

RESOLUTION 2011-01

PURSUANT TO AMENDMENT NO 750 TO THE CONSTITUTION OF ALABAMA 1901, AND RELATED TO THE PROMOTION OF LOCAL ECONOMIC AND INDUSTRIAL DEVELOPMENT, PROVIDING FOR A DETERMINATION BY THE MAGNOLIA SPRINGS TOWN COUNCIL THAT AN EXPENDITURE OF PUBLIC FUNDS WILL SERVE A VALID AND SUFFICIENT PUBLIC PURPOSE

WHEREAS, section 94.01 of the Alabama Constitution and Amendment No. 750 to the Constitution of Alabama (1901) (Ala. Const. Local Amends., Baldwin County, § 3) authorize, the Town Council of Magnolia Springs to lend it's credit or grant public funds and thing of value in aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of the Town of Magnolia Springs; and

WHEREAS, section 94.01 of the Alabama Constitution and Amendment No. 750 to the Constitution of Alabama (1901) provide that the authority to lend credit to or grant any public funds or thing of value to or in aid of any private entity be exercised only after the following has been accomplished:

- (1) The action proposed to be taken by the Town of Magnolia Springs is approved at a public meeting of the Town Council of Magnolia Springs by resolution containing a determination by the Town Council that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and
- (2) At least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the town describing in reasonable detail the action proposed to be taken, a description of the public benefits sought to be achieved by such action and identifying each individual, firm, corporation, or other business entity to whom or for whose benefit Magnolia Springs proposes to lend its credit or grant public funds or thing of value; and

WHEREAS, the Town Council of Magnolia Springs finds that a valid and sufficient public purpose will be served by an expenditure of \$90,000 of public funds to Ammons & Blackmon Construction, a private business entity, for the purpose of promoting economic development in the Town of Magnolia Springs; now therefore

BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF MAGNOLIA SPRINGS, IN A REGULAR TOWN COUNCIL MEETING, that pursuant to the authority provided by section 94.01 of the Alabama Constitution and Amendment No. 750 to the Constitution of Alabama (1901), the Town Council approves a grant of NNINETY-THOUSAND DOLLARS (\$90,000.00) of public funds to Ammons & Blackmon Construction, a private business entity, for the purpose of promoting the economic and industrial development of the Town of Magnolia Springs.

FURTHER, BE IT RESOLVED, that, pursuant to section 94.01 of the Alabama Constitution and Amendment No. 750 to the Constitution of Alabama (1901), the Magnolia Springs Town Council hereby determines at its February 22, 2011, public meeting that such expenditure (grant) of public funds to a private business entity for the purpose of promoting the economic development of the Town of Magnolia Springs will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities. A description of the public benefits sought are as follows:

- (1) The Town of Magnolia Springs ("Town") is promoting economic development by the location of a Family Dollar store within the corporate

limits of the Town of Magnolia Springs. The Town is granting \$90,000.00 to Ammons & Blackmon Construction towards the cost of constructing a center turn lane on U.S. Highway 98 in front of the Family Dollar. The public benefits sought to be achieved by such expenditure include, without limitation, the following: (1) the construction of a center turn lane on U.S. Highway 98 will protect the health and welfare of public vehicular and pedestrian traffic and accomplish an element of the Town's Comprehensive plan at a reduced cost; (2) the location of a Family Dollar store within the Town will provide the public more convenient options for purchasing groceries, household supplies and other merchandise; and (3) the location of a Family Dollar store within the Town will increase tax revenues for the Town. The individuals, firms, corporations or other business entities to whom of for whose benefit the Town proposes to grant public funds are Ammons & Blackmon Construction and DYAS Construction Management, LLC.

FURTHER, BE IT RESOLVED, that, pursuant to section 94.01 of the Alabama Constitution and Amendment No. 750 to the Constitution of Alabama (1901), the Magnolia Springs Town Council, on February 14, 2011, at least seven days prior to the February 22, 2011, public meeting of the Town Council, provided notice in the Baldwin Press Register, the newspaper having the largest circulation in the Town of Magnolia Springs, Alabama, which described in reasonable detail the action proposed to be taken, a description of the public benefits sought to be achieved by the action and identifying each individual, firm, corporation or other business entity to whom or for whose benefit the Town Council proposes to grant public funds. A copy of said notice is attached hereto and incorporated herein as *Exhibit "A"*.

Approved and adopted on this 22nd day of February, 2011.



Charles S. Houser – Mayor

ATTEST:



Karen S. Biel – Town Clerk