

ORDINANCE NO. 600-02

AN ORDINANCE TO PROVIDE FOR
THE GRANTING OF AN EASEMENT TO VULCAN LANDS, INC.

BE IT ORDAINED by the Mayor and City Council of the City of Helena in the State of Alabama as follows:

Section 1. Findings

- (a) The Mayor and City Council have determined that it is in the best interest of the City and its residents for the City to grant a permanent and exclusive easement to Vulcan Lands, Inc. to provide an alternate means of access on Alabama Highway 261 to and from the Vulcan quarry.
- (b) The granting of such easement will promote the public good and public safety and will benefit not only the City and its residents but also the general public.

Section 2. Granting of Easement

The City hereby grants a permanent exclusive easement to Vulcan Lands, Inc. pursuant to a Grant of Easement (the "Easement") in substantially the form presented to the meeting at which this ordinance is adopted (which form is hereby adopted in all respect as if set out in full herein), with such changes, not inconsistent with the provisions hereof, as the Mayor, acting with the advice of counsel to the City, shall determine to be necessary or desirable, the determination of the definitive form of the Easement to be conclusively established by his execution of such document. The Mayor is hereby authorized and directed to execute and deliver the Easement for and in the name and behalf of the City, and the City Clerk is hereby authorized and directed to affix the corporate seal of the City to the Easement and to attest the same.

ADOPTED this 1st day of July, 2002.

APPROVED this 1st day of July, 2002.

SEAL

ATTEST:


Peggy C. Dunaway, City Clerk


Charles W. Penhale, Mayor

Councilmember John L. Bearden, Jr. moved that the rules be suspended and unanimous consent be given for immediate consideration of and action on the said ordinance, which motion was seconded by Councilmember Paul DeCarlo and, upon the same being put to vote the following vote was recorded:

YEAS:

John L. Bearden, Jr.
Paul DeCarlo
Tom Lefebvre

NAYS:

NONE

The City Council thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Thomas Lefebvre thereupon moved that the foregoing ordinance be adopted, which motion was seconded by Councilmember Paul DeCarlo and, upon the same being put to vote, the following vote was recorded:

YEAS:

John L. Bearden, Jr.
Paul DeCarlo
Tom Lefebvre

NAYS:

NONE

The Chairman thereupon announced that the motion for the adoption of said Ordinance 600-02 had been unanimously carried.