

RESOLUTION NO. 238

A RESOLUTION PURSUANT TO MOUNT CARMEL MUNICIPAL CODE 1-402 AUTHORIZING THE MAYOR TO ACCEPT AND RECEIVE ON BEHALF OF THE TOWN OF MOUNT CARMEL, TENNESSEE A DEED FOR THE TRANSFER OF TITLE TO PROPERTY WITH THE APPROPRIATE REVERSIONARY CLAUSES AND DEED RESTRICTIONS FROM THE UNITED STATES OF AMERICA, DEPARTMENT OF THE ARMY

WHEREAS, The United States of America, Department of the Army, has expressed a willingness to convey without requirement of reimbursement to the Town of Mount Carmel, Tennessee, a certain tract of real property presently owned by it situated within the corporate limits of the Town and contiguous to the present Liberty Hill Cemetery; and

WHEREAS, Tenn. Code Anno. §6-2-201(4), (7), (15), and (32), provide that the Town of Mount Carmel, Tennessee, has the authority to contract for and acquire such property; and

WHEREAS, the Town of Mount Carmel, Tennessee, is prepared to accept the terms specified in correspondence received from Tommie E. Pierce, Chief, Management & Disposal Branch, Real Estate Division, of the Mobile District, Corps of Engineers of the United States Army including, but not limited to, a) the property is to be used for cemetery purposes only, b) the deed for same will include a reversionary clause stating that if the property, or any portion of it, is used for any purpose other than for a cemetery, all right, title and interest in and to the property will revert to and become the property of the United States of America at its option, c) the deed for same will include provisions, required under Section 120 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), warranting that any response or corrective action after the transfer shall be conducted by the United States and will provide for access if necessary to carry out those actions, d) the deed for same will include provisions prohibiting inhabited structures for safety purposes, e) the deed for same will include a general provision that it is conveyed subject to existing rights-of-way for highways, roads, utilities, and so forth; and f) the Town will be required to construct to Army specifications, or pay for the cost of construction of, a new installation fence around the conveyed property; and

WHEREAS, the potential revenue to be derived from the operation of a cemetery on such property could be important to the financial well being of the Town of Mount Carmel, Tennessee; and

WHEREAS, there is presently a need for cemetery spaces within the Town; and

WHEREAS, the public welfare requires it;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee, as follows:

Section 1. The donation to the town of the property noted above is in the best interest of the town and its citizens even in light of the restrictions with which it is offered and acceptance of the property with the conditions attached thereto is therefore approved;

Section 2. The Mayor shall do all things necessary to validate and make the acceptance of the property legally binding including, but not limited to, affixing his signature to whatever instruments deemed necessary;

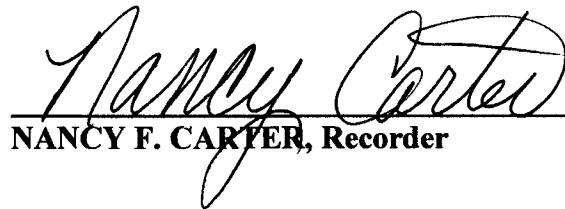
Section 3. This Resolution shall take effect upon its passage the public welfare requiring it.

Duly passed and approved this 26th day of July, 2001.



GARY LAWSON, Mayor

ATTEST:



NANCY F. CARTER, Recorder

APPROVED AS TO FORM:



MICHAEL A. FAULK
LAW OFFICE OF MICHAEL A. FAULK

FIRST READING	AYES	NAYS	OTHER
GEORGE PIERCE	✓		
HENRY BAILEY	✓		
EUGENE CHRISTIAN	✓		
PAUL HALE	✓		
GARY LAWSON, MAYOR	—		
THOMAS WHEELER	✓		
WANDA WORLEY	✓		
TOTALS	4	0	0

PASSED FIRST READING: 7-26-01