

ORDINANCE 2002-175

ORDINANCE AUTHORIZING SALE OF SURPLUS LAND TO
MARK STANLEY AND/OR CHANCE TRUCKING, INC.
D/B/A HANNAH PROPERTIES

WHEREAS, the Town of Brookwood purchased approximately 75 acres of property adjacent to the Town Park complex on or about the 13th day of November, 2000, from Nelson Brothers, Inc., and

WHEREAS, the Town of Brookwood sought to preserve this property for additional expansion of the Town Park complex and municipal facilities in the future; and

WHEREAS, the Town of Brookwood has now engaged several projects expanding the roads, streets, sewers, and drainage structures for the Town of Brookwood; and

WHEREAS, these projects require the Town of Brookwood to expend large amounts of capital in furtherance of these projects; and

WHEREAS, the Town of Brookwood declared the property surplus property and available for sale to the public on or about the 1st day of September, 2001; and

WHEREAS, the Town of Brookwood ran advertisements in The Tuscaloosa News for three consecutive weeks beginning September 20, 2001, offering approximately 60 acres of the 75 acres of land for sale; and

WHEREAS, the Town of Brookwood received no offers pursuant to the advertisement and request for proposals, Council Member Mark Stanley inquired with Town Council for the Town of Brookwood and its attorney as to whether the purchase of approximately 68 acres of property, would violate the State Ethics Laws, or related conflicts of interest; and

WHEREAS, the Town of Brookwood sought the advice and consent of the Attorney General's office through an official Attorney General's Opinion with regard to the propriety of a council member purchasing property from the Town of Brookwood. The Attorney General's office authored an opinion dated March 29, 2002 advising that the sale of the property to a council member would not be in violation of the Code of Alabama as long as the council member does not participate in the discussions or vote to sell the property to himself, and that the council member makes public disclosure the potential conflict of interest as required by §13A-10-62 of the Code of Alabama; and

WHEREAS, although not required by law, the Town of Brookwood thought it best to re-advertise and solicit offers on the 68 acres sought by Mark Stanley in order to give all members of the public an equal opportunity to purchase the property on the same terms; and

WHEREAS, the Town of Brookwood advertised the sale of 68 acres for three (3) consecutive weeks in The Tuscaloosa News and no proposals or offers were received for said property.

WHEREAS, the Town of Brookwood accepted the offer of Mark Stanley on or about the 7th day of May, 2002 to purchase the property for the sum of \$8,500.00 per acre, with \$1,000.00 earnest money toward the purchase price. The sale was subject to approved financing and engineering. The Town of Brookwood will pay the closing costs and the cost of the survey.

WHEREAS, the Town of Brookwood accepted the offer of Mark Stanley on or about the 7th day of May, 2002. The Council subsequently voted on the 18th day of June, 2002 to extend the time for the closing of the sale indefinitely to allow Mr. Stanley sufficient time to have his financing and engineering completed prior to the sale.

WHEREAS, Mark Stanley and Regions Bank have indicated that Mark Stanley wishes to purchase the property through his corporation Chance Trucking, Inc. doing business as Hannah Properties.

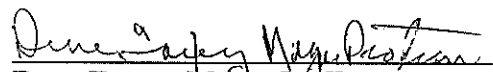
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Brookwood that the approximately 68 acres sought to be purchased by Mark Stanley and further described by Almon and Associates Engineering as Lot 2 recorded in Plat Book No. 2002 at Page 88 (a copy of which is attached hereto) is hereby declared to be no longer needed for public or municipal purposes and is declared surplus property available for sale pursuant to § 11-47-20 Code of Alabama, (1975).

The property shall be sold to Mark Stanley and/or Chance Trucking d/b/a Hannah Properties for the sum \$8,500.00 per acre, less closing costs, which are to be borne by the Town of Brookwood pursuant to its agreement with Mr. Stanley.

The Mayor of the Town of Brookwood, Mayor Pro Tem, or any Council member is hereby authorized to enter into any agreements, contracts, amended agreements and execute any and all necessary documents in order to effectuate the sale of said property to Mr. Stanley and/or his business, Chance Trucking, Inc. d/b/a Hannah Properties.

ORDAINED this the 3 day of September, 2002.

TOWN OF BROOKWOOD



Dene Toxey, Mayor Pro Tem

ATTEST: 
Town Clerk

CERTIFICATE OF POSTING

I hereby certify that the above and foregoing Resolution was posted on the 4 day of September, 2002 at the following locations:

1. Brookwood Town Hall
2. Henry's
3. Hudson's Hardware
4. Jerry (C) Store
5. Brookwood Shell
6. A.T.'s Restaurant


Linda Barger
Town Clerk