ORDINANCE NO. 2026 - 0629

STATE OF ALABAMA
MONTGOMERY COUNTY
TOWN OF PIKE ROAD

AN ORDINANCE DECLARING A SLOPE GRADING EASEMENT ALONG MARLER ROAD NOT NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING ITS RELEASE TO MARLER 2022, LLC

WHEREAS, by Right of Way Deed and Slope Grading Easement dated February 20, 2026, and recorded February 23, 2026, in RLPY Book 6426, Page 352 (Instrument No. 32014804891), in the Office of the Judge of Probate of Montgomery County, Alabama (the "Deed"), Marler 2022, LLC, an Alabama limited liability company ("Marler"), for consideration of One Dollar ($1.00), conveyed to the Town of Pike Road (the "Town") (a) a right of way containing 3,048 square feet, more or less, described in the Deed as "Parcel 1, Right of Way conveyance" (the "Right of Way"), and (b) a slope grading easement containing 4,754 square feet, more or less, described in the Deed as "Parcel 2, Slope Grading Easement" and in Exhibit "A" attached to this Ordinance (the "Slope Grading Easement"), for a turn lane to be constructed at Marler Road and Alabama State Route 110 (the "Turn Lane Project"); and

WHEREAS, by Consent and Waiver of Right of First Refusal dated February 20, 2026, and recorded February 23, 2026, in RLPY Book 6426, Page 355 (Instrument No. 32014804892), in said Probate Office (the "Consent"), Red Rock Ridge, LLC, an Alabama limited liability company ("Red Rock"), the holder of a Restrictive Covenant and Right of First Refusal recorded in RLPY Book 5769, Page 898, in said Probate Office (the "Right of First Refusal"), (a) consented to the conveyance of the Right of Way and the Slope Grading Easement to the Town, (b) agreed not to exercise its Right of First Refusal as to the Right of Way, and (c) agreed that if it exercises its Right of First Refusal, it will take the property subject to the Slope Grading Easement; and

WHEREAS, the Alabama Department of Transportation, by email dated November 12, 2026, from its Southeast Region Pre-Construction Engineer to Flowers & White Engineering, LLC, has informed the Town in writing that, based on its review, the Slope Grading Easement is no longer needed for the Turn Lane Project and should be eliminated, and that once it is eliminated, Montgomery Water Works will no longer have a shared easement and its utility project can move forward; and

WHEREAS, the Town is not using the Slope Grading Easement and has no further need for it, and the Slope Grading Easement is not needed for public or municipal purposes; and

WHEREAS, the Right of Way remains needed for the Turn Lane Project and for public and municipal purposes, and it is not affected by this Ordinance; and

WHEREAS, Marler gave the Slope Grading Easement to the Town for nominal consideration, and its release will return to Marler an interest the Town received at no cost to the Town, remove an unneeded encumbrance from land within the Town, and allow the utility project to move forward, all of which serve a public purpose; and

WHEREAS, once the Slope Grading Easement is released, Red Rock's agreement in the Consent to take the property subject to the Slope Grading Easement will serve no further purpose, but Red Rock's consent to the conveyance of the Right of Way and its agreement not to exercise its Right of First Refusal as to the Right of Way remain needed by the Town; and

WHEREAS, Section 11-47-20 of the Code of Alabama 1975 provides that the governing body of a municipality may, by ordinance to be entered on its minutes, direct the disposal of any real property not needed for public or municipal purposes and direct the mayor to make title thereto, and that a conveyance made by the mayor in accordance with such ordinance invests the grantee with the title of the municipality;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PIKE ROAD, ALABAMA, as follows:

Section 1. Findings. The Town Council finds and determines that the recitals above are true and correct and are incorporated in this Ordinance, and that the Slope Grading Easement, over the land described in Exhibit "A" attached to this Ordinance, is not needed for public or municipal purposes.

Section 2. Release of the Slope Grading Easement. The Town Council directs that the Slope Grading Easement be released and returned to Marler 2022, LLC, its successors and assigns, and authorizes and directs the Mayor to execute and deliver, for and in the name of the Town, a release and quitclaim of all of the Town's right, title and interest in and to the Slope Grading Easement and the land described in Exhibit "A," without warranty, for consideration of One Dollar ($1.00) and other good and valuable consideration, in a form approved by the Town Attorney (the "Release").

Section 3. Consent and Waiver of Right of First Refusal. Upon the recording of the Release, Red Rock Ridge, LLC, its successors and assigns, are released from their agreement in paragraph 2(ii) of the Consent to take the property subject to the Slope Grading Easement, and the Mayor is authorized to sign, for and in the name of the Town, any instrument confirming that release, in a form approved by the Town Attorney. Red Rock Ridge, LLC's consent in paragraph 1 of the Consent to the conveyance of the Right of Way to the Town, and its agreement in paragraph 2(i) of the Consent not to exercise its Right of First Refusal as to the Right of Way, are not released and remain in full force and effect.

Section 4. Right of Way Retained. Nothing in this Ordinance, the Release or any instrument signed under Section 3 releases, conveys, limits or otherwise affects the Right of Way described in the Deed as "Parcel 1, Right of Way conveyance," which remains vested in the Town.

Section 5. Execution and Recording. The Town Clerk is authorized and directed to attest the Release and any instrument signed under Section 3 and to affix the seal of the Town. The Mayor, the Town Clerk and the Town Attorney are authorized to cause the Release, and any such instrument, to be recorded in the Office of the Judge of Probate of Montgomery County, Alabama, and to take all other actions necessary to carry out this Ordinance.

Section 6. Entry on the Minutes. This Ordinance shall be entered on the minutes of the Town Council as required by Section 11-47-20 of the Code of Alabama 1975.

Section 7. Severability. If any part of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected.

Section 8. Effective Date. This Ordinance shall take effect upon its adoption and its publication or posting as required by law.

THE REAL PROPERTY TO WHICH THIS ORDINANCE APPLIES is described in Exhibit "A" attached to this Ordinance and made a part of it.

ADOPTED AND APPROVED this the 25th day of November, 2026.

TOWN OF PIKE ROAD, ALABAMA

Gordon Stone, Mayor

Councilmember, Place 1

Councilmember, Place 2

Councilmember, Place 3

Councilmember, Place 4

Councilmember, Place 5

ATTEST:

Town Clerk

(TOWN SEAL)

CERTIFICATE OF TOWN CLERK

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
TOWN OF PIKE ROAD)

I, Lisa W Burke, Town Clerk of the Town of Pike Road, Alabama, certify that the foregoing is a true and correct copy of Ordinance No. 2026-049, which was duly adopted by the Town Council of the Town of Pike Road at its regular meeting held on the 25th day of November, 2026, at which a quorum was present; that the Ordinance has been entered on the minutes of the Town Council; that it was published or posted on the 25th day of November, 2026, as required by law; and that it has not been amended or repealed and remains in full force and effect.

GIVEN under my hand and the official seal of the Town of Pike Road, Alabama, this the 25th day of November, 2026.

Lisa W Burke
Town Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

Slope Grading Easement Released

(Parcel 2 of Right of Way Deed and Slope Grading Easement recorded in RLPY Book 6426, Page 352)

COMMENCE AT AN IRON PIN LOCATED AT THE SOUTHWEST CORNER OF LOT 1 OF MARLER STATION EAST COMMERCIAL PLAT NO. 1, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, MONTGOMERY COUNTY, ALABAMA IN PLAT BOOK 57, PAGE 88 SAID PIN ALSO LYING ON THE EAST RIGHT OF WAY OF MARLER ROAD (80' RIGHT OF WAY WIDTH); THENCE CROSSING SAID RIGHT OF WAY N69°35'04"W 80.00 FEET TO A CONCRETE MONUMENT LOCATED ON THE WEST RIGHT OF WAY OF SAID MARLER ROAD; THENCE ALONG SAID RIGHT OF WAY S66°14'17"W 13.92 FEET TO A POINT SAID POINT BEING THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUING ALONG SAID RIGHT OF WAY S66°14'17"W 20.88 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY N20°18'54"E 324.21 FEET TO A POINT; THENCE S69°41'06"E 15.00 FEET TO A POINT; THENCE S20°18'54"W 309.68 FEET TO THE POINT OF BEGINNING.

SAID PARCEL LYING IN SECTION 2, T-15-N, R-20-E, MONTGOMERY COUNTY, ALABAMA AND CONTAINING 4,754 SQUARE FEET, MORE OR LESS.