-5120

Payment Terms: Net 30 Days-Govt State/Local

SUBTOTAL

\$82,472.58

SHIPPING

\$0.00

GRAND TOTAL

\$82,472.58

DELIVER TO

Shipping Address:

CITY OF OPELIKA

STEPHEN DAWE

204 S 7TH ST

OPELIKA, AL 36801

Shipping Method: DROP SHIP-GROUND

Please remit payments to:

CDW Government
75 Remittance Drive
Suite 1515
Chicago, IL 60675-1515

Need Assistance? CDW•G SALES CONTACT INFORMATION



Griffin Curcio

(877) 635-6656

grifcur@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at

<http://www.cdwg.com/content/terms-conditions/product-sales.aspx>

For more information, contact a CDW account manager

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State of Alabama
Department of Finance
Division of Purchasing
Master Agreement
Modification

13.7.a

CONTRACT INFORMATION

MASTER AGREEMENT NUMBER: MA 999 T6374013346

NOT TO EXCEED AMOUNT:

Begin Date: 09/01/2015

Procurement Folder: 165311

Expiration Date: 08/31/2018

Procurement Type: Master Agreement

Solicitation Number:

Replaces Award Document:

Award Date:

Replaced by Award Document:

Modification Date: 07/26/17

Version Number: 4

CONTACT INFORMATION

REQUESTOR:

Jennifer Loretz

334-242-7370

jennifer.loretz@purchasing.alabama.gov

ISSUER:

Jennifer Loretz

334-242-7370

jennifer.loretz@purchasing.alabama.gov

BUYER:

Jennifer Loretz

334-242-7370

jennifer.loretz@purchasing.alabama.gov

CONTRACT DESCRIPTION

Ship To:

Bill To:

REASON FOR MODIFICATION

Contract Renewed.

VENDOR INFORMATION

Name /Address:

VC000004220: CDW GOVERNMENT INC

75 REMITTANCE DR

SUITE 1515

CHICAGO IL 60675-1515

Contact:

Brittany Logan

877-742-3146 EXT: 1421

britlog@cdwg.com

Attachment: 7-3-18 - INTELLIGENT CITY CAMERA SYSTEM BANDWIDTH & UPGRADES - STATE CONTRACT #T637 - CNCL PKT (148-18 :

COMMODITY / SERVICE INFORMATION

13.7.a

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
1	0		\$0.000000	\$0.00			\$0.00	\$0.00

20540066697CNV - DO NOT USE: To be inactivated.

NETWORKING: CISCO PRODUCTS CATALOG PERCENT OFF

NETWORKING: CISCO PRODUCTS CATALOG PERCENT OFF: 1. SECURITY PRODUCTS: 40.5% (FIREWALLS AND SECURITY DEVICES)
 2. NETWORKING PRODUCTS: 40.5% (ROUTERS, SWITCHES, ACCESS POINTS, VARIOUS NETWORK SUPPORT DEVICES) 3.
 SMARTNET SERVICES: 14% 4. MISCELLANEOUS CATALOG: 40.5% (CABLES, CONNECTORS, GBICS)

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
3	0		\$0.000000	\$0.00			\$0.00	\$0.00

72555071934CNV - DO NOT USE: Inactivated 3-24-17.

USE LINE 5

TELEPHONY: CISCO PRODUCTS CATALOG PERCENT OFF 1. COLLABORATION & VOICE PRODUCTS: 40.5% (E.G. PHONES, VIDEO
 ENDPOINTS, VOICE GATEWAYS) 2. SOFTWARE & LICENSED PRODUCTS: 40.5% (E.G. LICENSING FOR VARIOUS VOICE PRODUCT
 LINES, UCC, UCM, UNITY, AND OTHER SUPPORT OPTIONS) 3. SMARTNET SERVICES: 14% 4. MISCELLANEOUS PARTS: 40.5%

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
4	0		\$0.000000	\$0.00			\$0.00	\$0.00

83900 - TELEPHONE EQUIPMENT, ACCESSORIES AND SUPPLIES

USE LINE 1

NETWORKING: CISCO PRODUCTS CATALOG PERCENT OFF: 1. SECURITY PRODUCTS: 40.5% (FIREWALLS AND SECURITY DEVICES)
 2. NETWORKING PRODUCTS: 40.5% (ROUTERS, SWITCHES, ACCESS POINTS, VARIOUS NETWORK SUPPORT DEVICES) 3.
 SMARTNET SERVICES: 14% 4. MISCELLANEOUS CATALOG: 40.5% (CABLES, CONNECTORS, GBICS)

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
5	0		\$0.000000	\$0.00			\$0.00	\$0.00

83900 - TELEPHONE EQUIPMENT, ACCESSORIES AND SUPPLIES

TELEPHONY: CISCO PRODUCTS CATALOG PERCENT OFF

TELEPHONY: CISCO PRODUCTS CATALOG PERCENT OFF 1. COLLABORATION & VOICE PRODUCTS: 40.5% (E.G. PHONES, VIDEO
 ENDPOINTS, VOICE GATEWAYS) 2. SOFTWARE & LICENSED PRODUCTS: 40.5% (E.G. LICENSING FOR VARIOUS VOICE PRODUCT
 LINES, UCC, UCM, UNITY, AND OTHER SUPPORT OPTIONS) 3. SMARTNET SERVICES: 14% 4. MISCELLANEOUS PARTS: 40.5%

All terms, conditions, and any amendments to solicitation are part of this contract as if fully reproduced herein .

Approved:



Purchasing Director

APPROVALS

Date	Status Before	Status After	Approver

RESOLUTION NO. 149-18

Grant application, I-85 Connector Grant - Eng.

Resolution no. _____

WHEREAS, the US Department of Transportation has the authority to award grants under the BUILD Transportation Discretionary Program; and

WHEREAS, the City of Opelika recognizes the construct an outer transportation corridor to improve safety and efficiency. .

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

1. Authorization is given to submit a Grant Application under said program.
2. Authorization is given to the Mayor to sign any and all documents to secure said grants.
3. The total project cost is estimated to be \$22,414,095. The City is requesting the amount of \$17,931,276 and will contribute 20% of the total project cost estimated to be \$4,482,819.

APPROVED AND ADOPTED, this _____ day of _____, 2018.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk -Treasurer

City of Opelika
FY 2018 BUILD Transportation Discretionary Program
EXECUTIVE SUMMARY

The City of Opelika is requesting grant assistance from the US Department of Transportation (DOT) under the FY 2018 BUILD Transportation Discretionary Program to construct “Opelika I-85 Connector”. The purpose of the project is to create a more efficient transportation system that improves safety and supports economic development.

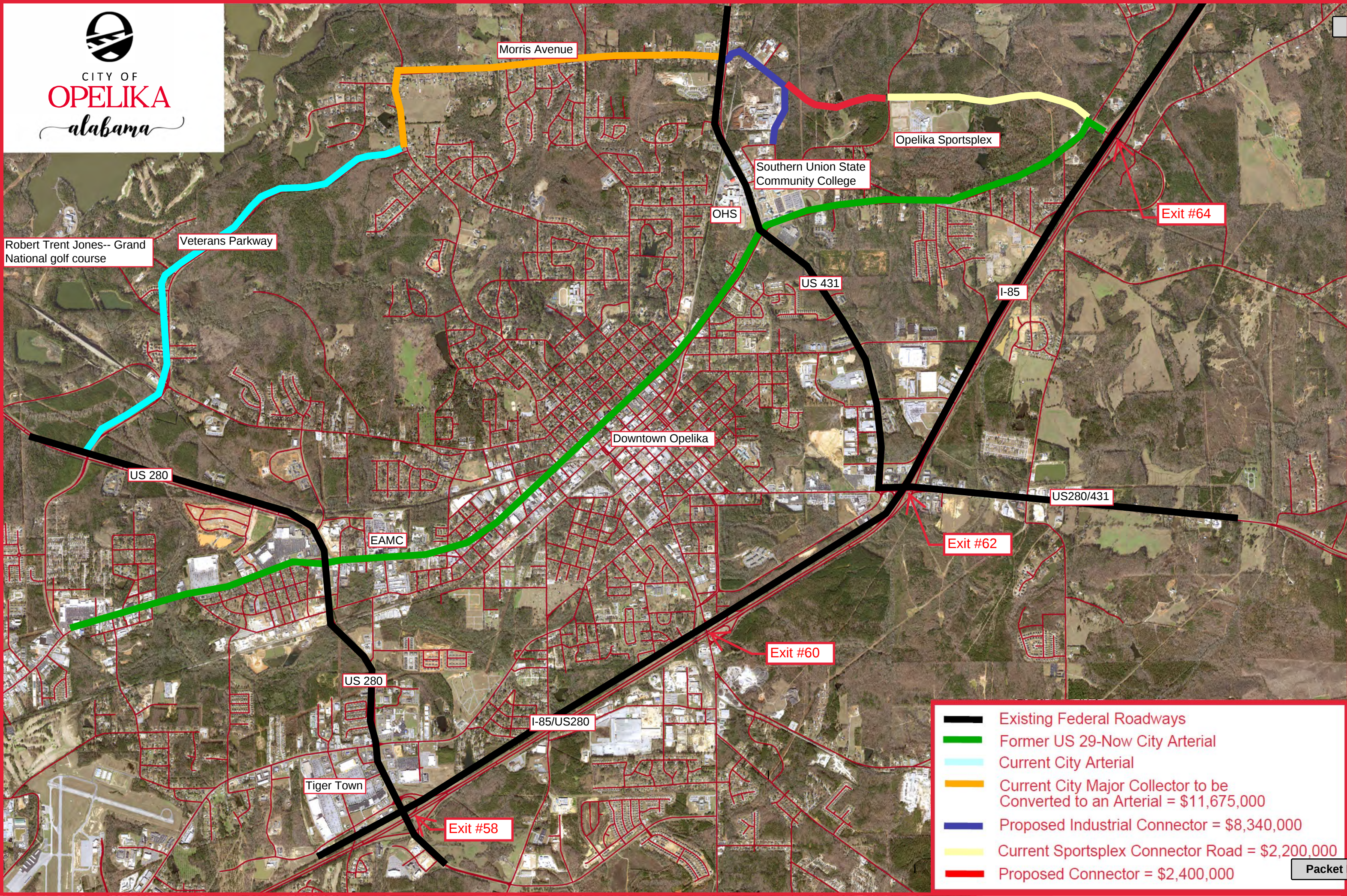
The total project cost is estimated at \$ 22,414,095. Opelika is requesting a grant in the amount of \$ 17,931,276 and Opelika is committing \$ 4,482,819 in local funds. There are three primary key components of the project that include:

- Oak Bowery Road and Morris Avenue Widening and Improvements
12,000 linear feet of existing roadway widened from 24’ to 36’ and installation of new sidewalks and curb/gutter
- Industrial Access Improvement Connector with Railroad Overpass
1,000 linear feet of new industrial access road 32’ in width and 160 linear feet of railroad bridge crossing; 2800 linear feet of existing roadway widened from 28’ to 32’ in support of a \$ 92 million expansion of West Fraser lumber processing facility
- Sportsplex Connector
3,500 linear feet of new roadway 32’ in width to connect to the Sportsplex Parkway currently under construction.

Taking advantage of existing roadways in Opelika that link the National Highway System routes, the project will essentially create a transportation loop from U.S Highway 280 north of Opelika to Exit 64 US Interstate Highway 85. This outer loop will improve the flow of traffic through Opelika, support a major industrial expansion, and improve access for existing industries located in the Opelika Northwest Industrial Park. The project will also contribute to easing traffic congestion and resulting traffic accidents on current existing routes:

- Reduce traffic congestion and reduce traffic accidents on US Highway 431
- Reduce traffic congestion and reduce traffic accidents at Exit 62 US Interstate 85
- Reduce traffic congestion and reduce accidents on City streets in Downtown Opelika

The Grant Application will be submitted on the www.grants.gov website no later than July 19, 2018 with funding decisions by DOT anticipated by December 2018.



- Existing Federal Roadways
- Former US 29-Now City Arterial
- Current City Arterial
- Current City Major Collector to be Converted to an Arterial = \$11,675,000
- Proposed Industrial Connector = \$8,340,000
- Current Sportsplex Connector Road = \$2,200,000
- Proposed Connector = \$2,400,000

RESOLUTION NO. 150-18

Special appropriation, Dixie Boys Baseball in State Tournament.**RESOLUTION NO. _____**

WHEREAS, Mayor Fuller and the City Council congratulate and fully support the Opelika Dixie Boys (13-14 years old) All-Stars baseball team in earning the right to play in the 2018 Alabama State Tournament; and

WHEREAS, the City of Opelika and its Park and Recreation department is proud to help sponsor and assist the Dixie Boys baseball team in covering the expense of attending the Alabama State Tournament; and

WHEREAS, all five Council members wishes to contribute \$300.00 from their respective discretionary funds.

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

1. That the City Council approves said request to provide a total of \$1500.00 to assist in covering the various expenses of the Dixie Boys baseball team attending the 2018 Alabama State Tournament.
2. That City Council members wish to provide \$300.00 each from their discretionary funds as detailed below with said funds to be used as explained in No. 1 above:

Patricia A. Jones	Ward 1	Reserve fund	\$300.00
Tiffany Gibson-Pitts	Ward 2	Current year acct.	\$300.00
Dozier Smith T	Ward 3	Reserve fund	\$300.00
Eddie Smith	Ward 4	Reserve fund	\$300.00
David Canon	Ward 5	Reserve fund	\$300.00

3. That the City Council hereby declares and determines that the expenditure of these
public funds will serve a public purpose for the City of Opelika.
4. The Mayor and the Controller is hereby authorized and directed to make a budget adjustment(s) to move a total of \$1500.00 from the specific fund or account as designated in No. 2 above to the appropriate account in the Park & Recreation

current year budget.

5. The Opelika Park & Recreations Director will insure that these funds are made available to the appropriate person(s) and spent as designated above by the Opelika City Council.

APPROVED and ADOPTED this the ____ day of _____, 2018.

C. E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

Attest:

Robert G. Shuman, CMC

City Clerk - Treasurer

RESOLUTION NO. 151-18

Approve consent order with ADEM.

RESOLUTION NO. _____

**RESOLUTION APPROVING CONSENT ORDER TO RESOLVE AND SETTLE
VIOLATIONS ALLEGED BY THE ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT REGARDING THE DEMOLITION BY FIRE OF
AN ABANDONED HOUSE LOCATED AT 2718 ANDERSON ROAD**

WHEREAS, on March 7, 2018, the Opelika Fire Department burned an abandoned house located at 2718 Anderson Road for fire training purposes; and

WHEREAS, on March 26, 2018, the Alabama Department of Environmental Management (hereinafter "ADEM") issued a letter of inquiry to the City of Opelika concerning the demolition by fire of said abandoned house; and

WHEREAS, ADEM takes the position that the burning of said residential dwelling by firemen for training purposes is subject to the requirements of the Asbestos National Emissions Standards for Hazardous Air Pollution ("Asbestos NESHAP"); and

WHEREAS, asbestos regulations are enforced in Alabama by ADEM; and

WHEREAS, ADEM alleges that the Opelika Fire Department violated Asbestos NESHAP requirements and regulations for open burning and fire training because

(a) The Fire Department failed to perform an inspection by a certified asbestos inspector as required by 40 CFR Part 61 Subpart SM, and

(b) The Fire Department failed to notify ADEM at least ten (10) working days before the demolition; and

WHEREAS, the City of Opelika (the “City”) and ADEM have now negotiated the terms and conditions of a proposed Consent Order of all claims arising out of the demolition by fire of said abandoned house; and

WHEREAS, a proposed Consent Order to be entered into between the City and ADEM was prepared and submitted to the City Council for approval, and the City Council has determined that it is now in the best interest of the City and its citizens to approve said Consent Order.

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

1. That the proposed Consent Order to be entered into between the City and ADEM, a copy of which is attached hereto and marked Exhibit “A”, be and the same is hereby approved, authorized, ratified and confirmed in the form substantially submitted to the City Council with such changes thereto (by addition, deletion or substitution) as the Mayor shall approve, which approval shall be conclusively evidenced by execution and delivery of said Order.
2. That the Mayor is hereby authorized and directed to execute and deliver said Consent Order in the name and on behalf of the City.
3. 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 Consent Order.

4. That the civil penalty in the amount of \$1,000 in settlement of the alleged violations shall be paid from the unassigned fund balance.

5. That the Mayor and the Controller are hereby authorized and directed to make all necessary and appropriate budget and accounting entries to carry into effect the intent of this Resolution and the Consent Order.

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

ADOPTED AND APPROVED this the _____ day of _____, 2018.

 PRESIDENT OF THE CITY COUNCIL
 OF THE CITY OF OPELIKA

ATTEST:

 CITY CLERK

EXHIBIT "A"

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:

City of Opelika

Demolition by fire
Opelika, Lee County, Alabama

****Proposed****

ORDER NO: 18-__-AP

FINDINGS

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter, "the Department" and/or "ADEM") and the City of Opelika (hereinafter, "Opelika") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.), the Alabama Air Pollution Control Act, Ala. Code §§ 22-28-1 to 22-28-23 (2006 Rplc. Vol.), and the regulations promulgated pursuant thereto.

1. City of Opelika, is the responsible party that conducted a demolition by fire on an abandoned house located at 2718 Anderson Road in Opelika, Lee County, Alabama (hereinafter, the "Site").

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.).

3. Pursuant to Ala. Code § 22-22A-4(n) (2006 Rplc. Vol.), the Department is the state air pollution control agency for the purposes of the federal Clean Air Act, 42 U.S.C. 7401 to 7671q, as amended. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Air Pollution Control Act, Ala. Code §§ 22-28-1 to 22-28-23 (2006 Rplc. Vol.).

4. The U.S. Environmental Protection Agency's National Emission Standard for Hazardous Air Pollutants (NESHAP), found at 40 C.F.R. Part 61, Subpart M, is incorporated by reference in ADEM Admin. Code r. 335-3-11-.02(12).

5. 40 C.F.R. §61.141 defines Regulated asbestos-containing material (RACM) as (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

6. 40 C.F.R. § 61.145(a)(1) states that in a facility being demolished, all the requirements of paragraphs (b) and (c) of this section apply, except as provided in paragraph (a)(3) of this section, if the combined amount of RACM is at least 260 linear feet on pipes, at least 160 square feet on other facility components, or at least 35 cubic feet off facility components where the length or area could not be measured previously.

7. 40 C.F.R. § 61.145(b)(3)(i) requires the owner or operator of a demolition or renovation activity for a subject facility to provide written Notice of Intention to Demolish or Renovate (hereinafter, "Notice") at least ten workdays before demolition, asbestos stripping or removal work, or any other activity which disturbs the asbestos.

8. 40 C.F.R. § 61.145(c)(1) requires the removal of all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

9. 40 C.F.R. § 61.145(c)(B)(10) requires if a facility is demolished by intentional burning, all RACM including Category I and Category II nonfriable ACM must be removed in accordance with the NESHAP before burning.

10. ADEM Admin. Code r. 335-3-11-.05(1) states that any person, firm, organization, or corporation who is the owner or operator of any asbestos removal project for which notification is required pursuant to the requirements of rule 335-3-11-.02(12) shall ensure that the parties executing the asbestos removal project are certified by the Department.

11. ADEM Admin. Code r. 335-3-3-.01(1)(e) states "No person shall ignite,...or maintain any open fire except as follows: Fires for training personnel in the methods of fighting fires, provided that all requirements of ADEM Admin. Code r. 335-3-11-.02(12) are met.

DEPARTMENT'S CONTENTIONS

12. On March 19, 2018, the Department learned through a news article that the Site had been demolished by fire without the Department having received the required notification, in violation of ADEM Admin. Code r. 335-3-11-.02(12). This is also considered to be illegal open burning, in violation of ADEM Admin. Code r. 335-3-3-.01(1)(e).

13. On March 26, 2018, the Department issued a letter of inquiry to Opelika based upon the news article.

14. On April 10, 2018, the Department received a response from Opelika. The response stated that an Opelika building inspector did a visual inspection of the property for asbestos before it was burned. This does not meet the requirements for an asbestos inspection.

15. Pursuant to Ala. Code § 22-22A-5(18)c., *as amended*, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00

for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. **SERIOUSNESS OF THE VIOLATION:** Opelika failed to submit the required notification to the Department and failed to perform, or have performed, the required certified asbestos inspection of the Site before initiating the demolition. Also, Opelika conducted prohibited open burning at the Site and the Department considers these violations to be serious.

B. **THE STANDARD OF CARE:** There appeared to be no care taken by Opelika to comply with the applicable requirements of the ADEM Admin. Code.

C. **ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED:** Opelika made a showing that it was not the owner of the realty and as a result did not derive any economic benefits by illegal open burning during the demolition by fire of the Site.

D. **EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT:** There were no efforts by Opelika to mitigate possible effects of these violations upon the environment until after being notified by the Department.

E. **HISTORY OF PREVIOUS VIOLATIONS:** Opelika has no known prior history with the Department for violating demolition, asbestos, or open burning regulations.

F. **THE ABILITY TO PAY:** Opelika has not alleged an inability to pay the civil penalty.

G. **OTHER FACTORS:** The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c., *as amended*, as well as the need

for timely and effective enforcement, and has concluded that a civil penalty herein is appropriate (See "Attachment A" which is hereby made a part of these Findings).

16. The Department neither admits nor denies Opelika's contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the alleged violations cited herein without unwarranted expenditure of State resources in prosecuting the above violations. The Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

OPELIKA'S CONTENTIONS

17. Opelika neither admits nor denies the Department's contentions. The City of Opelika consents to abide by the terms of this Consent Order and pay the civil penalty assessed herein.

ORDER

THEREFORE, Opelika, along with the Department, desires to resolve and settle the compliance issues cited above. The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18)c., *as amended*, as well as the need for timely and effective enforcement and has determined that the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and Opelika agree to enter into this Consent Order with the following terms and conditions:

A. Opelika agrees to pay to the Department a civil penalty in the amount of \$1,000.00 in settlement of the violations alleged herein within forty-five days from the effective date of this Consent Order. Failure to pay the civil penalty within forty-five days

from the effective date may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. Opelika agrees that all penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check and shall be remitted to:

Office of General Counsel
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

C. Opelika agrees, that immediately upon receipt of this Order and continuing thereafter, to comply with 40 C.F.R. Part 61, Subpart M, as adopted by ADEM Admin. Code r. 335-3-11-.02, particularly as it applies to renovation and demolition operations, and ADEM Admin. Code rs. 335-3-3-.01(2)(b)1 and 335-3-3-.01(2)(b)4, as applied to open burning.

D. The parties agree that this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented, and to legally bind such party.

E. The parties agree that, subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the alleged violations and/or deviations which are cited in this Consent Order.

F. Opelika agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

G. For purposes of this Consent Order only, Opelika agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County. Opelika also agrees that in any action brought by the Department to compel compliance with the terms of this Agreement, Opelika shall be limited to the defenses of *Force Majeure*, compliance with this Agreement and physical impossibility. A *Force Majeure* is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of Opelika, including its contractors and consultants, which could not be overcome by due diligence (i.e., causes which could have been overcome or avoided by the exercise of due diligence will not be considered to have been beyond the reasonable control of Opelika) and which delays or prevents performance by a date required by the Consent Order. Events such as unanticipated or increase costs of performance, changed economic circumstances, normal precipitation events, or failure to obtain federal, state, or local permits shall not constitute *Force Majeure*. Any request for a modification of a deadline must be accompanied by the reasons (including documentation) for each extension and the proposed extension time. This information shall be submitted to the Department a minimum of ten working days prior to the original anticipated completion date. If the Department, after review of the extension request, finds the work was delayed because of conditions beyond the control and without the fault of Opelika, the Department may extend the time as justified by the circumstances. The Department may also grant any other additional time extension as justified by the circumstances, but it is not obligated to do so.

H. The Department and Opelika agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances reference herein. Should additional facts and circumstances be

discovered in the future concerning the facility which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in Orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement action as may be appropriate, and Opelika shall not object to such future orders, litigation, or enforcement action based on the issuance of this Consent Order if future orders, litigation, or other enforcement action addresses new matters not raised in this Consent Order.

I. The Department and Opelika agree that this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and Opelika does hereby waive any hearing on the terms and conditions of the same.

J. The Department and Opelika agree that this Order shall not affect its obligation to comply with any Federal, State, or local laws or regulations.

K. The Department and Opelika agree that final approval and entry into this Order are subject to the requirements that the Department give notice of proposed Orders to the public, and that the public have at least thirty days within which to comment on the Order.

L. The Department and Opelika agree that, should any provision of this Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

M. The Department and Opelika agree that any modifications of this Order must be agreed to in writing signed by both parties.

N. The Department and Opelika agree that, except as otherwise set forth herein, this Order is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State, or local law, and shall not be construed to waive or relieve Opelika of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

CITY OF OPELIKA

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

(Signature of Authorized Representative)

Lance R. LeFleur
Director

(Printed Name)

(Printed Title)

(Date)

(Date Executed)

Attachment: CM 7-03-18, Exhibit A consent order with ADEM. (151-18 : Approve consent order with ADEM.)

ATTACHMENT A

City of Opelika

Demolition by fire
Opelika, Lee County

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Failure to notify the Department and have Site inspected before demolition	1	\$250	\$250	\$0	
Illegal open burning	1	\$250	\$250		Total of Three Factors
TOTAL PER FACTOR		\$500	\$500	\$0	\$1,000

Adjustments to Amount of Initial Penalty	
Mitigating Factors (-)	
Ability to Pay (-)	
Other Factors (+/-)	<\$500>
Total Adjustments (+/-) Enter at Right	<\$500>

Economic Benefit (+)	\$500
Amount of Initial Penalty	\$1,500
Total Adjustments (+/-)	<\$500>
FINAL PENALTY	\$1,000

Footnotes

* See the "Department's Findings" portion of the Order for a detailed description of each violation and the penalty factors.

ORDINANCE NO. (ID # 2897)

Sell City Property to Marsh Real Estate Investments, LLC - 2nd Reading.

ORDINANCE NO. _____

**ORDINANCE AUTHORIZING THE CONVEYANCE
OF LOT 1 OF POWER DISTRICT SUBDIVISION TO
MARSH REAL ESTATE INVESTMENTS, L.L.C.**

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, is no longer needed for public or municipal purposes, to-wit:

Lot 1 of Power District Subdivision (being a replat of Lots 4A and 1A of Totten's Official Real Estate Map of the City of Opelika, Alabama of record in Plat Book 2 at Page 9 in the Office of the Judge of Probate of Lee County, Alabama) according to and as shown by map or plat of said subdivision of record in Town Plat Book 38 at Page 23 in the Office of the Judge of Probate of Lee County, Alabama.

Section 2. That the City of Opelika, Alabama, having received an offer from Marsh Real Estate Investments, L.L.C. to purchase the real estate described in Section 1 above, it is hereby declared that it is in the best interest of the public and the City to sell said premises to Marsh Real Estate Investments, L.L.C. for and in consideration of the sum of \$100,000.

Section 3. That the Mayor and the City Clerk be and they are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Opelika, Alabama, a warranty deed, a copy of which is on file in the office of the City Clerk, whereby the City of Opelika does convey the premises described in Section 1 above to Marsh Real Estate Investments, L.L.C. for and in consideration of the sum of \$100,000.

Section 4. That the Mayor, City Clerk and other appropriate officers and employees of the City are hereby authorized to take such further actions and execute and deliver such other agreements, contracts, documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 5. That this ordinance shall become effective immediately upon its adoption and publication as required by law.

Section 6. 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 _____, 2018.

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

ATTEST:

 CITY CLERK

TRANSMITTED TO MAYOR this the ____ day of _____, 2018.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

STATE OF ALABAMA)
 :
 COUNTY OF LEE)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration to the undersigned GRANTOR, CITY OF OPELIKA, ALABAMA, a municipal corporation, in hand paid by MARSH REAL ESTATE INVESTMENTS, L.L.C., an Alabama limited liability company, the receipt and sufficiency of which are hereby acknowledged, the said CITY OF OPELIKA, ALABAMA, does hereby grant, bargain, sell and convey unto the said MARSH REAL ESTATE INVESTMENTS, L.L.C., herein referred to as GRANTEE, the following described real estate situated in Opelika, Lee County, Alabama, to-wit:

Lot 1 of Power District Subdivision (being a replat of Lots 4A and 1A of Totten's Official Real Estate Map of the City of Opelika, Alabama of record in Plat Book 2 at Page 9 in the Office of the Judge of Probate of Lee County, Alabama) according to and as shown by map or plat of said subdivision of record in Town Plat Book 38 at Page 23 in the Office of the Judge of Probate of Lee County, Alabama.

Deed Reference: Deed Book: 539 at Page 7.

This conveyance is made subject to any and all restrictions, reservations, easements, covenants, conditions and rights-of-way affecting said property which are recorded in the Office of the Judge of Probate of Lee County, Alabama, or which may be evidenced by possession, use or survey.

TO HAVE AND TO HOLD unto said MARSH REAL ESTATE INVESTMENTS, L.L.C., an Alabama limited liability company, its successors and assigns in fee simple, forever.

And the GRANTOR, does for itself, its successors and assigns, covenant with the said GRANTEE, its successors and assigns, that it is lawfully seized in fee simple of said premises;

that they are free from all encumbrances, unless otherwise noted above; that it has a good right to sell and convey the same as aforesaid; that it will and its successors and assigns shall warrant and defend the same unto the said GRANTEE, its successors and assigns forever; against the lawful claims of all persons.

IN WITNESS WHEREOF, the said CITY OF OPELIKA, ALABAMA, a municipal corporation, has caused this instrument to be executed by Gary Fuller, its Mayor, and its seal to be affixed by Robert G. Shuman, City Clerk, both of whom are hereunto authorized pursuant to Ordinance No. _____ of the City Council of the City of Opelika, Alabama, a copy of which is attached hereto and marked Exhibit "A" on this the _____ day of _____, 2018.

CITY OF OPELIKA, ALABAMA
a Municipal Corporation

By: _____
Gary Fuller
Mayor

ATTEST:

Robert G. Shuman
City Clerk

Attachment: WARRANTY DEED from City to Marsh 062618 (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

STATE OF ALABAMA
COUNTY OF LEE

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that GARY FULLER and ROBERT G. SHUMAN, whose names as Mayor and City Clerk respectively, of the City of Opelika, Alabama, are signed to the foregoing instrument, and who are known to me, acknowledged before me this day, that, being informed of the contents of said instrument they, as such officers and with full authority, executed the same voluntarily on the day the same bears date.

GIVEN under my hand and seal of office this the _____ day of _____, 2018.

NOTARY PUBLIC

My Commission Expires: _____

GRANTEE'S ADDRESS:

Marsh Real Estate Investments, L.L.C.

This document prepared by:

Guy F. Gunter, III

City Attorney

City of Opelika

P.O. Box 390

Opelika, AL 36803

334-705-2074

334-705-5515 (Facsimile)

ggunter@opelika-al.gov

AN APPRAISAL OF

1010 AVENUE C

OPELIKA, ALABAMA

AS OF SEPTEMBER 22, 2014

BY

RICHARD MOOREFIELD, SRPA

ALABAMA CERTIFIED #00335

MATT MOOREFIELD

ALABAMA CERTIFIED #G01068

Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

Richard Moorefield, Inc.

#2B Bradley Park Court
Columbus, Georgia 31904
Tel. 706/576-4704
Fax 706/576-4705

September 25, 2014

Mr. John N. Marsh, Jr.
1001 Avenue B
Opelika, Alabama 36801

RE: 1010 Avenue C, Opelika, Alabama

Dear Mr. Marsh:

Per your request, I am submitting my Appraisal on the above captioned property, dated September 22, 2014. The property rights appraised are fee simple, (Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat). I have inspected the subject property, gathered market information, and made an analysis of data.

This appraisal was not made, nor was the appraisal rendered on the basis of a requested minimum valuation, specific valuation, or an amount which would result in the approval of a loan.

I have estimated the Market Value, "As Is" of the property as of September 22, 2014, to be:

\$249,500

Respectfully,



Richard Moorefield, SRPA
Alabama Certified #335



Matt Moorefield
Alabama Certified #G01068

Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

SALIENT FACTS AND CONCLUSIONS**GENERAL INFORMATION**

Effective Date of Appraisal:	September 10/24/2013
Property Interest Being Appraised:	fee simple
Property Identification:	1010 Avenue, Opelika, Alabama
Zoning:	C-3 Commercial use.
Legal:	Lots 1,6,7,8 and 9 part of lot 1 2 Block E, Lee County, Alabama.
Flood Map:	The subject is not located in a flood hazard area. Map number is #01081C0069G, dated 11/02/2011
Land Size:	3.09 acres
Title:	The subject property has not been sold in the past 36 months. The current ownership is the City of Opelika.
Exposure Time:	More than 120 days.
Highest & Best Use Conclusions:	It is my opinion; the subject property, as improved, has a highest and best use of an office/warehouse. The subject site, as vacant, has a use consistent with current zoning or industrial use.

VALUE INDICATIONS

COST APPROACH TO VALUE	N/A
DIRECT SALES APPROACH	\$249,500
INCOME APPROACH TO VALUE	N/A
<u>FINAL VALUE ESTIMATE:</u>	\$249,500

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CERTIFICATION

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, for the occurrence of a subsequent event directly related to the intended use of this appraisal.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of professional Appraisal Practice and the Standards of Professional Appraisal Practice of the Appraisal Institute.

I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

I have made a personal inspection of the property that is the subject of this report.

No one provided significant real property appraisal assistance to the person signing this certification.

As of the date of this report, I have completed the continuing education program of the Appraisal Institute.

I hereby certify that this appraiser has no current or prospective interest in the subject property or parties involved, and has not performed any services regarding the subject property within the 3 year period immediately preceeding acceptance of the assignment, as an appraiser or in any other capacity.

I hereby certify that I have the necessary knowledge and experience to complete the appraisal assignment competently.



Richard Moorefield
Alabama Certified #335



Matt Moorefield
Alabama Certified #G01068

QUALIFICATIONS OF APPRAISER

**RICHARD MOOREFIELD, INC.
#2 BRADLEY PARK COURT
COLUMBUS, GEORGIA 31904**

DATE OF BIRTH: August 24, 1943

EDUCATION:

Troy State University, B.S. Economics, 1968

Appraisal Institute: Courses 101, 201, 301

Instructor in Appraisal Courses: University of Georgia School for Continuing Education for Georgia Association of Assessing Officials.

PROFESSIONAL DESIGNATION AND AFFILIATIONS:

1974 - S. R. P. A. Appraisal Institute - Senior Real Property Appraiser

1980 - Appraiser membership, Realty Multi-List, Columbus, Georgia

1981 - Affiliate - Phenix City Board of Realtors

1991 - Membership - The Appraisal Institute

1991 - Certified Real Estate Appraiser - State of Georgia #CG000783

1992 - Certified Real Estate Appraiser - State of Alabama #CG00335

The president and owner of my own appraisal company since 1975. I have been actively engaged in all types of appraisal assignments for governmental agencies, corporation, attorneys and private individuals. I am a qualified appraisal witness in Muscogee, Harris and Chattahoochee Counties, Georgia and Russell and Lee Counties, Alabama and Florida. I have served as past President and Officer of the Columbus Chapter of The Appraisal Institute.

QUALIFICATIONS OF APPRAISER

MATT MOOREFIELD
#2 BRADLEY PARK COURT
COLUMBUS, GEORGIA 31904

EDUCATION:

Brookstone School, 2001
Andrew College, A. S., Business Management, Magna Cum Laude, 2003
Berry College, B.S., Sociology, 2005

APPRAISER EDUCATION:

2006 – State Registered Real Property Appraiser
 Basic Appraisal Principles (30 Hours)
 Basic Appraisal Procedures (30 Hours)
 USPAP National Course (15 Hours)

2007 – State Licensed Real Property Appraiser
 Residential Report Writing and Case Studies (15 Hours)
 Residential Market Analysis and Highest and Best Use (15 Hours)
 Residential Appraiser Site Valuation and Cost Approach (15 Hours)
 Residential Sales Comparison and Income Approaches (30 Hours)

2007 - Appraisal Institute – Associate member

2009 – State Certified Real Property Appraiser
 Real Estate Finance, Statistics, and Valuation Modeling (15 Hours)
 Advanced Residential Applications and Case Studies/Part 1 (15 Hours)
 Advanced Residential Report Writing/Part 2 (30 Hours)
 General Appraiser Sales Approach (30 Hours)
 General Site Valuation and Cost Approach (30 Hours)
 General Appraiser Income Approach (Part I) (30 Hours)
 General Appraiser Income Approach (Part II) (30 Hours)
 General Appraiser Market Analysis and Highest and Best Use (30 Hours)
 General Report Writing and Case Studies (30 Hours)

2010 – State General Certified Real Property Appraiser (Georgia)
2012 – State General Certified Real Property Appraiser (Alabama)

DATE OF BIRTH: October 25, 1982

RESIDENCE: 3613 Austel Dr., Columbus, GA 31909

EXPERIENCE: (2006 – Present): Under the direct supervision of Richard Moorefield, C.G., SRPA, I have appraised land, commercial, and residential properties in Muscogee, Harris, Chattahoochee, Talbot, Troup, and surrounding counties.

CLIENTS: Fannie Mae, Auburn Bank, Wells Fargo, Synovus, Colony Bank, PGP Valuation Inc, PCV Murcor, VMG Appraisals, F & M Bank, and numerous other financial institutions as well as other private individuals.

ASSUMPTIONS AND LIMITING CONDITIONS

- The signatory of this appraisal is a Member of the Appraisal Institute. The By-laws and Regulations of the Institute require each Member to control the use and distribution of each appraisal report signed by such Member. Therefore, except as hereinafter provided, the party for whom this appraisal report was prepared may distribute copies of this appraisal report, in its entirety, to such third parties as may be selected by the party for whom this appraisal report was prepared. Further, either all nor any part of this appraisal report shall be disseminated to the general public by the use of advertising media, sales media or for public communication without the prior written consent of the signatory of this appraisal report. Nor may any reference be made in such a public communication to the American Institute of Real Estate Appraisers, the Appraisal Institute, the M.A.I. or S.R.P.A. designation. No change of any item in the report shall be made by anyone other than the appraiser. The appraiser shall have no responsibility if any such unauthorized change is made.
- Information furnished by others is assumed to be true, correct and reliable. A reasonable effort has been made to verify such information, however, no responsibility for its accuracy is assumed by the appraiser. The comparable data relied upon in this appraisal report has been confirmed with one or more parties familiar with the transaction; all are considered appropriate for inclusion to the best of the appraiser's factual judgment and knowledge.
- The contract for appraisal, consultation or analytical service, are fulfilled and the total fee payable upon completion of this report. The appraiser or those assisting in the preparation of the report will not be asked or required to give testimony in court or hearing because of having made the appraisal, in full or in part, not engage in post appraisal consultation with Client or third parties except under separate and special arrangements and at an additional fee.
- The sketches and maps in this report are included to assist the reader in visualizing the property and are not necessarily to scale. Various photos, if any, are included for the same purpose and are not intended to represent the property in other than actual status, as of the date of the photos. Site plans are not surveys unless shown from separate surveyor.

ASSUMPTIONS AND LIMITING CONDITIONS Contd..

- No responsibility is assumed for matters legal in character or nature, nor matters of survey, nor of engineering nature. No opinion is rendered as to the title, which is presumed to be good and merchantable. The property is appraised as if free and clear, unless otherwise stated in particular parts of the report. The legal description is assumed to be correct as used in this report as furnished by the client, his designee or as derived by the appraiser.
- The appraiser has inspected, as far as possible, by observation, the land and the improvements thereon; however, it was not possible to personally observe conditions beneath the soil or hidden structural or other components. The appraiser has not critically inspected mechanical components within the improvements and no representations are made herein as to these matters unless specifically stated and considered in the report. The value estimate considers there being no such conditions that would cause a loss of value. The land or the soil of the area being appraised appears firm, however, substance in the area is unknown. The appraiser does not warrant against this condition or occurrence of problems arising from soil conditions. The apparent conditions of the property site, subsoil or structures which would render it more or less valuable. No responsibility is assumed for any such conditions or for any expertise or engineering to discover them. All mechanical components are assumed to be in operable condition and status standard for properties of the subject type. Conditions of heating, cooling, ventilating, electrical and plumbing equipment is considered to be commensurate with the condition of the balance of the improvements unless otherwise stated. No judgement is made as to the adequacy of insulation, type of insulation or energy efficiency of the improvements and equipment. Any determination of the possible presence or absence of termites or other pests which may or may not affect the subject is outside the scope of this appraisal. Inspection by a qualified pest control expert would be required to determine if infestation exists. No responsibility for such matters is assumed by the appraiser.
- It is assumed the utilization of the land and improvements is within the boundaries or property lines of the property described and there is no encroachment or trespass unless noted within the report.
- The fee received for this assignment is in no manner contingent upon the value estimate reported.
- The appraisal is based on the premise that there is full compliance with all applicable federal, state and local environmental regulations and laws unless

ASSUMPTIONS AND LIMITING CONDITIONS Contd..

otherwise stated in the report; further that all applicable zoning, building and use regulations and restrictions of all types have been complied with unless otherwise stated in the report; further, it is assumed that all required licenses, consents permits or other legislative or administrative authority, local, state, federal and/or private entity or organization has been or can be obtained or renewed for any use considered in the value estimate.

- The distribution of the total valuation in this report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.
- No environmental or impact studies, special market study or analysis, or feasibility study has been requested or made unless otherwise specified in an agreement for services or in the report. The appraiser reserves the unlimited right to alter, amend, revise or rescind any of the statements, findings, opinions, values, estimates or conclusions upon any subsequent such study or analysis of previous study or analysis subsequently becoming known to him.
- The value estimated, and the costs used, are as of the date of the estimate of value. All dollar amounts are based on the purchasing power and price of the dollar as of the date of the value estimate. Furnishing and equipment or business operations except as specifically indicated and typically considered as a part of real estate, have been disregarded with only the real estate being considered in the value estimate unless otherwise stated.
- Improvements proposed, if any, on or off-site, as well as any repairs required are considered, for purposes of this appraisal to be completed in good workmanship manner according to information submitted and/or considered by the appraiser. In cases of proposed construction, the appraisal is subject to change upon inspection of property after construction is completed. This estimate of market value is as of the date shown, as proposed as if completed and operating at levels shown and projected.
- The estimated value is subject to change with market changes over time; value is highly related to exposure, time, promotional effort, terms, motivation and conditions surrounding the offering,. The value estimate considers pro-

ASSUMPTIONS AND LIMITING CONDITIONS Contd..

ductivity and relative attractiveness of the property physically and economically in the marketplace. The "*Definition of Value*" in the appraisal report is not based in whole or part upon the race, color or national origin of the present owners or occupants of the properties in the vicinity of the property appraised. In cases of appraisals involving the capitalization of income benefits, the estimate of market value is a reflection of such benefits and appraiser's interpretation of income and yields and other factors derived from general and specific market information. Such estimates are as of the date of the estimate of value; they are thus subject to change as market is naturally dynamic.

- All mortgages, liens, encumbrances, leases and servitudes have been disregarded unless so specified within the report. The property is appraised as though under responsible ownership and competent management.
- If the property is vacant lot or land, it is assumed Health Department approval for septic tank sewage disposal could be obtained if sanitary sewer is not available, unless otherwise stated in the appraisal. This is based on a visual inspection by the appraiser; however, a title opinion and/or survey would be required to determine this for sure.
- It is assumed that there are no hidden or apparent conditions of the property, subsoil, or structures which could render it more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover such conditions. Unless otherwise stated in this report the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraisers, however, are not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, radon or toxic chemicals, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
- Possession of this report or any copy thereof does not carry with it the right of publications, nor may it be used for other than its intended use; the physical report(s) remain the property of the appraiser for the use of the client, the fee being for the analytical services only. The report may not be used for any

ASSUMPTIONS AND LIMITING CONDITIONS Contd..

purposes by any person or corporation without the written consent of **Richard L. Moorefield, SRPA.**

- Acceptance of, and/or use of, this appraisal report constitutes acceptance of the above conditions.
- This appraisal assignment was not made, nor was the appraisal rendered on the basis of a requested minimum valuation, specific valuation, or an amount which would result in approval of a loan.
- Any subsequent copies of this report will be furnished at an additional cost of \$50.00/copy plus typing charges, if necessary, plus a base charge of \$50.00.
- This appraisal report was prepared and is intended to be in compliance with appraisal policies generally adopted by Federally regulated financial institutions.
- I was unable to determine the condition of the roof. A professional inspection and certification is recommended.

PURPOSE OF APPRAISAL

The purpose of any appraisal is to estimate value. In the beginning of the appraisal problem, the appraiser must identify what value is to be estimated. A specific interest in a parcel of real estate may have more than one value at any given time. The estimation of that value must then be clearly identified as the purpose of the appraisal.

In appraisal terminology, distinction is sometimes made between the function of an appraisal and its purpose. The purpose of an appraisal relates to the type of value which is sought. The purpose of this appraisal is to estimate the Market Value of the subject property.

DEFINITION OF VALUE

MARKET VALUE: The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- *Buyer and seller are typically motivated.*
- *Both parties are well informed or well advised and each acting in what they consider their own best interest.*
- *A reasonable time is allowed for exposure in the open market.*
- *Payment is made in U.S. dollars or in terms of financial arrangements comparable thereto and*
- *The price represents a normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.*

This definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

IDENTIFICATION OF THE SUBJECT PROPERTY

ADDRESS: 1010 Avenue C, Opelika, Alabama

LEGAL: Lots 1,6,7,8 and 9 part of lot 1 2 Block E, Lee County, Alabama.

SIZE: 3.09 acres

ZONING: C-3 Commercial use.

LEGAL: Lots 4A 1A, and Part of lot 4B, Block 46, of Totten Map, Lee County, Alabama.

INTENDED USE: The intended use is for Mr. John Marsh and the City of Opelika.

UTILITIES: All are available.

TOPO: The site is level with good drainage

TITLE: The subject property has not been sold in the past 36 months. The current ownership is the City of Opelika.

EASEMENTS: No easements are known that would affect the market value of the subject property.

EXPOSURE TIME: The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective opinion based on an analysis of past events assuming a competitive and open market. Exposure time is linked to the value of any property by the amount of exposure time on the market before a sale has been consummated. A study of the exposure time for the subject was made and properties were analyzed in relation to their time on the market. Exposure time is different because each property is different. In the case of the subject property, the time between the listing and the sale of similar properties has been insignificant. Exposure time is estimated at 6 to 12 months.

MARKETING TIME: This is defined by USPAP as “an opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of the appraisal.”

Marketing time is not intended to be a prediction of a date of sale. Considerations are given to prevailing monetary conditions, local real estate market conditions, and opinions of market participants. Marketing conditions are not expected to change in the short term, and it is the appraiser’s opinion that if the subject property was to be immediately exposed and offered for sale on the open market, a marketing time of about 6-12 months could be reasonably expected.

FLOOD MAP: The subject is not located in a flood hazard area. Map number is #01081C0069G, dated 11/02/2011.

IMPROVEMENTS: The subject improvements are existing and consist of two structures. The first structure is a one story, office/warehouse building on a concrete slab. The building contains 11,261 square feet with approximately 7,261 square feet in office space. The office has central air and heat with painted sheetrock walls with vinyl floor coverings. The ceilings have acoustical panels and recessed fluorescent lights. The interior consists of offices, a day room, a map room, a kitchen, 6 baths, and supply rooms.

The warehouse area contains approximately 4,000 square feet with overhead doors, exposed concrete floors, and 20' ceiling height. It is of steel beam construction with metal siding and metal roof panels. The warehouse area has skylights and is heated by a gas fired fan unit. The roof is metal with overhead doors for access. The unit was built in 1982 and is in average condition. Parking is available both in the front of the unit and on the side. The lot is paved with concrete paving and ample parking is noted. The unit has an alarm system. The unit has an effective age of 20 years with a total economic life of 50 years.

The second structure is a one story fire station with approximately 6,558 square feet and is approximately 30 years old. The structure consists of a garage or parking area, offices, break room, baths, and sleeping quarters. There are 4 overhead garage doors in the garage/parking area. A covered area is noted across the rear of the unit. The lot is paved and the improvements have central air and heat. Access is via avenue B.

ADDITIONAL ASSUMPTIONS: The value estimated in this analysis is not predicated on atypical financing, and personal property, furniture, fixtures, equipment and business values are considered in this estimate. No anticipated public or private improvements are known and are not considered in this analysis.

TYPE OF REPORT: THIS IS AN APPRAISAL IN A NARRATIVE FORMAT.

AREA DATA

GEOGRAPHY

The city of Opelika lies in western Lee County and is bordered by Chambers County to the north. The city stretches south to the Macon County line in the southwest. It is a principal city of the Auburn-Opelika Metropolitan Area. The city is bordered by Auburn, Alabama to the northwest, southwest, and west.

The southwest and west regions of the city on the plateau are marked by rolling plains and savannahs, with the undeveloped portion primarily being used for cattle grazing and ranching. The coastal plain is located south of this region with sandy soil and pine forest.

Opelika/Auburn sits near the divide between the Chattahoochee and Tallapoosa River watersheds. Opelika is drained by three main creek systems: in the south, by the Chewacla/Opintlocco Creek system; in the north, by the Saugahatchee Creek system; and in the extreme northern reaches of Auburn by Sandy Creek. The dividing line between the Chewacla and Saugahatchee watersheds roughly follows the railroad line east-west through the center of town.

DEMOGRAPHICS

According to the 2010 Census, there were 26,477 people, 10,523 occupied housing units (households), and 7,078 family households residing in the city. Of the 10,523 occupied housing units, 6,586 (62.6%) are owner-occupied and 3,937 (37.4%) are renter-occupied. The population density was 448.7 people per square mile. There were 11,751 housing units at an average density of 199.1 per square mile.

There were 10,523 occupied housing units (households) out of which 64% (6,731) had a child under the age of 18 living with them, 45.2% were married couples living together, 20.1% had a female householder with no husband present, and 32.7% were non-families. 28.2% of all households were made up of one person households, and 5.7% had someone living alone who was 65 years of age or older. The average household size is 2.46 and the average family size was 3.02.

Historical populations		
Census	Pop.	%±
<u>1880</u>	3,245	—
<u>1890</u>	3,703	14.1%
<u>1900</u>	4,245	14.6%
<u>1910</u>	4,734	11.5%
<u>1920</u>	4,960	4.8%
<u>1930</u>	6,156	24.1%
<u>1940</u>	8,487	37.9%
<u>1950</u>	12,295	44.9%
<u>1960</u>	15,678	27.5%
<u>1970</u>	19,027	21.4%
<u>1980</u>	21,896	15.1%
<u>1990</u>	22,122	1.0%
<u>2000</u>	23,498	6.2%
<u>2010</u>	26,477	12.7%

Of the total population (26,477), 27.9% are 19 years old or younger, 13.4% are 20 to 29 years old, 26.9% are 30 to 49 years old, 22.6% are 50 to 69 years old, and 8.3% are 70 years old or older. The median age was 34 years.

According to 2010 Census information, the median income for a household in the city was \$35,243, and the median income for a family was \$47,864.

EDUCATION

Opelika is home to a branch of Southern Union State Community College. It is a two-year community and technical college. Its enrollment stands at approximately 2,718 in the academic division and 1,600 in the technical division.

The Auburn-Opelika MSA is also home to Auburn University. The University was founded in 1856 and is one of the largest universities in the South.

ECONOMY

Over the past several years, Opelika's economy has shifted away from a traditional basis in textile manufacturing. Since 2004, the city has experienced revitalization in many segments of the economy, including commercial, residential and industrial activity. Capital investment since 2005 has totaled 357.2 million, and more than 1495 new jobs have been created.

Recent projects include 170,000 square feet Daewon, an employer of 170 employees. Other new large employers include Gambro Renal Products (a Swedish manufacturer of dialyzers for kidney dialysis). Gambro made the largest single initial investment in Lee County's history of \$110 million. The Tiger Town retail shopping complex continues to expand its commercial development.

In early 2006, the Economic Development Association of Alabama named Opelika the top community in Alabama for business recruitment for the year 2005. Opelika also received the #1 rank in the South as "Small Market of the Year" by *Southern Business and Development* magazine, a professional publication that helps corporations around the country (and world) in their expansion, relocation and development decisions. The city earned its #1 status through its success in bringing Gambro, Jo-Ann, Maxforma, Benteler and Mando Corporation to the community in 2005.

In April 2009, officials with Michelin North America announced it would close its BF Goodrich Tire manufacturing plant in Opelika, by October 31, 2009. The announcement was part of a company restructuring plan, and officials blamed an overall decline in demand.

KIA is an automobile manufacturing plant just completed north of Opelika along Interstate 85. The plant employs 55,000 workers and produces automobiles at a rate of 5 per day.

The impact along Interstate 85 is felt as far north as LaGrange and south to Montgomery. The Auburn-Opelika market is ideally located for a positive effect on the economy. The current unemployment rate for Opelika/Auburn as of May 2014, is 5.4%

RECREATION

The Alabama Recreation and Parks Association awarded the Opelika Sportsplex and Aquatics Center the 2010 Facility of the Year Award for cities with populations of 15,001 people or more. This \$32 million dollar, 75,000-square-foot complex is the largest project ever undertaken by the City of Opelika in its 155 year history, representing the first-ever public-private partnership, with businesses, corporations and private individuals. On August 31, 2009 – on schedule and on budget – Opelika's new state-of-the-art Sportsplex & Aquatics Center opened its doors to the public.

The Auburn-Opelika Metropolitan Statistical Area was recently named by *Golf Digest* as the #1 area for golf in the United States. One part of the reason this area received this ranking is that Opelika is home to Robert Trent Jones Grand National. The site for the course, which hugs the edge of Lake Saugahatchee in Opelika's northwest, was described by Jones as the "single greatest" site for a golf complex that he had ever seen. The course, which is considered to be the jewel of Alabama's **Robert Trent Jones Golf Trail**, has hosted a number of national tournaments.

In summary, Lee County's expanding population mirrors the steady growth and development of nonagricultural employment in the area. Since 2004, the city has experienced revitalization in many segments of the economy, including commercial, residential and industrial activity.

Capital investment since 2005 has totaled 357.2 million, and more than 1495 new jobs have been created. The growing manufacturing sector, including automotive suppliers, expanding recreation and numerous new and expanding retail developments have worked to strengthen the area's economy over the last decade and will continue to generate future opportunity for business and industry.

NEIGHBORHOOD ANALYSIS

The subject is well located within the Opelika area and is bounded to the east by 10th Street and to the west by Clanton Street. The subject is located within the Central Business District of Opelika. This is a well-established commercial area with a wide variety of commercial uses to include offices, retail, warehousing, institutional uses, and other small commercial uses.

The area has all utilities and the subject site is compatible with other developments of similar size and location. Access is good and the site is located near most commercial support services such as work, shopping and places of worship.

Demand appears to be stable with several retail vacancies noted in the same general area. . Population growth and household formations have been on an upward trend with the subject neighborhood.

New developments are taking place north of the subject in the Auburn area and parts of the Opelika market. Several small commercial uses are noted along these corridors. These are small commercial users such as offices, mini storage use, and small warehouse use. Several developments have primarily been from additions to existing properties.

As indicated above, the population within the subject's neighborhood has shown growth over the last 10 years, that trend is expected to continue. The outlook for the neighborhood is good for additional development in the future.

Several factors influence the forces of demand and the rate of growth. These include social, economic, political and physical factors. Based on the subject's location and surrounding properties, demand and supply appear to be in balance with future growth of population in this area and the location near Auburn/Opelika area.

This area should continue to grow and expand with the high demand for property in this area. Access to major transportation routes are noted both north and south of the subject site. The development is consistent with others in the neighborhood and the occupancy rate appears to be stable.

The following is based on a 1-mile, 3-mile, and 5-mile radius from the subject.



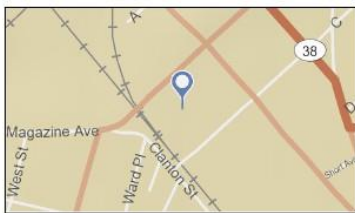
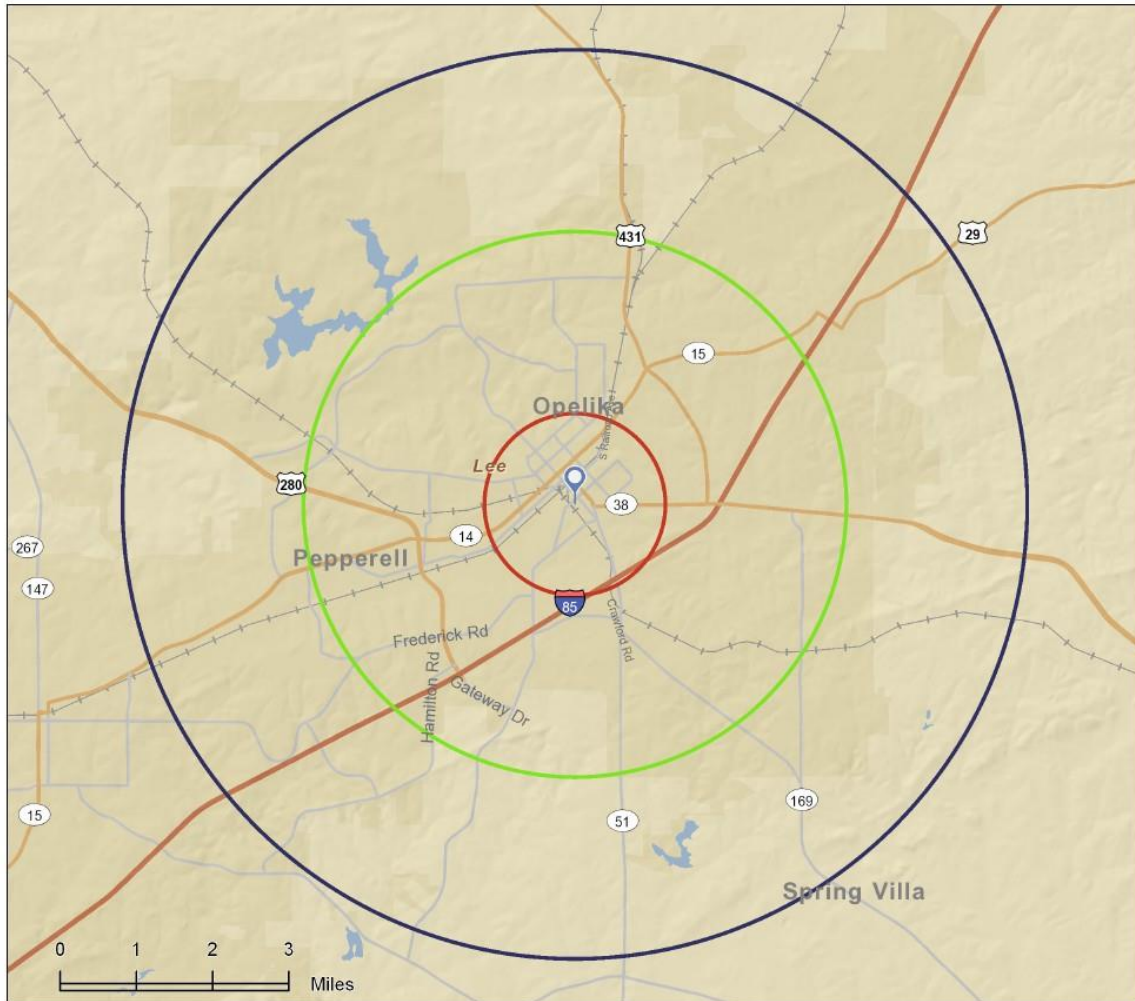
Site Map

Lat: 3848093.044569, Lon: -9504464.983158
Ring: 1, 3, 5 Miles

Prepared by Richard MoorefieldRichard

Latitude: 32.643602

Longitude: -85.380062



September 24, 2014

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Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)



Demographic and Income Profile - Appraisal Version

Lat: 3848093.044569, Lon: -9504464.983158
Rings: 1, 3, 5 mile radii

Prepared by Richard MoorefieldRichard

Latitude: 32.643601760

Longitude: -85.38006161

Summary	Census 2010	2013	2018
Population	5,289	5,568	6,137
Households	2,143	2,255	2,484
Families	1,392	1,455	1,589
Average Household Size	2.46	2.46	2.46
Owner Occupied Housing Units	1,162	1,186	1,307
Renter Occupied Housing Units	981	1,069	1,177
Median Age	35.7	36.4	37.7
Trends: 2013 - 2018 Annual Rate	Area	State	National
Population	1.97%	0.57%	0.71%
Households	1.95%	0.61%	0.74%
Families	1.78%	0.43%	0.63%
Owner HHs	1.96%	0.70%	0.94%
Median Household Income	3.42%	3.22%	3.03%
		2013	2018
Households by Income		Number Percent	Number Percent
<\$15,000		632 28.0%	679 27.3%
\$15,000 - \$24,999		344 15.3%	281 11.3%
\$25,000 - \$34,999		247 11.0%	240 9.7%
\$35,000 - \$49,999		377 16.7%	424 17.1%
\$50,000 - \$74,999		298 13.2%	405 16.3%
\$75,000 - \$99,999		168 7.5%	222 8.9%
\$100,000 - \$149,999		124 5.5%	150 6.0%
\$150,000 - \$199,999		39 1.7%	52 2.1%
\$200,000+		27 1.2%	32 1.3%
Median Household Income		\$30,486	\$36,064
Average Household Income		\$44,468	\$49,970
Per Capita Income		\$17,951	\$20,154
		2013	2018
Population by Age	Census 2010	Number Percent	Number Percent
0 - 4	455 8.6%	470 8.4%	518 8.4%
5 - 9	360 6.8%	376 6.8%	400 6.5%
10 - 14	358 6.8%	369 6.6%	399 6.5%
15 - 19	373 7.1%	348 6.3%	362 5.9%
20 - 24	365 6.9%	401 7.2%	377 6.1%
25 - 34	688 13.0%	726 13.0%	806 13.1%
35 - 44	648 12.3%	668 12.0%	730 11.9%
45 - 54	707 13.4%	715 12.8%	736 12.0%
55 - 64	668 12.6%	739 13.3%	825 13.4%
65 - 74	371 7.0%	444 8.0%	600 9.8%
75 - 84	227 4.3%	233 4.2%	285 4.6%
85+	68 1.3%	79 1.4%	100 1.6%

Data Note: Income is expressed in current dollars.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018.

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Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)



Demographic and Income Profile - Appraisal Version

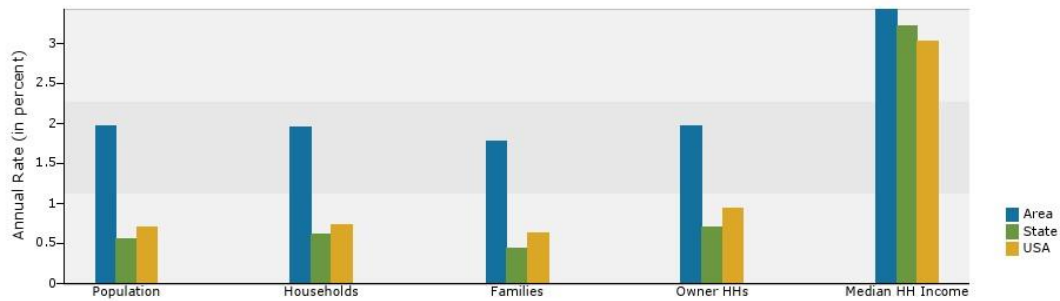
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Rings: 1, 3, 5 mile radii

Prepared by Richard MoorefieldRichard

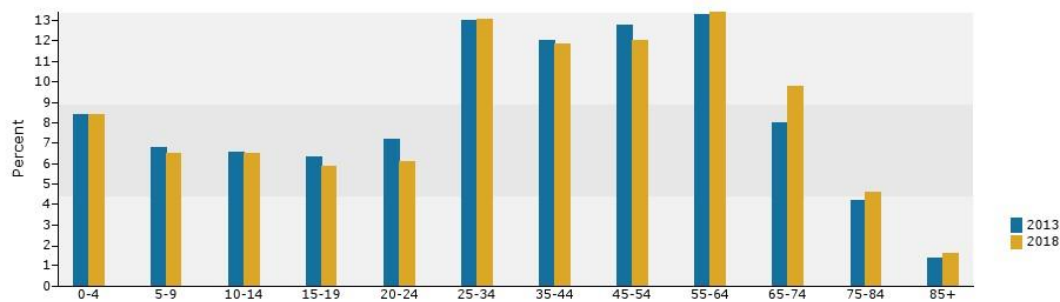
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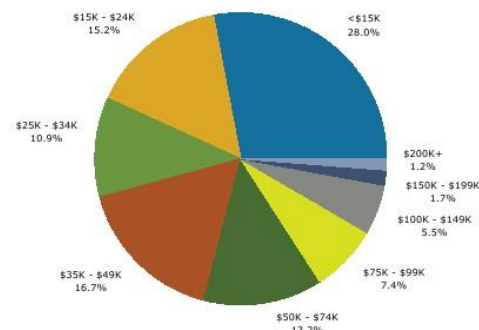
Trends 2013-2018



Population by Age



2013 Household Income



Source: U.S. Census Bureau, Census 2010 Summary File 1, Esri forecasts for 2013 and 2018.

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Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)



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Rings: 1, 3, 5 mile radii

Prepared by Richard MoorefieldRichard

Latitude: 32.643601760

Longitude: -85.38006161

Summary	Census 2010	2013	2018			
Population	22,583	23,366	25,192			
Households	8,964	9,279	10,004			
Families	6,027	6,209	6,654			
Average Household Size	2.46	2.46	2.47			
Owner Occupied Housing Units	5,512	5,592	6,074			
Renter Occupied Housing Units	3,452	3,686	3,930			
Median Age	35.8	36.5	37.5			
Trends: 2013 - 2018 Annual Rate	Area	State	National			
Population	1.52%	0.57%	0.71%			
Households	1.52%	0.61%	0.74%			
Families	1.39%	0.43%	0.63%			
Owner HHs	1.67%	0.70%	0.94%			
Median Household Income	3.38%	3.22%	3.03%			
		2013	2018			
Households by Income		Number	Percent	Number	Percent	
< \$15,000		1,929	20.8%	1,975	19.7%	
\$15,000 - \$24,999		1,309	14.1%	1,003	10.0%	
\$25,000 - \$34,999		1,040	11.2%	969	9.7%	
\$35,000 - \$49,999		1,273	13.7%	1,412	14.1%	
\$50,000 - \$74,999		1,608	17.3%	2,067	20.7%	
\$75,000 - \$99,999		948	10.2%	1,160	11.6%	
\$100,000 - \$149,999		805	8.7%	955	9.5%	
\$150,000 - \$199,999		230	2.5%	292	2.9%	
\$200,000+		136	1.5%	170	1.7%	
Median Household Income		\$38,333		\$45,258		
Average Household Income		\$53,765		\$60,822		
Per Capita Income		\$21,484		\$24,253		
		2013	2018			
Population by Age	Census 2010	Number	Percent	Number	Percent	
0 - 4	1,723	7.6%	1,739	7.4%	1,891	7.5%
5 - 9	1,498	6.6%	1,567	6.7%	1,659	6.6%
10 - 14	1,567	6.9%	1,525	6.5%	1,613	6.4%
15 - 19	1,581	7.0%	1,519	6.5%	1,504	6.0%
20 - 24	1,433	6.3%	1,624	7.0%	1,593	6.3%
25 - 34	3,241	14.4%	3,260	14.0%	3,486	13.8%
35 - 44	2,914	12.9%	2,998	12.8%	3,235	12.8%
45 - 54	3,129	13.9%	3,085	13.2%	3,086	12.3%
55 - 64	2,666	11.8%	2,899	12.4%	3,207	12.7%
65 - 74	1,591	7.0%	1,841	7.9%	2,352	9.3%
75 - 84	907	4.0%	948	4.1%	1,142	4.5%
85+	331	1.5%	361	1.5%	422	1.7%

Data Note: Income is expressed in current dollars.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018.

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Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)



Demographic and Income Profile - Appraisal Version

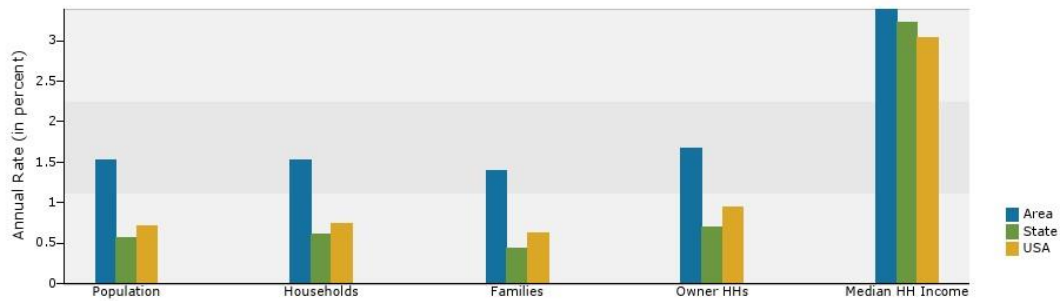
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Prepared by Richard MoorefieldRichard

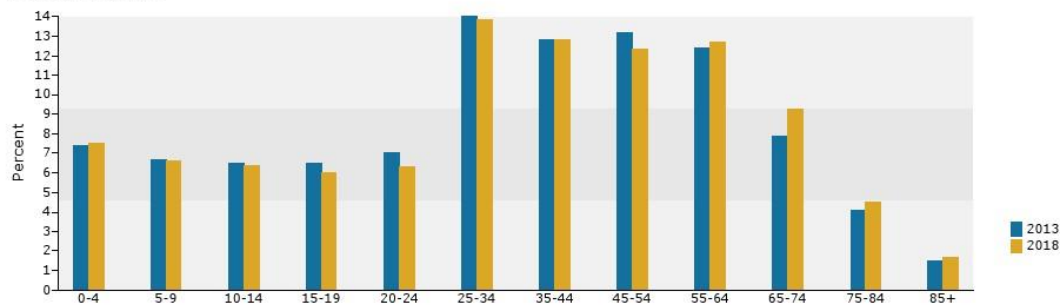
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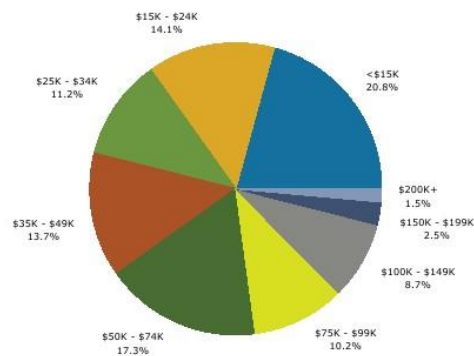
Trends 2013-2018



Population by Age



2013 Household Income



Source: U.S. Census Bureau, Census 2010 Summary File 1, Esri forecasts for 2013 and 2018.

September 24, 2014

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Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)



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Rings: 1, 3, 5 mile radii

Prepared by Richard MoorefieldRichard

Latitude: 32.643601760

Longitude: -85.38006161

Summary	Census 2010	2013	2018			
Population	33,965	35,506	38,601			
Households	13,631	14,253	15,491			
Families	8,971	9,334	10,087			
Average Household Size	2.43	2.43	2.44			
Owner Occupied Housing Units	8,136	8,338	9,131			
Renter Occupied Housing Units	5,495	5,915	6,361			
Median Age	34.8	35.4	36.4			
Trends: 2013 - 2018 Annual Rate	Area	State	National			
Population	1.69%	0.57%	0.71%			
Households	1.68%	0.61%	0.74%			
Families	1.56%	0.43%	0.63%			
Owner HHs	1.83%	0.70%	0.94%			
Median Household Income	3.58%	3.22%	3.03%			
Households by Income						
	2013		2018			
	Number	Percent	Number	Percent		
<\$15,000	2,668	18.7%	2,732	17.6%		
\$15,000 - \$24,999	1,958	13.7%	1,507	9.7%		
\$25,000 - \$34,999	1,803	12.6%	1,675	10.8%		
\$35,000 - \$49,999	1,954	13.7%	2,189	14.1%		
\$50,000 - \$74,999	2,536	17.8%	3,307	21.3%		
\$75,000 - \$99,999	1,336	9.4%	1,642	10.6%		
\$100,000 - \$149,999	1,315	9.2%	1,554	10.0%		
\$150,000 - \$199,999	395	2.8%	510	3.3%		
\$200,000+	287	2.0%	375	2.4%		
Median Household Income	\$39,298		\$46,856			
Average Household Income	\$56,659		\$65,306			
Per Capita Income	\$22,744		\$26,126			
Population by Age						
	Census 2010		2013		2018	
	Number	Percent	Number	Percent	Number	Percent
0 - 4	2,575	7.6%	2,620	7.4%	2,874	7.4%
5 - 9	2,265	6.7%	2,400	6.8%	2,574	6.7%
10 - 14	2,322	6.8%	2,310	6.5%	2,481	6.4%
15 - 19	2,297	6.8%	2,286	6.4%	2,313	6.0%
20 - 24	2,407	7.1%	2,637	7.4%	2,619	6.8%
25 - 34	5,224	15.4%	5,332	15.0%	5,676	14.7%
35 - 44	4,525	13.3%	4,717	13.3%	5,159	13.4%
45 - 54	4,510	13.3%	4,546	12.8%	4,690	12.2%
55 - 64	3,715	10.9%	4,096	11.5%	4,589	11.9%
65 - 74	2,205	6.5%	2,553	7.2%	3,293	8.5%
75 - 84	1,331	3.9%	1,381	3.9%	1,626	4.2%
85+	591	1.7%	629	1.8%	706	1.8%

Data Note: Income is expressed in current dollars.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018.

September 24, 2014

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Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)



Demographic and Income Profile - Appraisal Version

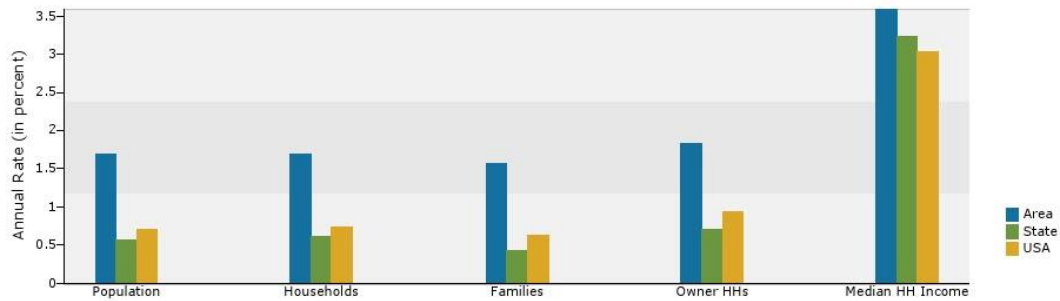
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Rings: 1, 3, 5 mile radii

Prepared by Richard MoorefieldRichard

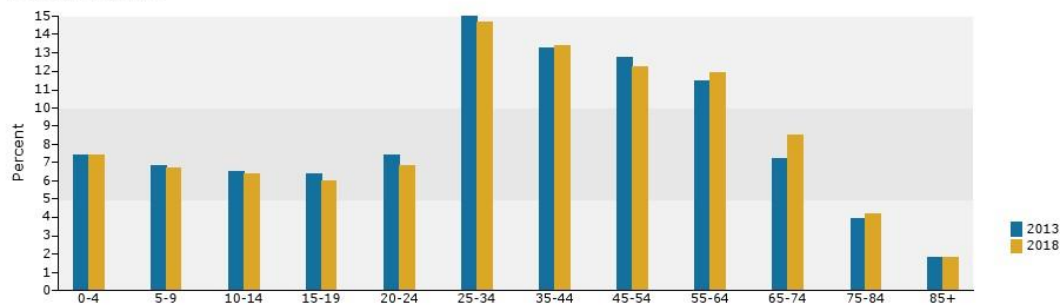
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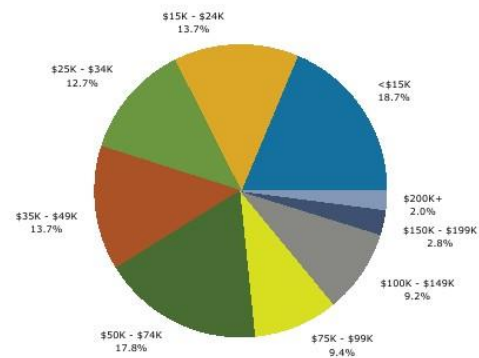
Trends 2013-2018



Population by Age



2013 Household Income



Source: U.S. Census Bureau, Census 2010 Summary File 1, Esri forecasts for 2013 and 2018.

September 24, 2014

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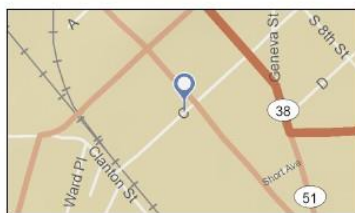
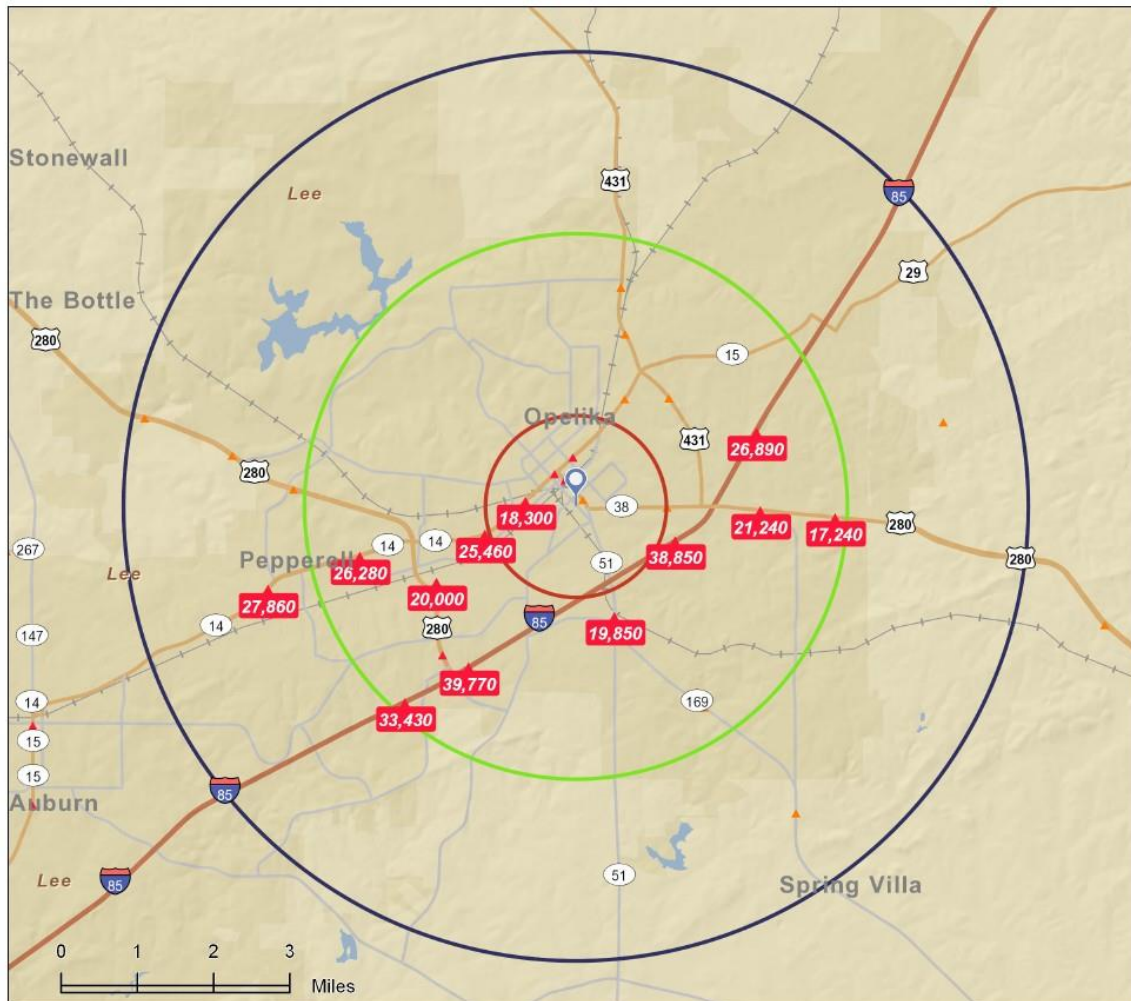
Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)



Traffic Count Map

1010 Ave C, Opelika, AL
 1010 Avenue C, Opelika, Alabama, 36801
 Ring: 1, 3, 5 Miles

Prepared by Richard Moorefield
 Latitude: 32.643656
 Longitude: -85.378774



Average Daily Traffic Volume
 ▲ Up to 6,000 vehicles per day
 ▲ 6,001 - 15,000
 ▲ 15,001 - 30,000
 ▲ 30,001 - 50,000
 ▲ 50,001 - 100,000
 ▲ More than 100,000 per day



Source: © 2011 MPSI (Market Planning Solutions Inc.) Systems Inc. d.b.a. DataMetrix®

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Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)



1010 Ave C, Opelika, AL
1010 Avenue C, Opelika, Alabama, 36801
Ring: 5 miles radius

Traffic Count Profile

Prepared by Richard Moorefield

Latitude: 32.643656
Longitude: -85.378774

Distance:	Street:	Closest Cross-street:	Year of Count:	Count:
0.10	S 9th St	Avenue C (0.01 miles SE)	2002	10,550
0.31	N 9th St	N Railroad Ave (0.01 miles SE)	1996	21,130
0.43	2nd Ave	N 9th St (0.04 miles NE)	2002	16,550
0.54	2nd Ave	N 6th St (0.03 miles NE)	2002	15,420
0.56	2nd Ave	14th St N (0.04 miles NE)	2002	18,300
1.00	Torbert Blvd	S 4th St (0.27 miles W)	2002	10,930
1.05	Pepperell Pky	17th Pl (0.07 miles SW)	2002	25,460
1.15	I-85	Columbus Pky (0.55 miles NE)	2002	38,850
1.28	Marvyn Pky	Williamson Ave (0.04 miles S)	2002	19,850
1.30	Samford Ave	Samford Ct (0.01 miles SW)	1996	11,470
1.57	Fox Run Pky	Brookstone Dr (0.1 miles SE)	2002	9,640
1.74	Thomason Dr	Century Blvd (0.08 miles S)	2002	20,000
1.90	Marvyn Pky	Hall Ave (0.18 miles N)	2002	6,690
1.97	Lafayette Pky	Lake Condry Rd (0.14 miles SE)	2002	12,170
2.03	Columbus Pky	N Uniroyal Rd (0.18 miles E)	2002	21,240
2.12	West Point Pky	Dickson St (0.04 miles W)	2002	6,580
2.12	I-85	Gateway Dr (0.19 miles SW)	2002	39,770
2.15	I-85	Ridge Rd (0.7 miles NE)	2002	26,890
2.20	Gateway Dr	Tiger Town Pky (0.03 miles NW)	2002	25,000
2.44	Pepperell Pky	N 29th St (0.04 miles W)	2002	26,280
2.46	Lafayette Pky	Morris Ave (0.09 miles N)	2002	8,670
2.62	Crawford Rd	Hickory Haven (0.19 miles SE)	2002	8,500
2.81	Marvyn Pky	Moore Ave (0.02 miles S)	2002	6,610
2.85	Columbus Pky	S Uniroyal Rd (0.53 miles W)	2002	17,240
2.86	I-85	Hamilton Rd (0.25 miles NE)	2002	33,430
3.11	Birmingham Hwy	Veterans Pky (0.06 miles W)	2002	9,190
3.31	Lafayette Pky	Hill Flo Ave (0.09 miles N)	1996	4,260
3.51	Pepperell Pky	Yarbrough Dr (0.02 miles SW)	2002	27,860
3.83	Birmingham Hwy	Waverly Pky (0.14 miles SE)	2002	11,310
4.15	Rock Castle Rd	County Road 154 (0.23 miles SE)	1996	12,050

Data Note: The Traffic Profile displays up to 30 of the closest available traffic counts within the largest radius around your site. The years of the counts in the database range from 2011 to 1963. Just over 68% of the counts were taken between 2001 and 2011 and 86% of the counts were taken in 1997 or later. Traffic counts are identified by the street on which they were recorded, along with the distance and direction to the closest cross-street. Distances displayed as 0.00 miles (due to rounding), are closest to the site. A traffic count is defined as the two-way Average Daily Traffic (ADT) that passes that location.

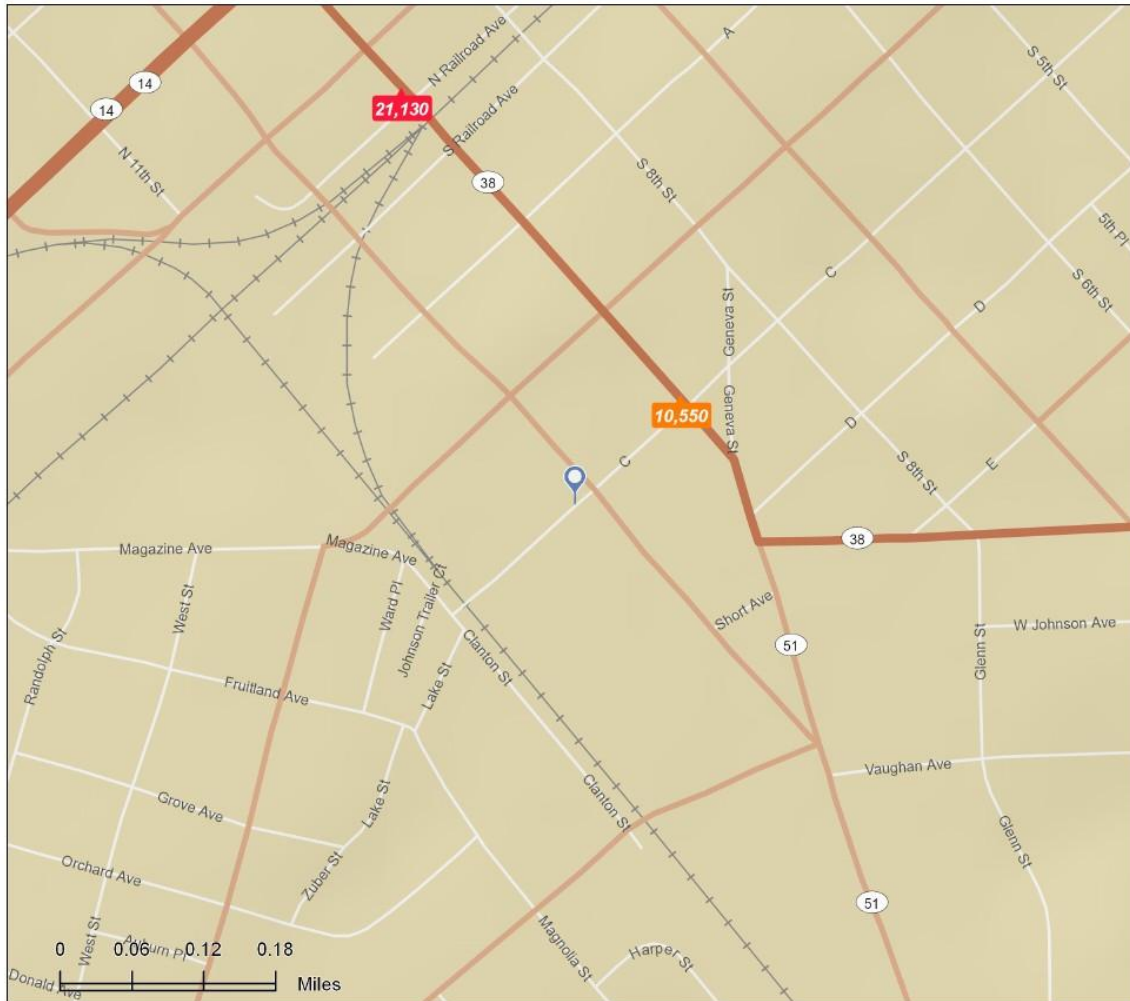
Source: ©2011 MPSI Systems Inc. d.b.a. DataMetrix®



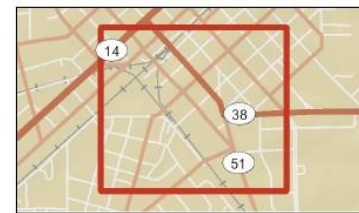
Traffic Count Map - Close Up

1010 Ave C, Opelika, AL
 1010 Avenue C, Opelika, Alabama, 36801
 Ring: 1, 3, 5 Miles

Prepared by Richard Moorefield
 Latitude: 32.643656
 Longitude: -85.378774



Average Daily Traffic Volume
 ▲ Up to 6,000 vehicles per day
 ▲ 6,001 - 15,000
 ▲ 15,001 - 30,000
 ▲ 30,001 - 50,000
 ▲ 50,001 - 100,000
 ▲ More than 100,000 per day



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September 24, 2014

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Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

SCOPE OF THE APPRAISAL

Richard Moorefield was engaged by Mr. John Marsh to perform an appraisal of the subject property. The scope of this report and appraisal included an inspection of the subject property and its neighborhood in **September 2014**, market analysis of the competing submarket, accumulation and analysis of relevant comparable data; and application of all relevant approaches to value. The appraiser has considered the Cost, Sales and Income Approaches in estimating the value of this property. A more complete description of the methodology of these three approaches is presented on the next page in the **VALUATION METHODOLOGY**.

Sources of data included public records, real estate brokers, real estate appraisers, sales agents, developers and officials with Auburn/Lee County Governments. If sales are used then they were inspected and the data verified by the appraisers with parties involved in the particular transaction. The period for which market data was investigated is generally between **2012-2014**.

The **scope** of this appraisal is to set forth a clear and accurate description of the appraisal process. Based on the type of property, the Direct Sales Comparison is used in this analysis. Based on the age and the estimate of depreciation, the Cost Approach is not used in this analysis. No rentals could be located of properties similar to the subject and the Income Approach is not used.

The subject property was inspected on **September 22, 2014**, with both an interior and exterior inspection. Data was gathered regarding the subject in relation to condition, size and quality. Sales and rentals of other comps were examined, inspected and confirmed.

HIGHEST AND BEST USE

In order to estimate the **highest and best use** for the subject property, I have considered those uses which are physically possible, legally permissible, economically feasible and maximally profitable.

The **highest and best use of the land** is defined as that use which is the most probable and reasonable and which has the highest return to the land. Consideration was given to the individual features of the land such as size, shape, topo and access. Also, consideration was given to the surrounding land uses and the demand for property in this market.

In addition, the legal uses permitted by the City of Opelika government are considered.

It is my opinion that **the highest and best use of the land**, as though vacant, is for a use consistent under industrial use. As improved, the highest and best use of the property is the subject's existing use as an office/warehouse.

PHYSICALLY POSSIBLE: A constraint on the use of the property is dictated by the physical uses for which the property can be developed. The subject site consists of approximately 3 acres with access from Avenue B and C. Access is average and the property has all of the utilities and not located in a flood hazard area. Overall, the topography is considered adequate for many developmental uses and is deemed possible for the subject site.

LEGALLY PERMISSIBLE: The subject is C-3 use, which provides for a wide variety and intensity of commercial uses that may serve a citywide or regional market. The subject conforms to the existing zoning. The purpose of this zoning district is to provide lower density commercial district that may be utilized as a transitional buffer between more intense commercial zoning.

FINANCIALLY FEASIBLE: An office/warehouse building is a reasonable use which the property can be developed. Surrounding land patterns along Avenue B and C have been studied which reflect development of similar type properties. Corner lots are typically improved with similar properties and if the site were vacant, the first inclination would be for development of an office/warehouse building. Based on this analysis, the subject has been a feasible investment. The current operations have been in use for over 25 years.

MAXIMALLY PRODUCTIVE: Based on the active and current use of office/warehouses in this neighborhood and considering the current leases in the neighborhood, this development has provided a very stable and highly productive financial return to the underlying site. If the subject site were vacant and available for development, the optimal use would be for an office/warehouse building use.

It is my opinion; the subject property, as improved, has a highest and best use of an office/warehouse. The subject site, as vacant, has a use consistent with current zoning or industrial use.

VALUATION METHODOLOGY

I have considered three principle methods available for estimating the market value of the subject property in fee simple estate. These are summarized as follows:

COST APPROACH: This approach considers the current cost of replacing the appraised assets less applicable depreciation. The replacement cost new of the appraised assets is estimated on the basis of current labor and material prices plus allowances for overhead, profit, and provisions for architect's fees, supervision, and other miscellaneous fees. Interest during construction is also added. Accrued depreciation, representing a loss in value due to physical deterioration, is then deducted from the replacement costs in order to arrive at a depreciated replacement cost for the appraised fixed assets. To the depreciated value of the appraised fixed assets is added the market value of the land, as if vacant, to arrive at a value conclusion.

DIRECT SALES COMPARISON APPROACH: This approach is based upon the principle of substitution, that is, when a property is replaceable in the market, its value tends to be set at the cost of acquiring an equally desirable substitute property, assuming no costly delay in making the substitution. Since two properties are rarely identical, the necessary adjustments for differences in quality, location, size, services and market appeal are a function of appraisal experience and judgment.

INCOME APPROACH : This approach gives consideration to the Net Operating Income expectancy from the facility, and to the capitalization of this income in accordance with prevailing returns on properties or investments of similar risks, to determine the amount at which ownership would be justified by a prudent investor.

The subject property is an older office/warehouse that appears to be in average condition. The Cost Approach to Value is usually used when the improvements are new and no depreciation is noted. On the other hand, the estimate of depreciation and lack of recent land sales in this area are two reasons the Cost Approach is not used in this analysis. The Direct Sales was used.

Appraiser's conclusion of value is based upon the assumption that there are no hidden or unapparent conditions of the property that might impact upon buildability. Appraiser recommends due diligence be conducted through local building department or municipality to investigate buildability and whether property is suitable for intended use. Appraiser makes no representations, guarantees or warranties.

VALUATION SECTION

DIRECT SALES COMPARISON APPROACH

The Direct Sales Comparison Approach is defined as that approach in an appraisal analysis which is based upon the proposition that an informed purchaser would pay no more for the property than the cost of acquiring an existing property with the same utility. Presumably, the potential purchaser considers the alternatives that are available and then makes a rational decision based upon the information about those alternatives.

The application of the **Direct Sales Comparison Approach** involves selecting a number of competitive properties which have recently sold on the market. The information derived from this section is analyzed through an adjustment process which develops indications of what the competitive properties would have sold for if they possessed all the important characteristics of the subject property.

The reliability of this approach is dependent upon the availability and verification of the comparable sales data. Therefore, this approach is particularly applicable when an active market provides sufficient quantities of reliable data which can be verified from authoritative sources.

A complete search was made for properties similar to the subject that sold. Three sales are found in the Opelika market that are judged similar to the subject. This search included appraisers, government officials, brokers, agents and owners of other buildings. Therefore, this approach will be used in this analysis.

SALE 1

ADDRESS: 405 South 10th Street, Opelika, Alabama

GRANTOR: Jesse Taylor

GRANTEE: Marsh Real Estate

DEED BOOK: 2434/546

DATE: 8/8/2010

SALES PRICE: \$155,000

CONFIRMED BY: Seller

LAND AREA: 2.5 acres

IMPROVEMENTS: A one story, office/warehouse structure. The unit was built in 1960 and contains 7,800 sf. It is a metal building and located near the subject.

ZONING: C-3

PRESENT USE: Retail

HIGHEST AND BEST USE: Commercial

INSPECTION DATE: 9/2014

COMMENTS: This sale indicates \$19.87/sf.



SALE 2

Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

ADDRESS: 309 S. 10th Street (Old Davis Bldg), Opelika, Alabama

GRANTOR 2134/9

GRANTEE: Marsh Real Estate

DEED BOOK: 2194/541

DATE: 7/2013

SALES PRICE: \$375,000

CONFIRMED BY: Seller

LAND AREA: 3 acres

IMPROVEMENTS: This is a one story, office warehouse with 50,000 square feet. The unit was built in 1960 and is in average condition.

ZONING: M-1

PRESENT USE: Office/Warehouse

HIGHEST AND BEST USE: Same

INSPECTION DATE: 9/2014

COMMENTS: Sale indicates \$7.50/sf.



SALE 3

Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

ADDRESS: 216 South 8th Street, Opelika, Alabama

GRANTOR Branch Banking and Trust

GRANTEE: CJCF

DEED BOOK: 2409/27

DATE: 2/2013

SALES PRICE: \$125,000

CONFIRMED BY: Purchaser

LAND AREA: .3 acre

IMPROVEMENTS: This is a one story, office/warehouse with 10,428 square feet.

It is of brick construction and built in 1955.

ZONING: Industrial

PRESENT USE: Office

HIGHEST AND BEST USE: Same

INSPECTION DATE: 9/2014

COMMENTS: This sale indicates \$11.99/sf



SUMMARY

Summary Adjustment Grid		Sale 1	Sale 2	Sale 3
Sales Price		\$155,000	\$375,000	\$125,000
Size in Sq. Ft.		7800	50000	10428
Price per SQ. Ft.		\$19.87	\$7.50	\$11.99
Sales Price per SF		\$19.87	\$7.50	\$11.99
ADJUSTMENTS				
Transactional Adj.				
	Property Rights	0.0%	0.0%	0.0%
Sub Total		\$19.87	\$7.50	\$11.99
	Financing Terms	0.0%	0.0%	0.0%
Sub Total		\$19.87	\$7.50	\$11.99
	Conditions of Sale	0.0%	0.0%	0.0%
Sub Total		\$19.87	\$7.50	\$11.99
	Expenditures	0.0%	0.0%	0.0%
Sub Total		\$19.87	\$7.50	\$11.99
	Market Conditions	0.0%	0.0%	0.0%
Sub Total		\$19.87	\$7.50	\$11.99
Sub Total Adjustments		0.0%	0.0%	0.0%
Property Adjustments				
	Location	0.0%	0.0%	0.0%
	Physical	-25.0%	40.0%	-10.0%
	Economic	0.0%	0.0%	0.0%
	Use	0.0%	0.0%	0.0%
	Condition	0.0%	0.0%	25.0%
Sub Total Adjustments		-25.00%	40.00%	15.00%
Total Net Adjustments		-25.00%	40.00%	15.00%
Adjusted Price Per Sq. Ft.		\$14.90	\$10.50	\$13.79

The sales used in this analysis are considered the best and only sales data of similar

properties. Based on current market conditions, an adjustment is made to all sales for size. Sale #3 is adjusted for inferior condition. These sales are typical for office/warehouse type structures of similar design and quality.

All three sales are located in the Opelika real estate market. The adjusted range is **\$10.50 to \$14.90/sf**. The subject property should fall within this narrow range. Based on the subject's office quality, design, condition, and location, a price of **\$14.00/sf** would be supported.

SUBJECT: 17,819 SF X \$14.00/SF = \$249,466 rounded to

DIRECT SALES COMPARISON APPROACH

\$249,500

FINAL RECONCILIATION

COST APPROACH TO VALUE	N/A
DIRECT SALES APPROACH	\$249,500
INCOME APPROACH TO VALUE	N/A

The Cost and Income Approaches to Value are not used in this analysis. The Cost Approach is not used because of the estimate of depreciation and the lack of recent land sales. The Income Approach is not used because no rents could be obtained from similar properties.

The Direct Sales Approach is based on a comparison of properties that have sold. A unit of comparison is developed from their sales price and applied to the subject property. All of the weight in this analysis is given to this approach.

FINAL VALUE ESTIMATE

\$249,500

EXHIBIT A

SUBJECT PHOTOGRAPHS



SUBJECT FRONT



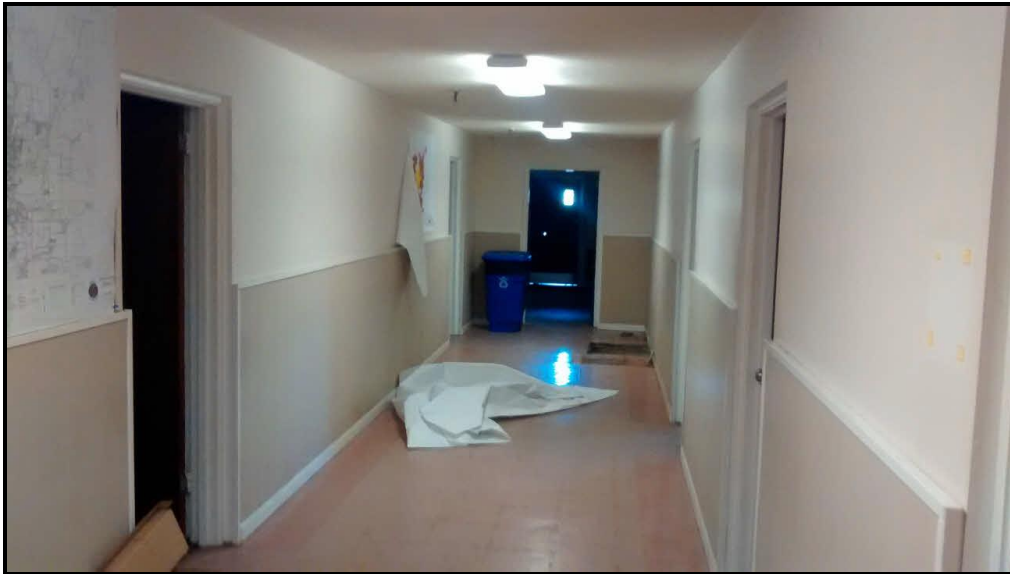
SUBJECT FRONT



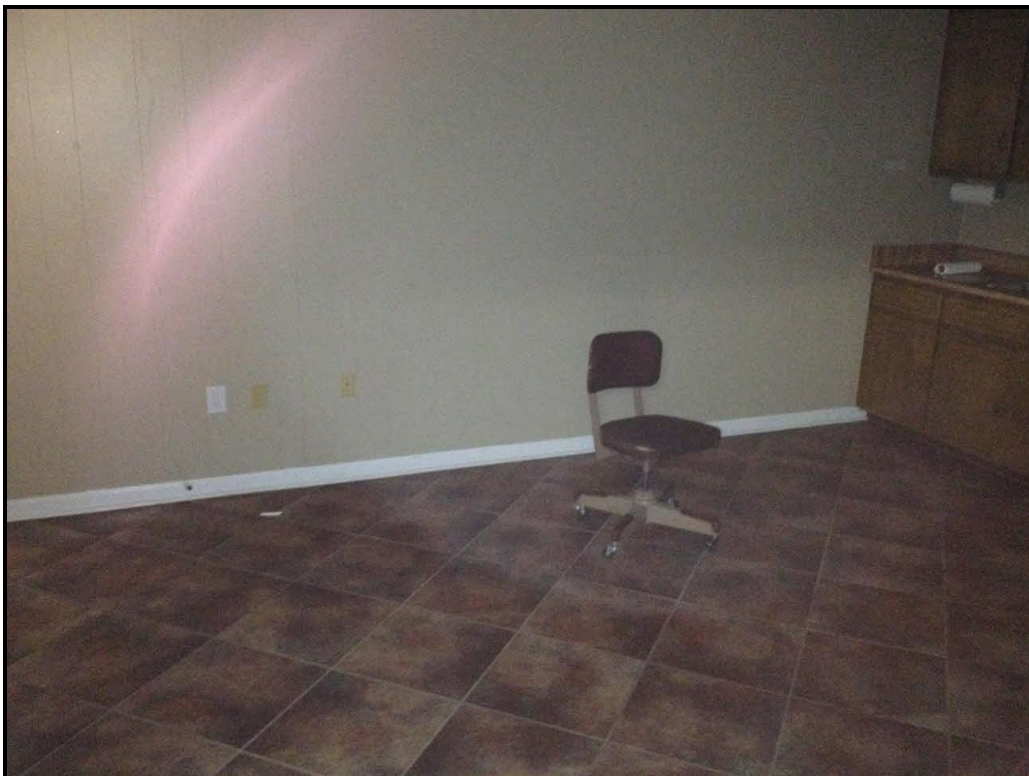
SUBJECT STREET



SUBJECT STREET



SUBJECT INTERIOR



SUBJECT INTERIOR



SUBJECT INTERIOR



SUBJECT INTERIOR



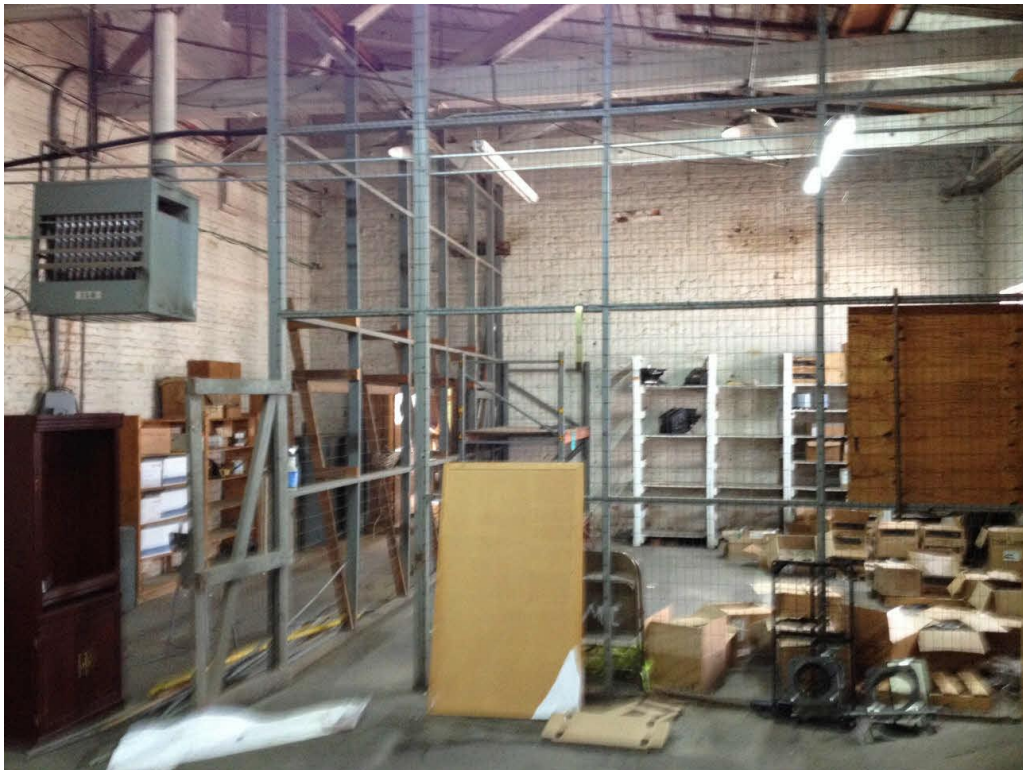
SUBJECT INTERIOR



SUBJECT INTERIOR



SUBJECT INTERIOR



SUBJECT INTERIOR



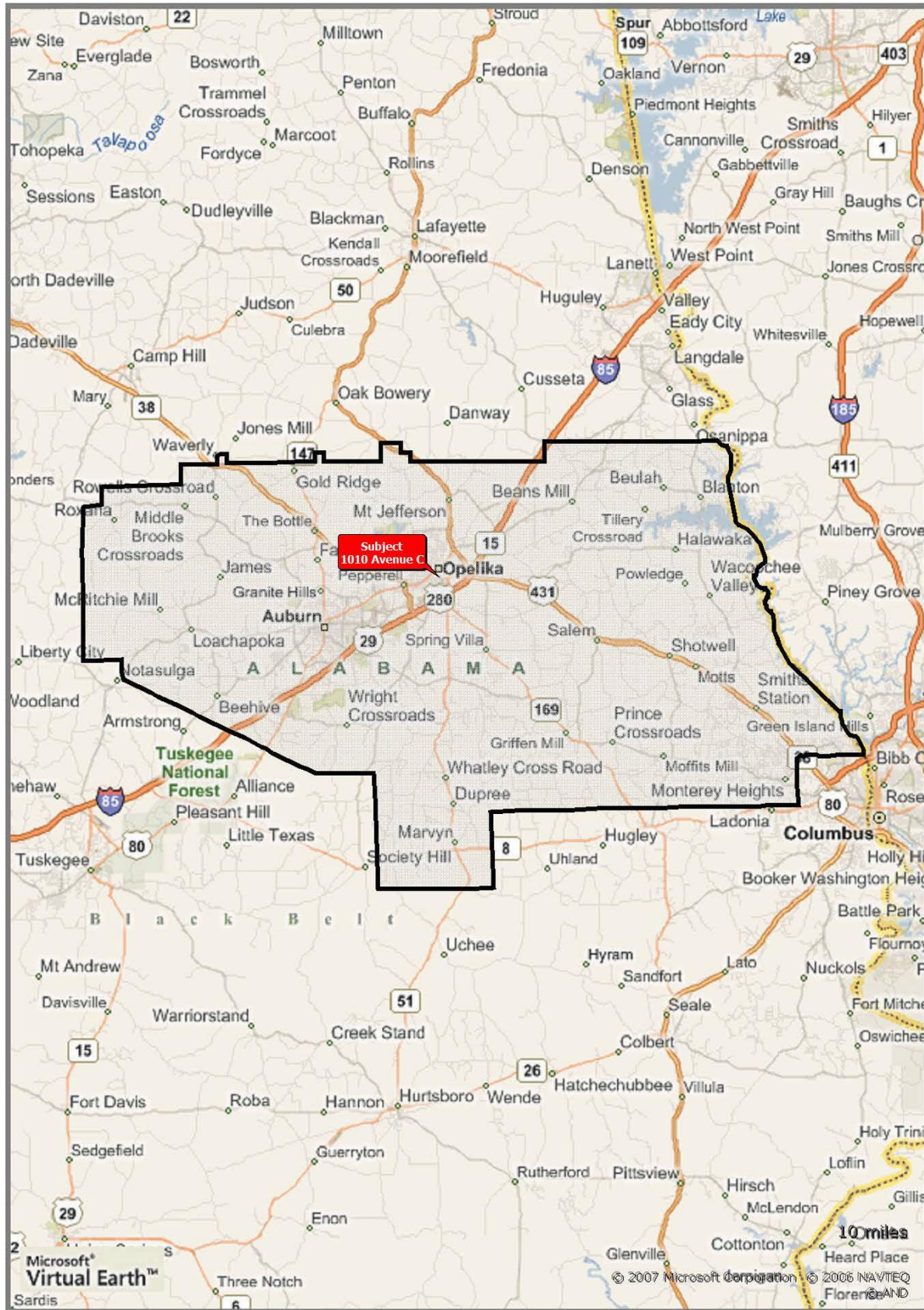
SUBJECT INTERIOR



SUBJECT INTERIOR

EXHIBIT B
AREA MAP

Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

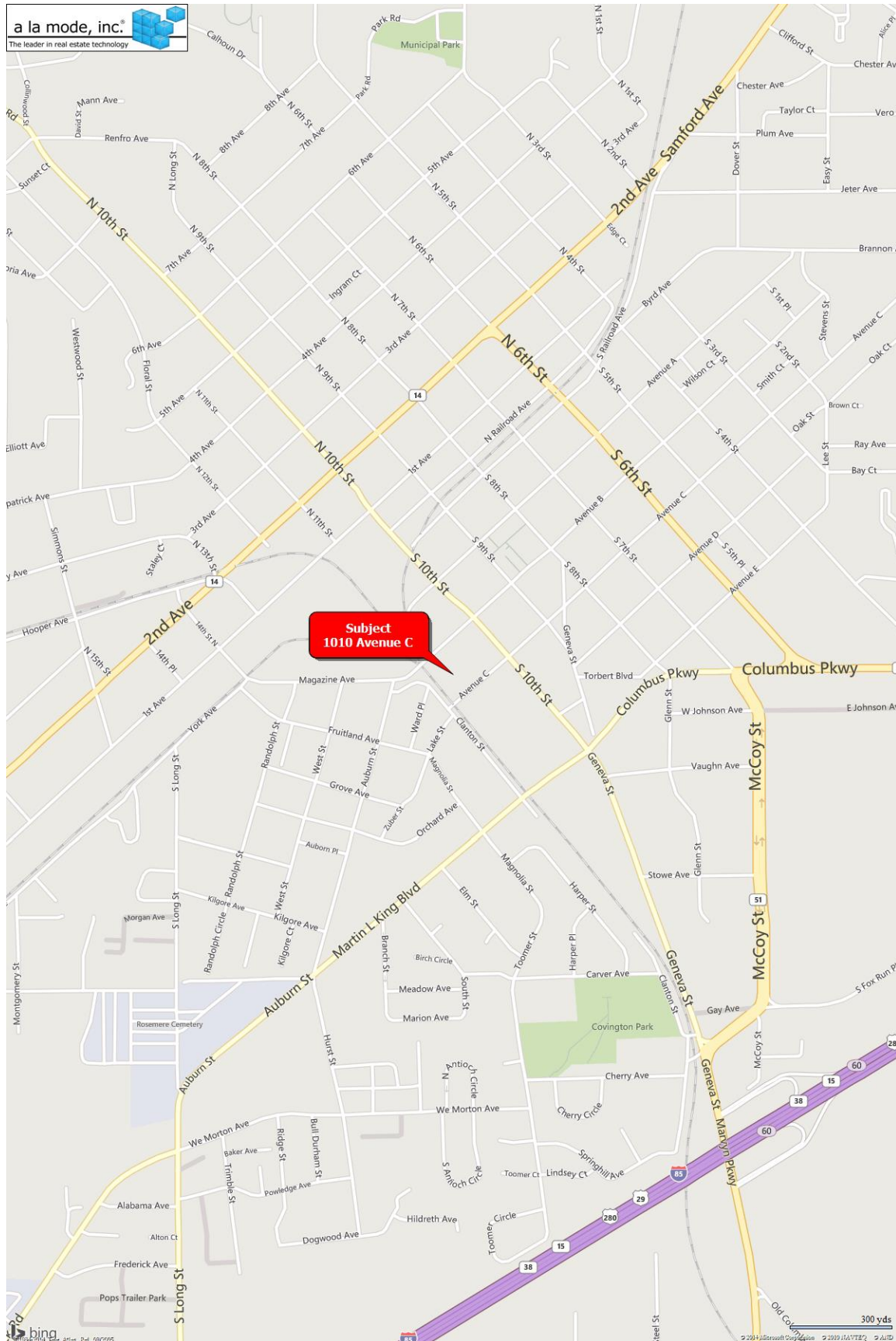


Lee County, Alabama

Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

EXHIBIT C
NEIGHBORHOOD MAP

Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)



Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

EXHIBIT D
SITE LOCATION

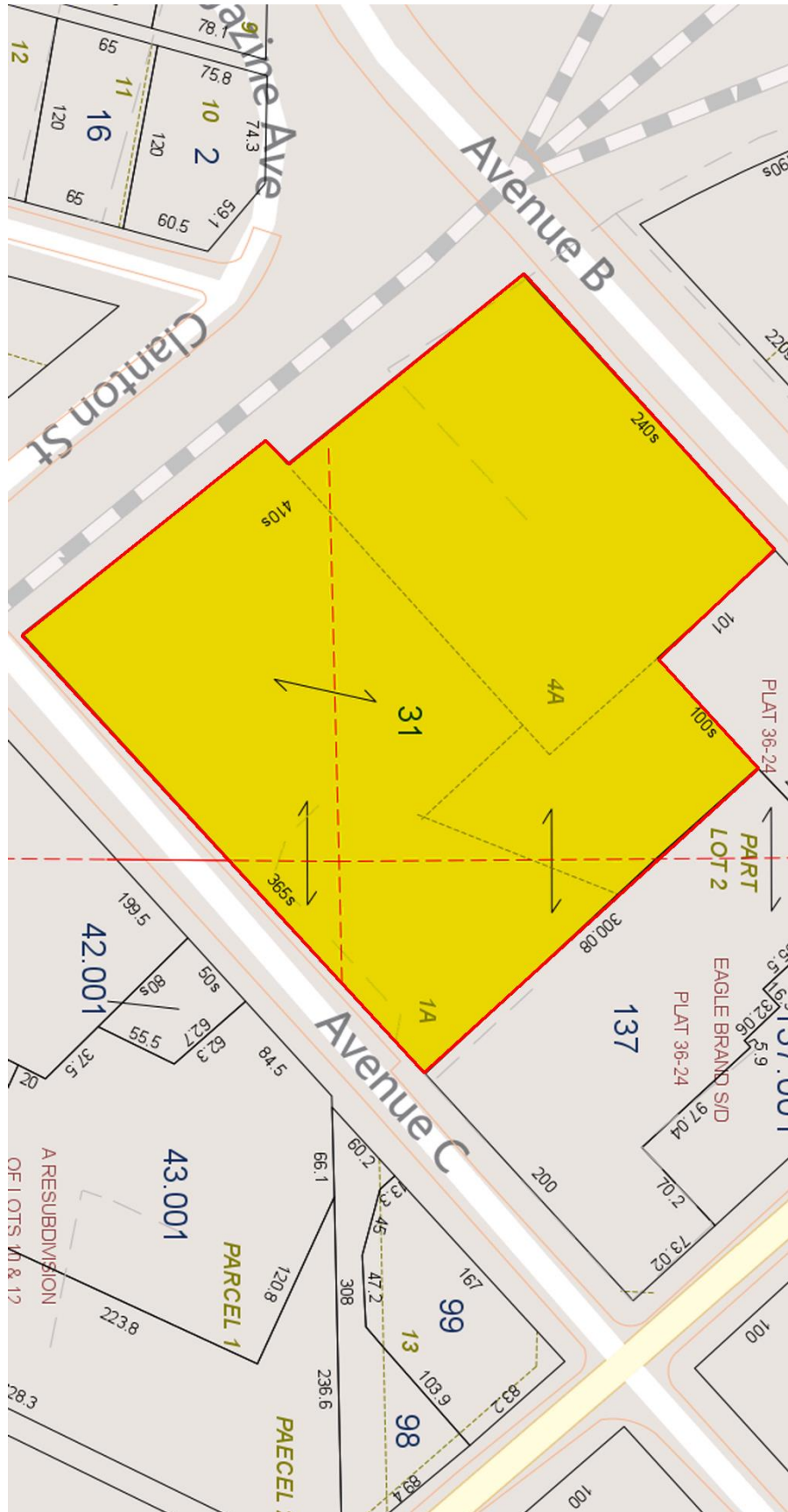
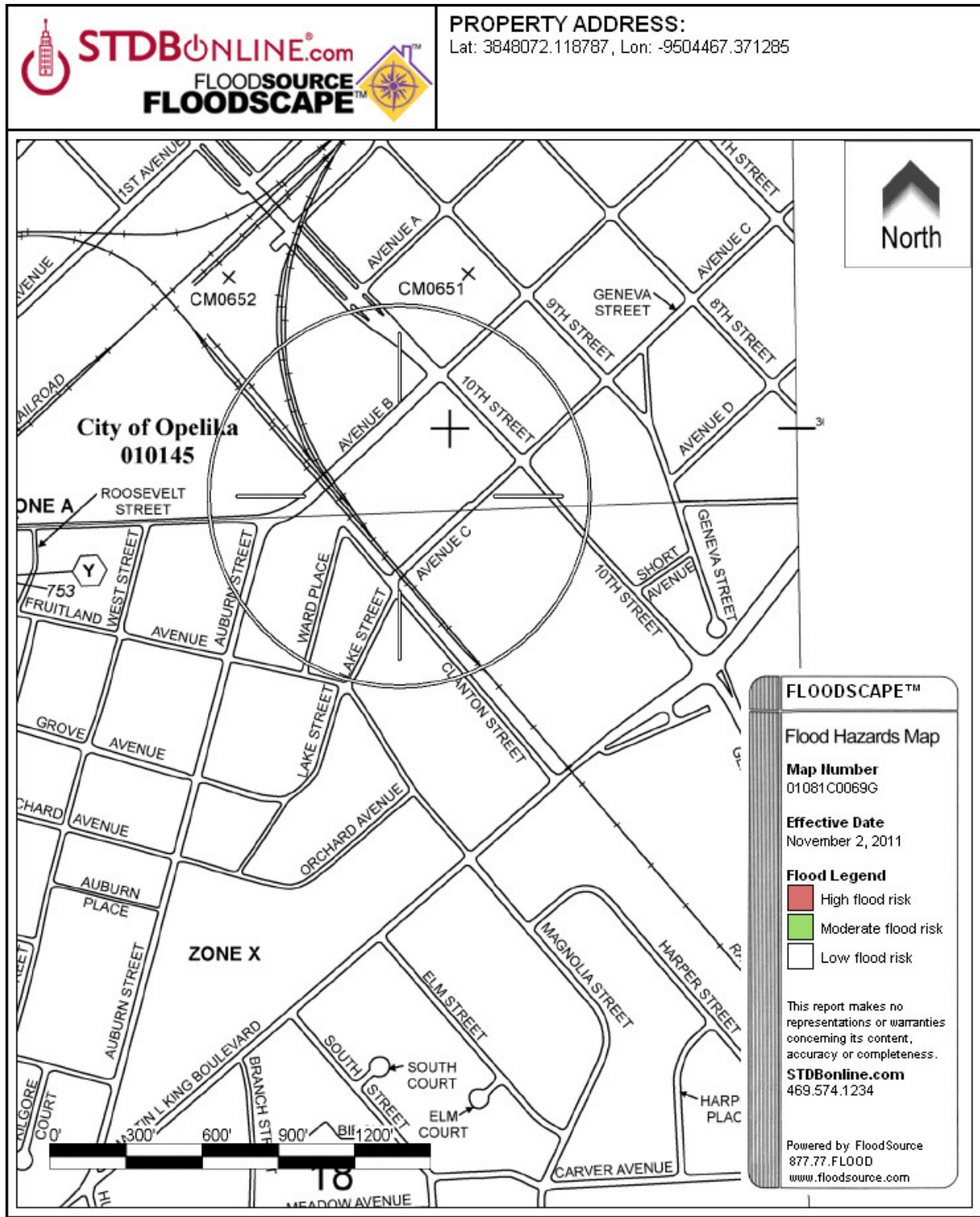


EXHIBIT E
FLOOD MAP

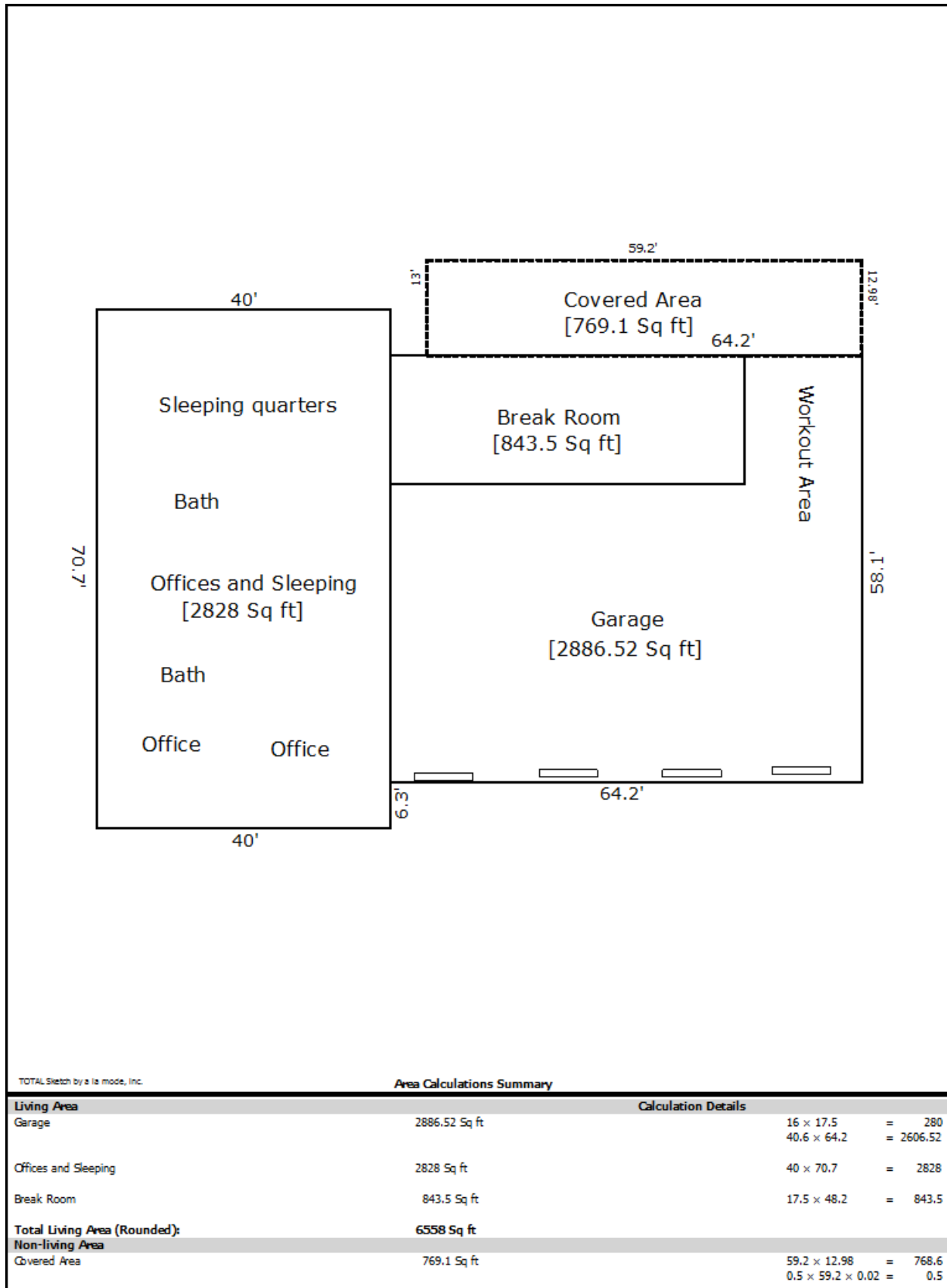
Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

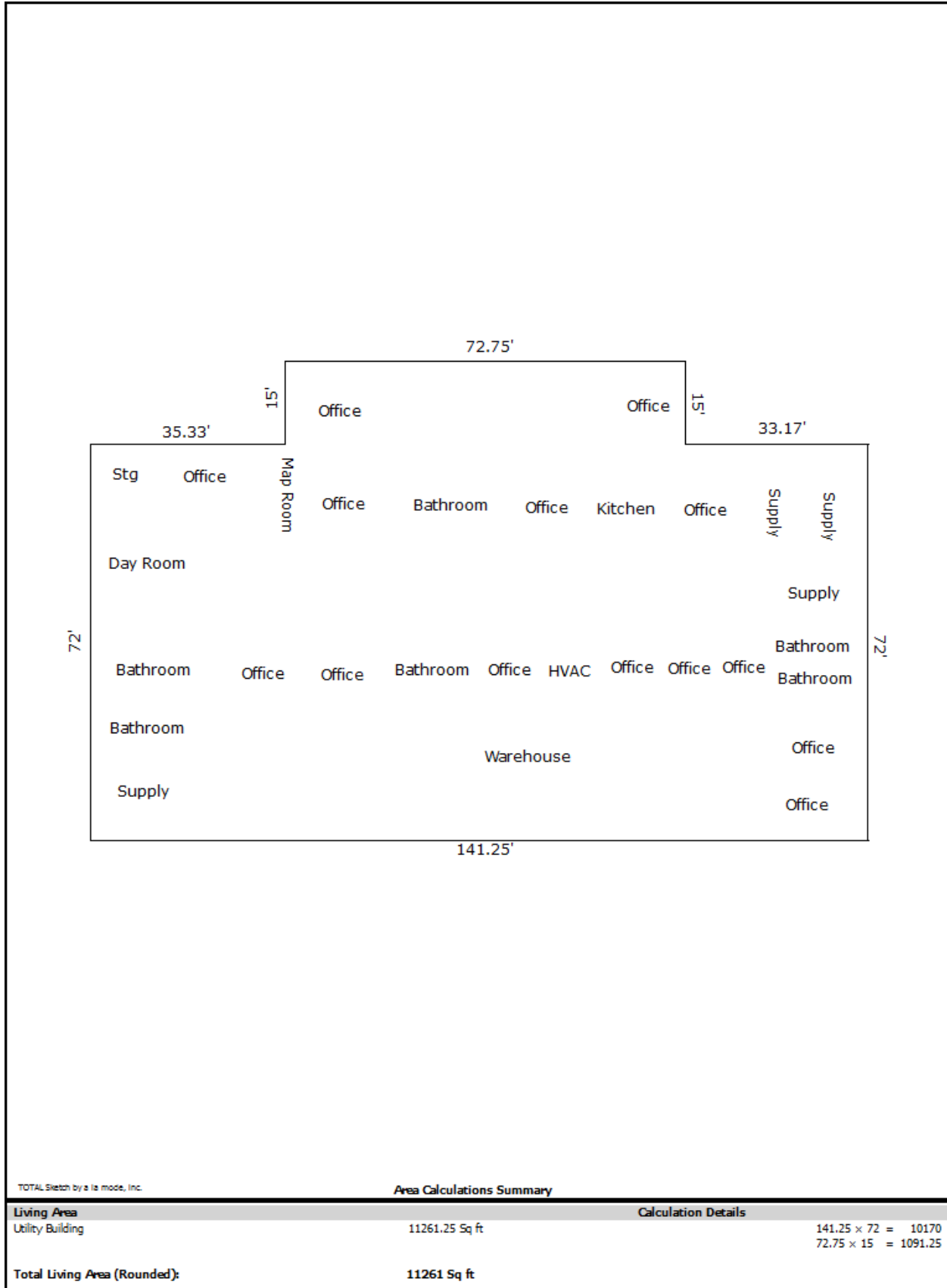


Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

EXHIBIT F
BUILDING SKETCH

Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)





TOTAL Sketch by a la mode, Inc.

Area Calculations Summary

Living Area		Calculation Details	
Utility Building	11261.25 Sq ft	$141.25 \times 72 =$	10170
		$72.75 \times 15 =$	1091.25
Total Living Area (Rounded):		11261 Sq ft	

EXHIBIT G

COMPARABLE BUILDING SALES LOCATION MAP



Attachment: 1010 Avenue C Opelika (2897 : Ordinance to Convey Property to Marsh - 2nd Reading)

EXHIBIT H

MISCELLANEOUS

State of Alabama



This is to certify that

Richard L. Moorefield

having given satisfactory evidence of the necessary
qualifications required by the laws of the State of Alabama
is licensed to transact business in Alabama as a

Certified General Real Property Appraiser

*With all rights, privileges and obligations
appurtenant thereto.*

LICENSE NUMBER: G00335

EXPIRATION DATE: 09/30/2015

Yvonne Brooks

Executive Director
ALABAMA REAL ESTATE APPRAISERS BOARD

State of Alabama



This is to certify that

Matt H. Moorefield

*having given satisfactory evidence of the necessary
qualifications required by the laws of the State of Alabama
is licensed to transact business in Alabama as a*

Certified General Real Property Appraiser

*With all rights, privileges and obligations
appurtenant thereto.*

LICENSE NUMBER: **G01068**

EXPIRATION DATE: **09/30/2015**

Gina Brooks Executive Director
ALABAMA REAL ESTATE APPRAISERS BOARD

000003221

NAVIGATORS INSURANCE COMPANY

THIS IS A CLAIMS MADE INSURANCE POLICY.

THIS POLICY APPLIES ONLY TO THOSE CLAIMS THAT ARE FIRST MADE AGAINST THE INSURED DURING THE POLICY PERIOD. ALL CLAIMS MUST BE REPORTED IN WRITING TO THE COMPANY DURING THE POLICY PERIOD OR WITHIN 60 DAYS AFTER THE END OF THE POLICY PERIOD.

PLEASE READ THIS POLICY CAREFULLY.

REAL ESTATE PROFESSIONAL ERRORS AND OMISSIONS INSURANCE POLICY DECLARATIONS

POLICY NUMBER: PH13REL117675IV RENEWAL OF: PH12REL117675IV

1. **NAMED INSURED:** Richard Moorefield, Inc
2. **ADDRESS:** 2B Bradley Park Court
Columbus, GA 31904
3. **POLICY PERIOD: FROM:** 10/28/2013 **TO:** 10/28/2014
12:01 A.M. Standard Time at the address of the **Named Insured** as stated in Number 2 above.
4. **LIMITS OF LIABILITY:** (Inclusive of claim expenses):
A. \$ 1,000,000 Limit of Liability - Each Claim
B. \$ 1,000,000 Limit of Liability - Policy Aggregate
5. **DEDUCTIBLE:** (Inclusive of claim expense): \$ 2,500 Each Claim
6. **PREMIUM:** \$ 1,452.00
7. **RETROACTIVE DATE:** 10/28/2010
8. **FORMS ATTACHED:** NAV REL NIC PF (02 11) NAV REL 300 GA (02 11)
NAV REL 025 (02 11) NAV REL 003 (02 11) NAV REL 008 (02 11)
NAV-ML-002 (11/12)

PROGRAM ADMINISTRATOR:

Herbert H. Landy Insurance Agency Inc.
75 Second Ave Suite 410
Needham, MA 02494-2876

NAV REL DEC (02 11)

Page 1 of 2



ORDINANCE NO. (ID # 2901)

Amend City Code Chapter 28 Sec. 28-141 (F), Wastewater Surcharge Formula - 2nd Reading.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SUBSECTION 28-141(f)
OF THE CODE OF ORDINANCES TO ADJUST SURCHARGES**

BE IT ORDAINED by the City Council (the “Council”) of the City of Opelika, Alabama (the “City”) as follows:

Section 1. **Amendment to Subsection 28-141(f).** That subsection (f) of Section 28-141 of the *Code of Ordinances* of the City of Opelika, Alabama is hereby amended to read as follows:

(f). - *Surcharges.* A surcharge shall be applied to all users of the sewer system whose wastewater discharge has total suspended solids (TSS) and/or biochemical oxygen demand (BOD) in excess of three hundred (300) parts per million (ppm), and/or nitrogenous loading is greater than one hundred (100) parts per million (ppm) NH₃-N concentration determined according to the greater of the two (2) following formulas:

Surcharge cost per 1,000 gallons = {(B-300)+(S-300)} x Consumption Rate x 0.16

OR for high nitrogenous oxygen demand sewages:

Surcharge cost per 1,000 gallons = (N-50) x Consumption Rate x 0.045

Where:

B = Average monthly user BOD in ppm, and

S = Average monthly user TSS in ppm

N = Average monthly user ammonia (NH₃-N) concentration in ppm

The surcharge cost will be multiplied by the user's metered water consumption (in one thousand (1,000 gallons). The calculated amount will then be added to the charges computed under the City's normal rate schedule to arrive at the user's total monthly bill.

The discharger shall be responsible for the sampling, testing and reporting the concentration of each discharge to the City's sewer system. Each discharger shall submit a monitoring, testing and quality control plan that meets the City's information needs to ensure accurate measurement of sewer discharges. Discharger shall bear all costs with said sampling, monitoring and testing. The City reserves the right to perform simultaneous testing to verify the accuracy of the dischargers' self-monitoring. The City reserves the right to terminate receipt of material should City testing be materially different from discharger's self-monitoring and self-reporting.

Section 2. **Remaining subsections of Section 28-141 to remain in full force and effect.** The remaining subsections of Section 28-141 shall remain in full force and effect, notwithstanding the amendment of Subsection 28-141(f).

Section 3. **Repealer Clause.** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are repealed.

Section 4. **Severability.** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of any competent jurisdiction, said holding shall not affect any other section, clause, provision or portion of this Ordinance which is not in or of itself invalid or unconstitutional.

Section 5. **Effective Date.** This Ordinance and the sections hereby adopted shall take effect and be enforced immediately upon the adoption and publication as required by law with new surcharges to be applied to monthly customer bills rendered after July 31, 2018.

Section 6. **Publication.** The City Clerk of the City of Opelika is hereby authorized and directed to cause a copy of this Ordinance to be published one (1) time in a newspaper of general circulation in the City of Opelika, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2018.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR this the ____ day of _____, 2018.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK