

ORDINANCE NO. 2024-003

An Ordinance accepting certain real property as a donation in the form of a deed from Jacks Family Restaurants, LP to the City of Creola, Alabama, for the use of a public roadway, and, upon paving of same in accordance with the laws of the State of Alabama and the City of Creola, accepting the maintenance of said road in the future by the City of Creola, Alabama,

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF CREOLA, ALABAMA, AS FOLLOWS:

Section 1. General Provisions

1. Within the City limits of the City of Creola lies a current road known as “James Burkett Road”. The City currently maintains said public road.

2. Jack’s Family Restaurants, LP, is the titled owner of a parcel of real property adjoining or adjacent to “James Burkett Road”, whereupon a Jack’s Restaurant will be located.

3. Jack’s Family Restaurants, LP wishes to donate certain real property, more particularly depicted and described in the two documents affixed hereto and collectively labeled as Exhibit 1 to this Ordinance, to the City of Creola, with said donation to occur by deed acceptable to the City following the paving of said proposed road at the expense of Jack’s Family Restaurant. The legal description for the real property referenced herein is as follows:

The Eastern portion, as depicted on the attached drawing, of the following described real property situated in Creola, Alabama, and in Mobile, County, Alabama:

An easement for access, lying across Lot 2 of Broadway - Radcliff Road Subdivision as recorded in Instrument# 2019040625 of the Judge of Probate Office of Mobile County, Alabama, being more particularly described as follows:

BEGIN at a 2” iron pipe found at the Southwest corner of said Lot 2, said point having coordinates of Northing 326001.99 Easting 1799055.85 based on Alabama West State Plane Coordinates (NAD83); thence North 08 degrees 12 minutes 31 seconds East along the West line of said Lot 2 for a distance of 15.59 feet to a point; thence continue North 07 degrees 49 minutes 06 seconds East along said West line for a distance of 32.00 feet to a point; thence leaving said West line, South 83 degrees 11 minutes 19 seconds East for a distance of 35.77 feet to a point on a curve to the left, having a radius of 1953.29 feet, a chord bearing of South 82 degrees 52 minutes 47 seconds East and a chord length of 105.83 feet, thence along the arc of said curve for a distance of 105.84 feet to a point; thence North 89 degrees 14 minutes 36 seconds East for a

distance of 126.58 feet to a point on the West right of way margin of U.S. Highway 43 (Right of way varies); thence South 10 degrees 04 minutes 57 seconds West along said right of way for a distance of 32.09 feet to a point; thence North 89 degrees 58 minutes 01 seconds West for a distance of 268.06 feet to the POINT OF BEGINNING. Containing 0.21 acres, more or less.

4. The paving of the eastern portion of the road, depicted in Exhibit 1, shall be in conformity with the laws of the State of Alabama and the City of Creola, as approved by the City of Creola Building Official, in a timely manner after Jack's receives notification from the City of Creola regarding the appropriate standards for paving of said road. Upon approval of same by the Creola Building Official, and the paving thereof, the City shall accept the deed to said real property, which shall have the effect of widening and/or extending "James Burkett Road" consistent with Exhibit 1, attached hereto.

5. Upon the acceptance of the Deed, the City shall assume all necessary maintenance of said public road in the future, as same is determined to be required in the discretion of the City of Creola.

6. It is hereby declared by the Mayor and City Council of the City of Creola, Alabama that the acceptance of the said road in accordance with the conditions set forth herein is in the public interest.

Section 2. EFFECTIVE DATE

This Ordinance shall take effect immediately after final passage and publication as required by law. All laws and parts of laws in conflict with this ordinance are hereby repealed. Acceptance of the road described in attached Exhibit 1 shall be effective upon the paving of said road in conformity with the laws of the State of Alabama and the City of Creola, Alabama, as determined by the Creola Building official, and receipt and recordation of a satisfactory deed to said real property.

ADOPTED AND APPROVED THIS 6th day of June, 2024.

Mayor

Attested to on the 6th day of June, 2024.

City Clerk