

RESOLUTION NO. 2024-061

**A RESOLUTION AUTHORIZING THE DESIGNATION OF CERTAIN REAL
PROPERTY AS AN INDUSTRIAL PARK**

WHEREAS, pursuant to Ala. Code § 11-23-1, et seq., a Petition for the establishment of an Industrial Park located within Baldwin County, Alabama, and outside the corporate boundary of any municipality of Baldwin County, Alabama, was presented to the Baldwin County Commission on the 2nd day of January, 2024, and notice of the public hearing of the same was provided by publication in The Courier, The Islander, The Onlooker, and/or The Baldwin Times, newspapers of general circulation throughout the County on the 20th day of December, 2023; and

WHEREAS, the Baldwin County Commission has determined that the Petition should be granted, provided that such grant shall not be effective until mutually agreed upon restrictive covenants encumbering the Property described in the Petition have been executed and recorded.

**NOW, THEREFORE, BE IT RESOLVED BY THE BALDWIN COUNTY
COMMISSION, AS FOLLOWS:**

1. The Petition attached hereto as **Appendix 1** and made a part hereof as if fully set out herein is hereby GRANTED; provided, however, that such grant shall not be effective until the mutually agreed upon restrictive covenants referenced above, and attached hereto as **Appendix 2** and made a part hereof as if fully set out herein, have been duly executed and properly recorded in the Baldwin County probate records; and

2. The Property described in said Petition, as depicted and described by the maps and descriptive attached to such Petition, shall hereafter be designated as an Industrial Park pursuant to Ala. Code § 11-23-1, et seq. and shall be subject to said covenants; and

3. The action taken by the County Commission shall be recorded on the Petition by the identifying signature of the presiding officer of the County Commission; and

4. Certified copies of the Petition and its exhibits shall be filed with the County Commission and with the clerk of the Probate Court of Baldwin County, Alabama.

The undersigned Chair of the Baldwin County Commission does hereby certify that the foregoing Resolution and maps were duly adopted on the 6th day of February 2024, by the Baldwin County Commission.

DATED this the 6th day of February, 2024.



BILLIE JO UNDERWOOD
Chair of Baldwin County Commission

The undersigned Administrator of the Baldwin County Commission does hereby certify that the above and foregoing resolution, together with the Petition and its exhibits attached hereto, was adopted by the Baldwin County Commission on the 6th day of February, 2024.



ROGER H. RENDLEMAN
County Administrator

(SEAL)



APPENDIX 1

Petition for Industrial Park

(attached)

PETITION TO ESTABLISH AN INDUSTRIAL PARK

COMES NOW Everwood Preserving, Inc., (the "Petitioner") the owner of one hundred percent (100%) of the property described on Exhibit "A" (the "Property"), and respectfully files this Petition to seek the approval of the County Commission to establish an Industrial Park pursuant to § 1-23-1, et seq., Code of Alabama. In support thereof, Petitioner submits the following:

1. Petitioner owns one hundred percent (100%) of the Property described on Exhibit A.
2. The Property is greater than 10 acres, and is without the boundaries of any municipality, being entirely within Baldwin County, The Property is a compact body of land which is used exclusively for industrial purposes or is primarily suited for industrial development.
3. A certified map of the Property is attached hereto as Exhibit B.
4. Petitioner desires that the Property be approved and established as an Industrial Park..

Accordingly, Petitioner requests that the County Commission will set this Petition for hearing and provide ten (10) days' notice by publication in a newspaper of general circulation, after which said Petition be approved.

Respectfully submitted,



EVERWOOD PRESERVING, INC.

By: Justin Wright

Its: Chief Financial Officer

EXHIBIT A



EXHIBIT B

[illegible]

[illegible]

APPENDIX 2

Declaration of Covenants and Restrictions

(attached)

DECLARATION OF COVENANTS AND RESTRICTIONS

This Declaration of Covenants and Restrictions (this "Declaration") is made effective as of the 6th day of February, 2024 (the "Effective Date"), by EVERWOOD PRESERVING, INC., a Delaware corporation, whose address is 11349 US-31, Spanish Fort, AL 36527 ("EW" and "Declarant").

Recitals

WHEREAS, Declarant is the owner of certain real property located in Baldwin County, Alabama, more particularly described on Exhibit A attached to this Declaration (the "Declarant Property"); and

WHEREAS, Declarant desires to impose certain covenants and restrictions on the Declarant Property, as hereinafter set forth, in conjunction with the Declarant Property being designated an industrial park by the Baldwin County Commission.

Article 1 Purpose

1.01 Purpose

Declarant desires to impose a plan for the orderly use and development of the Declarant Property.

Article 2 Definitions

"Commission" means the County Commission of Baldwin County, Alabama in whatever current iteration existing at any given time.

"Existing Use" of the property means the following business operations: wood preservation, wood manufacturing, building products storage and distribution, logistics terminal for wood and building products, import/export and distribution of wood and building products, and other lumber distribution related activities.

Article 3 Restrictions of Site

3.01 Traffic Flow of Site

Declarant hereby covenants and agrees that no commercial traffic resulting from the business shall be routed by Declarant to or from either Jessie Road or Austin Lane in Baldwin County, Alabama for any reason at any time, other than a bona fide emergency.

3.02 Further Subdivision

Declarant reserves, and shall at all times have the right, only with the consent of the Commission, and subject to Alabama law, to plat or re-plat or otherwise subdivide any lot or other property owned by Declarant and may increase or decrease or change the size, shape, or dimensions of any lot or other property owned by Declarant, within the bounds of the

Declarant Property. Any such plat, re-plat, or subdivision shall also be subject to approval by the appropriate governing body which, at the time of this Declaration, is the Baldwin County Planning Commission.

3.03 Sale of Property

Declarant shall not enter into any real estate transaction that results in any portion of the Declarant Property being transferred to an unrelated third-party person or entity without the consent or approval of the Commission, which shall be in the Commission's sole and complete discretion. Nothing in this paragraph shall be construed as a restraint on alienation. The remedy for a violation of this provision shall be the termination of the industrial park designation as set forth in paragraph 6.03 below.

3.04 Vegetative Buffer

Declarant agrees to maintain a 20 ft wide vegetative buffer along parts of the western boundary, the northern boundary, and the entire eastern boundary of Declarant Property, including without limitation coniferous trees sufficient to screen existing structures and any improvements from future development at all times of the year. The vegetative buffers described in this paragraph are depicted on the map attached hereto as Exhibit B.

**Article 4
Permitted Uses of Site**

4.01 Permitted Uses

Declarant covenants to operate the Declarant Property in a substantially similar fashion to its Existing Use of the property as of the date of this Declaration.

**Article 5
Property Maintenance**

5.01 Property Maintenance

Declarant agrees, at its sole cost and expense, to keep its property, including buildings, improvements, grounds, and drainage and detention areas, in a well-maintained condition. Property maintenance includes, but is not limited to, the following:

- Buildings shall at all times be kept in good condition and repair and adequately painted or otherwise finished.
- Prompt removal of all litter, trash, refuse and wastes.
- Lawn mowing on a regular basis.
- Installing adequate exterior lighting and maintaining mechanical facilities in working order.
- Keeping parking areas and driveways in good repair.
- Promptly repairing exterior damage to improvements.

**Article 6
Duration and Amendments**

6.01 Term

This Declaration shall remain in effect, unless amended in accordance with section 6.02.

6.02 Amendments

This Declaration may be amended with the written consent of the Declarant and the Commission. Any and all such amendments shall be effective upon the recording in the Official Public Records of Baldwin County, Alabama of an instrument setting forth the amendment, duly executed and acknowledged by Declarant.

6.03 Termination of Industrial Park Designation

The Commission shall give written notice to the Declarant of the violation of any covenant or restriction herein. Declarant shall cure such violation within a reasonable time, which shall not exceed sixty (60) days. If such violation is susceptible of cure but cannot reasonably be cured within such sixty (60) day period, and Declarant shall have commenced to cure such violation within such sixty (60) day period and thereafter diligently and expeditiously proceeds to cure the same, such sixty (60) day period shall be extended for an additional period of time as is reasonably necessary for Declarant in the exercise of due diligence to cure such violation, such additional period not to exceed an additional sixty (60) days. Failure to timely cure such violation shall be deemed an irrevocable request by Declarant to abolish the industrial park and conclusive evidence that the property has ceased to be used for industrial park purposes. Declarant also agrees that such uncured violation shall result in the abolishment of Declarant's industrial park designation by the Commission. Nothing in this Declaration shall prejudice the Commission's nor Declarant's remedies or authority available under Alabama law.

(End of Page – Signature Pages and Exhibits Follows)

EVERWOOD PRESERVING, INC.

By: 
Kevin Savoy, Vice President

STATE OF ALABAMA

COUNTY OF HENRY

This instrument was signed and acknowledged before me on the 24th day of January, 2024, by Kevin Savoy, in the capacities stated.



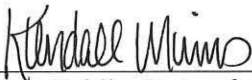

Notary Public, State of Alabama

Exhibit A and B – Declarant Property

