

**ORDINANCE NO. 1544**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, AS FOLLOWS:

SECTION 1. It is hereby established and declared that the following described real property of the City of Fairhope, Alabama, is not needed for public or municipal purposes during the term of this lease, the building and land situated at 350 Morphy Avenue.

SECTION 2. The City of Fairhope, Alabama, having received an offer from Theatre 98, Inc. to lease that real property described in Section 1, above, it is hereby declared to be in the best interest of the public and the City of Fairhope, Alabama, to lease said real property to Theatre 98, Inc. under the following terms and conditions, to-wit:

The term of this lease agreement shall begin on August 1, 2015 and shall extend for a period of 10 years from the date the ordinance authorizing this lease is effective. Lessee is hereby granted an option to renew this lease for another 10 years on terms to be agreed to between the parties.

Lessee promises and agrees in lieu of rent to maintain the premises and keep them in good repair. An additional obligation of Lessee, in lieu of monthly rental is that Lessee shall perform services for the City and the local community by putting on at least four (4) performances per year for city and county residents. The value of the performances presented to youth and senior citizens in the community shall be at least \$3,000.00 per calendar year.

Lessee shall furnish and pay for all electricity, gas, water, fuel, or any services or utilities used in or assessed against the premises, unless otherwise expressly provided in this agreement. Lessee shall also be responsible for removal of garbage from the leased premises.

All other terms and conditions are set forth in the lease agreement.

(A copy of the Lease Agreement is on file in the City Clerk's office)

SECTION 3. Pursuant to the authority granted by Section 11-47-21 of the Code of Alabama of 1975, the Mayor of the City of Fairhope, Alabama, is hereby directed to execute said lease agreement in the name of the City of Fairhope, Alabama.

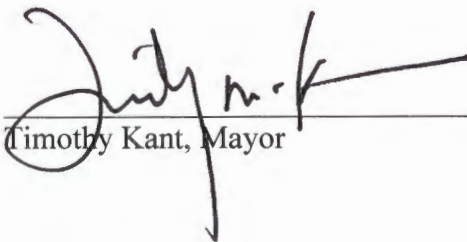
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SECTION 4. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5. This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 27TH DAY OF JULY, 2015

  
\_\_\_\_\_  
Timothy Kant, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

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Friday August 7, 2015