

Derrick Mostella  
Mayor



P.O. Box 70  
211 8<sup>th</sup> Street  
Ashville, AL 35953

Chrystal St. John  
City Clerk

Phone 205-594-4151  
Fax 205-594-4292

*County Seat of St. Clair County*

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## ORDINANCE 2023-009

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

WHEREAS, the City of Ashville, Alabama (“the City”), owns certain real property located in the Industrial Park in the City (the “City Property”); and

WHEREAS, there is a drive located on said property that would provide access to certain real property located behind the City Property; and

WHEREAS, said property located behind the City Property is being developed for industrial purposes consistent with the purpose and intent of the Industrial Park; and

WHEREAS, this development will further industrial and economic development within the City and is anticipated to increase tax revenues for the City, provide additional job opportunities within the City, and improve the aesthetics of the City and enhance the quality of life of the citizens of the City; and

WHEREAS, it has been discovered that said drive does not provide legal access to the property located behind the City Property; and,

WHEREAS, granting an easement to said property promote economic and industrial development within the City in addition to the other benefits provided for herein.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of Ashville, Alabama, as follows:

Section 1. It is hereby established and declared that the following described real property (the “Property”) of the City of Ashville, Alabama, is not needed for public or municipal purposes, to-wit:

The Property: That property identified in Exhibit “A.”

Section 2. That the Mayor is hereby authorized and directed to execute, for and on behalf of the City of Ashville, Alabama, the Easement attached hereto as Exhibit “B”. The benefits to the City enumerated in this Ordinance as well as those contained within the Easement document are deemed adequate consideration by the City Council.

**ADOPTED** and **APPROVED** this the 22<sup>nd</sup> day of June 2023.

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Council Members

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Robin L. Bowlin - Edward Roscoe Lane - Sue Price - Shirley Smith - R. Denise Williams

CITY OF ASHVILLE, ALABAMA

By:   
Derrick Mostella, Mayor

ATTEST:   
Chrystal St. John, City Clerk

**CERTIFICATION**

I, the undersigned, City Clerk of the City of Ashville, Alabama, do hereby, certify that the above is a true and correct copy of an Ordinance duly adopted by the City Council at its meeting held on June 22, 2023, and as same appears of record in Minute Book of said City, and approved by the City Council on the 22<sup>nd</sup> day of June 2023

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Ashville,  
Alabama, this 22<sup>nd</sup> day of June 2023.

  
City Clerk

**THIS INSTRUMENT PREPARED BY  
HILL, GOSSETT, KEMP & WATSON, P.C.  
Post Office Box 310  
Moody, Alabama 35004**

**EASEMENT**

STATE OF ALABAMA  
ST. CLAIR COUNTY

THIS INDENTURE, made and entered into on this 22 day of June, 2023, by and between City of Ashville, hereinafter referred to as Grantor, and PHOR Foam Services, LLC hereinafter referred to as Grantee;

**WITNESSETH:**

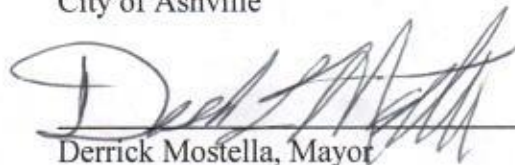
That the Grantor, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain and convey unto the Grantee, a non-exclusive easement hereinafter described over, on, upon, under, through and across certain lands of the Grantor in St. Clair County, for the purpose of ingress-egress and Utilities, being more particularly described as follows:

**See attached Exhibit "A"**

TO HAVE AND TO HOLD the same unto the said Grantee, their successors and assigns, for the use and purpose for which said land is granted, so long as said land is used by the said Grantee, their successors and assigns, for the use and purpose herein above described for which said land is granted.

IN WITNESS WHEREOF, the said Grantor, has signed and sealed these presents on the date first above written.

City of Ashville

  
Derrick Mostella, Mayor

STATE OF ALABAMA  
St. Clair COUNTY

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that Derrick Mostella, whose name as Mayor of the City of Ashville is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, he as such Mayor and with full authority executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 22 day of June, ~~2014~~ <sup>2023</sup>



Crystal D. St. John  
Notary Public

My Commission Expires: 09/03/2025



EXHIBIT "A"

EASEMENT NO. 1

INGRESS-EGRESS AND UTILITIES EASEMENT

A PART OF THE NW 1/4 OF SW 1/4 OF SECTION 31, TOWNSHIP 13 SOUTH, RANGE 4 EAST, ST. CLAIR COUNTY, ALABAMA, MORE

PARTICULARLY DESCRIBED AS FOLLOWS: FROM A CAPPED IRON SET (ASHVILLE CA514LS) AT THE NORTHWEST CORNER OF SAID

NW 1/4 OF SW 1/4, THENCE S02°01'20"E, 960.00 FEET TO A CAPPED IRON SET

(ASHVILLE CA514LS); THENCE S88°26'45"E, 225.45 FEET TO

THE POINT OF BEGINNING; THENCE CONTINUE S88°26'45"E, 30.00 FEET; THENCE

S16°38'52"E, 101.12 FEET; THENCE S28°40'19"E, 82.29

FEET; THENCE N18°50'41"E, 20.29 FEET; THENCE N21°46'41"E, 62.48 FEET; THENCE

N15°56'22"E, 27.62 FEET; THENCE N07°37'02"E, 21.76

FEET; THENCE N00°59'49"E, 25.49 FEET; THENCE N19°37'38"W, 16.38 FEET; THENCE

S88°26'45"E, 30.92 FEET TO A CAPPED IRON SET

(ASHVILLE CA514LS); THENCE S19°37'38"E, 13.79 FEET; THENCE S00°59'49"W, 29.35

FEET; THENCE S07°37'02"W, 25.68 FEET; THENCE

S15°56'22"W, 31.33 FEET; THENCE S21°46'41"W, 63.74 FEET; THENCE S18°50'41"W,

46.48 FEET; THENCE S61°17'13"W, 30.00 FEET; THENCE

N28°35'35"W, 126.18 FEET; THENCE N15°58'10"W, 113.55 FEET TO THE POINT OF

BEGINNING.

EASEMENT NO. 2

INGRESS-EGRESS AND UTILITIES EASEMENT

A PART OF THE WEST 1/2 OF SW 1/4 OF SECTION 31, TOWNSHIP 13 SOUTH, RANGE 4 EAST, ST. CLAIR COUNTY, ALABAMA, MORE

PARTICULARLY DESCRIBED AS FOLLOWS: FROM A CAPPED IRON SET (ASHVILLE CA514LS) AT THE NORTHWEST CORNER OF SAID

NW 1/4 OF SW 1/4, THENCE S02°01'50"E, 960.00 FEET TO A CAPPED IRON SET

(ASHVILLE CA514LS); THENCE S88°26'45"E, 225.45 FEET;

THENCE S15°58'10"E, 113.55 FEET; THENCE S28°35'35"E, 126.18 FEET TO THE POINT

OF BEGINNING; THENCE N61°17'13"E, 45.00 FEET;

THENCE S28°42'47"E, 60.17 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A

RADIUS OF 231.27 FEET AND AN ARC LENGTH OF 123.61 FEET WITH A CHORD

BEARING OF S53°00'44"E AND A CHORD DISTANCE OF

122.15 FEET; S37°42'07"E, 88.78 FEET TO THE NORTH MARGIN OF MURRAY CIRCLE;

THENCE S52°17'53"W, 60.00 FEET ALONG ROAD

MARGIN; THENCE LEAVING ROAD MARGIN RUN N37°42'07"W, 88.78 FEET; THENCE

NORTHWESTERLY ALONG THE ARC OF A CURVE

CONCAVE SOUTHERLY, HAVING A RADIUS OF 171.27 FEET AND AN ARC LENGTH

OF 101.70 FEET WITH A CHORD BEARING OF

N54°42'41"W AND A CHORD DISTANCE OF 100.21 FEET; THENCE N38°28'21"W, 41.72

FEET; THENCE N28°42'47"W, 49.68 FEET; THENCE

N61°17'13"E, 15.00 FEET TO THE POINT OF BEGINNING.