

RESOLUTION NO. 2021 – 105

TO CONDEMN AVIGATION EASEMENTS FOR FLIGHT SAFETY

WHEREAS, Cullman Regional Airport Board (the "Board") was created by the City of Cullman (the "City") and the Cullman County Commission (the "County"), pursuant to Chapter 2, Title 4 of the 1940 Code of Alabama on November 26, 1956 (the "Act");

WHEREAS, the Act and Amendments thereto (Alabama Code § 4-4-1, *et seq.*) provide any municipality operating a municipal airport with the power of eminent domain, to be exercised in the same manner and under the same conditions as are provided by law for the exercise of the power of eminent domain for other public purposes;

WHEREAS, the City of Cullman, Cullman County, and the surrounding areas of North Alabama have undergone a tremendous amount of growth, leading to an increased demand for transportation by air in and out of the region, the Board desires to respond to this growth by expanding its facilities in order to increase the aviation services available to the citizens of the City and the County;

WHEREAS, the Board desires that the City and the County condemn parcels of real property located to the west of the airport runway to allow the airport to better serve the growing aviation and transportation needs of the City and the County, and surrounding communities.

THEREFORE, BE IT RESOLVED by the Mayor and Council as follows:

1. That in the judgment and opinion of the Board of Directors of the Cullman Regional Airport Board, it is in the public interest and necessary and expedient that the City and the County, acquire and/or condemn rights in those certain parcels of land located at (i) 44 County Road 1349, Vinemont, AL 35179 (ii) 661 County Road 1343, Vinemont, AL 35179, (iii) 615 County Road 1343, Vinemont, AL 35179, (iv) 82 County Road 1365, Vinemont, AL 35179, (v) 82 County Road 1365, Vinemont, AL 35179, (vi) 404 County Road 1344, Vinemont, AL 35179, (vii) 404 County Road 1344, Vinemont, AL 35179, and (viii) 404 County Road 1344, Vinemont, AL 35179, and more particularly described as follows (collectively, the "Property"):

(i) Parcel 33

A parcel located in the Northwest Quarter of the Southwest Quarter of Section 16, Township 9 South, Range 3 West, Huntsville Meridian, Cullman County, Alabama, Lot 4, Block 558 of the Town of Vinemont according to the map or survey by J.R. Carter as recorded in the Office of the Judge of Probate Cullman County, Alabama, containing 0.46 Acres, more or less.

Parcel Tax I.D. No. 09-05-16-3-001-013.000

(ii) Parcel 34

Lot Number 5 of Block 558, according to the Map and Survey of the Alabama Vineyard and Winery Company and being part of the City of Vinemont, Alabama as recorded in Map Book 14, Page 284, in the Probate Records of Cullman County, Alabama.

Parcel Tax I.D. No. 09-05-16-3-001-014.000

(iii) Parcel 35

Lots Numbered Five (5), Six (6), Seven (7) and Eight (8) of Block Numbered 507 in the City of Vinemont, Alabama.

Less and except: Lot 5 and the West half of Lot 6 in Block 507, in Vinemont, Alabama, according to the plat and survey made by J.R. Carter, C.E., dated June 6, 1898 and recorded in Deed Book 14, Page 284 and 285 in the Office of the Judge of Probate, Cullman County, Alabama.

Parcel Tax I.D. No. 09-05-16-3-001-032.001

(iv) Parcel 17

All lots in block (42) forty-two lying East of Airport Road, except lots 18, 20, 22, 24, and 26 and an unnumbered block of land according to the J. R. Carter survey of Vinemont, Alabama lying East of Block 42, being approximately 12 acres more or less, lying in the Northwest Quarter of the Southwest Quarter of Section 16, Township 9 South, Range 3 West, in Cullman County, Alabama,

LESS AND EXCEPT:

Part of Block Number 42 and also a part of an unnumbered block of land according to the J. R. Carter survey of Vinemont, Alabama lying East of Block 42 being more particularly described as follows: Beginning where the North Line of an unnumbered block intersects the West Line of Section 16, Township 9 South, Range 3 West, being 40 feet South of Block 42 of J. R. Carter survey of Vinemont, Alabama; thence East 343.55 feet to the true point of beginning; thence continue East 208.71 feet to a point; thence North 12° 30' East, 208.71 feet to a point; thence West 208.71 feet to a point; thence South 12° 30' West, 208.71 feet to the point of beginning Containing 1.0 acre, more or less. Said land lying in the Northwest Quarter of the Southwest Quarter of Section 16, Township 9 South, Range 3 West, in Cullman County, Alabama.

Parcel Tax I.D. Nos: 09-05-16-3-001-005.000, 09-05-16-3-001-005.005, and 09-05-16-3-001-036.001.

(v) Parcel 20

Part of Block Number 42 and also a part of an unnumbered block of land according to the J. R. Carter survey of Vinemont, Alabama lying East of Block 42 being more particularly described as follows: Beginning where the North Line of an unnumbered block intersects the West Line of Section 16, Township 9 South, Range 3 West, being 40 feet South of Block 42 of J. R. Carter survey of Vinemont, Alabama; thence East 343.55 feet to the true point of beginning; thence continue East 208.71 feet to a point; thence North 12° 30' East, 208.71 feet to a point; thence West 208.71 feet to a point; thence South 12° 30' West, 208.71 feet to the point of beginning. Containing 1.0 acre, more or less. Said land lying in the Northwest Quarter of the Southwest Quarter of Section 16, Township 9 South, Range 3 West, in Cullman County, Alabama.

The above described property is no part of the homestead of the undersigned, nor the undersigned's spouse, and at no time has the describe property been a part of the undersigned or the undersigned's spouse's homestead.

Parcel Tax I.D. No. 09-05-16-3-001-005.003

(vi) Parcel 45

Lots Numbered One (1) Two (2), Three (3) and Four (4) in Block 507 in the SW ¼ of the SW ¼ of Section 16, Township 9 South, Range 3 West, according to a recorded survey and plat of Vinemont, Alabama by J.R. Carter, C.E.

Parcel Tax I.D. No. 09-05-16-3-001-033.000

(vii) Parcel 37

Lots Numbered One (1) Two (2), and Three (3) in Block 508 in the SW ¼ of the SW ¼ of Section 16, Township 9 South, Range 3 West, according to a recorded survey and plat of Vinemont, Alabama by J.R. Carter, C.E.

Parcel Tax I.D. No. 09-05-16-3-001-035.000

and

(viii) Parcel 36

Lots Numbered Four (4) in Block 508 in the SW ¼ of the SW ¼ of Section 16, Township 9 South, Range 3 West, according to a recorded survey and plat of Vinemont, Alabama by J.R. Carter, C.E.

Parcel Tax I.D. No. 09-05-16-3-001-034.000

2. The obtainment of the Property is necessary to address immediate needs of the Cullman Regional Airport and the expansion of existing adjacent facilities, including the safe approach to the runway of the Cullman Regional Airport, which is in the best interests of the citizens of The City of Cullman and Cullman County in that the same will contribute to the health and general welfare of the citizens of the City, the County and North Alabama.

3. That the City recommends that the City and the County condemn the Property pursuant to the Act.

4. That the Mayor and Council and the Chair of the Board, to the extent allowed by law, be, and is hereby authorized, empowered and directed to cause said Property to be appraised in accordance with §18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

5. That the Mayor and Council and the Chair of the Board, to the extent allowed by law, is further authorized, empowered and directed to attempt to acquire the above Property for the City and the County for the aforesaid purposes at a fair and reasonable price in accordance with §18-1A-22 of the Code of Alabama, as amended.

6. Any prior acts taken by the Board of Directors or its representatives toward the acquisition of said Property, or rights therein, pursuant to the eminent domain code are hereby ratified.

7. That in the case of failure to acquire said Property or rights therein for the purposes aforesaid by purchase from the owner or owners thereof, the Chairman is hereby authorized to engage Greer B. Mallette, Esq, and Christian & Small, LLP to file and conduct condemnation proceedings on behalf of the Board, the City, and the County, for the acquisition of said Property, or rights therein, by the exercise of the right of the eminent domain as provided for in §30 of the Act.

ADOPTED BY THE CITY COUNCIL this the 7th day of June, 2021.

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR this the 7th day of June, 2021.

Mayor