

10-4-10

AN ORDINANCE AFFIRMING AND CONSENTING
TO LEASE AGREEMENT WITH THE PUBLIC
BUILDING AUTHORITY OF THE CITY OF
RAINSVILLE, INC.

WHEREAS, the City of Rainsville (the "City") has entered into a Lease Agreement dated March 22, 2004 (the "Lease Agreement") with The Public Building Authority of the City of Rainsville, Inc. (the "Authority") concerning the leasing by the City of the Agri-Center owned and operated by the Authority;

WHEREAS, pursuant to the terms of the Lease Agreement, the Lease Agreement had an initial term which terminated on September 30, 2004;

WHEREAS, the terms of the Lease Agreement also provide the City with an option to renew the Lease Agreement for 98 successive one year terms beginning October 1 of each year;

WHEREAS, the City wishes to memorialize the renewal of the Lease Agreement and to acknowledge the City's intention to continue to renew the Lease Agreement each year so long as the Authority is indebted to the U.S. Department of Agriculture, or such other holder of the Authority's facility revenue bonds;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RAINSVILLE, Alabama, as follows:

1. **Ratification of Lease Agreement.** The City hereby approves, ratifies and confirms the existence of the Lease Agreement and elects to renew the lease for an additional term ending September 30, 2011. The City acknowledges that the Authority is not currently in default with any of the provisions of the Lease Agreement.
2. **Expression of Intent.** The City hereby memorializes to the U.S. Department of Agriculture, in its capacity as the holder of the Authority's facility revenue bond(s) that the City intends to keep the Lease Agreement in full force and effect subject to the terms set forth in the Lease Agreement, so long as the Authority remains indebted to the U.S. Department of Agriculture.

Adopted this 4th day of October, 2010.

SECTION 2. The specific Schedule "D" and portion of Section 23, License Fee Schedules, of the Business License Code of the City of Rainsville, Alabama, Ordinance Number 10-15-07, as amended, set out and listed by title letter below shall be, and is hereby, amended and replaced with the following language, effective for the fiscal year 2011 and following years unless and until otherwise amended. Those portions and schedules of such Section 23 of Ordinance Number 10-15-07, as amended, not set out, listed, and/or amended below shall remain intact as set out in the original ordinances, amendments, and Sections thereof:

"SECTION 23. License Fee Schedules.

Schedule "D" – If gross receipts are:

More Than or Equal To	but	Less Than	Fee Amount
\$ 0.00		\$ 75,000.00	\$ 100.00
\$ 75,001.00		\$ 200,000.00	\$ 200.00
\$ 200,001.00		\$ 300,000.00	\$ 300.00
\$ 300,001.00		\$ 500,000.00	\$ 400.00
\$ 500,001.00		\$ 800,000.00	\$ 500.00
\$ 800,001.00		\$1,000,000.00	\$ 600.00
\$1,000,001.00		and up	\$ 1,000.00."

Adopted this 6th day of December, 2010.


DONNIE CHANDLER, Mayor

Attest:


JUDY LEWIS, Clerk

CLERK'S CERTIFICATE

I hereby certify that Ordinance No. 12-6-10 was published on the 9th day of December, 2010, by publication of the same:

in *The DeKalb Advertiser*, a newspaper of general circulation in the City of Rainsville; and/or

by posting at Rainsville City Hall, the Rainsville Public Library, the Rainsville Post Office, and Rainsville Foodland.


JUDY LEWIS, Clerk

It was moved by Shirey that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance be given. The motion was seconded by Lingerfelt and was unanimously carried, those voting aye being:

Ayes: David Shirey
Arlan Blevins
Rodger Lingerfelt
Bejan Taheri
Fred Bobo

Nays: None.

The Mayor declared the motion carried.

After said resolution had been discussed and considered in full by the Council, it was moved by Shirey that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Taheri. The question being put as to the adoption of said motion and the final passage and adoption of said ordinance, the roll was called with the following results:

Ayes: David Shirey
Arlan Blevins
Rodger Lingerfelt
Bejan Taheri
Fred Bobo

Nays: None.

The Mayor thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

STATE OF ALABAMA

DEKALB COUNTY

CERTIFICATE OF CITY CLERK

I, the undersigned, do hereby certify that: (1) I am the duly elected, qualified and acting Clerk of the City of Rainsville, Alabama (the "Municipality"), (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of its records on its behalf, (3) the above and foregoing pages constitute a complete, verbatim and compared copy of excerpts from the minutes of a regular meeting of the City Council of the Municipality duly held on the 4th day of October, 2010, the original of which is on file and of record in the minute book of the City Council in my custody, (4) the ordinances set forth in such excerpts are complete, verbatim and compared copies of such ordinances as introduced and adopted by the City Council on such date, and (5) said ordinances are in full force and effect and have not been repealed, amended or changed.

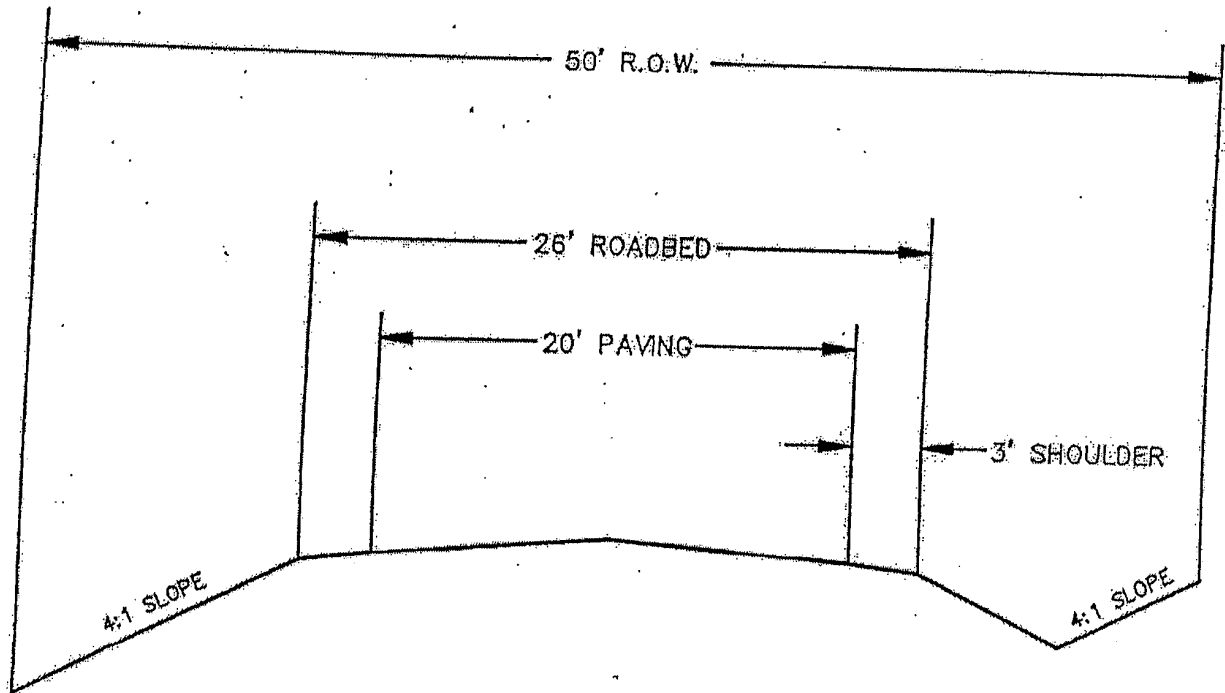
IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this 4th day of October, 2010.

Audrey Lewis
Clerk of the City of Rainsville, Alabama

SEAL

TYPICAL SECTION
TO BE USED ON ALL NEW
ROADS & SUBDIVISIONS
CITY OF RAINSVILLE, ALABAMA

1.806



NOTE: ROADWAY CROWN IS TO BE 0.5 FT. EACH SIDE.
METAL OR CONCRETE PIPE MAY BE USED.
SMALLEST SIZE ROADWAY PIPE IS 15" DIA.
BOTTOM OF DITCH IS TO BE 1 FT. IN DEPTH
FROM FINISHED SHOULDER GRADE.

ANY CHANGES IN DESIGN SHALL BE APPROVED
BY CITY ENGINEER.

Exhibit 'A' Ordinance No. P-20-10-A