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Hollie C. Cost, Ph.D. – Mayor
Herman Lehman – City Clerk
Jeremy Littleton – Chief of Police
Bill Reid - Fire Chief

Council Members
Sharon Gilbert
Willie Goldsmith
Rusty Nix
Jason Peterson
Dee Woodham

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April 28, 2016

Alabama Department of Economic and Community Affairs (ADECA)
Community and Economic Development Programs Division
Attention: Crystal Davis, Recreation and Conservation Programs Manager
Post Office Box 5690
Montgomery, AL 36103-5690

Re: RTP Pre-application
Shoal Creek Park, Montevallo AL

Dear Ms. Davis:

With the submission of the attached RTP Pre-application, the City of Montevallo is requesting funds to construct a trailhead, pavilion with restroom facility and signage for the trail system at Shoal Creek Park in Montevallo, Alabama. The City is requesting \$100,000 for the project, with the City providing the required 20% in matching funds for this grant. These improvements would serve as a connector between a parking lot currently being constructed at the site and the primary trail access point. The trail is located on a portion of a 167-acre parcel of land along Hwy 119 recently donated to the City. The existing trail at the site was developed largely through volunteer support. Upon completion, the facilities and the trail will be maintained by the city and volunteers.

In years to come, our plan is to develop the remainder of the gifted property for additional recreational use. In addition, we hope that one day our trails at Shoal Creek Park will be able to be linked to the nationally recognized Montevallo Parks Trail system which currently connects Orr Park to University Lake and Stephens Park in Montevallo.

As always, we deeply appreciate your time and consideration of our funding request.

Gratefully yours,

Hollie C. Cost
Mayor

Pre-application form

FY2016 Recreational Trails Program
Pre-Application Form
Deadline: Noon, Tuesday, May 3, 2016

Applicant Information

Applicant's Name (Organization)

Street Address

City

State

Zip Code

County

FEIN

DUNS Number

Project Title (maximum of six words)

Project Description (maximum of 25 words)

Park Name

Park Address

City

State

Zip Code

GPS Coordinates of Project

Congressional District

State Senate District

House Senate District

Applicant's Chief Elected Official, Director, or President

E-mail Address

Phone Number

Grant Administrator

E-mail Address

Phone Number

General Project Information

Trail Length in Linear Feet

Trail Width

Trail Surface Type

- Application Type
- Non-motorized, Single Use
 - Non-motorized, Diverse Use
 - Motorized, Diverse Use
 - Motorized, Single Use
 - Educational

- Type of Applicant
- City/Town
 - County
 - State
 - Private Organization

Total Estimated Project Cost

Grant Amount Requested

Total Local Match

Cash Match

In-Kind Match

Donation

Project Narrative

Brief Description of the Project
(350 characters or less)

Montevallo seeks funds to enhance Shoal Creek Park Trail by constructing signage, a pavillion and restroom to serve as a connector between a newly constructed parking lot and the primary trail access point. This would initiate the first phase of the recently donated 167 acre park, enabling it to be open for public use.

Note: Property acquired with RTP funds must remain open to the public in perpetuity. Should the property cease to be open to the public for trail use, the applicant must repay the RTP 80% of the fair market value of the property at the time of the change in use. If the project is located on an easement or on leased land, the minimum timeframe for the easement or lease is 25 years. The project must remain open for public access for the use for which the RTP funds were intended during that time. For development projects on applicant owned property, the project must remain open for public access for the use for which the RTP funds were intended for a minimum of 25 years.

Total Project Cost

Total Funds Requested

Important Note: The maximum grant amount by trail type is \$35,000 for non-motorized, single-use trails; \$100,000 for non-motorized, diverse-use trails; \$524,936 for motorized trails, or \$87,489 for education projects.

Signature, Chief Elected Official,
Director, or President

Date

Typed Name and Title

Program Information

Introduction

History and Purpose

The Recreational Trails Program (RTP) is a federal grant program authorized by Congress for the purpose of providing states, local governments, and private sector organizations with funds to acquire lands and develop and/or improve trail and trail-related resources.

Allocation of Funds for the 2016 Funding Cycle

The RTP funds are appropriated by Congress to the U. S. Department of Transportation, Federal Highway Administration (FHWA), and FHWA allocates the funds through state agencies as a grants program to sub-grantees. Alabama's allocation to sub-grantees in the 2016 funding cycle will be approximately \$1,609,000.

Division of Available Funds

The maximum grant amount by trail type is \$35,000 for non-motorized, single-use trails; \$100,000 for non-motorized, diverse-use trails; \$524,936 for motorized trails, or \$87,489 for education.

Thirty percent of Alabama's RTP funds must be used for motorized trail uses, 30 percent for non-motorized trail uses, and 40 percent for diverse trail uses. Diverse motorized projects (such as ATV and motorcycle) or diverse non-motorized projects (such as pedestrian and equestrian) may satisfy two of these categories at the same time. The State encourages applicants to consider projects that benefit both motorized and non-motorized users, such as common trailhead facilities.

Resolution

Resolution 04112016-206

Whereas, the City of Montevallo is preparing to submit an application for a 2016 Recreational Trails Program grant to assist with funding of a pavilion with restrooms, trail head and signage at Shoal Creek Park; and

Whereas, the grant limit is \$100,000; and

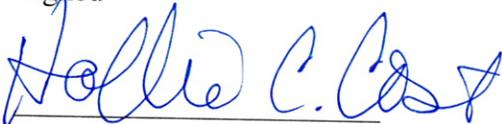
Whereas, the city will be responsible for a 20% grant match (\$20,000).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTEVALLO, ALABAMA AS FOLLOWS:

- 1) The Mayor is hereby authorized to make application for the RTP grant for improvements to the trail system at Shoal Creek Park including: a pavilion with restrooms, trail head and signage.

ADOPTED AND APPROVED THIS 11th DAY OF APRIL, 2016.

Signed



Hollie C. Cost
Mayor

Attest



Herman F. Lehman, III
City Clerk

Narrative Description with Attachments

1. Describe the degree to which the project's scope and feasibility meet the project area's recreational needs. (1000 character limit)

A 167-acre parcel of land was formally designated for use as a public park upon transfer of ownership. Upon donation, the city formed a stakeholder's committee to complete a masterplan for the property (Attachment A). Trails were identified as a key use for the property and designated as the top developmental priority. The scope of this project includes a mapped trailhead complete with a restroom facility, pavilion and signage system. In order for the property to open for public use, the restrooms are critical. The pavilion will be used as a respite for hikers as well as an outdoor classroom for educational groups who use the trail and enjoy the property as a whole. The mapped trailhead and signage will serve to identify key trail features and guide hikers in the appropriate direction.

2. Describe the ways in which the project provides for the greatest number of compatible recreational purposes. (1000 character limit)

This project will clearly define the trail system and first phase of Shoal Creek Park. A fully accessible restroom and pavilion will open the park for recreation purposes and serve as an outdoor classroom to educational groups. The signage will feature Shoal Creek trails and Montevallo Parks trail which is slated as a future source of connectivity, as outlined in our draft trail masterplan (Attachment A). Elementary through university student groups have already begun touring the property learning about local history, providing planning input and valuing our sensitive ecosystem. A botany class has catalogued fauna found throughout the property (Attachment B). The logistics of these tours have been difficult because there is no bus parking, no appropriate property entrance and no public restroom for the students. Through collaboration with Shelby County, we are constructing a parking lot and property entrance May, 2016. The trail will connect the next planned park phases: an amphitheater, a zip line and event hosting, serving as economic development initiatives critical to the park's sustainability and supporting local economy.

3. Describe the ways in which the project provides a new, unique, or more effective means for making trail opportunities available to the public.

The pavilion, signage system and restroom facility are intended to be fully sustainable utilizing solar panels for lighting and power, gray water and compostable toilets. The site will be assessed to determine this feasibility. Additionally, the city has acquired an internal log frame that will be used in project construction as deemed appropriate by the architects. These features complement our city's commitment to sustainability and historic preservation. While trails are a means of exercise and enjoying nature, these features would enable the trail to serve deeper educational purposes, targeting our p-12 and university students. As groups progress through the trail and use the facilities, we will solicit participation in ongoing documentation of their experiences via a Citizen's Science webpage. The trailhead will direct visitors to send data to the site. The University offers a National Parks course which includes a visit to Shoal Creek Park. With the addition of the restroom and pavilion, these students will be able to camp on the property further appreciating the regional significance of the park and contributing to regional and national publicity.

4. Describe the ways in which the project facilitates the access and use of trails by persons with disabilities, older citizens, economically disadvantaged and other special populations and groups.

The trail is soft surface, winding along a creek under a bridge and through pasture land having limited ambulatory navigability for individuals with physical disabilities. The City is providing a parking lot with accessible parking spaces and a fully accessible trail connector path to the pavilion and accessible restroom site. Signage will be braille and print with audio capability on a map. The property houses utility vehicles to transport those with physical limitations. We have provided multiple tours people with disabilities. The pavilion will be an ideal pick up point.

There is no entry fee, making the trails and facilities open to all regardless of economic status. Montevallo has a senior center bus to provide regular senior trips to the trail. Facility rental fees will be waived for educational groups and non-profits. Montevallo has Title 1 schools with 60% of students on free and reduced lunch; 24% of citizens live below the poverty line with an unemployment rate around 4.5%. Due to the high percentage of poverty, many citizens rely on parks and trail systems for exercise and recreation. Thus, we place top priority on encouraging the use of the park for residents.

5. Describe the ways in which the project creates opportunities for new partnerships between trail users, private interests, and public agencies within the project area.

The city has hosted multiple public meetings to promote interest and solicit input in the Shoal Creek Park property (Attachment C). We have created a steering committee, and an advisory board for the park (Attachment D). The City of Montevallo Trail Committee is mapping out each section of the trail itself and has cleared the trail. Additionally, the City of Montevallo, The University of Montevallo and Shelby County have a formal economic development partnership (Montevallo Development Cooperative District) specifically developed to support the city. The MDCD is intimately involved in the planning stages of Shoal Creek Park and particularly the trail system. Moving forward, the trail committee will continue to lead volunteer groups to clear the trail as approved by the city council. The city's comprehensive plan clearly identifies parks, trails and outdoor recreation as key priorities as evidenced in the goals we have outlined (Attachment E).

6. Describe the ways in which the project uses the grant funds to leverage other public or private investments (in the form of services and materials as well as dollars).

The estimated value of the privately donated property including an antebellum home is \$700,000. Montevallo and Shelby County are cooperatively constructing a park entrance, parking lot and trail connector to the pavilion site at an estimated value of \$25,000. The existing trail has been developed completely through volunteer support with an estimate of 54 volunteer hours completed by 6 volunteers and approximately 30 hours completed by 2 city employees. Using the 2015 Independent Sector value of volunteer time at \$23.56/hr., the volunteer time is valued at \$1,272.24. City labor has an estimated value of \$450. While \$20,000 has been committed by the City of Montevallo through the MDCD to support the grant match, the funds allocated to the project as a whole are substantially more significant.

Other planned park amenities including a light vehicle bridge crossing, additional trails, an amphitheater, a zip line and a 3D archery range will be funded through additional private and public funds solicited through our Shoal Creek Advisory Committee.

7. Describe the degree of commitment to continue operation and maintenance of the project. Include an operation and maintenance plan detailing the amount of money need to operate and maintain the trail after it is complete and identify who will be responsible for the work.

Shoal Creek Park and its trail system will be maintained by our in-house Park & Recreation Department with its professional Park Director, Shane Baugh. Upon acceptance of this wonderful gift, the Montevallo City Council agreed to accept full responsibility for the park's continued maintenance and operation. Currently, the City budgets \$222,625 for the maintenance of all of our parks and trails. Based on our current staffing levels, we do not anticipate our maintenance costs will increase substantially as we bring Shoal Creek Park on-line. If costs do increase, we will budget the funds necessary to cover those costs.

8. The degree to which community involvement is addressed. i.e. (A) Project idea originated with trail users or a community group that has substantial knowledge and (B) the private sector (including individual citizens, community groups or local business enterprises) has participated in the development of the proposed idea and has made commitments of labor, money, or materials to support proposed implementation.

A Park Master Plan including the trail system was prepared by a landscape architect through targeted charrettes with business leaders, park board and trail committee members, educators, environmental groups, government leaders, etc. The process culminated in a community-wide visioning session during which the preliminary plan was presented and feedback incorporated into the final product (Attachments A and C).

An advisory board and non-profit corporation were formed to assist with plan implementation and fundraising efforts (Attachment D). The boards recommended we focus on the trail along the creek, which was laid out and prepared by our Trail Committee and city staff. The board recommended installing a new road and parking area to serve as access to the trailhead which is underway and being paid for by our Cooperative District. The committee stressed the importance of providing a public restroom facility and pavilion at the trailhead, which are in large part the subject of our RTP grant request. The city will provide the grant match. Future improvements will come from public and private sources.

9. Describe in detail how the trail will be managed. Include discussion on season length, hours of operation, limitations on use, enforcement provisions and scheduling.

The Shoal Creek Park trail will be managed by our Park & Recreation Department with support from our volunteer Trail Committee and Park & Recreation Board. They help to make all of the policy related recommendations which are ultimately decided upon by our City Council.

Gate controlled entrances will ensure that the park and trail access will be available to the public from sunup to sundown, 7-days a week, year-round unless there are severe weather conditions that deem the area unsafe. The park and trail areas will be open at night for special events through reservation only. Park and trail opening times will be clearly posted at the park entrance. Solar panel lighting with light sensors will ensure that lights come on after dark as a park safety feature.

The Park and Trail committee will collaboratively establish formal trail and park use rules which will be presented to the City Council to approve. Upon approval, rules will be posted at the trailhead and enforced through regular police patrols in that city zone.

10. Identify and describe the service area of the project. Approximately how many people do you propose to serve with this project? Identify other trail resources in the service area by trail type (motorized, non-motorized, multi-use), distance, location in relation to the proposed trail, and ownership. – estimate number of beneficiaries

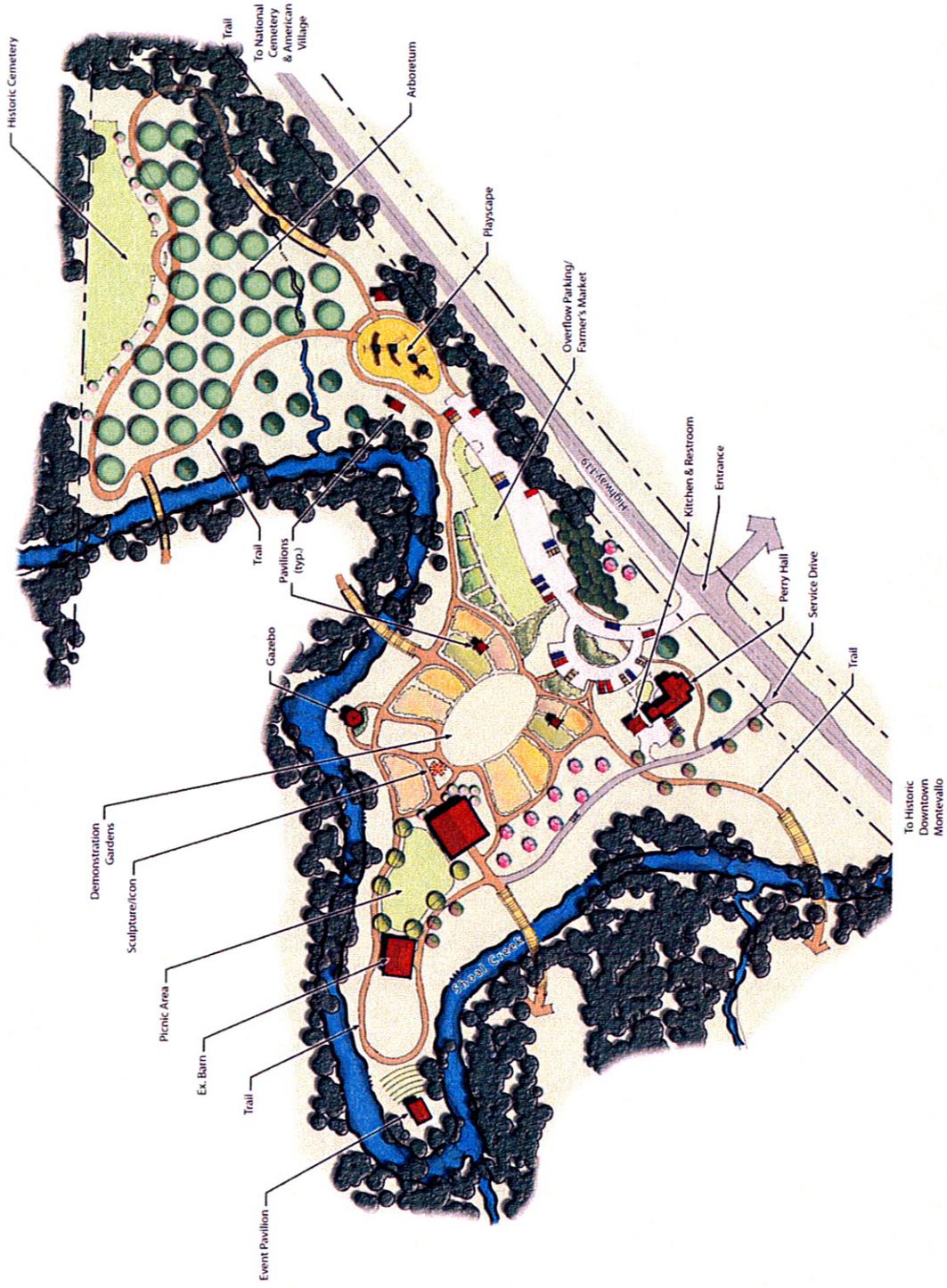
The trail will serve 6,601 Montevallo residents and 56,301 residents living within a 10 mile radius of Montevallo as a recreational area unique to Central Alabama. It is the only designated area trail on a historic farm with creek access, an antebellum home, and a cemetery serving both recreational and educational purposes. The trail is in the midst of the Montevallo Parks Trail, American Village, Alabama National Cemetery and Ebenezer Wetlands. This premier location lends itself well to senior trips, historical tourism, student research and school field trips.

The non-motorized, recreational Parks Trail in downtown Montevallo is 2 miles from Shoal Creek Park, 2.6 miles in length and connects our 40-acre recreational park (Orr Park), with University Lake, terminating on a walking track at our youth athletic fields (Stephens Park). Ebenezer Wetlands, which features a non-motorized 1-mile boardwalk trail for educational purposes, is 3 miles away. Within the City of Montevallo and approximately 1.5 miles from the project area, the city and university have a tree tour, a public arts trail, a ghost trail and a historic walking trail (Attachment F).

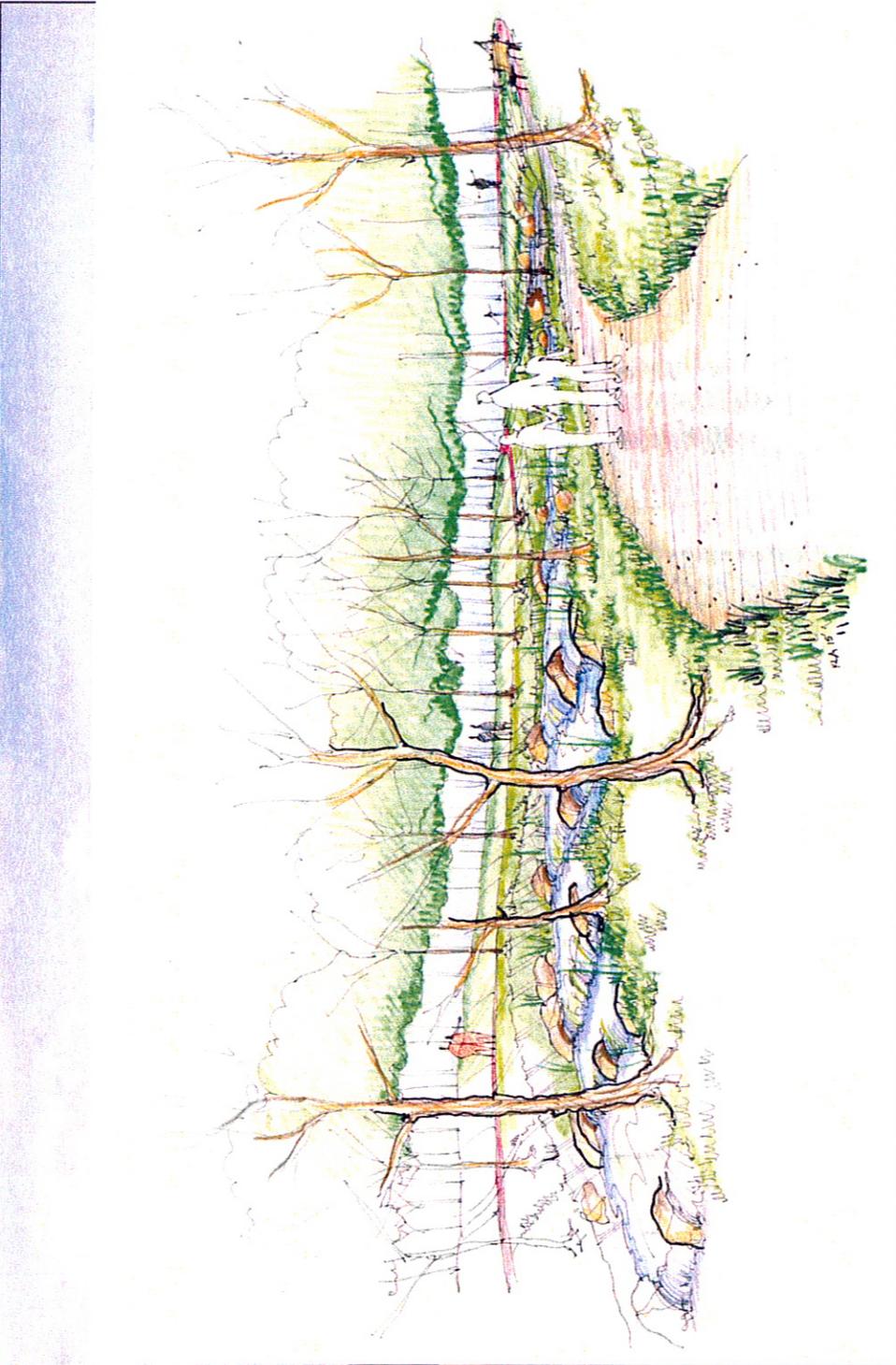
11. Identify the length of time the trail will be maintained and open and available to the public and identify the method to be used to ensure this commitment (deed covenant, deed restriction, etc.)

The project area will be maintained as a trail in perpetuity, with regular maintenance and upgrades to the pavilion, restroom facility and trailhead. In the original property transferal documents (Attachment G), our generous benefactor, Ms. Elizabeth Mahler, outlined her desire for the property to be designated as a park, which would include a trail system. This document legally guarantees that the property will be designated as such in perpetuity. If additional evidence of the city's commitment to keep the trail open for generations to come is needed, the city will be pleased to provide whatever documentation or assurances that are required.

Attachment A



Shoal Creek Park
- Walking Trails -



Kelly
City of Dallas

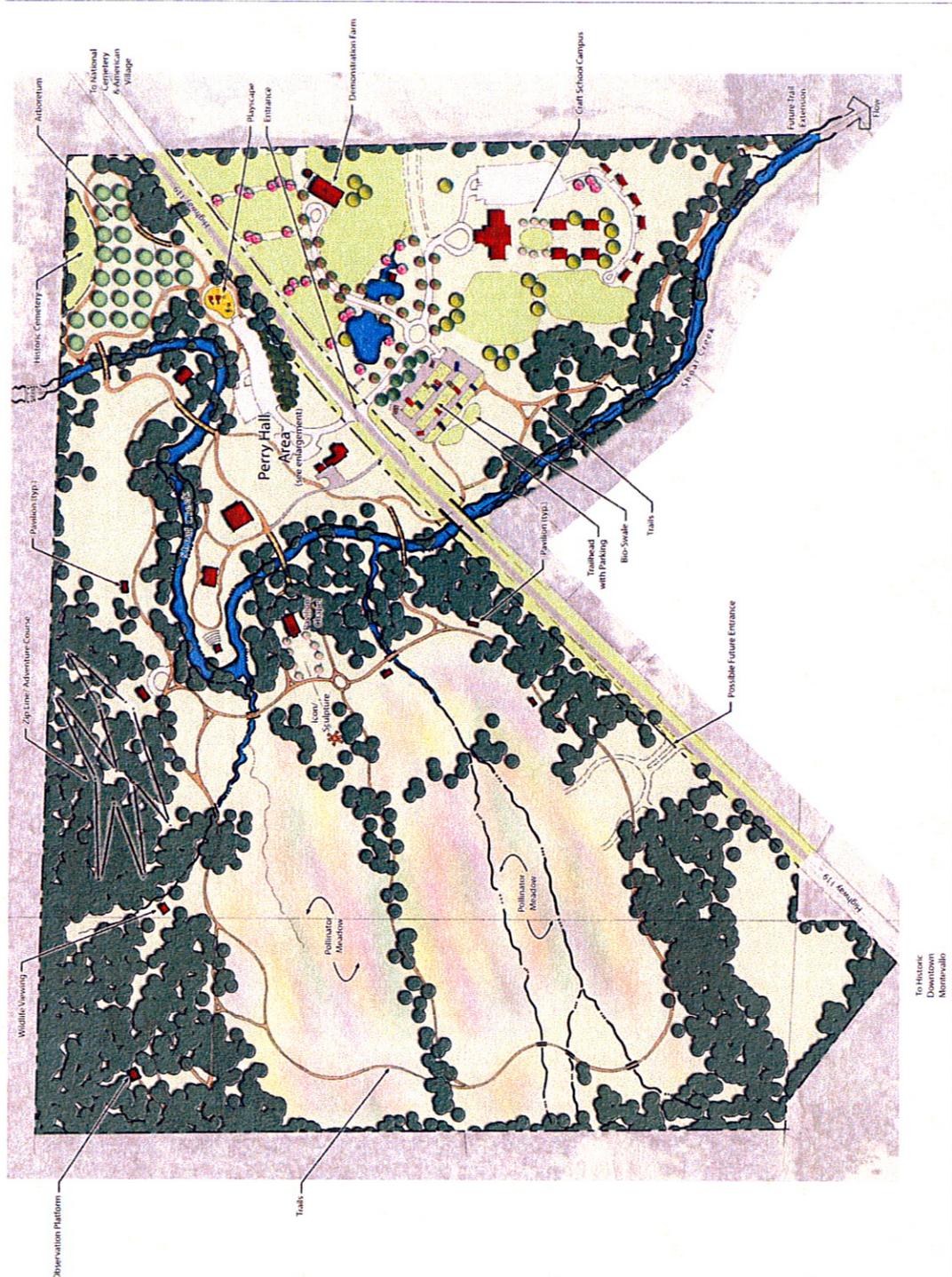


Shoal Creek Park

- Overall Plan -



Kelly



Attachment B

City of Montevallo Mahler Property Flora

Created by Dr. Mike Hardig's BIO 310 Class, University of Montevallo

Ferns and Fern Allies

Aspleniaceae

Asplenium platyneuron (L.) Britton, Sterns & Poggenburg (Ebony Spleenwort)

Polypodiaceae

Pleopeltis michauxiana (Weath.) Hickey & Sprunt (Resurrection Fern)

Gymnosperms

Cupressaceae

Juniperus virginiana L. var. *virginiana* (Eastern Red Cedar)

Pinaceae

Pinus taeda L. (Loblolly Pine)

Pinus virginiana P. Miller (Scrub Pine)

Angiosperms

Monocots

Agavaceae

Yucca filamentosa L. (Adam's Needle, Eastern Yucca)

Amaryllidaceae

Narcissus pseudonarcissus L. (Common Daffodil. ALIEN)

Orchidaceae

Listera australis Lindley (Southern Twayblade)

Tipularia discolor (Pursh) Nuttall (Cranefly Orchid)

Poaceae

Arundinaria gigantea (Walter) Muhlenberg (Giant Cane, River Cane)

Danthonia spicata (L.) Beauvois ex Roemer & Schultes (Poverty Oatgrass)

Poa annua L. (Annual Bluegrass. ALIEN)

Dicots

Altingiaceae

Liquidambar styraciflua L. (Sweet Gum)

Asteraceae

Arctium sp. (Burdock. ALIEN)

Berberidaceae

Berberis bealei Fortune (Leather Leaf Mahonia. ALIEN)

Nandina domestica Thunberg (Heavenly Bamboo. ALIEN)

Brassicaceae

Cardamine hirsute L. (Hairy Bittercress. ALIEN)

Caryophyllaceae

Stellaria media (L.) Villars (Common Chickweed. ALIEN)

Cornaceae

Cornus florida L. (Flowering Dogwood)

Elaeagnaceae

Elaeagnus pungens Thunberg (Thorny Olive. ALIEN)

Fabaceae

Cercis canadensis L. (Eastern Redbud)

Trifolium incarnatum L. (Crimson Clover. ALIEN)

Trifolium repens L. (White Clover. ALIEN)

Fagaceae

Quercus coccinea Muenchhausen (Scarlet Oak)

Quercus marilandica Muenchhausen (Black Jack Oak)

Quercus nigra L. (Water Oak)

Quercus stellata Wangenheim (Post Oak)

Juglandaceae

Juglans nigra L. (Black Walnut)

Lamiaceae

Lamium amplexicaule L. (Henbit. ALIEN)

Lamium purpureum L. (Red Henbit. ALIEN)

Magnoliaceae

Liriodendron tulipifera L. (Tulip Poplar)

Magnolia grandiflora L. (Southern Magnolia)

Montiaceae

Claytonia virginica L. (Virginia Spring Beauty)

Olmaceae

Ligustrum japonicum Thurnber (Japanese Privet. ALIEN)

Ligustrum sinense Loureiro (Chinese Privet. ALIEN)

Plantaginaceae

Veronica hederifolia L. (Ivy Leaf Speedwell. ALIEN)

Veronica persica Poiret (Bird Eye Speedwell. ALIEN)

Platanaceae

Platanus occidentalis L. (American Sycamore)

Polemoniaceae

Phlox amoena Sims. (Hairy Phlox)

Ranunculus

Ranunculus hispidus Michaux (Bristly Buttercup)

Thalictrum thalictroides (L.) Boivin (Rue Anemone)

Rubiaceae

Houstonia pusilla Schoepf (Tiny Bluet)

Santalaceae

Phoradendron leucarpum (Rafinesque) Reveal & Johnson (American Mistletoe)

Sapindaceae

Acer rubrum L. var. *rubrum* (Red Maple)

Aesculus pavia L. (Red buckeye)

Ulmaceae

Ulmus americana L. (American Elm)

Violaceae

Viola cucullata Aiton (Blue Marsh Violet)

SUMMARY:

Ferns and fern allies	2
Gymnosperms	3
Monocots	7
Dicots	30

Attachment C

-----Original Message-----

From: Dee Woodham [<mailto:deewoodham@gmail.com>]

Sent: Tuesday, September 16, 2014 1:15 PM

To: ALEX DUDCHOCK; Chad Scroggins; Dr. John W. Stewart; Tom Walker

Cc: Herman Lehman; Hollie Cost; Reed Prince; GARY DAVIS

Subject: Shoal Creek Park/Mahler

All,

Per our discussion this morning, pls find attached the list of ideas from the stakeholders' meeting and the preliminary draft drawings of possible uses for SCP/Mahler.

Again, the ideas that keep coming up are the working farm and arts village. Both of these can easily tie into the history of the land and current strengths of community: Indian, revolutionary period, Civil War period, rural/seed-to-table, organic and arts community. These 2 concepts will be fully explored by the UA class (talked to Stephen Craft at UM and he was going to get back to me with feedback about future class projects) and the final product is a business plan for both concepts.

We're also in the process of scheduling the USDA meeting, hiring and bidding out the architectural and archaeological studies. The Steering Comm. has not been finalized...people who have agreed to serve/participate in some way: Alex, Tom, John, Carey Heatherly (UM archives professor), Terry Arnold (retired engineer, lives across the road). Others that I plan to contact: Ala. Power representative (have lunch scheduled with Ashley Robinett), James Dedes, Eddie Lumpkin? (one of McDonald's breakfast crowd suggested him), Poarch Creek Indians (dependent on archaeological study), Extension Service/Uni. contact (will take Alex/Reed recommendation to compliment Oak Mtn), limestone plant representative, lawyer, Audrey Edwards (born and raised here, teacher at MMS, represents all local schools). Cameron Vowell, CFGB board member, FWLT former board member and Red Mtn. Park current board member, has promised me that she'll help find B'ham-based people for steering comm. and/or funding raising possibilities.

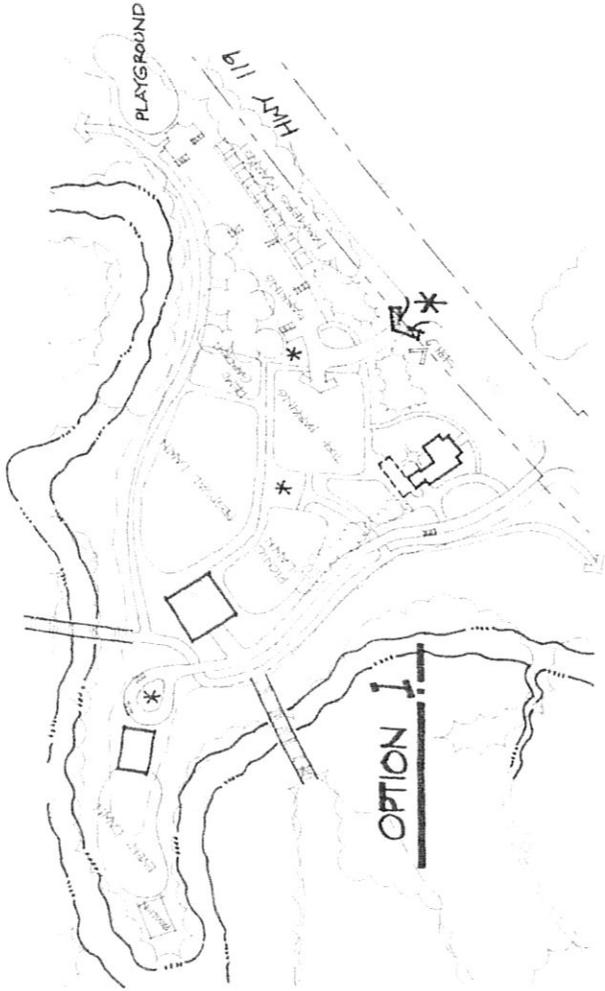
Open for any other ideas of Steering Comm. representatives/participants and/or uses, Dee

March 26, 2014

City of Montevallo's Mahler Property-Shoal Creek Park

List of possible programming land-uses (\$\$ denotes uses that may produce revenue)

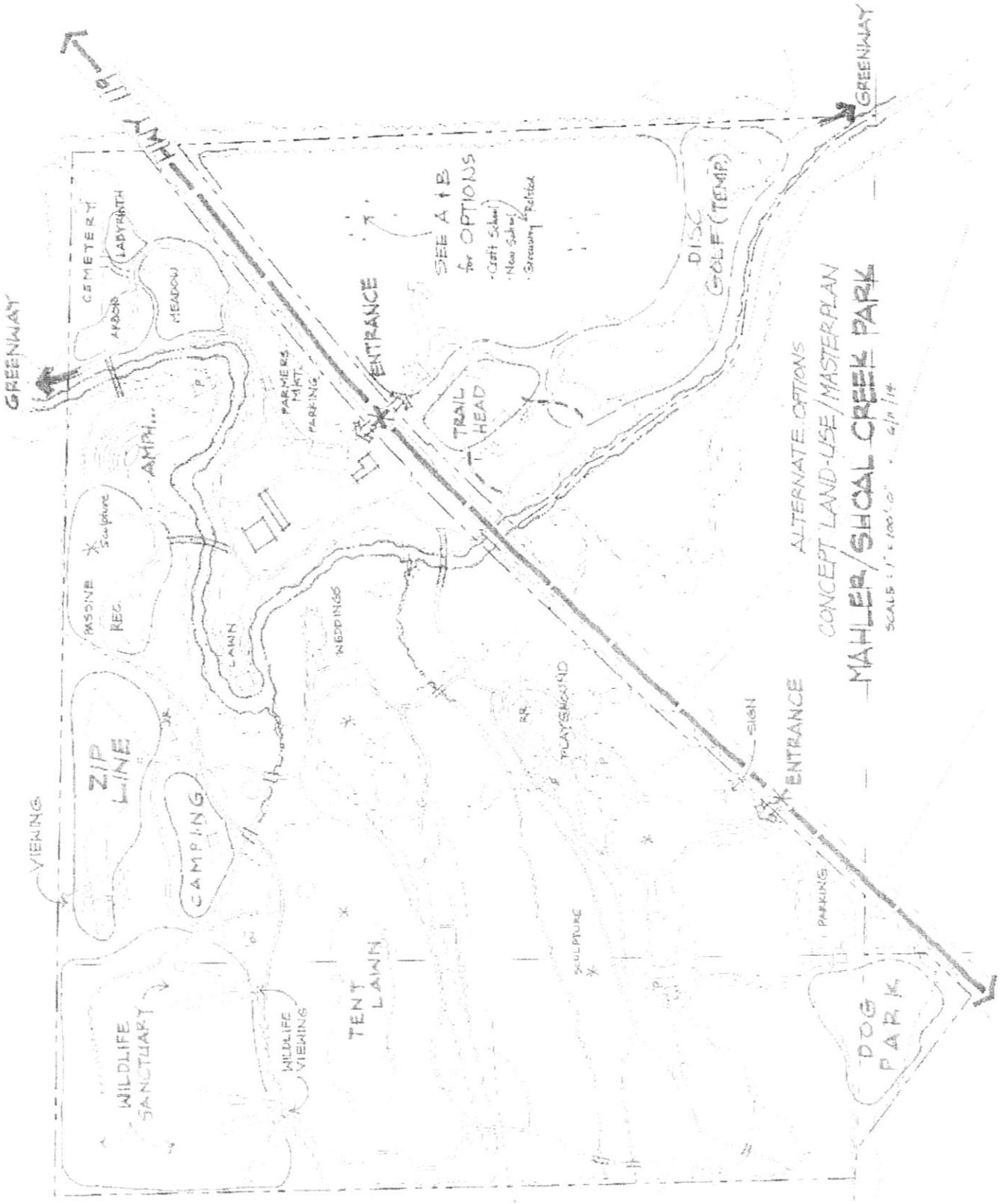
- A. Mahler Home
 - a. Community meeting house, civic groups location, \$\$
 - b. Outdoor weddings and receptions with a caterers kitchen, \$\$
 - c. Art shows, local or traveling for admissions, \$\$
 - d. Local Collections/displays to celebrate people and history, 4 per year by admission \$\$
 - e. Museum or memorabilia displays, \$\$
 - f. Serve as a link to American Village and National Cemetery
 - g. Home to local Master Gardeners
 - h. Home to Shelby County Wineries (trail)
 - i. Montevallo Welcome Center, guide and souvenirs
- B. Site
 - a. Passive use walking and exercise stations and fully accessible
 - b. Community greenways trail connection, possible trail head
 - c. Playground and short walking circuit for strollers and elderly, with lighting and restrooms
 - d. Events amphitheater (200-500) seating, \$\$
 - e. Arboretum and /or wildflower and native plant demonstrations (UM)
 - f. Community Garden (half to 1 acre) composting, community orchard
 - g. Bird watching-the Alabama birding trail
 - h. School competitions 0 cross country meets, county or district events
 - i. Youth fishing rodeos
 - j. Shoal creek timber bridge crossings and interpretations
 - k. Zip line course \$\$
 - l. Disc golf course (9 baskets)
 - m. Spring and fall artisan shows, \$\$
 - n. Picnic/reunion pavilions (15 x 30) 5 to 10 (\$\$)
 - o. Large event Pavilion (50 x 150), \$\$
 - p. Environmental education and demonstration, schools teaching, \$\$
 - q. Elevated viewing platform – 15 feet high and ADA accessible
 - r. Festivals, \$\$: Fall and Spring, Concert series (small), run by committee, council oversight
 - s. Local environmental art and traveling pieces tours, \$\$
- C. Future school site (south side of HWY 119(20-30 acres)
- D. Municipal service facilities, maintenance services
- E. Local tourism office (welcome center)



OPTION 3 (3)
 PERRY HALL PROPER

MAHLER/SOAL CRK. PARK

SCALE: 1" = 60'-0" - 6/11/14



GREENWAY

CEMETERY

LADYBATH

MEADOW

AMPHI...

PASSIVE REC.

Sculpture

ZIP LINE

CAMPING

WILDLIFE SANCTUARY

WILDLIFE VIEWING

TENT LAWN

NEEDLES

PLAYGROUND

SCULPTURE

PARKING

DOG PARK

ENTRANCE

TRAIL HEAD

SEE A + B for OPTIONS

- Craft School

- New School

- Greenway Relisted

DISC GOLF (TEMP.)

ENTRANCE

SIGN

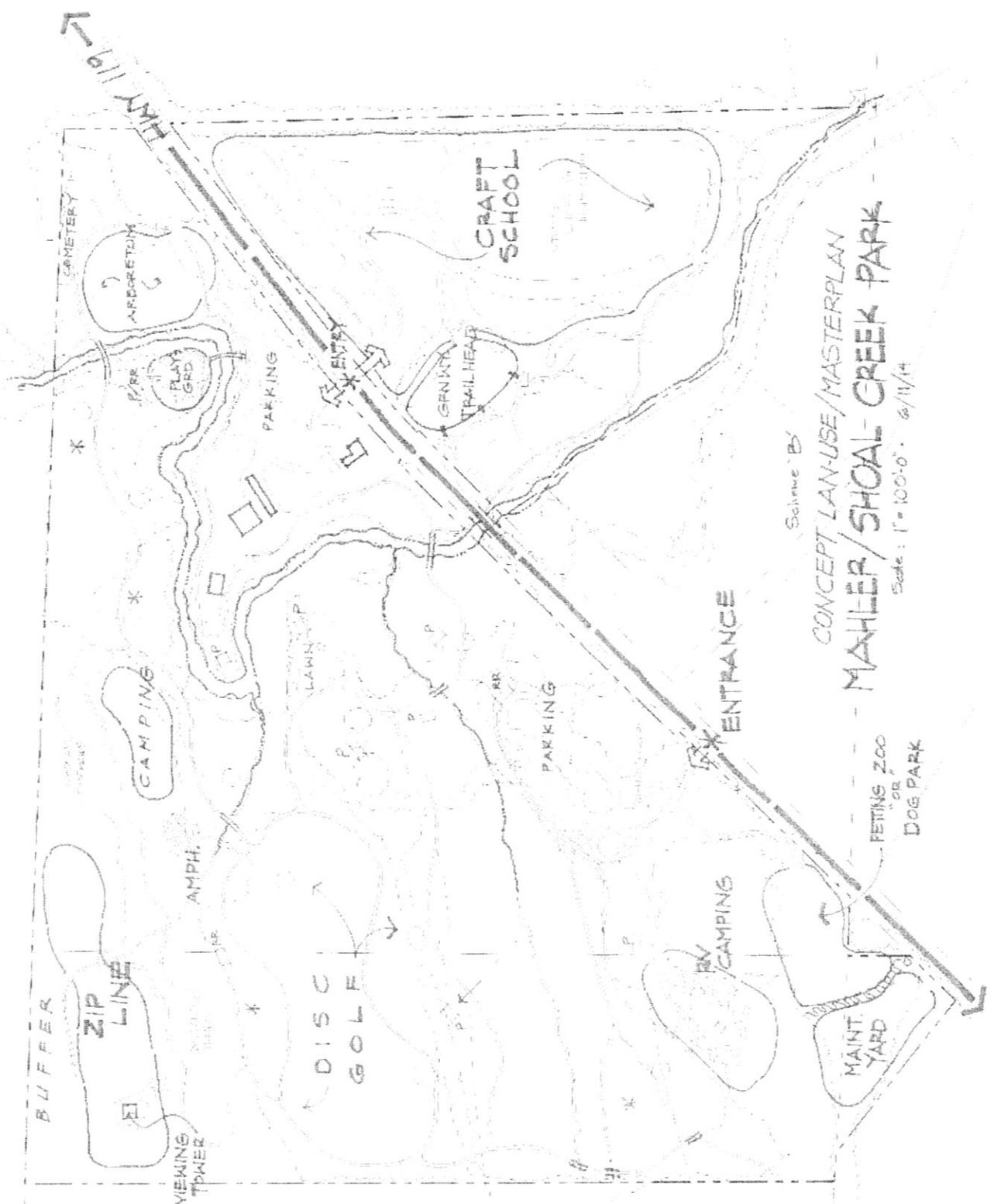
ALTERNATE OPTIONS

CONCEPT LAND-USE / MASTERPLAN

MAHLER/SCHAL CREEK PARK

SCALE: 1" = 100' @ 1/4" = 1/4"

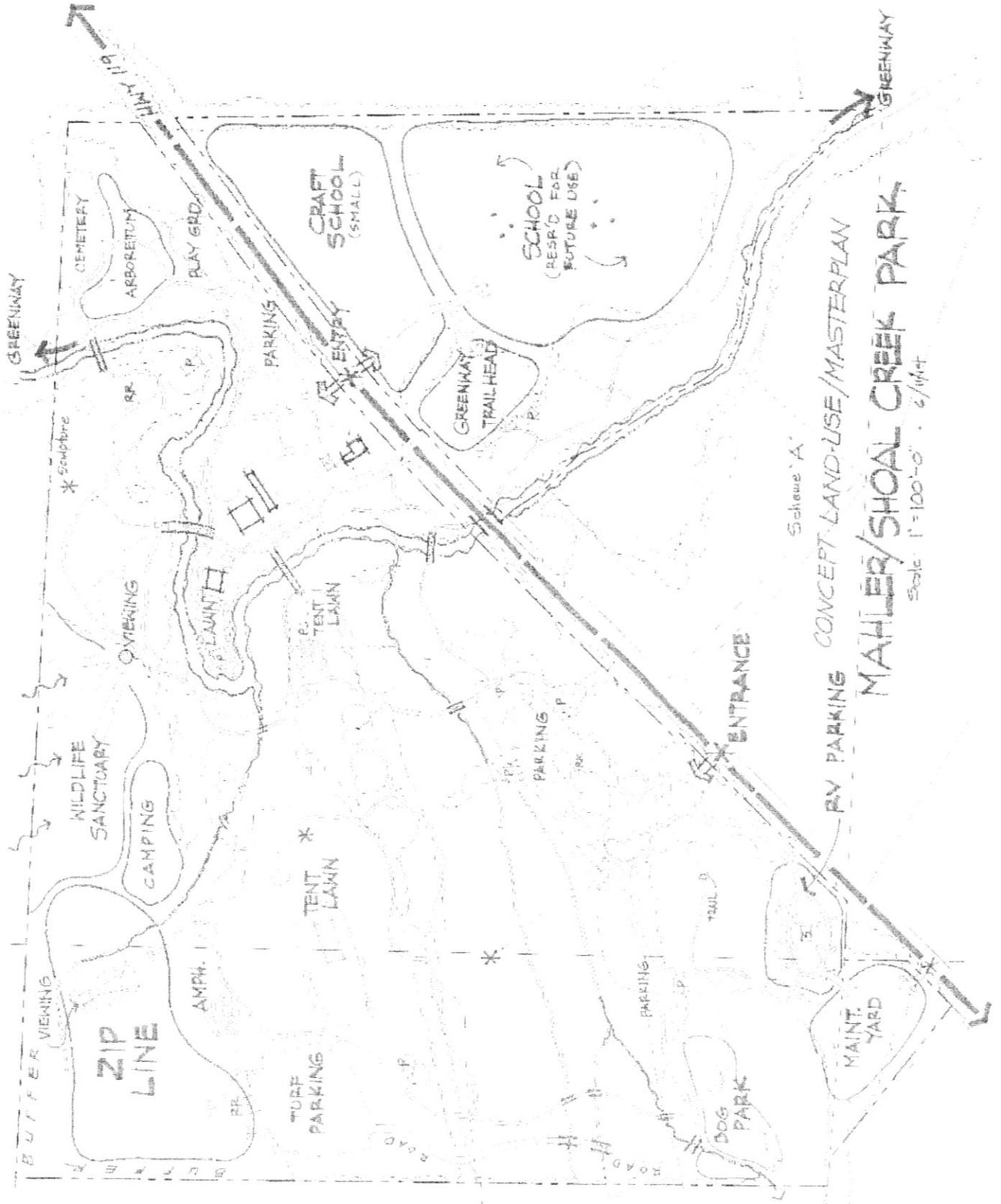
GREENWAY



Scheme B

CONCEPT LAN-USE/MASTERPLAN
MAHLER/SHOAL-CREEK PARK

Scale: 1" = 100'-0" 6/11/14



Scheme A

CONCEPT LAND-USE/MASTERPLAN

MAHLER/SHOAL CREEK PARK

Scale 1" = 100'-0" 2/1/14

Attachment D

MINUTES

Shoal Creek Park Foundation
Board of Directors Meeting
September 25, 2015

Members Present: Hollie C. Cost, Dee Woodham and Herman Lehman

The Board discussed the adoption of the proposed Bylaws. Hollie Cost was nominated as President, Dee Woodham as Secretary and Herman Lehman as Treasurer. The bank account for the board is to require two signatures with all three Board Members as signers. The adoption of the Bylaws, appointment of officers and authorization for the bank account were all moved and approved unanimously.

**BYLAWS
OF
SHOAL CREEK PARK FOUNDATION**

Adopted September 25, 2015

**BYLAWS
OF
SHOAL CREEK PARK FOUNDATION**

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**BYLAWS
OF
SHOAL CREEK PARK FOUNDATION**

**ARTICLE I
Board of Directors**

Section 1. Creation of Board. All corporate powers of the Shoal Creek Park Foundation (the "Corporation") shall be exercised by or under the authority of, and the business and affairs of the Corporation shall be managed under the direction of, a Board of Directors (the "Board"). All of the powers and duties conferred or imposed upon a board of directors by the provisions of Chapter 3, Title 10A of the Code of Alabama (1975) as amended and the provisions of Chapter 1, Title 10A of the Code of Alabama (1975) as amended, to the extent applicable to nonprofit corporations (the "Alabama Nonprofit Corporation Law"), shall be exercised and performed by the Board. The number of members of the Board shall be established by the Board, but such number shall not be less than three. Directors shall be elected by the Board at its annual meeting.

Section 2. Terms of Directors. Except as provided in this Article I, each director shall hold office for a term ending on the date of the annual meeting following such director's election; provided, however, that the director shall continue to serve in such office after such annual meeting until the director is re-elected, or a successor is elected, to such office.

Section 3. Resignation of a Director. Any director may resign at any time upon written notice to the Corporation addressed to it at its principal office or to its President or Secretary. Any resignation shall become effective at the time or upon the happening of the condition, if any, specified therein, or, if no such condition or time is specified, upon its receipt. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 4. Removal, Disqualification, or Incapacity of a Director. A director may be removed or may be declared disqualified to serve or incapable of serving by a majority vote of the remaining directors, even if the notice of meeting cannot be given to the director who is the subject of such Board action, and even if the remaining directors shall constitute less than a quorum of the Board.

Section 5. Vacancy Among Directors. Upon the removal of a director, the resignation or death of a director, or a declaration that a director is disqualified from service or incapable of serving, such office shall be vacant, and the number of directors shall be deemed to be decreased accordingly. A person may, at any time, be elected to

fill a vacancy in the Board in the same manner in which a person may initially be elected to the Board, and such successor shall fill the term remaining.

Section 6. Annual Meeting of the Board. The annual meeting of the Board shall be held at such time and place as the Board may determine.

Section 7. Regular Meetings of the Board. Regular meetings of the Board shall be held at such times and places as the Board may determine.

Section 8. Special Meetings of the Board. Special meetings of the Board may be called by either (a) the Chairman of the Board, (b) the Secretary, (c) a majority of the directors then in office, or (d) any employee of the Corporation, at the direction of one of the foregoing. Each special meeting shall be held at such time and place as may be specified in the notice of the special meeting.

Section 9. Notice of Meetings. Notice of the time, day, and place of all meetings of the Board shall be given to all directors in person or by telephone, mail, e-mail, or facsimile. If the notice is sent by mail, it must be deposited in the United States first class mail or with a private mail carrier for overnight delivery, postage prepaid and addressed to the director at his or her address as it appears on the records of the Corporation, at least five days before the day of the meeting. If the notice is sent by any other method or is delivered in person, the notice must be sent or delivered before the meeting. A waiver of notice in writing signed by the person or persons entitled to notice, whether before or after the time stated therein, shall be equivalent to the giving of notice.

Section 10. Quorum. One third of the directors then in office shall constitute a quorum at any meeting of the Board for the transaction of business. The act of a majority of the directors present at any meeting at which there is a quorum shall be an act of the Board, except as may be otherwise specifically provided by the Alabama Nonprofit Corporation Law, by the Certificate of Formation, or by these Bylaws. Directors may participate in any meeting of the Board by means of a conference telephone or similar communications equipment so long as all persons participating at the meeting can hear each other at the same time, and participation by such means shall constitute presence in person at a meeting.

Section 11. Written Consent Actions. Any action required to be taken or permitted to be taken by the Board may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors entitled to vote with respect to the subject matter thereof. The written consent action shall have the same force and effect as a unanimous vote of the Board and shall be filed with the minutes of the proceedings of the Board.

Section 12. Compensation of Directors. Directors shall not receive compensation for their services in such office; provided, however, that the Board may provide for the reimbursement of reasonable expenses.

ARTICLE II
Committees

Section 1. In General. The Board may, by a resolution passed by a majority of the directors then in office, create such committees as it may deem necessary or useful to promote the purposes and carry on the work of the Corporation. Each such committee shall consist of at least two directors who are elected to membership in such committee by the Board. To the extent authorized to do so in an enabling resolution, committees may exercise the power of the Board, except that no committee shall have the power to do any of the following:

- (a) Amend or restate the Certificate of Formation;
- (b) Amend, alter, or repeal the Bylaws;
- (c) Adopt a plan for the distribution in liquidation of the assets of the Corporation;
- (d) Effect a dissolution of the Corporation;
- (e) Authorize the sale, lease, exchange, or mortgage of all or substantially all of the property and assets of the Corporation;
- (f) Adopt a plan of merger or consolidation;
- (g) Authorize the conversion of the Corporation into another form of entity;
- (h) Elect, appoint, or remove any member of any such committee or any director or officer of the Corporation; or
- (i) Amend, alter, or repeal any action or resolution of the Board unless by its terms such resolution provides that it may be amended, altered, or repealed by such committee.

The Board may by resolution create other committees not having or exercising the authority of the Board. Persons serving on such committees need not be directors.

Section 2. Terms. Except as provided in Section 4 of this Article II and unless the committee shall sooner be terminated by the Board, each member of a committee shall hold office for a term ending on the date of the annual meeting following such member's election; provided, however, that the member shall continue to serve in such office after such annual meeting until the member is re-elected, or a successor is elected, to such office.

Section 3. Chairmen of Committees. Except as provided in this Article II, the Board shall appoint one member of each committee as chairman.

Section 4. Vacancies. Any member of a committee may resign at any time upon written notice to the Corporation addressed to it at its principal office or to its President or Secretary. A member of a committee may be removed or may be declared disqualified to serve or incapable of serving by the person or persons who, or body which, made the initial election or selection. Upon the removal of a member of a committee, the resignation or death of a member of a committee, or a declaration that a member of a committee is disqualified from service or incapable of serving, such office shall be vacant, and the number of members of the committee shall be deemed to be decreased accordingly. A person may, at any time, be elected or selected to fill a vacancy in such committee in the same manner in which a person may initially be elected or selected for such committee.

Section 5. Meetings. Regular meetings of a committee shall be held at such times and places as the committee may determine. Special meetings of a committee may be called by (a) the chairman of the committee, (b) any officer of the Corporation, (c) a majority of the members of the committee, or (d) any employee of the Corporation, at the direction of one of the foregoing. Special meetings shall be held at such time and place as may be specified in the notice of the special meeting.

Section 6. Notice of Meetings. Notice of the time, day, and place of all meetings of committees shall be given to all members of such committee in person or by telephone, mail, e-mail, or facsimile. If the notice is sent by mail, it must be deposited in the United States first class mail or with a private mail carrier for overnight delivery, postage prepaid and addressed to the member at his or her address as it appears on the records of the Corporation, at least five days before the day of the meeting. If the notice is sent by any other method or is delivered in person, the notice must be sent or delivered before the meeting. A waiver of notice in writing signed by the person or persons entitled to notice, whether before or after the time stated therein, shall be equivalent to the giving of notice.

Section 7. Quorum. Unless otherwise provided by resolution of the Board, a majority of the whole committee shall constitute a quorum.

Section 8. Written Consent Actions. Any action required to be taken or permitted to be taken by a committee of the Board may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members of the committee entitled to vote with respect to the subject matter thereof. The written consent action shall have the same force and effect as a unanimous vote of such committee and shall be filed with the minutes of the proceedings of such committee.

Section 9. Ratification of Committee Actions. It shall not be necessary for the Board to ratify any action of any committee, so long as the committee is acting within the powers granted herein. Any actions undertaken by the Executive Committee which are listed in Section 1 of this Article II, which are disclosed to the Board at its next meeting, and which are not rescinded by the Board shall become actions of the Board at the conclusion of such Board meeting.

Section 10. Rules of Governance. Each committee may adopt rules for its own governance not inconsistent with the Certificate of Formation, these Bylaws, or rules adopted by the Board. If a committee does not adopt such rules, the rules applicable to the Board shall apply to the committee.

ARTICLE III Officers

Section 1. In General. The officers of the Corporation shall consist of a Chairman of the Board, a President, one or more Vice Presidents, a Secretary, and a Treasurer. Such officers shall be elected by the Board at its annual meeting and shall serve upon such conditions as the Board deems appropriate.

The Board may appoint such other officers, assistant officers, and agents as it deems necessary to carry out the business of the Corporation. Such other officers, assistant officers, and agents shall hold their offices upon such conditions and shall exercise such powers and perform such duties as shall be determined from time to time by the Board. Two or more offices may be held by the same person, except that the President may not also serve as Secretary. No officer, other than the Chairman of the Board, need be a director. No provision in these Bylaws shall be deemed to change the at-will employment status of any paid officer of the Corporation.

The enumeration herein of particular powers shall not restrict in any way the general powers and authority of the officers.

Section 2. Terms. Except as provided in Section 3 of this Article III, each officer shall hold office for a term ending on the date of the annual meeting following such officer's election; provided, however, that the officer shall continue to serve in such office after such annual meeting until the officer is re-elected, or a successor is elected, to such office. No one term of an officer shall exceed three years.

Section 3. Vacancies. Any officer may resign at any time upon written notice to the Corporation addressed to it at its principal office or to its President or Secretary. An officer may be removed or may be declared disqualified to serve or incapable of serving by the Board. Upon the removal of an officer, the resignation or death of an officer, or a declaration that an officer is disqualified from service or incapable of serving, such office shall be vacant. A person may, at any time, be elected or named to fill such a vacancy in the same manner in which a person may initially be elected or named to such office. The removal of an officer shall be undertaken only upon a finding that the best interests of the Corporation will be served thereby and shall be without prejudice to the contractual rights, if any, of the officer so removed.

Section 4. Duties of the Chairman of the Board. The Chairman of the Board shall, when present, preside at all meetings of the Board. In general, such person shall perform all the duties incident to the office of chairman of the board. The Chairman of the Board shall perform such other duties as may be prescribed by these Bylaws or assigned to such person by the Board.

Section 5. Duties of the President. The President shall be the chief executive officer of the Corporation and shall be subject to the general direction of the Board. The President shall exercise day-to-day leadership and management of operations and functions of the Corporation and shall be responsible for the overall administration and management of the Corporation, including communications, operations, and fundraising. The President shall exercise general supervision over the property, business, and affairs of the Corporation, shall perform such other duties as may be prescribed by these Bylaws or assigned to such person by the Board, and shall coordinate the work of the other officers of the Corporation.

Section 6. Duties of Vice Presidents. The Vice Presidents, as designated by the Board in the absence, inability, or disability of the President, shall perform the duties and exercise the powers of said office, and when so acting shall be subject to all restrictions upon the President. At all other times the Vice Presidents shall exercise powers incumbent with the title of such office and such other powers as may be prescribed by these Bylaws or assigned to such person by the Board or the President.

Section 7. Duties of the Secretary. The Secretary shall record the minutes of the meetings of the Board and shall perform such other duties as may be delegated to the Secretary by the President or the Board.

Section 8. Duties of the Treasurer. The Treasurer shall have charge and custody of the funds, securities, and other like property of the Corporation and shall be responsible for the receipt, investment, safeguarding, and disbursement of the funds of the Corporation. The Treasurer shall perform such other duties and exercise such other powers as may be prescribed by these Bylaws or assigned to such person by the Board or the President.

Section 9. Compensation of Officers and Employees. The officers and employees of the Corporation may receive such reasonable compensation for services rendered as the Board may deem appropriate. The Board will approve all compensation arrangements in advance of paying compensation and will document such arrangements in writing. Such documentation will include the names of those persons who decided or voted on the compensation arrangements, information about compensation paid by similarly-situated taxable or tax-exempt organizations for similar services (including any compensation surveys compiled by independent firms or actual written offers from similarly-situated organizations), and any other information on which the Board relied in making its decision. The Board shall review its compensation arrangements periodically.

The Corporation shall make no loans to its directors or officers.

ARTICLE IV Conflicts of Interest

Section 1. Purpose. It is the policy of the Corporation that all persons who exercise substantial influence over the affairs of the Corporation should be free from the

influence of conflicting interests when they act on behalf of the Corporation, and that they should act solely in the best interests of the Corporation, without regard to personal considerations. All transactions with persons who exercise substantial influence over the affairs of the Corporation shall satisfy the requirements to meet the rebuttable presumption of reasonableness under Section 4958 of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any subsequent federal tax law), and the regulations currently or hereafter promulgated thereunder (the "Code").

This Article IV provides procedures to be observed when the Corporation is contemplating entering into a Transaction that might benefit the private interest of a person who exercises substantial influence over the affairs of the Corporation, to require the reporting of such private benefits, to address the making of compensation determinations and the receipt of gifts, and to require annual statements of compliance with this Article IV. This Article IV is intended to supplement but not replace any applicable state and federal laws governing conflicts of interest applicable to the Corporation, including Section 4958 of the Code.

Section 2. Definitions. For purposes of this Article IV:

- (a) A "Conflict of Interest" exists where any of the following are present:
 - (1) The Corporation is contemplating entering into a Transaction or Compensation Arrangement with an Interested Person or a Related Person; or
 - (2) The Corporation is contemplating entering into a Transaction in which an Interested Person's personal interests (or those of a Related Person), or interests which the Interested Person (or a Related Person) owes to others, arise simultaneously or appear to clash with those interests of the Corporation.

A Conflict of Interest does not exist when the Transaction will result in benefits to an Interested Person (or a Related Person) which are also available to a large group, or when the benefits are of inconsequential value. Further, a Conflict of Interest does not exist when an Interested Person votes on the election of the Interested Person or others to unpaid positions.

- (b) "Compensation Arrangement" includes direct and indirect remuneration as well as gifts or favors.
- (c) "Governing Board" means the Corporation's Board of Directors or other body which is considering a Transaction.
- (d) "Influential Persons" means the employees and officers of the Corporation and any other persons who, based on all facts and circumstances, are in a position to exercise substantial influence

over the affairs of the Corporation. Such term does not include Interested Persons.

- (e) "Interested Person" means the persons who are members of the Governing Board.
- (f) "Related Person" means (1) an Interested Person's spouse, siblings, ancestors, descendants, and the spouses of descendants and (2) a corporation, partnership, trust, or estate in which the Interested Person or any person described in (1) owns or will potentially own an investment or beneficial interest.
- (g) "Transaction" means a transaction, arrangement, or decision to be entered into by the Corporation.

Section 3. Disclosure of an Interested Person's Conflict of Interest. An Interested Person shall disclose any Conflict of Interest of the Interested Person to the Governing Board. Disclosure of the Conflict of Interest, including all material facts, shall be accomplished by written or oral notice delivered to the Governing Board at a meeting of the Governing Board. Thereafter, the Interested Person shall leave the meeting if requested to do so.

Section 4. Actions for Addressing an Interested Person's Conflict of Interest. With respect to any Conflict of Interest of an Interested Person disclosed to or identified by the Governing Board pursuant to this Article IV, the Governing Board shall take the following action:

- (a) The chairman of the Governing Board shall, if appropriate, appoint a disinterested person or committee to investigate a reasonable alternative to the Transaction;
- (b) After exercising due diligence, the Governing Board shall determine whether the Corporation can secure, with reasonable efforts, a more advantageous Transaction such that no Conflict of Interest is present; and
- (c) If a more advantageous Transaction cannot be secured without creating a Conflict of Interest, the Governing Board shall determine whether the Transaction is fair and reasonable to the Corporation, in its best interest, and for its own benefit. The Corporation shall thereafter make its decision as to whether to enter into the Transaction.

No Transaction between the Corporation and an Interested Person or a Related Person shall be either void or voidable solely because of a Conflict of Interest, if the Conflict of Interest is disclosed to the Governing Board, and the underlying Transaction is found to be fair and reasonable to the Corporation and in the best interest of the Corporation, in accordance with this Article IV.

All decisions of the Governing Board shall be taken by a majority vote of the disinterested members of the Governing Board. With respect to proceedings required by this Section 4, the minutes of meetings of the Governing Board shall contain:

- (aa) The names of the Interested Persons who disclosed or otherwise were found to have a Conflict of Interest;
- (bb) The nature of the Conflict of Interest;
- (cc) Any action taken to determine whether the Transaction was or would be fair and reasonable to the Corporation and in its best interest;
- (dd) The determination of the Governing Board as to whether the Transaction in fact was or would be in the best interest of the Corporation; and
- (ee) The names of the persons who were present for discussions and votes relating to the Transaction, the content of the discussion, including any alternatives to the Transaction, and a record of any votes taken in connection with the proceedings.

Section 5. Conflicts of Interest for Influential Persons. The preceding sections of this Article IV apply to Conflicts of Interest involving Interested Persons. Influential Persons shall also be subject to this Article IV as follows:

- (a) The definitions of "Conflict of Interest" and "Related Person" shall be applied by substituting "Influential Person" for "Interested Person."
- (b) In the event that an Influential Person has a role in the contemplation of a Transaction which is a Conflict of Interest, the Influential Person shall disclose the Conflict of Interest to a supervisor who is disinterested. The Influential Person shall thereafter not be involved in the Transaction. Rules similar to those in Section 4 of this Article IV shall be applicable to the deliberations of the disinterested supervisor.

Section 6. Failure to Disclose a Conflict of Interest. If the Board has reasonable cause to believe any Interested Person or Influential Person has failed to make the disclosure required by this Article IV, the Board shall inform the person of the basis for such belief and afford the person an opportunity to explain the alleged failure to disclose. After hearing the response, if any, of the person, and after making further investigation as warranted by the circumstances, the Board shall take appropriate disciplinary and corrective action.

Section 7. Annual Statements. Each year at the Board's annual meeting, the Board shall identify the Interested Persons and the Influential Persons. Thereafter,

each Interested Person and each Influential Person shall complete and affirm a statement, in the form of **Exhibit A** attached hereto, that such person (a) has received a copy of this Article IV; (b) has read and understands this Article IV; (c) has agreed to comply with this Article IV; and (d) understands the Corporation is a nonprofit organization and that, in order to maintain its tax-exempt status, the Corporation must engage primarily in activities which accomplish one or more of its exempt purposes.

Section 8. Periodic Reviews. To ensure the Corporation operates in a manner consistent with its purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted by the Board. Any such review shall be conducted at or in conjunction with an annual meeting of the Board and shall address the following subjects:

- (a) whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining; and
- (b) whether partnerships, joint ventures, and arrangements with management organizations in which the Corporation participates, conform to the Corporation's written policies, are properly recorded, reflect reasonable investments or payments for goods and services, further the purposes of the Corporation, and do not result in any inurement, impermissible private benefit or in any excess benefit transaction.

When conducting the periodic reviews provided for in this Section 8, the Corporation may, but need not, use outside advisors. Use of outside experts shall not relieve the Board of its responsibility for ensuring periodic reviews are conducted.

ARTICLE V Whistleblower Policy

The Corporation will adhere to all laws and regulations that apply to it. The support of all employees, officers, and directors is necessary to achieving compliance with various laws and regulations. The Corporation will not retaliate against an employee, officer, or director who, in good faith, has made a protest as to, complained about, disclosed, or threatened to disclose some practice of the Corporation to a supervisor, public body, or law enforcement officer on the basis of a reasonable belief that the practice is in violation of a law, rule, or regulation or is in violation of a clear mandate of public policy.

Employees, officers, and directors are encouraged to make such protests, complaints, and disclosures within the Corporation prior to seeking redress outside the Corporation. Any employee may make such complaints in writing to such employee's supervisor, any officer, or any director. Any officer may make such complaints in writing to any superior officer or any director. Any director may make such complaints in writing to the Chairman of the Board.

Any person receiving such a complaint shall immediately report it to the Chairman of the Board (or to some other director of the Corporation who is not implicated by the complaint), and the receiver of the report shall appoint a committee of three directors to investigate the complaint. The results of such investigation shall be distributed to the Board within thirty days of appointment of such committee. If, given the nature of the complaint, a committee of the Board cannot be appointed, legal counsel shall be consulted and appropriate actions taken.

An employee, officer, or director who files a complaint must be acting in good faith and must have reasonable grounds for believing the information disclosed indicates a violation of a law, rule, or regulation or is in violation of a clear mandate of public policy. Any allegations that prove not to be substantiated and which prove to have been made maliciously or with knowledge of their falsity will be subject to disciplinary action.

**ARTICLE VI
Document Retention Policy**

Section 1. Purpose. This Article VI provides for the systematic review, retention and destruction of documents received or created by the Corporation in connection with the transaction of the Corporation's business. This Article VI covers all records and documents, regardless of physical form and contains guidelines for how long certain documents should be kept and how records should be destroyed. This Article VI is intended to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records, and to facilitate the Corporation's operations by promoting efficiency and freeing up valuable storage space.

Section 2. Document Retention. The Corporation shall abide by the document retention time periods provided below. Documents that are not listed but are substantially similar to a document which is listed shall be retained for the length of time provided for the listed document.

Corporate Records

Certificate of Formation	Permanent
Bylaws	Permanent
Board and Committee Minutes	Permanent
Annual Reports to Secretary of State/Attorney General	Permanent
IRS Form 1023 (Application for Tax-Exempt Status)	Permanent
IRS Determination Letter	Permanent
State Tax Correspondence	Permanent

Accounting and Corporate Tax Records

Annual Audits and Financial Statements	Permanent
General Ledgers	Permanent
IRS Form 990 (Tax Returns)	Permanent
Business Expense Records	7 years
IRS Form 1099s	7 years

Journal Entries	7 years
Invoices	7 years
Donor Records and Acknowledgement Letters	7 years
Grant Agreements and Applications	5 years after completion
Sales Records	5 years

Bank Records

Check Registers	Permanent
Bank Deposit Slips	7 years
Bank Statements and Reconciliation	7 years
Electronic Fund Transfer Documents	7 years
Petty Cash Vouchers	3 years
Cash Receipts	3 years
Credit Card Receipts	3 years

Other

Insurance Policies	Permanent
Real Estate Documents	Permanent
Stock and Bond Records	Permanent
Copyright Registrations	Permanent
Contracts	7 years after completion
Leases	6 years after expiration
Correspondence	3 years

Section 3. Electronic Documents and Records. Electronic documents will be retained as if they were paper documents. Therefore, any electronic files, including records of donations made online, will be maintained for the appropriate amount of time if they are listed in Section 2 of this Article VI. Email messages which are required to be maintained shall be printed in hard copy and placed in the appropriate file or stored in an archive computer file folder. Backup and recovery methods will be tested on a regular basis.

Section 4. Emergency Planning. The Corporation's records will be stored in a safe, secure and accessible manner. Documents and financial files that are essential to the Corporation's operations during emergencies will be duplicated or backed up at least every week and maintained off site.

Section 5. Document Destruction. The Corporation's officers shall be responsible for implementing this Article VI. Any documents which are due for destruction but which contain confidential or proprietary information shall be shredded. Absent legal advice to the contrary as well as the consent of the Chairman of the Board, no documents shall be destroyed during the course of any investigation or lawsuit which involves the Corporation or its employees, officers, directors, or agents.

Section 6. Compliance. Failure on the part of officers and employees to follow this Article VI can result in disciplinary action. The Chairman of the Board will

periodically review this Article VI with legal counsel or the Corporation's certified public accountant.

ARTICLE VII Investments

The Corporation shall have the right to retain all or any part of any securities or property acquired by it in any manner whatsoever and to invest and reinvest any funds held by it according to the judgment of the Board; provided, however, that no action shall be taken by or on behalf of the Corporation if such action is a prohibited transaction or if it would result in the denial or loss of status as a tax-exempt organization under the provisions of Section 501(c)(3) of the Code. This Article VII shall not be applicable to any funds which are subject to the Alabama Uniform Prudent Management of Institutional Funds Act, Sections 19-3C-1, et seq., Code of Alabama (1975) as amended.

ARTICLE VIII Execution of Documents

Section 1. Powers Generally. The Chairman of the Board, the President, and any Vice President are authorized, in their discretion and to the extent permitted herein and by the Alabama Nonprofit Corporation Law, to do and perform any and all corporate and official acts in carrying on the Corporation's business, including but not limited to the authority to make, execute, acknowledge, and deliver all written instruments that may be necessary in the purchase, sale, lease, assignment, transfer, management, or handling in any way of property of any description held or controlled by the Corporation in any capacity. The Board may authorize any other officer or officers or agent or agents to enter into such instruments, and such authority may be delegated by the person so authorized. The Secretary, Treasurer, or any Assistant Secretary or Assistant Treasurer is authorized to attest the signature of another officer on such instruments; provided, however, that no person holding two offices shall attest his or her own signature.

Section 2. Expenditure Authorization. The Board may authorize any expenditures by the adoption of a budget. Other expenditures may be authorized by one officer, if less than \$500, or by any two officers if at least \$500 but less than \$3000. In applying this Section 2 to a contract with multiple payments, the aggregate of the payments under the contract shall be the "expenditure."

Section 3. Checks. All checks written on an account of the Corporation shall be signed by any two officers. The Treasurer may give receipts and endorse checks, drafts, and other instruments for the payment of money for deposit or collection by the Corporation.

ARTICLE IX
Principal Place of Business

The principal place of business of the Corporation shall be in Shelby County, Alabama, or at such other place or places as may be designated from time to time by the Board.

ARTICLE X
Fiscal Year

The fiscal year of the Corporation shall begin on January 1 and shall end on December 31, but may be changed by the Board.

ARTICLE XI
Amendments

These Bylaws may be amended, repealed, or altered in whole or in part by the Board at any meeting which is duly convened after notice of such purpose.

ARTICLE XII
Immunity

Section 1. Statutory Immunity for Officers. Pursuant to Sections 10A-20-16.01, *et seq.*, Code of Alabama (1975) as amended, each noncompensated officer and member of a governing body of the Corporation shall be immune from suit and not subject to civil liability arising from the conduct of the affairs of the Corporation except as follows: (a) his or her act or omission gives rise to a cause of action and amounts to willful or wanton misconduct or fraud, or gross negligence, (b) the civil action is brought by the Corporation, (c) the cause of action relates to a personal injury to, or death of, another person or property damage arising from an accident inflicted by the officer or director acting within the line and scope of his or her duties, or (d) an action is brought by the Department of Examiners of Public Accounts.

Section 2. Statutory Immunity for Volunteers. Pursuant to Section 6-5-336, Code of Alabama (1975) as amended, all volunteers shall be immune from civil liability on the basis of any act or omission of such volunteer resulting in damage or injury if both (a) the volunteer was acting in good faith and within the scope of such volunteer's official functions and duties for the Corporation, and (b) the damage or injury was not caused by willful or wanton misconduct by such volunteer. For purposes of this Section 2, the term "volunteer" shall include all persons performing services for the Corporation without compensation (other than reimbursement for actual expenses incurred), and such term shall include any such person serving as a director, officer, trustee, or direct service volunteer.

Section 3. Other Statutes. If the Alabama Nonprofit Corporation Law, any successor statute thereto, or any other statute should authorize the further elimination or limitation of the liability of an officer of the Corporation, then the liability of an officer

or director of the Corporation shall be so eliminated or limited without any further action of this Corporation.

ARTICLE XIII Indemnification

Section 1. Definition. For purposes of this Article XIII, the term "officer" shall include current and former officers, directors, trustees, and the members of any other governing body of an entity, as well as the respective heirs, executors, and administrators of any of the foregoing.

Section 2. In General. The Corporation intends to provide the broadest indemnification that is authorized and permitted by law to its officers. All persons covered by the immunity provisions referred to in Article XII shall receive the full benefit of those provisions.

Section 3. Scope of Indemnification. The Corporation shall indemnify any officer of the Corporation and any officer of the Corporation who is or was serving at the request of the Corporation as an officer of another profit or nonprofit enterprise, against all liabilities and expenses incurred in any threatened, pending, or completed proceeding in which the person is made a party by reason of being or having been an officer, except such liabilities and expenses as are incurred because of the person's gross negligence or gross misconduct in the performance of his or her duties. The Board is hereby empowered to cause the Corporation to indemnify or contract in advance to indemnify any person not otherwise specified in this Section 3.

Section 4. Payment of Expenses in Advance. Unless a determination has been made that indemnification is not permissible, the Corporation shall make advances and reimbursements for expenses incurred in a proceeding by the persons who are indemnified in this Article XIII upon receipt of an undertaking from the person to repay the same if it is ultimately determined that the person is not entitled to indemnification. Such undertaking shall be an unlimited, unsecured general obligation of such person and shall be accepted without reference to the person's ability to make repayment.

Section 5. Indemnification Insurance. The Corporation may purchase and maintain insurance to indemnify it against the whole or any portion of the liability assumed by it in accordance with this Article XIII and may also procure insurance, in such amounts as the Board may determine, on behalf of any person who is an officer of another profit or nonprofit enterprise, against any liability asserted against or incurred by such person in any such capacity or arising from such person's status as such, whether or not the Corporation would have power to indemnify such person against such liability under the provisions of this Article XIII.

Section 6. Legal Determinations. Unless ordered by a court, indemnification pursuant to this Article XIII shall be made only after a determination that indemnification meets the standards set forth herein. Such determination shall be made by the Board, if a quorum can be assembled of persons who were not parties to, or who have been

wholly successful with respect to, such proceeding. If a quorum cannot be assembled, or if the Board shall so direct, then the determination shall be made in a written legal opinion issued by legal counsel agreed upon by the Board and the proposed indemnitee. If the Board and the proposed indemnitee are unable to agree upon such special legal counsel, the Board and the proposed indemnitee each shall select a nominee, and the nominees shall select such special legal counsel.

Section 7. Amendments to Article XIII. The provisions of this Article XIII shall be applicable to all actions, claims, suits, or proceedings commenced after the adoption hereof, whether arising from any action taken or failure to act before or after such adoption. No amendment, modification, or repeal of this Article XIII shall diminish the rights provided hereby or diminish the right to indemnification with respect to any claim, issue, or matter in any then-pending or subsequent proceeding that is based in any material respect on any alleged action or failure to act prior to such amendment, modification, or repeal.

**ANNUAL DISCLOSURE STATEMENT
FOR
SHOAL CREEK PARK FOUNDATION**

I, _____, hereby certify the following:

- 1. I have received a copy of the Conflicts of Interest Policy included in Article IV of the Bylaws of the Shoal Creek Park Foundation (the "Policy");
- 2. I have read the Policy;
- 3. I understand the Policy;
- 4. I agree to comply with the Policy; and
- 5. I have previously disclosed any conflicts of interest in accordance with the Policy.

Dated _____, ____.

By: _____
Name: _____
Title: _____

There being no further business before the Board, the meeting was adjourned at 9:17 a.m.

Submitted by:

Herman Lehman

Attachment E



Montevallo Comprehensive Plan

College Culture,
Country Charm





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An appendix with existing condition data is available as a separate document.



PURPOSE OF THE PLAN

According to Section 11-52-9 of the Code of Alabama, the plan's purpose is as follows:

"The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements."



INTRODUCTION

The Comprehensive Plan for the City of Montevillo illustrates and provides an overall strategy for how the city intends to grow over time. It is a guide to making decisions regarding land use, development and conservation, zoning and capital improvements. It is intended to assist Montevillo residents, property owners, merchants, builders and developers and decision makers as they invest in the city by providing a reasonable expectation of the City's future.

PLANNING PROCESS

Development of this Comprehensive Plan has been a cooperative effort between the City of Montevillo and the Shelby County Department of Development Services.

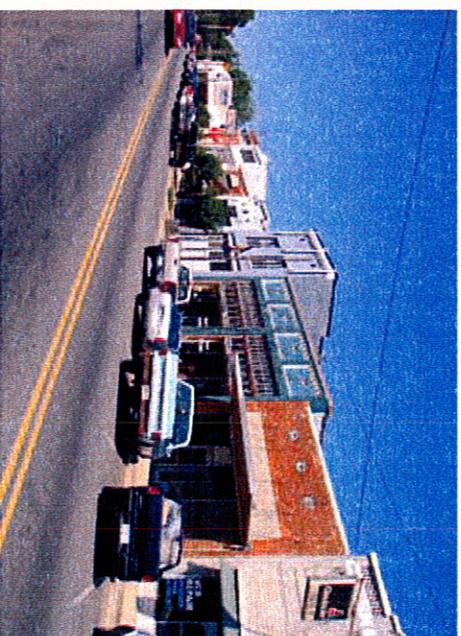


Effective planning is a dynamic process that considers and attempts to coordinate many local and regional variables at one time. The people of the community develop it and carry it out best. They must make choices, set goals, and recommend the means by which to achieve them. Generally, in determining the destiny of a locality, the planning process can be characterized by three questions:

- *What do we have?*
- *What do we want and why?*
- *How do we get it?*

During the planning process, the community evaluated future need through the thoughtful consideration of present conditions as they relate to Montevillo at large and the desires of the community as expressed through its vision. Although most often associated with guiding land development and the use of land, planning also addresses economic development, public facility and service needs, transportation, and historic, cultural and environmental resource conservation. The planning process can take many forms but usually includes these important steps:

- *collection of data and assessment of current conditions and trends*



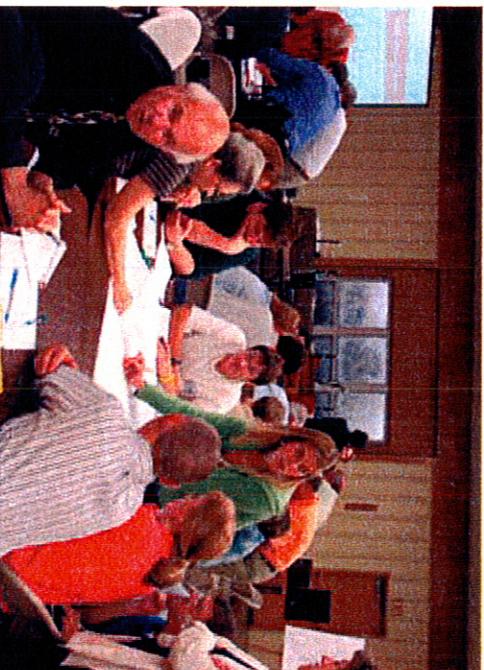


- *development of a vision and goals*
- *consideration of alternative courses of action and the selection of a preferred alternative*
- *adoption and implementation of the plan*
- *periodic reevaluation of the effectiveness of the plan and a mechanism, if any, for revising or calibrating the plan in response to unsatisfactory results or changing conditions and assumptions. All such activities should include public participation*

The public involvement process included eight public participation assemblies and two open houses during the course of developing this Plan. Three public meetings were held during February and March of 2006. These initial meetings introduced the participants to the “whys” and “hows” of the planning process. The meetings also included a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis and an exercise intended to help acclimate citizens to land use mapping. These participatory activities involved group interaction providing citizens an opportunity to make a critical assessment of their community.

Additional public meetings held from October 2006 through February 2007 focused on discovery and information gathering that provided planners with access to “insider” knowledge about important landmarks, pathways and best kept secrets in Montevallo. A stakeholders group of some 30 key business owners, educators, citizens and officials was convened to collaborate with planners for the drafting of alternative vision statements for consideration by the public.

During the spring of 2007 the public was reconvened to consider the several alternative visions which emerged from the stakeholder process, as well as three alternative future land use scenarios developed by the planners from the information gathered over the course of the process. A final vision statement incorporating elements from each of the three alternatives, a list of goals, and a preferred land use scenario were debated, revised and finally selected by the public. For more details on the public meetings, see the Appendix.



TOP TEN STRENGTHS

1. University of Montevallo
2. American Village
3. Park System (Orr and Stephens Park)
4. Central Location in State
5. Occupied Main Street
6. New Library / Arts Center
7. Small Town Feel
8. Diversity of People and their Community Involvement
9. Aldrich Coal Museum
10. Historic Homes and Buildings
10. (tie) Natural Surroundings and Scenic Approach into Town



Montevallo Vision

COLLEGE CULTURE, COUNTRY CHARM

Montevallo is...

- The walkable, southern treasure of Shelby County;
- A historic, artistically vibrant learning community committed to:
 - ✦ Preserving its attractive natural and architectural landscapes;
 - ✦ Welcoming a diversity of individual and family lifestyles;
 - ✦ Fostering learning for people of all ages;
 - ✦ Growing new business and industry;
 - ✦ Building partnerships among the City, its businesses and educational institutions to ensure a stable and diverse economic base.
- A well-planned and visually attractive community that counts among its assets a historical downtown, educational and cultural institutions such as the University of Montevallo, American Village, Aldrich Coal Mine Museum, Parnell Memorial Library, a well-developed park system and abundant natural resources.

Montevallo Goals

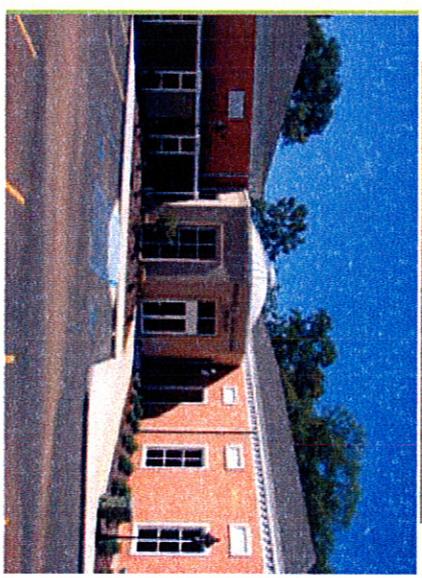
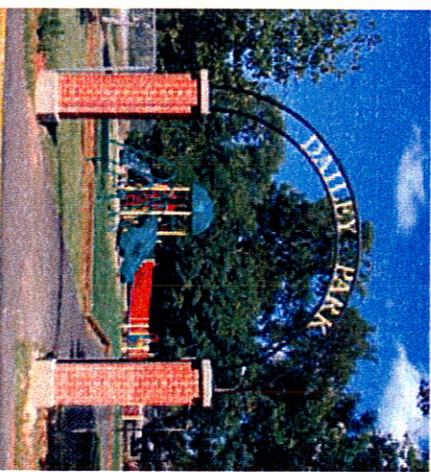
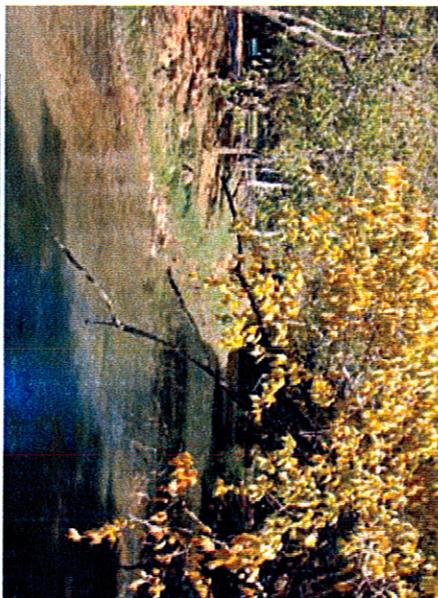
1. To promote Montevallo as a University town by building a partnership among the University, the City, area organizations, local schools, institutions and businesses.
2. To maintain high quality police and fire rescue services.
3. To foster a greater sense of community by ensuring walkability and enhancing the park system, including recreational facilities, hike-and-bike trails, and programs for all ages.
4. To preserve the history, beauty and significance of Montevallo's unique areas and culture.

TOP FIVE OPPORTUNITIES

1. Promotion of the City and Its Uniqueness / Tourism Development
2. Outdoor Recreational Events
3. Revitalization of Neighborhoods and Business Core
4. Planned Growth
5. Educational Outreach



5. To promote opportunities for recreation, eco-tourism and cultural/heritage tourism.
6. To promote community support for existing businesses and attract new businesses and industries.
7. To partner with the University to grow job opportunities.
8. To promote a diverse range and supply of housing types, densities and affordability.
9. To enhance the livability, aesthetics and diversity of area housing with improved and enforced codes and standards.
10. To promote rehabilitation of existing neighborhoods.
11. To maintain infrastructure to meet the growing demands for services, without adversely impacting community character and ecological resources.
12. To establish a safe, convenient, efficient and environmentally sound transportation system.
13. To expand the use of advanced technology.
14. To establish a land-use pattern that balances the functional needs of the natural ecosystem with the needs of growth.
15. To promote a visual and spatial balance between the natural and built environment transition between the built areas of the city and its rural landscape.
16. To preserve natural areas and public open spaces and to protect watersheds and wetlands.





Section Two

Land Use Plan
Future Land Use Map
Design Principles





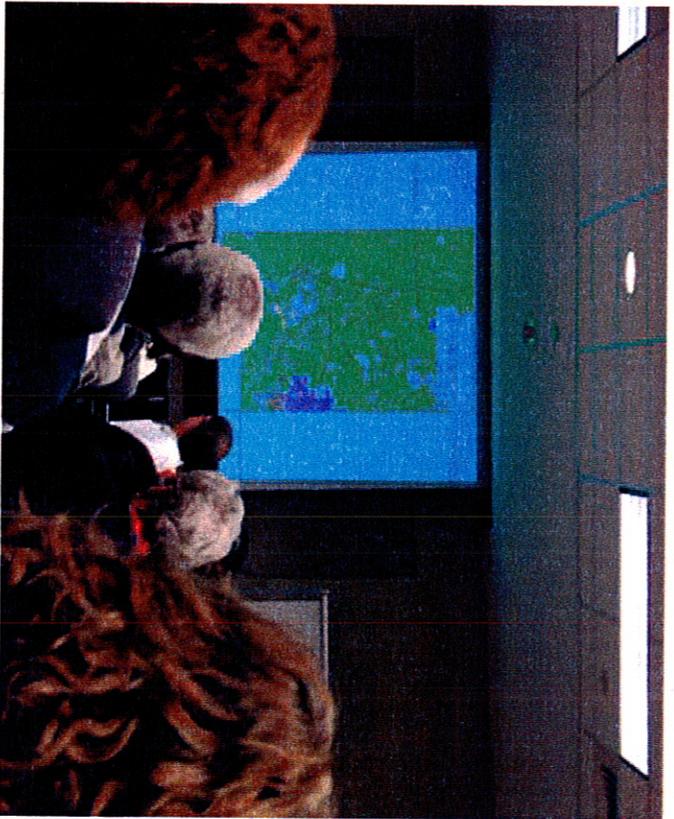
INTRODUCTION

The Future Land Use Map (FLUM) exhibits generally how the downtown core and its adjacent neighborhoods and outlying communities should function relative to each other and as part of the whole, thus presenting an arrangement for greater Montevallo, consistent with the vision of this plan. The map depicts a preferred pattern of development that focuses growth and activity in and around downtown, and to a lesser extent, in several outlying communities, each having the compact walkable form of traditional neighborhoods. These several Montevallo communities are woven into a rural landscape of pastures and farmsteads, lakes and streams, and other natural features and are connected to each other by a number of rural byways.

Through the implementation of this Plan, the Montevallo community expects to grow and prosper on its own terms, intent on advancing its ideal future as expressed herein. Growth should be directed into and absorbed by downtown, several mixed-use village centers, and their adjacent neighborhoods with sufficient density to promote walkability and pedestrian character. The Plan promotes the expansion and diversification of retail, entertainment, restaurant and other traditional downtown uses and activities. Montevallo will strive to balance density increases in the downtown core and the other village centers with concomitant reductions in development in the rural landscape, while ensuring that such densification occurs only in a well designed placemaking context.

Using this strategy, Montevallo is positioned to create vibrant, walkable neighborhoods while minimizing the loss of its valued “countryside portrait” that is so typical of growth through sprawl.

The greater Montevallo community has prepared a Future Land Use Map that reflects its vision and values, as expressed during the planning process, to guide decisionmaking affecting where the community grows, develops and conserves. Though assembled using real property boundaries and other physical elements such as roads and waterways, particular designations are intended to be representative of the community’s preferred arrangement of uses and activities. The actual uses may vary—and should be interpreted as varying—because of environmental limitations or other extenuating circumstances or dynamics. *The categories and features displayed on this map are not zoning.* Rather, the map is intended to be used in conjunction with other elements of this Comprehensive Plan, such as the themed policies and objectives contained in this section, and Design Principles, to help



Public Meeting on Future Land Use



decisionmakers remain focused on the preferred land use pattern and advancing the community's vision. The map is intended to serve several related functions:

- Help avoid and resolve land use conflicts
- Identify and sustain a preferred land use pattern
- Forecast infrastructure needs/guide capital investment
- Provide a foundation for land development regulation

The presence of adequate infrastructure and community facilities, such as streets, schools, parks, and water and sewer, should be assured before making any significant development proposals or decisions.

It is important to consider how reinvestment in various activity centers should be planned and designed in relation to the neighborhoods and outlying communities—where people live and come together away from work and commerce to form a community with one another. The Montevillo Future Land Use map is based on the community's own evaluation of its assets and opportunities.

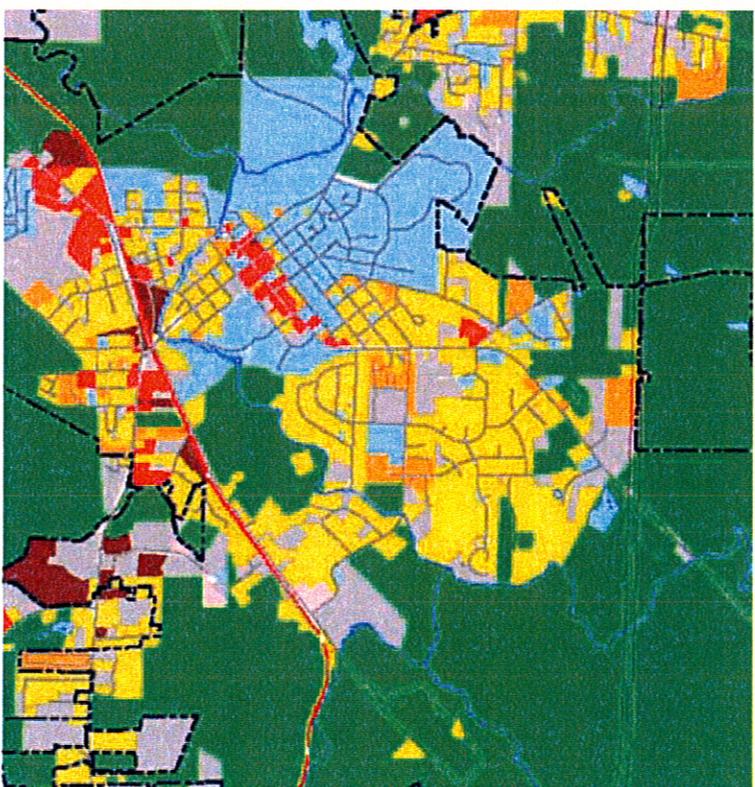
The FLUM is organized into the following major policy areas to recognize and capitalize on those assets and opportunities for the community at large:

Absorb Growth in Centers

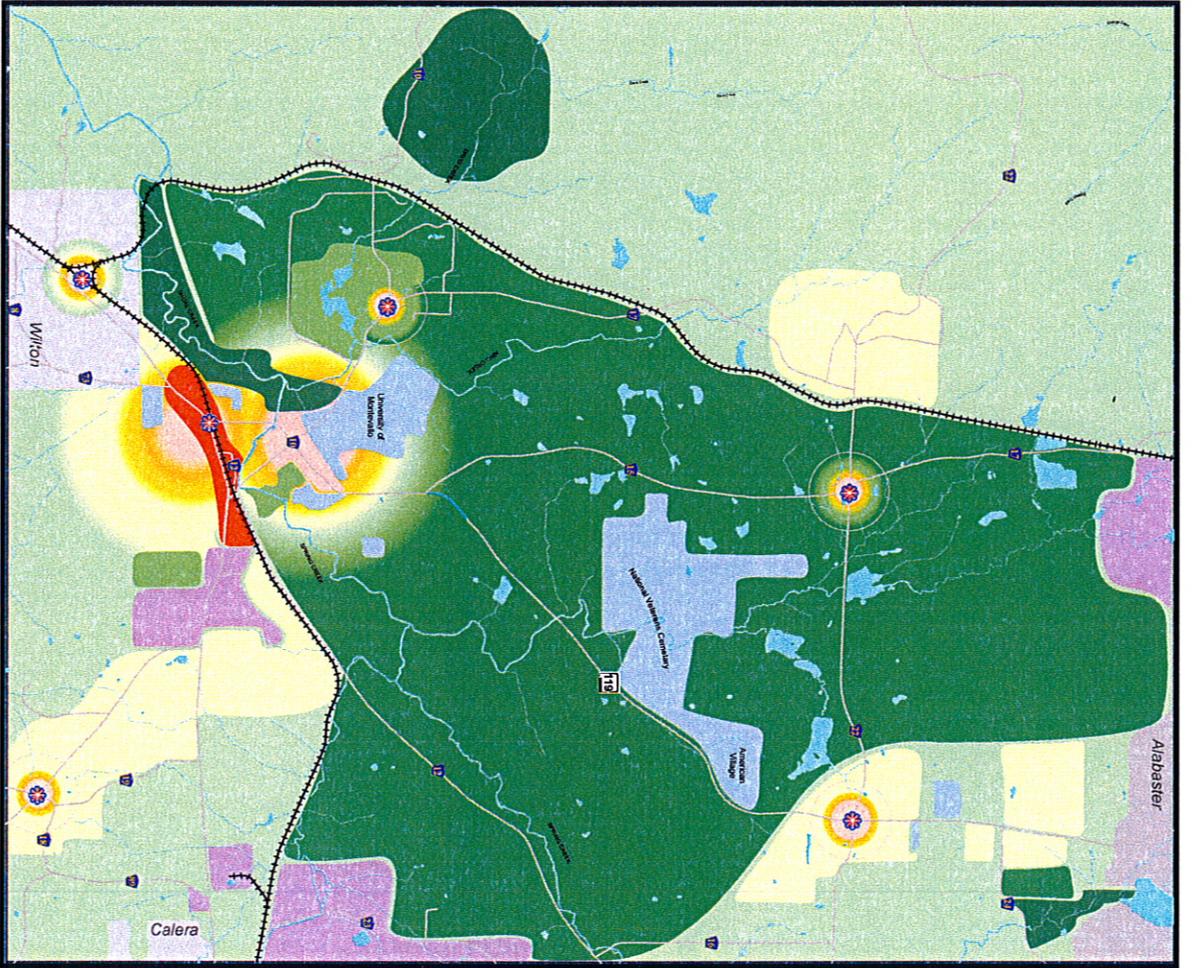
A community must grow to survive and prosper. To truly grow and conserve, a different approach must be taken. The same amount of growth can be concentrated—into compact areas already served by existing infrastructure, such as downtown. By directing new growth into areas with already existing infrastructure, the outlying rural areas can remain as-is. This Plan promotes the establishment of pedestrian-oriented centers, downtown, and neighborhoods.

Policies

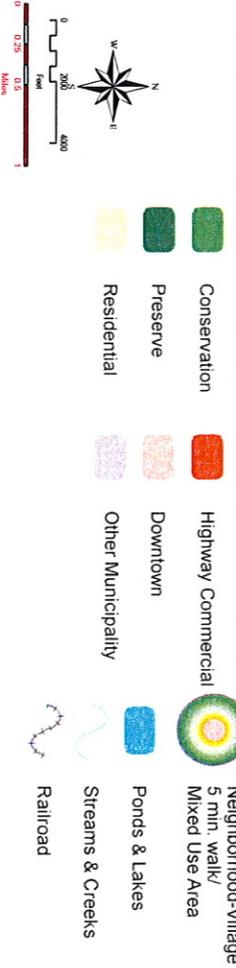
- Encourage density in centers sufficient to divert and offset development from the rural countryside.



Existing Land Use for Central Montevillo Area



**MONTEVALLO
FUTURE
LAND USE**



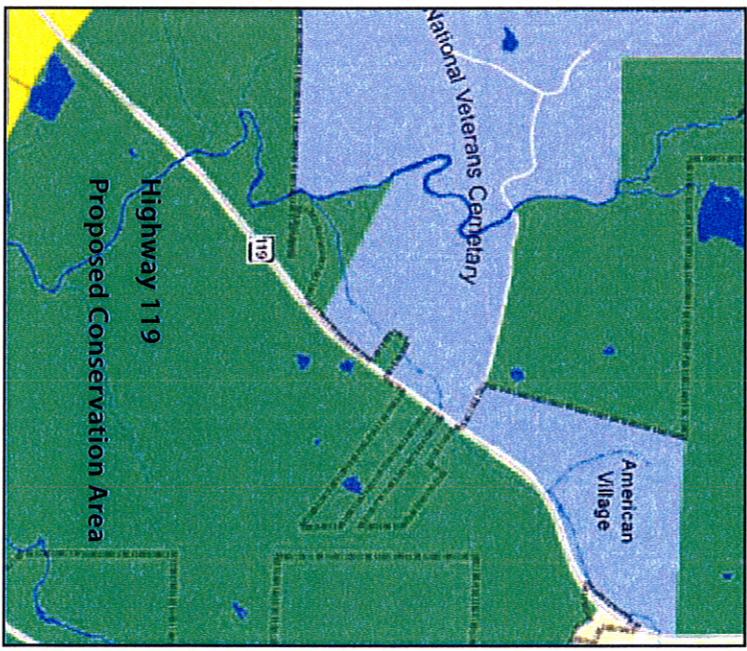


- Require that density granted consistent with this plan, be designed consistent with Design Principles.
- Connect density increases in centers to development decreases in the rural countryside.
- Direct growth into areas already served (or planned to be served) by existing utilities and community facilities.
- Discourage new development in areas requiring extension of services except when in designated new neighborhood or village centers.

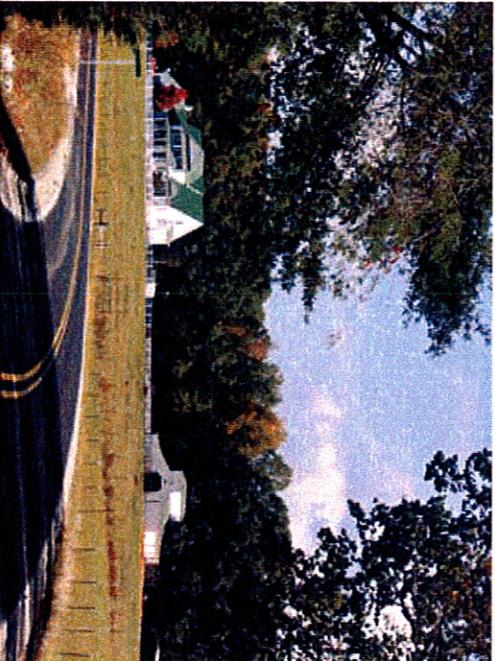
Conservation and Preservation

Policies

- Prioritize the development of regulations and other tools for advancing rural and open space conservation.
- Explore the development of regulations and mechanisms that development reductions in the rural landscape with density increases in centers.
- Discourage conventional suburban development forms.
- Prohibit large scale commercial activity except as a component of a neighborhood/village center master plan.
- Permit no development greater than rural scale, unless adequate water, sewer and transportation capacity is available.
- Ensure an adequate transitional development context where growth areas about the rural landscape.
- Avoid development that undermines the functional integrity of natural systems.
- Ensure that transportation corridors are compatible with the appropriate urban or rural context.



Future Land Use Map
Snapshot of Hwy 119



Rural Road

The rural landscape surrounding the City of Montevillo is a highly valued resource to the community. Working agricultural lands and farmsteads continue to be a part of the local economy. An array of creeks, streams, lakes and their watersheds and low-lying floodplains, wetlands, other natural features and scattered rural homesteads, fill in the gaps. Altogether, these features provide the canvases for the treasured vistas and viewscapes of several image corridors, which establish the community's "town in the country" context.

Preserve Historical Context

An established sense of place is critical for sustaining the sense of community. The character and identity of place are reinforced by tangible, visible features and resources unique to the community. Historic preservation in Montevillo should be seen as part of an economic development strategy.

Policies

- Develop an historic preservation ordinance and program for preserving the historic and cultural resources of the community.
- Ensure the incorporation of historic resources into new development wherever applicable.
- Maintain the historic fabric and character of the Downtown Montevillo neighborhoods.

Placemaking in Centers

Policies

- Require projects developed in centers and neighborhoods be designed consistent with the Design Principles
- Centers and neighborhoods should develop and expand following the street/block pattern of traditional neighborhoods
- The relative density and diversity of new development should be greatest in and near the center's core, and diminish proportionately as distance from the core increases.
- Promote a greater density in, around and within a five-minute walk of the core area of a center.
- Ensure that new development is compatible and complimentary in design and scale with the context of its location.



Downtown is the Heart of the Community

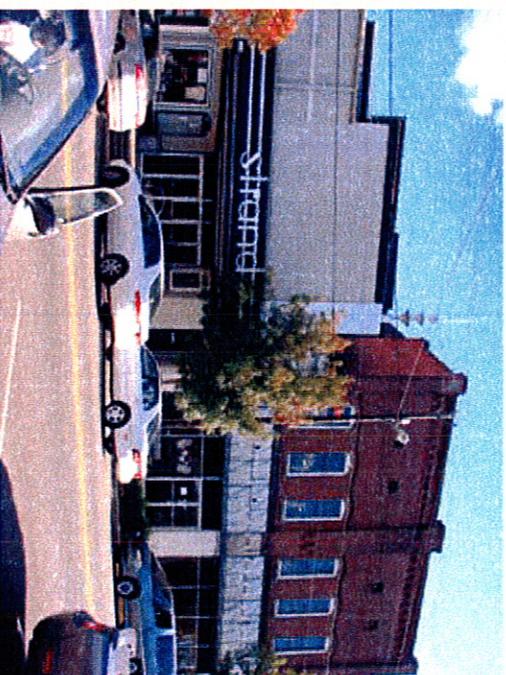
Through implementation of this Plan, the citizens of Montevillo expect Downtown Montevillo to remain the economic, cultural and social hub the greater Montevillo community well into the 21st Century. New development should be compatible with the Design Principles located later in this section.

Policies

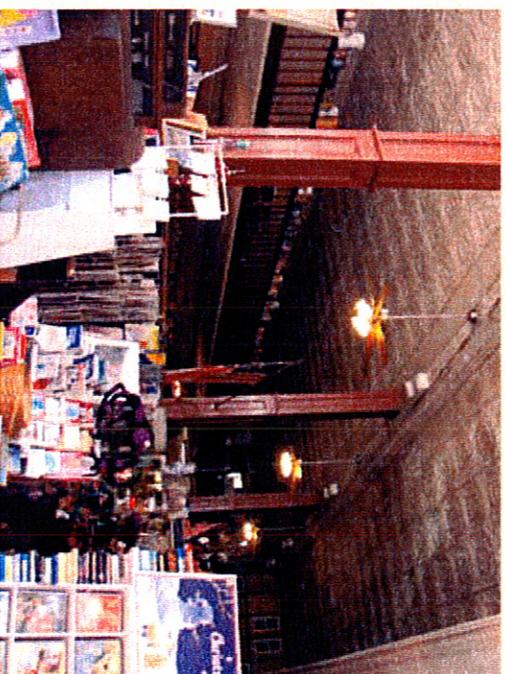
- Require projects developed in centers and neighborhoods be designed consistent with the Design Principles.
- Ensure Downtown Montevillo remains the center of economic, cultural and social activity for the entire community.
- Encourage new and diverse businesses and retail development to locate in the downtown.
- Target the reinvestment of a range of businesses and uses that cater to the needs and spending habits of the faculty and students of the University of Montevillo.
- Promote a diverse range of commercial, residential, cultural, civic, and recreational activities in the downtown neighborhood.
- Invest public resources into public enhancement projects that will attract desired private development into the Downtown, such as sidewalk enhancements, façade improvements, plazas, street furniture, etc.

Other Types of Centers

Other types of activity centers exist and are proposed on the Future Land Use Map, including highway oriented commercial or industrial centers. These types of activity centers are more focused on a specialized activity, and sometimes do not support residential uses. Expansion of these centers should only be supported after determining that downtown or another neighborhood/village center consistent with this Plan, is not able to support the needs precipitating the request for expansion. New development



The Strand on Main Street



Serendipity on Main Street



or redevelopment should follow the Special District portion of the Design Principles located elsewhere in this document.

Policies

- Retain and support existing commercial and industrial activity when consistent with goals of this plan.
- Encourage the design or redesign of non-pedestrian-oriented centers consistent with the Special Districts portion of the Design Principles.

Transportation and Connectivity

The downtown core development should seamlessly integrate the new with traditional street/block pattern. Automobile traffic should be reduced with development practices that encourages walking and cycling. Pedestrian circulation in centers and neighborhoods should receive a higher priority than vehicular circulation. The impact of off-street parking requirements relative to advancing compact design; and, therefore, pedestrian character should also be a priority. Curbside parking should be used to reduce off-street parking requirements in the downtown area.

Policies

- Prioritize pedestrian over vehicular circulation in and around centers and their neighborhoods.
- Evaluate the relationship of off-street parking requirements relative to advancing the various placemaking goals of this plan.
- Promote street and roadway design or redesign compatible with the Design Principles.

- Ensure the reasonable provision of non-vehicular pathways and connections in all new development.
- Promote development of network of sidewalk and greenways connecting neighborhoods, communities, schools, recreational facilities and attractions.
- Locate and design parks, open space and recreational facilities to maximize opportunities for safe pedestrian/bicycle access and expanding communitywide connectivity via greenways.

Implementation

The following are intended to provide decisionmaking assistance following the adoption of this Plan, and in advance of or in the absence of adopted implementing regulations, tools or mechanisms.

- Following adoption of this Plan, property may continue to be developed according to the development regulations in place at that time.
- Requests to change zoning, increase or decrease density or substantially alter approved plans shall not be permitted unless such change advances this Plan or any plans, regulations or programs promulgated to implement this Plan.



FUTURE LAND USE MAP LEGEND DEFINITIONS

Each of the following items corresponds to a mapped category on the Future Land Use Map of the Montevallo Comprehensive Plan. The Future Land Use Map and definitions are not intended to authorize or entitle and approval, rezoning or other development action. Such decisions remain the purview of the Montevallo Planning Commission and City Council, as enabled by the Alabama Statutes. The Future Land Use Map is only one component of the Future Land Use Plan of the Montevallo Comprehensive Plan. The map only provides a generalized illustration of the Montevallo community's desired state and is intended to be used together with the policy guidance provided elsewhere in this Comprehensive Plan.

Rural Landscape: Land that is currently part of the rural landscape. It may have some existing homes on individual lots, be used for grazing, pasture-land or vacant.

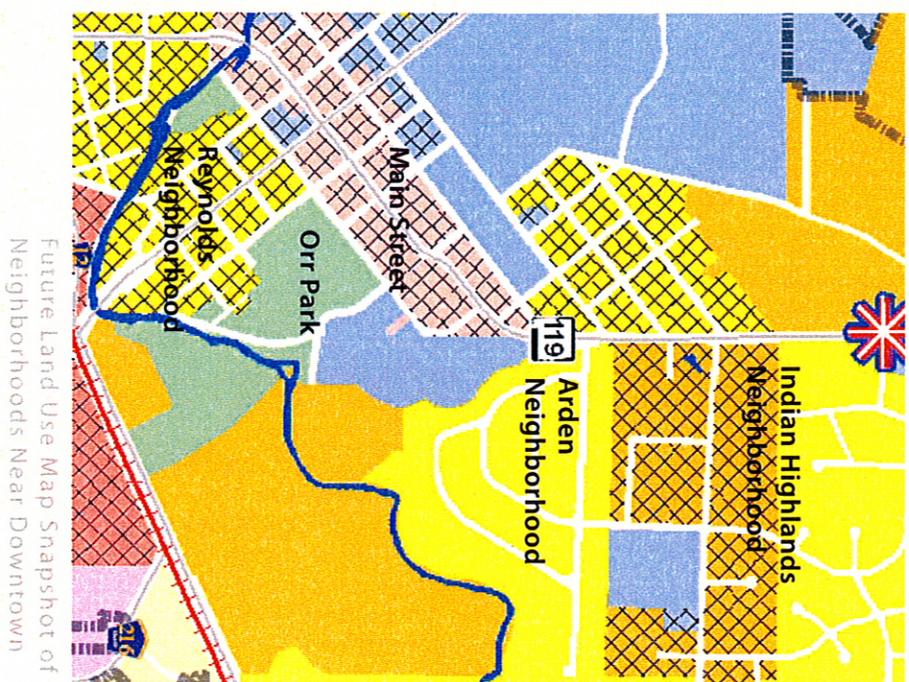
Conservation: Management of natural and historic resources. Development that may occur in these areas should be groupings of buildings on small lots with the largest part of the property remaining in open land or conserved. This is intended to preserve the viewscapes, vistas and rural character along the corridors that enter or exit Montevallo.

Transitional / Estate: Residential development of three or less units per acre, depending on the property's relative location to downtown or a designated village center, and transitioning to match the rural context of adjacent rural landscape.

Traditional Neighborhood: Generally residential development of single or multifamily dwellings and with densities ranging from three to six dwellings per acre, depending on the property's relative location to downtown or a designated village center.

Urban Residential: Areas around downtown core and larger village centers, that may include attached and detached residential units and some mixed-use development with densities averaging six units per acre, with greatest densities closest to the downtown core or village center.

Downtown: The Main Street and adjacent areas where a dense core of development is desired. Uses may include combinations of dwellings





(density upwards of six dwellings per acre), commercial and office uses, personal and household service establishments, institutional uses, public facilities, parks, playgrounds and other similar uses to meet the needs of downtown workers and residents of adjoining neighborhoods.

Neighborhood/Village Center: This designation indicates areas where development of a core is desired. The centers may vary in scale depending on location. Uses may include combinations of dwellings, commercial and office uses, personal and household service establishments, institutional uses, public facilities, parks, playgrounds and other similar uses to meet the needs of workers and residents of adjoining neighborhoods.

Preserve: Areas that should be retained in their original condition to the greatest extent possible. No construction should occur in these areas other than to enhance the existing landscape and improve accessibility to the public such as pervious paths, boardwalks, water crossings and unpaved parking areas.

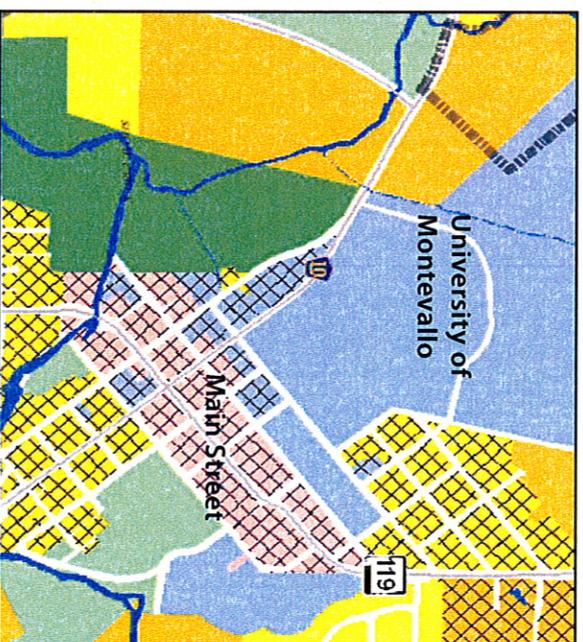
Parkland: Land that is used for recreational purposes such as ball/soccer fields, hiking and bicycle trails, greenways, educational trails, and playgrounds.

Revitalization: This designation can vary at each location, including reconstruction of buildings to be consistent with the historical character of Montevallo, stabilizing existing neighborhoods, improving landscaping and refreshing of paint on buildings.

Highway Commercial: Development should be business related and may include restaurants, retail, service stations and other typical highway commercial use as described in the Montevallo Zoning Ordinance.

Industrial: Uses as defined by the Zoning Ordinance of Montevallo and those uses related to mining/extraction.

Institutional: Uses such as learning facilities and institutions, civic buildings and cemeteries.



Future Land Use Map
Snapshot of Downtown



SPECIAL DISTRICT DESIGN PRINCIPLES

Special districts are unique community places that provide important community services or critical protection of sensitive areas. They are not always an integral part of the traditional community. They may be in the form of institutional or medical campuses, historic districts, environmental conservation areas, industrial parks, regional shopping centers, or large entertainment / recreation facilities.

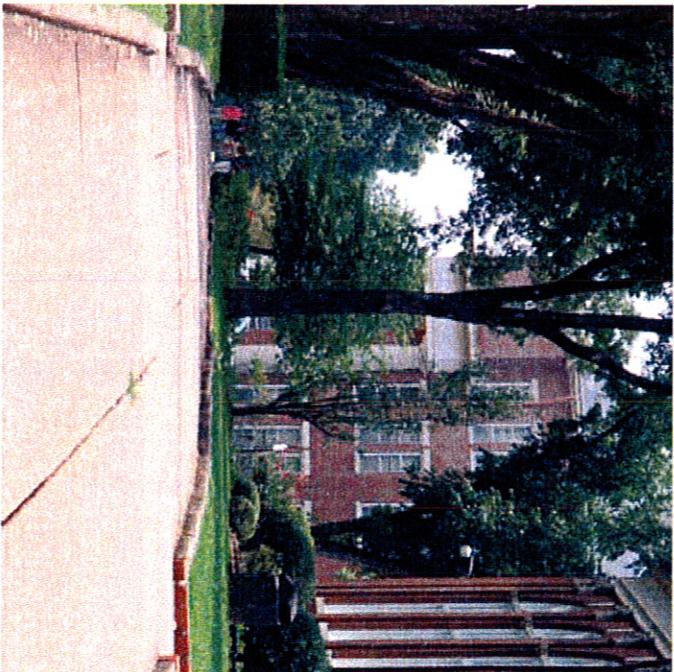
Performance standards for special districts should be created to ensure compatibility of development and redevelopment. Standards should include, but not be limited to those that address use, compatibility, edge or transition, circulation pattern, and open space needs. Development and redevelopment of Special Districts should allow for patterns that are most suited to protecting the cultural, architectural, historic, natural or visual resources of the area. The location, scale, mix and intensity of land uses within each special district should be compatible with the character of the area; maintaining natural buffers to adjacent uses rather than installing new buffers has less impact on those adjacent uses.

...Locate Special Districts Near Established Community Centers

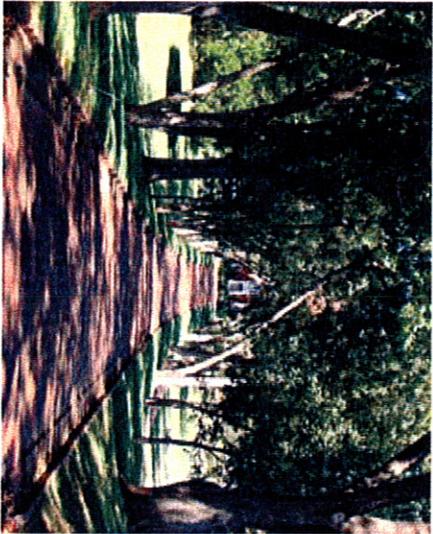
Whenever possible, special districts should be located near or in mixed use centers to give district users opportunities to walk to lunch or run errands without having to drive. Locating special districts near centers also adds to the viability and activity of the center.

...Provide a Mix of Uses Within Walking Distance of the District

Within the special district, a mix of uses is desirable. A mixture of cultural, entertainment, commercial and residential uses allow for a more diverse income stream and greater activity. Office uses support retail operations by supplying lunch patrons. These retail uses, located within walking distance, encourage employees and residents to go out to lunch and run errands without the use of their cars. Central common areas should be provided for users to create a sense of place within the district. The district should be pedestrian oriented with places for recreation and leisure and a system of walkways and trails that connect to activity centers or provide an opportunity for lunchtime exercise activities.



University of Montevallo



Flower Hill Drive
University of Montevallo



Colonial Buildings at
American Village

...Require Districts to Appropriately Relate to the Community

Special districts should be integrated into the fabric of the community. Appropriate connections and transitions should be made to adjacent uses. Streets and service drives should be located and designed appropriate for the user. Vehicular access should be designed to allow for user connections to adjacent centers and neighborhoods, but discourage service access and delivery traffic. Community trails and greenways should continue through the district. The scale of the district, as well as the scale, mass and location of the structures within the district should respect and complement the surroundings.

...Provide Opportunities to Develop Transit Alternatives

In special districts that have large numbers of employees or students, plan to develop regional transit connections. Activity centers and other high-volume generators should be identified for future transit stops.

...Integrate the Open Space Network into the Special District

Open spaces should be integrated into the special district. Areas for parks, greens and other open spaces should be created in the district and connected to adjacent open space systems.



STREET DESIGN PRINCIPLES

...Design Streets in a Manner Sensitive to the Natural Resources

Retain native vegetation and woodlands along roadways wherever possible. Preserve natural and cultural features of the natural resources such as steep slopes, stream valleys and trees. Incorporate existing trees and shrubs into the streetscape by carefully planning alignments and grades. Existing trees can be saved by curving roads around them or by creating islands that divide streets into one-way pairs. Vegetation does not have to be cleared from the entire right-of-way, but only as needed to accommodate utilities, sidewalks and drainage thereby preserving as many trees as possible.

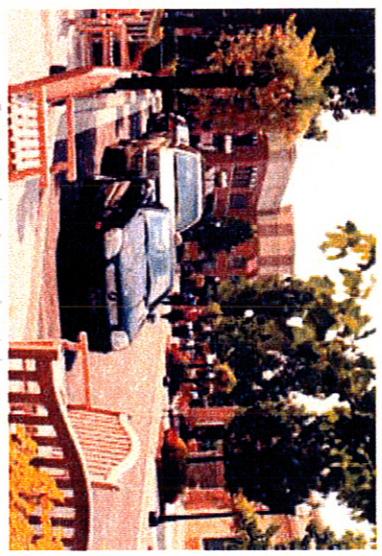
Utilize natural drainage systems, rather than curb and gutter, in rural corridors and neighborhoods. Review proposed neighborhood streets and collector roads associated with new developments in light of their relationship to existing streets. Preserve the character of rural Montevallo and ensure that road capacity is not substantially increased in the Rural Landscape. Unpaved rural roads should be maintained in their current condition except for needed safety improvements.

...Design Streets and the Streetscape Together

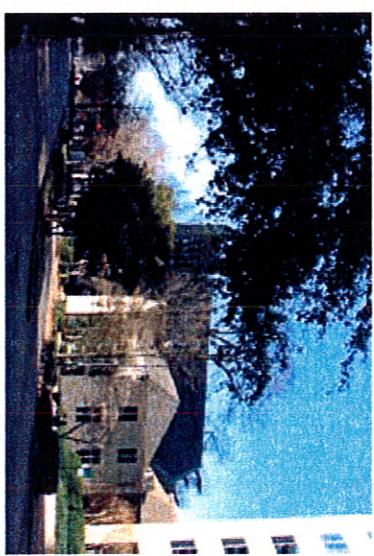
Great streets are designed as a whole. This includes the vehicular elements (travel lanes, turn lanes, parking, curbs), public components (street trees, sidewalks, lighting, utilities) and private elements (buildings, landscape, fences and walls). Great urban streets have buildings that front the sidewalk, usually close to the street. If financially feasible do not leave street trees and sidewalks for later installation. Require their design and construction at the same time the street is being designed for all new projects -- public and private.

...Require Connectivity

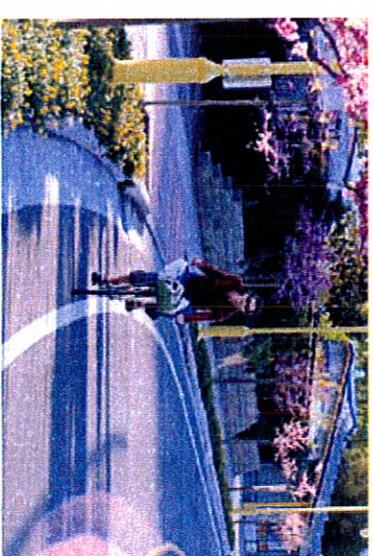
Require internal vehicular, pedestrian and bicycle connections within development areas and between adjacent land uses. The City should require developers to address the need for internal connections (roads, pathways, open space) between adjacent land uses, such as residential subdivisions or commercial developments to provide a secondary means of emergency access. This also encourages more of a sense of community and reduces local traffic on major roads.



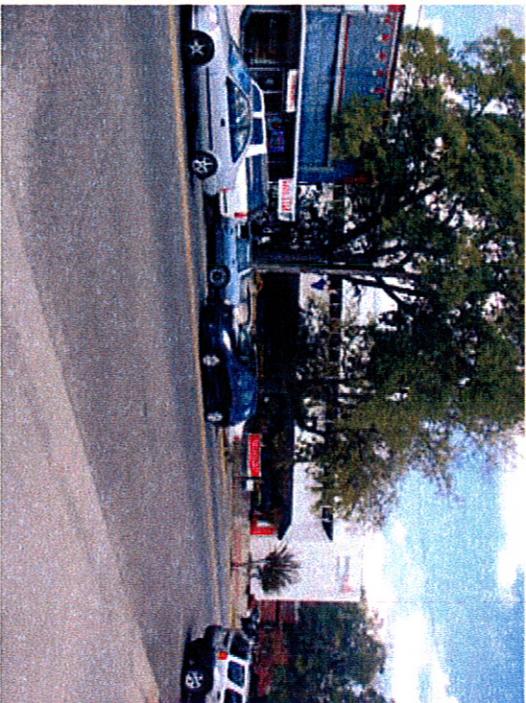
street designed with streetscape



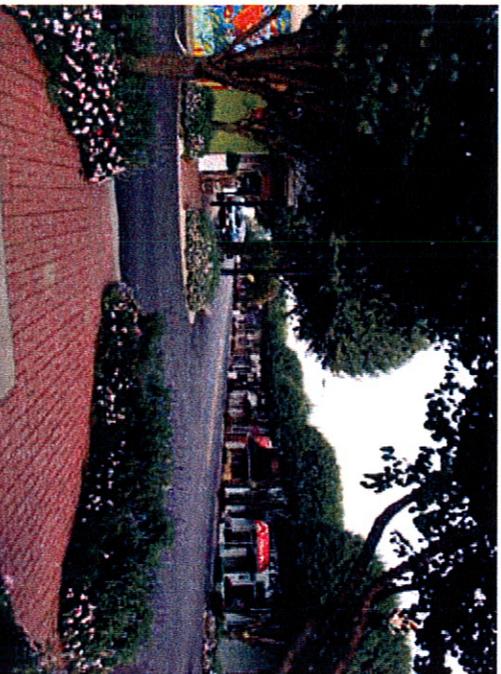
Neighborhood Boulevard



Bike Lane



Downtown Core



Downtown
Fairhope, AL

Provision for inter-parcel connections should be considered in development proposals. Encourage all development proposals in rural area to create an internal local road network to keep local traffic off regional roads. In the Rural Landscape, inter-parcel connections may detract from the rural setting and may not be required.

Discourage direct vehicular access to arterial and major collector roads from individual residential and commercial lots.

...Design for Pedestrians

Streets should be designed to balance the needs of the vehicle and pedestrian. Street design should create a convenient and safe environment for pedestrians. At a minimum, sidewalks should be provided on at least one side of local streets and on both sides of collector and arterial streets. The pedestrian network can be greatly improved and walking distance and infrastructure costs substantially reduced through the use of trails within greenways or other open space systems, mid-block connections and cul-de-sac linkages.



Pocket Park Near
Village



Orr Park



Davis Falls

OPEN SPACE DESIGN PRINCIPLES

... Conserve the Natural Environment and the Rural Landscape

The uniqueness and beauty of the natural environment is perhaps the community's most marketable feature. The area landscape features wooded hillsides, pastoral valleys, rural roads, farmsteads and fence rows. This landscape could be considered a landscape portrait of a memorable image that attracts newcomers to the area.

One of the most important design principles of the Montevallo Comprehensive Plan is to claim this landscape portrait as an amenity. Development should be planned and arranged as nodes of activity that lie within the landscape, preserving these scenic views. The pastoral valleys and farmsteads are the most visible portion of the landscape. These valleys should be conserved as scenic viewscapes with limited or clustered development. Buildings should be limited in size and clustered in a conservation setting.

Once the natural resources have been established as the backdrop for development, the most meaningful and scenic locations are reserved for public open space. Mature or old-growth tree groves, lakes, pastoral valleys, historic farmsteads and mining remnants are important natural and cultural features that can serve as key public open spaces.

Identify these features and their connections as part of a larger open space network. Once these areas are identified, determine appropriate public uses for greenways, community parks, town squares, plazas or a regional park. Link these elements together into an open space system and organize development so that buildings look into these areas rather than back up to them. Street patterns within developments should terminate at important viewing areas, adding value to the interior lots within the developments.

The character of each part of the site can be the beginning of creating a unique and marketable development. Large scale open space is generally the rural or rolling landscape. But within compact development areas a series of neighborhood parks and amenities should be established that connect the City's neighborhoods.



...Link County, Local and Regional systems

Montevallo's open space system should be linked to local and regional systems and connected to large recreational systems. Community and neighborhood parks should be planned and designed adjacent to or within close proximity to regional open space systems, whenever possible. This vast, interconnected system of open spaces can provide excellent opportunities that support recreational objectives while protecting, wildlife corridors, natural drainage and environmental ecosystems.

...Ensure Accessibility to All Users

Montevallo's open space and recreation system should be accessible to all community residents. Parks and natural areas with public access should be provided in addition to those facilities that require reservations or charge a fee.

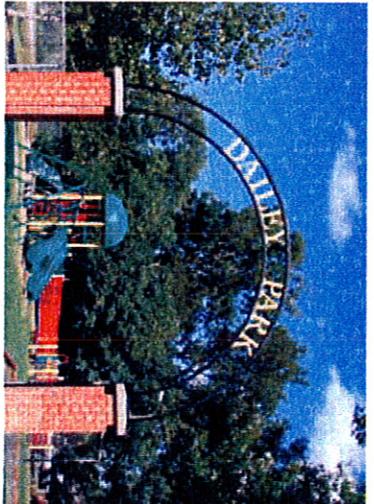
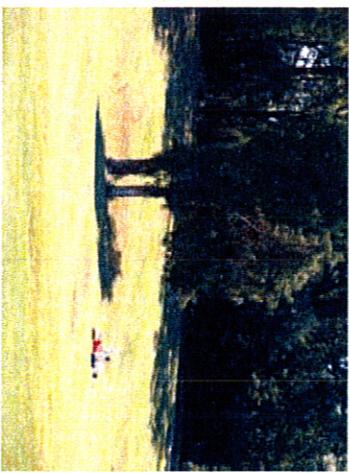
Parks and open spaces should accommodate both active and passive recreation uses. Walking trails, play areas, and picnic facilities should be staple components of recreation parks. Community structures should serve dual purposes. A community center can provide daytime activities for seniors and young children while providing evening activities for adults and teens.

...Create Comfortable Shaded Places for Play and Seating

Montevallo parks and open spaces provide abundant shade and seating areas for respite during hot summer months. All of the park and open space elements are designed with comfort early in mind. Seating areas at ball fields are organized beneath mature shade trees. And play grounds are nestled beneath large tree canopies to provide shade for children and their parents. When natural tree canopies are not part of the existing site, new shade trees should be added for comfort.

...Design New Park Structures around Unique Natural and Cultural Features

Open space design should evolve from the natural landscape features. Historic structures and natural features such as limestone rock outcrops, wetlands, tree groves, and native plants should provide the impetus for creating a unique local character.





Section Three

Action Plan Introduction
Objectives and Policies
for Action





ACTION PLAN INTRODUCTION

The Action Plan is the compilation and prioritization of tools, programs and guiding policies to implement the Comprehensive Plan.

To ensure the success of the Plan, the following regulatory tools and strategies will need to be reviewed, revised, or created, as needed:

Form Based Regulations: Development regulations directed toward achieving the desired physical form of the development. Form based or design based regulations utilize both zoning and subdivision regulations.

Conservation Subdivisions: Alternative method of subdividing land having open space characteristics valued by the community (agricultural, environmental, aesthetic) that accommodates all of the development potential of the property, on a small portion of the site through clustering, resulting in the conservation of the balance of the property through a conservation easement for the public's benefit.

Transferable Development Rights (TDRs): Develop, if feasible, a program/mechanism to allow downtown (or designated village/neighborhood center) density to exceed an established entitlement threshold only in exchange for the permanent conservation (easement) of rural lands in designated conservation areas, thereby "transferring" undesired sprawl development from the rural landscape, into the preferred growth areas around downtown (or designated center).

Revise parking requirements to support and encourage alternative modes of travel, particularly walking and transit.

Incorporate Housing Choice and Affordability Provisions:

- Develop strategies that are designed to encourage a mix of housing type and affordability.

- Develop provisions that encourage a diversity of housing options while incorporating strategies that avoid extreme disparities; i. e., gradually transition from higher to lower value properties along a street/block, so that extreme disparities are separated by a few lots or locate apartments on street corners in small clusters of between four and eight units or allow the use of garage apartments.

Site Clearing/Land Disturbance Policies/Regulations: Prohibit practices that degrade the functional integrity of natural systems and the rural landscape, such as the wholesale clear cutting of sites speculatively or prior to receiving land development approval. Site clearing should only occur after development approval and after appropriate analysis has identified conservation and development areas, consistent with this plan.

- Restorative Development Practices: Develop policies and a program for incorporating restorative development practices into development regulations.

OBJECTIVES AND POLICIES FOR ACTION

Land Development

Develop regulations to implement the plan that are guided by the objectives, policies, and actions, documented below. Regulations should be implemented either as alternatives to existing regulations, with incentives, or mandatory when appropriate.

Objectives

1. A vibrant, walkable and livable Downtown core and neighborhood centers that are the economic, cultural and social focuses for the community.



2. Encourage growth primarily within Downtown and neighborhood centers, following the pattern of traditional towns and neighborhoods, consistent with this Plan.
3. The revitalization of established neighborhoods and communities in a manner consistent with the objectives of this Plan, while respecting local context and scale.
4. That all citizens have a choice of residence from a range of safe, well constructed options, according to their needs.
5. A rural landscape where man-made features are in harmony with a functional and sustainable ecosystem.
6. The conservation of rural viewscape corridors along Highway 119, Salem Road, Spring Creek Road and other remarkable vistas.

Action Items

1. Develop regulations and incentives for guiding new development in a manner that advances these objectives.
2. Develop regulations and incentives for directing new development and redevelopment alternatives compatible with the context and scale of the project location.
3. Develop and implement strategies and plans to improve walkability in Downtown and existing neighborhoods.
4. Incorporate new regulatory requirements into the development approval process that require developers to:
 - **Provide information needed to properly evaluate a proposed project's potential traffic impact**
 - **Identify and require opportunities for providing non-vehicular pathways and connections to adjacent properties and the larger transportation network.**

- **Protect the scenic vistas and viewscapes and historic resources along designated area transportation corridors.**

Policies

1. A significant portion of Montevallo's new growth should be absorbed by allowing appropriate and measured increases in density within the Downtown core and other designated village centers at a scale and context that is compatible with the project location.
2. Increases in density shall be permitted only when incorporated into or extended from the traditional grid plan of Downtown, or as part of an approved master or regulating plan for a mixed use center.
3. Develop and implement strategies that ensure a diverse range of commercial, residential, cultural, civic, and recreational uses in the downtown core.
4. Attached dwelling units should be encouraged within the Downtown core and village centers, compatible with the context and scale of the identified project location.
5. The density of new development should be greater within a five minute walk of the Downtown/Main Street core area and other identified village/neighborhood centers.
6. New regulations developed to implement this Plan should incorporate standards for new construction in centers and neighborhoods that yield safe, pedestrian friendly streets and address the improvement or elimination of existing substandard or unsafe housing.
7. Encourage or require the proportionate mixing of housing types and affordability. Specifically:
 - **Vary lot sizes at the block level which necessarily result in varying unit types and affordability.**



- ✦ **Promote the integration with detached units at the block level of small configurations of attached units such as duplexes, and relatively small-scale (four- to eight-unit buildings) located on street corners in the Downtown core and other village centers.**
 - ✦ **Allow and encourage the use of alleys to provide off-street parking and alternative egress and the inclusion of garage apartments when the garages are accessed via an alley.**
 - ✦ **Require that historically significant structures, sites and resources be incorporated into development master plans and discourage projects that propose to raze historic structures.**
8. Ensure that development in transition areas between a development shed and adjacent rural or natural area is built at a scale compatible with maintaining the viability of that adjacent resource.
 9. Recognize the interdependence of water bodies and their associated slopes, vegetative cover and wetlands and their crucial functions. Develop regulations that preserve and enhance these critical features/resources.
 10. Prohibit practices that degrade the functional integrity of natural systems and the rural landscape, such as the wholesale clear cutting of sites speculatively or prior to receiving land development approval.
 11. Prohibit lot sizes of less than three acres in the Conservation Areas of the rural landscape, except as part of a conservation subdivision, or master planned center consistent with this Plan.
 12. Prohibit large scale commercial activity in the rural landscape, unless as a component of a mixed-use center consistent with this Plan.

13. Discourage conventional suburban development in the rural landscape.
14. New development should occur in rural areas only when adequate public facilities, transportation facilities and land resources are in place to accommodate growth and then only at a context and scale appropriate to the locale.

Transportation

Development of a transportation plan and program should be guided by the objectives, policies and actions in the Plan.

Develop a major street plan, addressing transportation and mobility requirements consistent with this Plan. The Street Plan should:

- Identify funding and set priorities.
- Establish guidelines and design standards.
- Promote pedestrian and bicycle circulation through the development and implementation of initiatives, programs and techniques.

Objectives

A well connected and funded transportation and mobility system that provides a safe, convenient, and efficient system in harmony with the historic character of Downtown and the beauty of the area's rural landscape.



Historic Preservation

Develop a program to identify and protect resources of cultural, historical and archaeological significance.

- Regulatory mechanisms and incentives that are incorporated into the development approval process.
- Strategies, incentives or regulations that encourage the adaptive reuse of existing housing and buildings of significance to the community.
- Architectural and other design standards or guidelines to ensure new development or renovation is compatible with the character of historic neighborhoods.
- Other activities and mechanisms as required for receiving Certified Local Government designation from the National Park Service and officially designated Main Street Program by the National Trust for Historic Preservation or other advantageous programs.

Objective

The conservation and protection of the cultural, historical and archeological legacy of the community.

Town and Gown

Establish a Strategic Planning Committee that would include representatives from the City and the University. Potential areas of responsibility should include:

- Establishing a business incubator and other resources for developing local talent, enterprises and commerce.
- Exploring ways to coordinate facilities planning.

- Developing and promoting recreational, artistic, cultural, and entertainment venues and activities.
- Expanding commercial and retail activity in Downtown area.

Objective

A strategic planning partnership advancing a cohesive and mutually beneficial agenda for growth and prosperity.

Capital Improvement Plan/Infrastructure

Funding mechanisms must be established to encourage growth.

Objectives

1. New development should not exceed the capacity to provide needed services and infrastructure.
2. Private and public funding sources should be identified.

Recreation and Community Facilities Plan

Develop a Recreational and Community Facilities Plan that incorporates the maintenance and improvements to the existing park network, plans for future parks and connections between other recreational facilities.

Objective

The provision of safe, efficient and effective recreational and community services for use by residents and visitors.



Economic Development

Establish an economic development program that identifies ways to expand existing services and functions of Downtown and other commercial and industrial areas.

Objective

A strong, flexible, and sustainable local economy that promotes a viable Downtown core and development of village centers.

Tourism

Develop an aggressive program to promote tourism as a major economic engine.

Objective

A vibrant and marketable tourism economy that capitalizes on the cultural, historic, and natural features of the area.

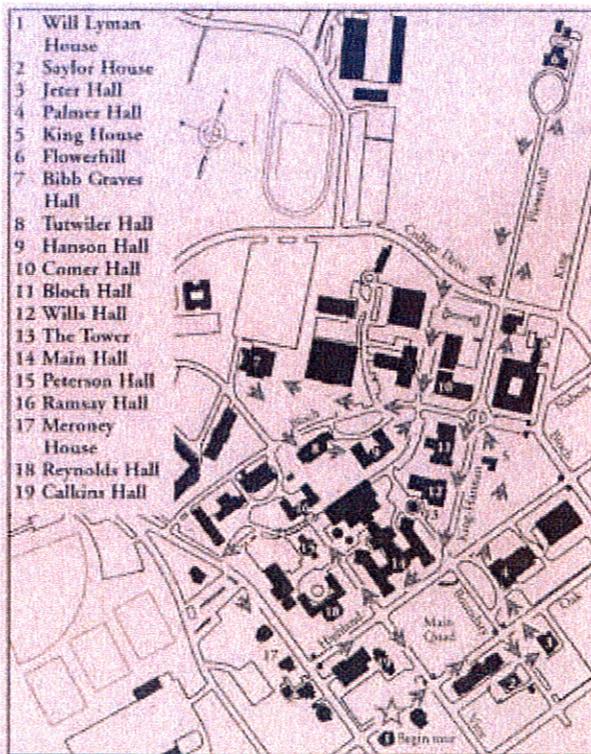
Attachment F


[Accessibility](#) [Calendars](#) [Employment](#)
[Support UM](#) [Search UM](#) [Contact UM](#)
UNCONVENTIONAL WISDOM
[Legacy Home](#) > [Visitor Center](#) > [The Red Brick Tours](#) > A Walk Through Time - The Historic Structures of UM

The Red Brick Tours

A Walk Through Time

The Historic Structures of UM



Tour distance: 2 miles

Approximately tour time: 1 hour and 15 minutes

Begin the tour at Will Lyman House (1). As you exit the house, turn right and follow the sidewalk to Boundary. Turn right and walk to Saylor House (2). Cross Boundary and walk to Jeter Hall (3). From Jeter Hall, cross Oak Street and walk past the gates onto the central portion of campus. Palmer Hall (4) is located to your right.

From Palmer Hall, cross Highland and walk through the grassy area to King House (5). At the far (northern) corner of King House, follow the sidewalk to the intersection of Bloch and King-Harman. Continue to King-Harman to Flowerhill (6). Return down King-Harman to College Drive and turn right, following the arrows to Bibb Graves Hall (7).

From Bibb Graves Hall, proceed toward central campus. Cross Bloch and walk to the front of Tutwiler Hall (8), then on to Hanson Hall (9). Continue back to Bloch, turn right again and walk to Comer Hall (10). At this intersection, turn right and continue walking down King-Harman, enjoying Bloch (11) and Wills (12) Halls along the way. At the intersection of King-Harman, Boundary and Highland, look to your right to observe The Tower (13). Then continue along Highland to Main Hall (14). Turn right at Vine and follow the sidewalk to Peterson Hall (15). Continue along the sidewalk to Ramsay Conference Center and Lodge (16). Follow Peterson to Middle, cross the street, and turn left. Follow the sidewalk to Meroney House (17). Cross Middle again at the campus gates and re-enter the campus at Highland, being mindful of traffic that may be exiting the campus proper. Continue along the sidewalk to Reynolds (18), and then on to Vine. Turn right at Vine and proceed to the front of Calkins Hall (19), the final stop on the "A Walk Through Time" tour.

Attachment G

Instrument Prepared Without
Benefit of Title Examination

This instrument was prepared by:

Mitchell A. Spears
Attorney at Law
P. O. Box 119
Montevallo, AL 35115
205/665-5076

Send Tax Notice to:

(Name) City of Montevallo
(Address) 545 Main Street
Montevallo AL 35115
Minimum Value: \$670,000.00

Statutory Warranty Deed

STATE OF ALABAMA
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of **ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION**, to the undersigned grantor, in hand paid by the grantee herein, the receipt whereof is acknowledged, **Shoals Creek Farm, Inc., an Alabama Corporation** (herein referred to as Grantor), grants, bargains, sells and conveys unto **City of Montevallo, Alabama** (herein referred to as Grantee), the following described real estate, situated in SHELBY County, Alabama, to-wit:

All of the Northwest Quarter of Section Fifteen lying Northwest of Montevallo-Ashville Road (Alabama Highway 119) and all of Northwest Quarter of Section Fifteen lying East of Shoal Creek and all of East one-half of Northeast Quarter of Section Sixteen lying East of a line running North and South parallel with Section line and being Two-Hundred-Fifty yards West of Section line lying between Section Fifteen and Sixteen and also all that part of Northeast Quarter of Southeast Quarter of Section Sixteen lying Northwest of the Ashville Road and described as commencing Two-Hundred Yards West of Northeast corner of said Forty Acres and run Southwest Two-Hundred Eight Yards along fence to the said Road, thence, Northeast along said Ashville Road Eighty Yards to the Section line and all lying Northeast of said line, all in Township Twenty-Two, Range Three West, in Shelby County, Alabama.

SUBJECT TO:

- Taxes for the year 2013 and subsequent years.
- Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, which have been reserved by owner.
- Rights, reservations and restrictions of record.

IT IS THE INTENT OF GRANTOR TO CONVEY TO GRANTEE ALL OF ITS RIGHT, TITLE AND INTEREST IN AND TO ITS REAL PROPERTY SITUATED IN SHELBY COUNTY, ALABAMA, INCLUSIVE OF PARCELS IDENTIFIED WITH THE SHELBY COUNTY TAX ASSESSOR BY PARCELS NUMBERED 27 5 15 0 000 002.000, 27 5 16 0 000 001.000 and 27 5 16 4 001 001.000.



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Shelby Crty Judge of Probate, AL
12/02/2013 09:05:22 AM FILED/CERT

COVENANTS WHICH RUN WITH THE LAND

Grantor does hereby place certain restrictive covenants upon certain portions of the property herein conveyed, as follows:

1. In the event that Grantee should determine that it is necessary to sell, transfer or convey any portion of the premises herein, Grantee shall first convey that property which is located in Section 16, Township 22S, Range 3W, consisting of 43 acres, more or less.
2. The real property located in Section 15, Township 22S, Range 3W shall be retained by Grantee for the purpose of establishing a city park to be enjoyed by Grantee's citizens, with said park to be named "Shoal Creek Park". This covenant is not designed to restrict the Grantee from the placement of additional facilities onto the premises reserved for usage as a city park, but merely to designate the park as a primary usage of the premises. Grantee shall preserve the old Mahler home place which is situated upon the premises, for the purpose of enjoyment and usage by the Grantee and its citizens.
3. In the event that it becomes absolutely necessary, within the discretion of Grantee's city council, to sell any portion of the Section 15 property, in order to fund the maintenance of the park, that portion of the Section 15 property lying southeast of Alabama Highway 119 shall be conveyed for such funding purposes, while Grantee shall retain and continue to maintain that portion of the Section 15 property lying northwest of Alabama Highway 119.
4. The terms and provisions of these covenants shall be perpetual in nature, except that, in the event that such covenants can be construed to violate the "Rule Against Perpetuities", said covenants shall be deemed to have terminated the day before any such perpetuities violation shall occur.

TO HAVE AND TO HOLD, to the said GRANTEE, his, her, their or its heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 22nd day of Nov, 2013.

Shoals Creek Farm, Inc.



By: Elizabeth A. Mahler
Its: President

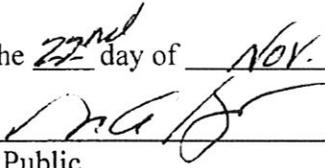


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Shelby Cnty Judge of Probate, AL
12/02/2013 09:05:22 AM FILED/CERT

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **Elizabeth A. Mahler**, whose name as **President of Shoals Creek Farm, Inc.**, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation.

Given under my hand and official seal, this the 27th day of Nov., 2013.



Notary Public

My Commission Expires: 07/31/17



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Shelby Cnty Judge of Probate: AL
12/02/2013 09:05:22 AM FILED/CERT

RESOLUTION OF SHOALS CREEK FARM, INC.

Whereas, Shoals Creek Farm, Inc. is the owner of certain real property situated in Shelby County, Alabama, consisting of 167 acres, more or less, which maintains the address of 2679 Hwy 119, Montevallo, Alabama 35115; and

Whereas, Elizabeth A. Mahler is the sole shareholder of the corporation, as she maintains the 1,000 shares of common stock which were previously issued by the corporate treasury when the corporation was formed on November 11, 1968, by the filing of Articles of Incorporation in the office of the Probate Judge, Shelby County, Alabama, recorded at Corporate Book 8, Page 91;and

Whereas, on September 26, 2013, pursuant to a special meeting of the corporation, Elizabeth A. Mahler was elected as President of the corporation and Gary Muehlbauer was elected as Secretary of the corporation, and said officers continue to serve in such capacities; and

Whereas, Elizabeth A. Mahler has made her intent known to gift to the City of Montevallo, Alabama, all real property owned by the corporation, located at the address hereinabove referenced; and

Whereas, Elizabeth A. Mahler, as the sole shareholder of the corporation and the only person with any pecuniary interest therein, is due to receive any tax benefit which shall be generated by the gifting of said real property to the City of Montevallo; and

Whereas, there are certain restrictive covenants which the corporation desires to have run with the lands;

Now, Therefore, Be it Hereby Resolved as follows:

1. The corporation, by and through its President, Elizabeth A. Mahler, shall execute a Statutory Warranty Deed in favor of the City of Montevallo conveying the real property hereinabove described, free of any consideration and as an absolute gift, subject only to the restrictive covenants contained within the deed of conveyance, an initial draft which is attached hereto as Exhibit "A".

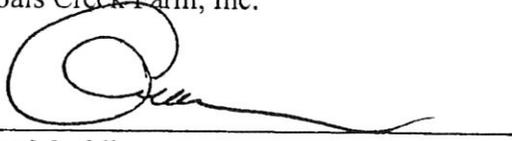

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Shelby Cnty Judge of Probate, AL
12/02/2013 09:05:22 AM FILED/CERT

2. Due to the fact that Elizabeth A. Mahler maintains all of the pecuniary interest in Shoals Creek Farm, Inc., as the sole shareholder thereof, she shall individually receive the benefit of any tax benefits or credits which shall be available to her, resulting from the gift to a governmental entity.

There being no further business to come before the meeting, the meeting was adjourned.

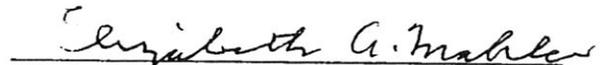
Dated this 27th day of NOV., 2013.

Shoals Creek Farm, Inc.



Gary Muehlbauer
Its: Secretary

Shoals Creek Farm, Inc.



Elizabeth A. Mahler
Its: President



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Shelby Cnty Judge of Probate, AL
12/02/2013 09:05:22 AM FILED/CERT

Real Estate Sales Validation Form

Form RT-1

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name Shoals Creek Farm, Inc. Grantee's Name City of Montevallo
Mailing Address: c/o Columbiana Health and Rehabilitation Ctr. Mailing Address: 545 Main Street
22969 Hwy 25 Montevallo, Alabama 35115
Columbiana, Alabama 35115

Property Address 2679 Hwy 119 Date of Sale 11/22/2013
Montevallo, Alabama 35115 Total Purchase Price \$
Or Actual Value \$ 670,000.00
Or Assessor's Market Value \$

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

Settlement Statement xx Appraisal
Sales Contract Other Gift to governmental entity

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

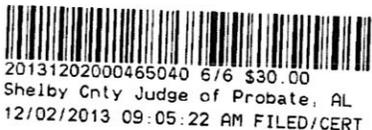
Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value- if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).



Print Elizabeth A. Mahler

Sign Elizabeth A. Mahler
(Grantor/Grantee/Owner/Agent) circle one

STATE OF ALABAMA)
COUNTY OF SHELBY)

Sworn to and subscribed before me this the 22nd day of November, 2013

Notary Public
My commission expires: 07/31/17

Cost Estimate

Shoal Creek Park Trail Enhancement

Cost Estimate

Expenditures

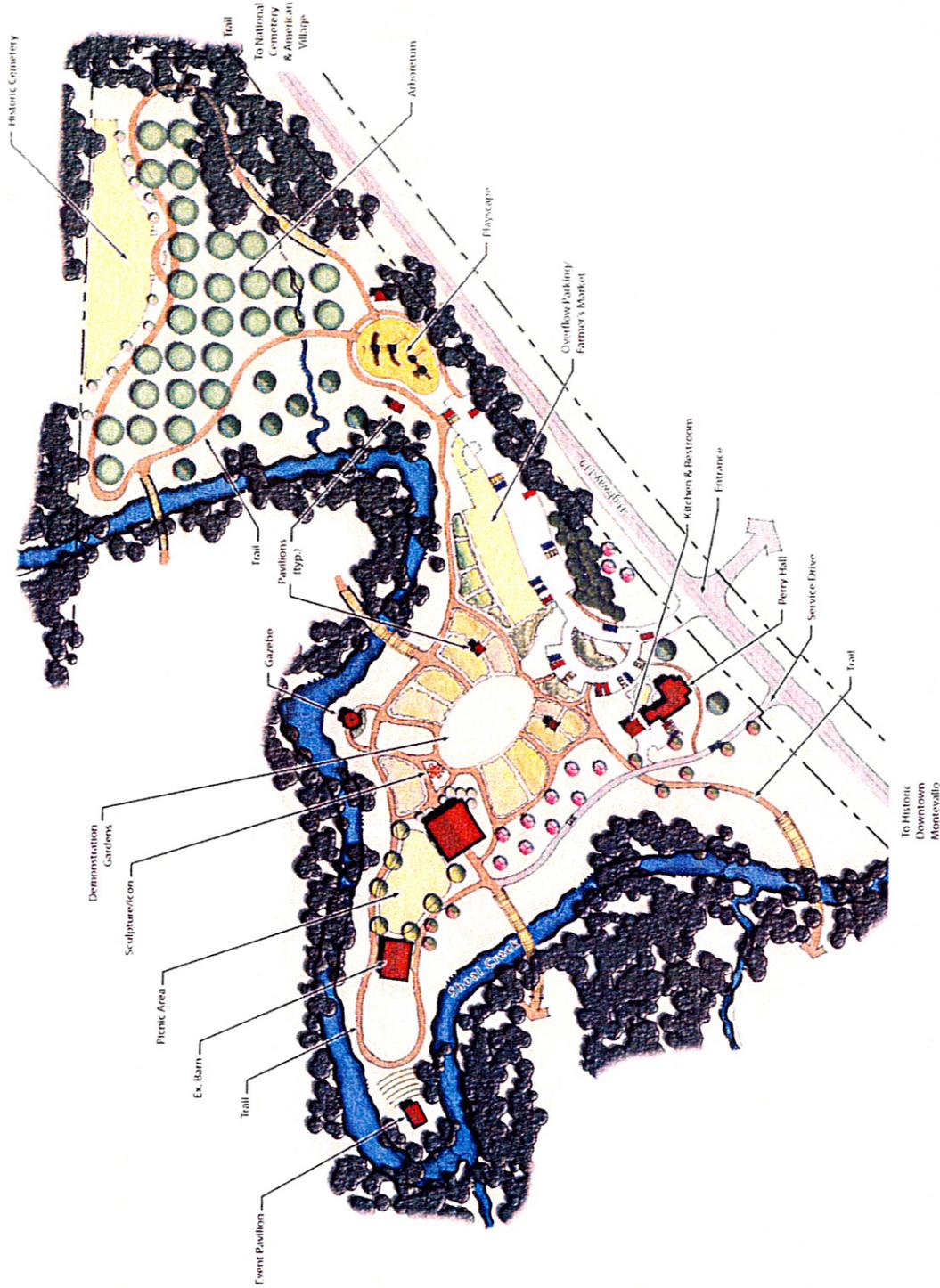
Pavilion and restroom facility:	\$ 90,000
Signage System:	\$ 25,000
Limited safety lighting:	\$ 10,000
Total Project Estimate:	\$125,000

Funds allocated/requested

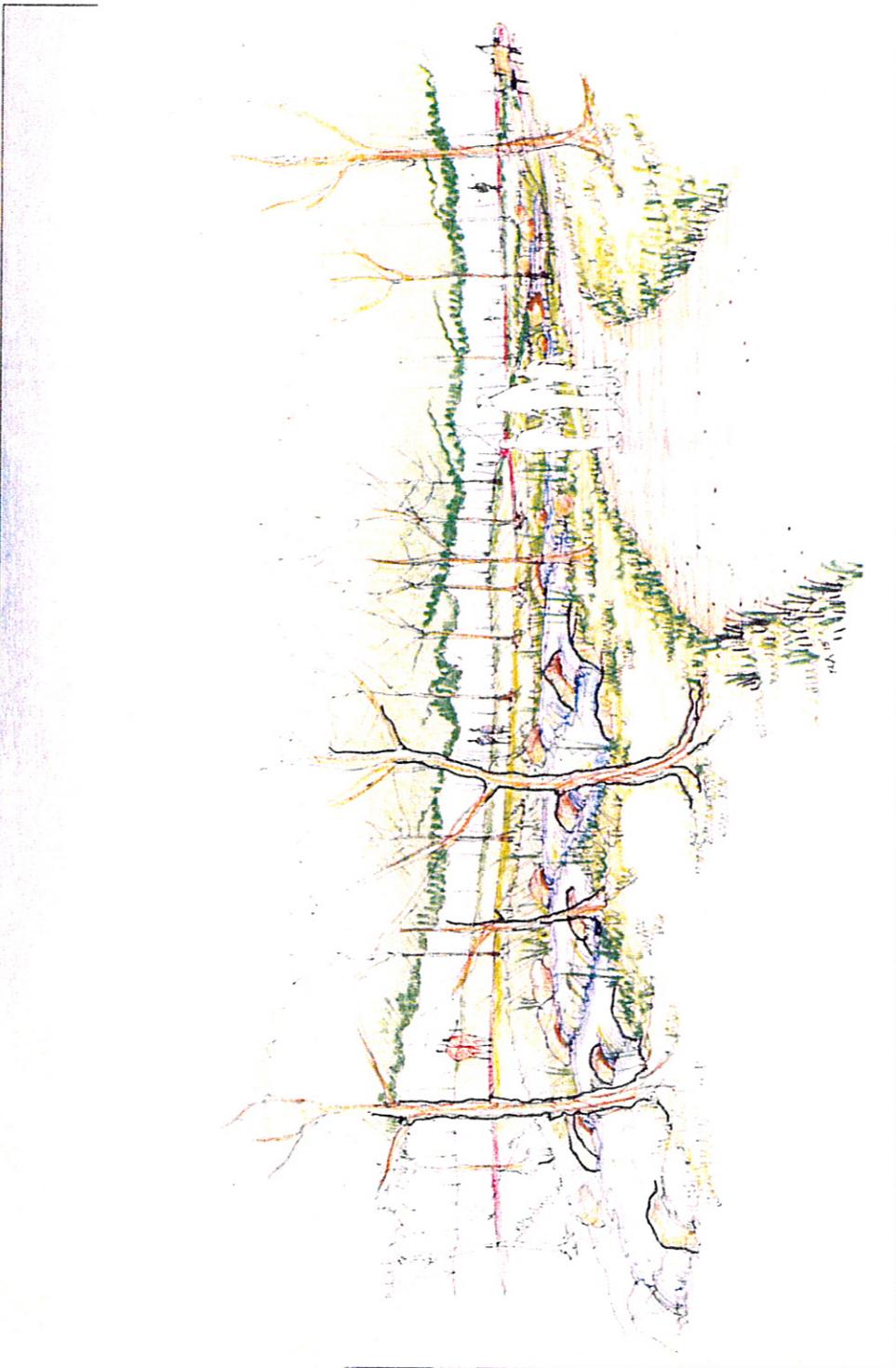
ADECA RTP funds requested:	\$100,000
City of Montevallo funds allocated:	\$ 20,000
In-kind contributions:	\$ 5,000
Total funding sources:	\$125,000

Preliminary Site Plan

Shoal Creek Park
- Perry Hall Site



Shoal Creek Park
- Walking Trails -



Plat and Legal Description

Instrument Prepared Without
Benefit of Title Examination

This instrument was prepared by:

Mitchell A. Spears
Attorney at Law
P. O. Box 119
Montevallo, AL 35115
205/665-5076

Send Tax Notice to:

(Name) City of Montevallo
(Address) 545 Main Street
Montevallo AL 35115

Minimum Value: \$670,000.00

Statutory Warranty Deed

STATE OF ALABAMA
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of **ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION**, to the undersigned grantor, in hand paid by the grantee herein, the receipt whereof is acknowledged, **Shoals Creek Farm, Inc., an Alabama Corporation** (herein referred to as Grantor), grants, bargains, sells and conveys unto **City of Montevallo, Alabama** (herein referred to as Grantee), the following described real estate, situated in SHELBY County, Alabama, to-wit:

All of the Northwest Quarter of Section Fifteen lying Northwest of Montevallo-Ashville Road (Alabama Highway 119) and all of Northwest Quarter of Section Fifteen lying East of Shoal Creek and all of East one-half of Northeast Quarter of Section Sixteen lying East of a line running North and South parallel with Section line and being Two-Hundred-Fifty yards West of Section line lying between Section Fifteen and Sixteen and also all that part of Northeast Quarter of Southeast Quarter of Section Sixteen lying Northwest of the Ashville Road and described as commencing Two-Hundred Yards West of Northeast corner of said Forty Acres and run Southwest Two-Hundred Eight Yards along fence to the said Road, thence, Northeast along said Ashville Road Eighty Yards to the Section line and all lying Northeast of said line, all in Township Twenty-Two, Range Three West, in Shelby County, Alabama.

SUBJECT TO:

- Taxes for the year 2013 and subsequent years.
- Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, which have been reserved by owner.
- Rights, reservations and restrictions of record.

IT IS THE INTENT OF GRANTOR TO CONVEY TO GRANTEE ALL OF ITS RIGHT, TITLE AND INTEREST IN AND TO ITS REAL PROPERTY SITUATED IN SHELBY COUNTY, ALABAMA, INCLUSIVE OF PARCELS IDENTIFIED WITH THE SHELBY COUNTY TAX ASSESSOR BY PARCELS NUMBERED 27 5 15 0 000 002.000, 27 5 16 0 000 001.000 and 27 5 16 4 001 001.000.


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12/02/2013 09:05:22 AM FILED/CERT

COVENANTS WHICH RUN WITH THE LAND

Grantor does hereby place certain restrictive covenants upon certain portions of the property herein conveyed, as follows:

1. In the event that Grantee should determine that it is necessary to sell, transfer or convey any portion of the premises herein, Grantee shall first convey that property which is located in Section 16, Township 22S, Range 3W, consisting of 43 acres, more or less.

2. The real property located in Section 15, Township 22S, Range 3W shall be retained by Grantee for the purpose of establishing a city park to be enjoyed by Grantee's citizens, with said park to be named "Shoal Creek Park". This covenant is not designed to restrict the Grantee from the placement of additional facilities onto the premises reserved for usage as a city park, but merely to designate the park as a primary usage of the premises. Grantee shall preserve the old Mahler home place which is situated upon the premises, for the purpose of enjoyment and usage by the Grantee and its citizens.

3. In the event that it becomes absolutely necessary, within the discretion of Grantee's city council, to sell any portion of the Section 15 property, in order to fund the maintenance of the park, that portion of the Section 15 property lying southeast of Alabama Highway 119 shall be conveyed for such funding purposes, while Grantee shall retain and continue to maintain that portion of the Section 15 property lying northwest of Alabama Highway 119.

4. The terms and provisions of these covenants shall be perpetual in nature, except that, in the event that such covenants can be construed to violate the "Rule Against Perpetuities", said covenants shall be deemed to have terminated the day before any such perpetuities violation shall occur.

TO HAVE AND TO HOLD, to the said GRANTEE, his, her, their or its heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 22nd
day of Nov, 2013.

Shoals Creek Farm, Inc.



By: Elizabeth A. Mahler

Its: President

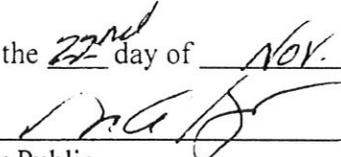


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Shelby Cnty Judge of Probate, AL
12/02/2013 09:05:22 AM FILED/CERT

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **Elizabeth A. Mahler**, whose name as **President of Shoals Creek Farm, Inc.**, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation.

Given under my hand and official seal, this the 22nd day of NOV., 2013.



Notary Public

My Commission Expires: 07/31/17



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Shelby Cnty Judge of Probate, AL
12/02/2013 09:05:22 AM FILED/CERT

RESOLUTION OF SHOALS CREEK FARM, INC.

Whereas, Shoals Creek Farm, Inc. is the owner of certain real property situated in Shelby County, Alabama, consisting of 167 acres, more or less, which maintains the address of 2679 Hwy 119, Montevallo, Alabama 35115; and

Whereas, Elizabeth A. Mahler is the sole shareholder of the corporation, as she maintains the 1,000 shares of common stock which were previously issued by the corporate treasury when the corporation was formed on November 11, 1968, by the filing of Articles of Incorporation in the office of the Probate Judge, Shelby County, Alabama, recorded at Corporate Book 8, Page 91; and

Whereas, on September 26, 2013, pursuant to a special meeting of the corporation, Elizabeth A. Mahler was elected as President of the corporation and Gary Muehlbauer was elected as Secretary of the corporation, and said officers continue to serve in such capacities; and

Whereas, Elizabeth A. Mahler has made her intent known to gift to the City of Montevallo, Alabama, all real property owned by the corporation, located at the address hereinabove referenced; and

Whereas, Elizabeth A. Mahler, as the sole shareholder of the corporation and the only person with any pecuniary interest therein, is due to receive any tax benefit which shall be generated by the gifting of said real property to the City of Montevallo; and

Whereas, there are certain restrictive covenants which the corporation desires to have run with the lands;

Now, Therefore, Be it Hereby Resolved as follows:

1. The corporation, by and through its President, Elizabeth A. Mahler, shall execute a Statutory Warranty Deed in favor of the City of Montevallo conveying the real property hereinabove described, free of any consideration and as an absolute gift, subject only to the restrictive covenants contained within the deed of conveyance, an initial draft which is attached hereto as Exhibit "A".

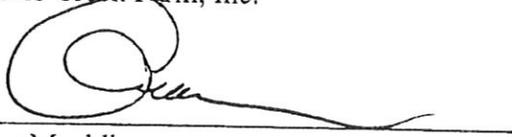

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2. Due to the fact that Elizabeth A. Mahler maintains all of the pecuniary interest in Shoals Creek Farm, Inc., as the sole shareholder thereof, she shall individually receive the benefit of any tax benefits or credits which shall be available to her, resulting from the gift to a governmental entity.

There being no further business to come before the meeting, the meeting was adjourned.

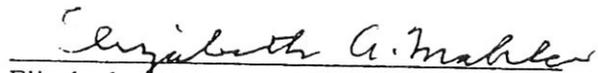
Dated this 22nd day of NOV., 2013.

Shoals Creek Farm, Inc.



Gary Muehlbauer
Its: Secretary

Shoals Creek Farm, Inc.



Elizabeth A. Mahler
Its: President



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Shelby Cnty Judge of Probate. AL
12/02/2013 09:05:22 AM FILED/CERT

Real Estate Sales Validation Form

Form RT-1

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name Shoals Creek Farm, Inc. Grantee's Name City of Montevallo
Mailing Address c/o Columbiana Health and Rehabilitation Ctr. Mailing Address 545 Main Street
22969 Hwy 25 Montevallo, Alabama 35115
Columbiana, Alabama 35115

Property Address 2679 Hwy 119 Date of Sale 11/22/2013
Montevallo, Alabama 35115 Total Purchase Price \$
Or Actual Value \$ 670,000.00
Or Assessor's Market Value \$

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

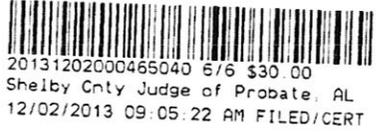
Settlement Statement Sales Contract xx Appraisal Other Gift to governmental entity

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

- Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.
Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.
Property address - the physical address of the property being conveyed, if available.
Date of Sale - the date on which interest to the property was conveyed.
Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.
Actual value- if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).
I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).



Print Elizabeth A. Mahler
Sign Elizabeth A. Mahler
(Grantor/Grantee/Owner/Agent) circle one

STATE OF ALABAMA)
COUNTY OF SHELBY)

Sworn to and subscribed before me this the 22nd day of November, 2013
Notary Public
My commission expires: 07/31/17

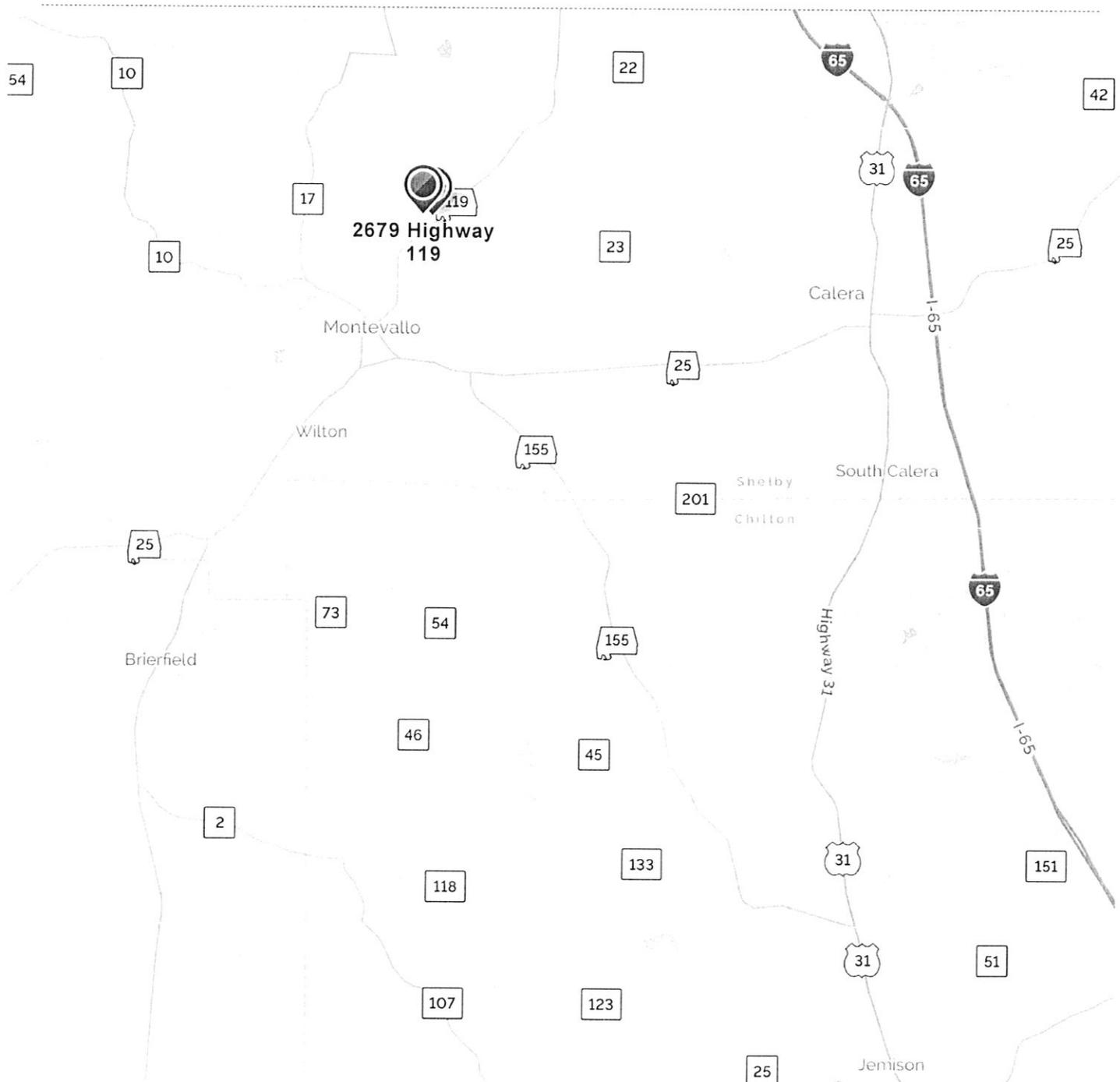
Location Map

Search Results for "2679 Hwy 119, Montevallo, AL"

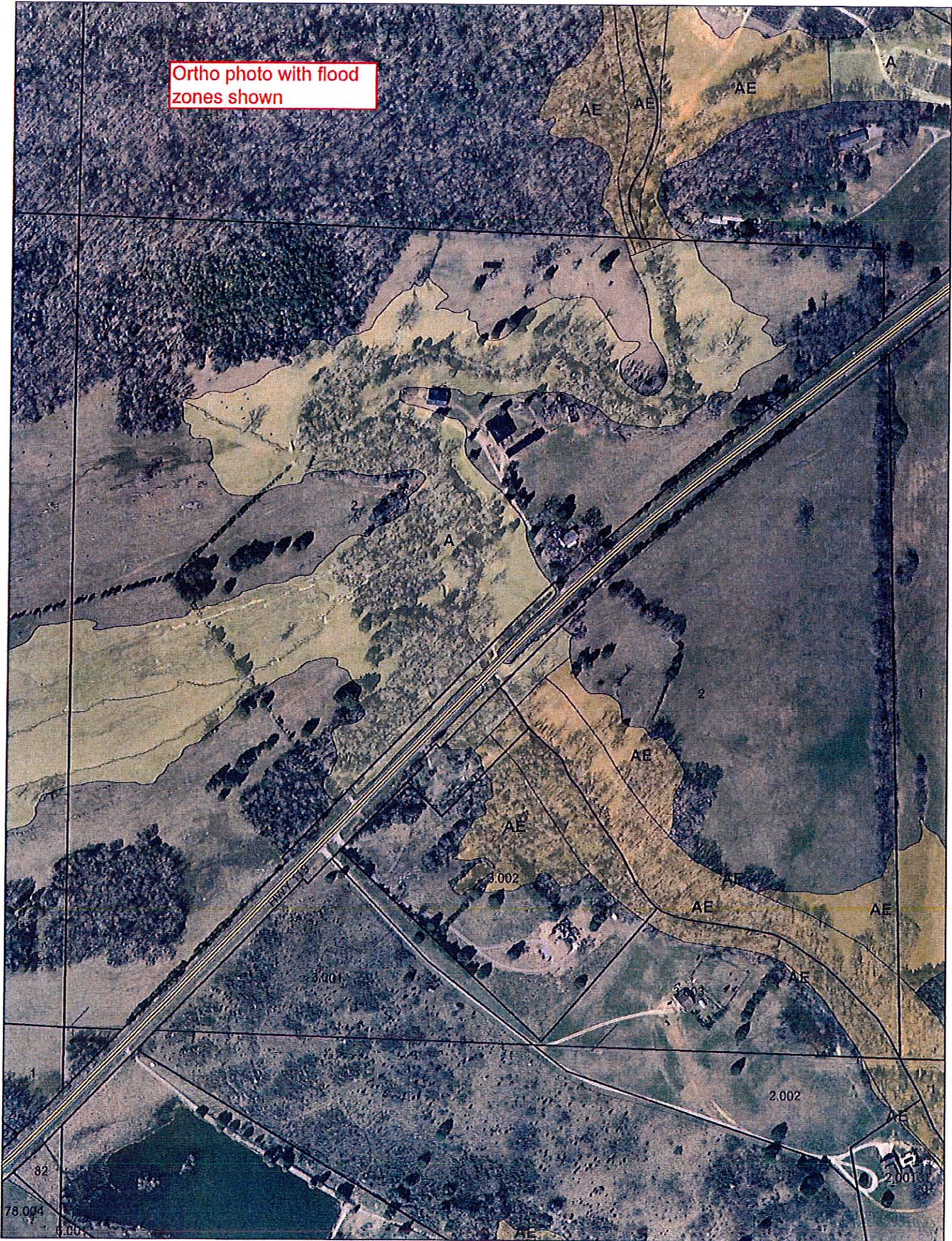


page 1 of 1

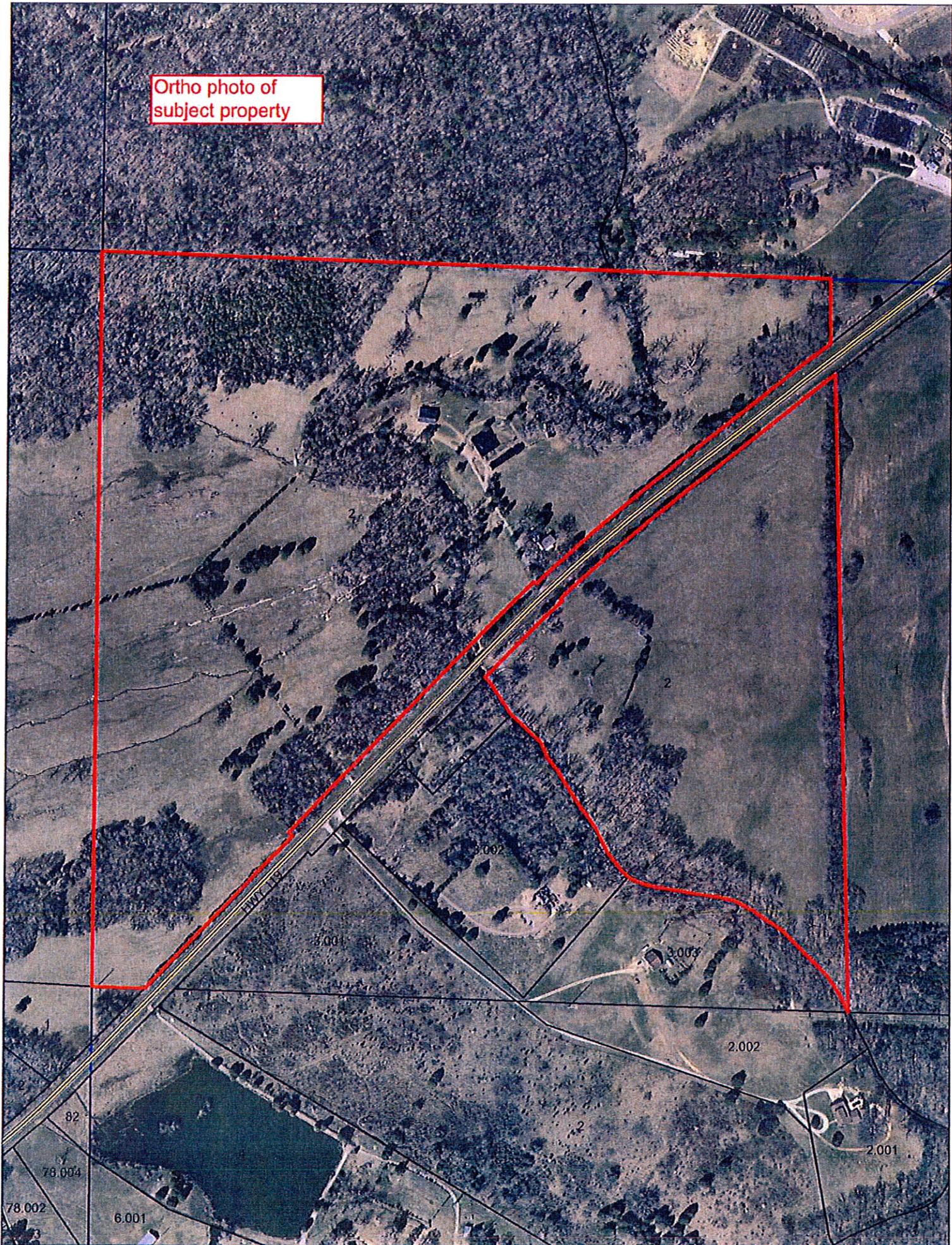
- 1. 2679 Highway 119
2679 Highway 119,
Montevallo, AL 35115-8631



Ortho photo with flood zones shown



Ortho photo of
subject property



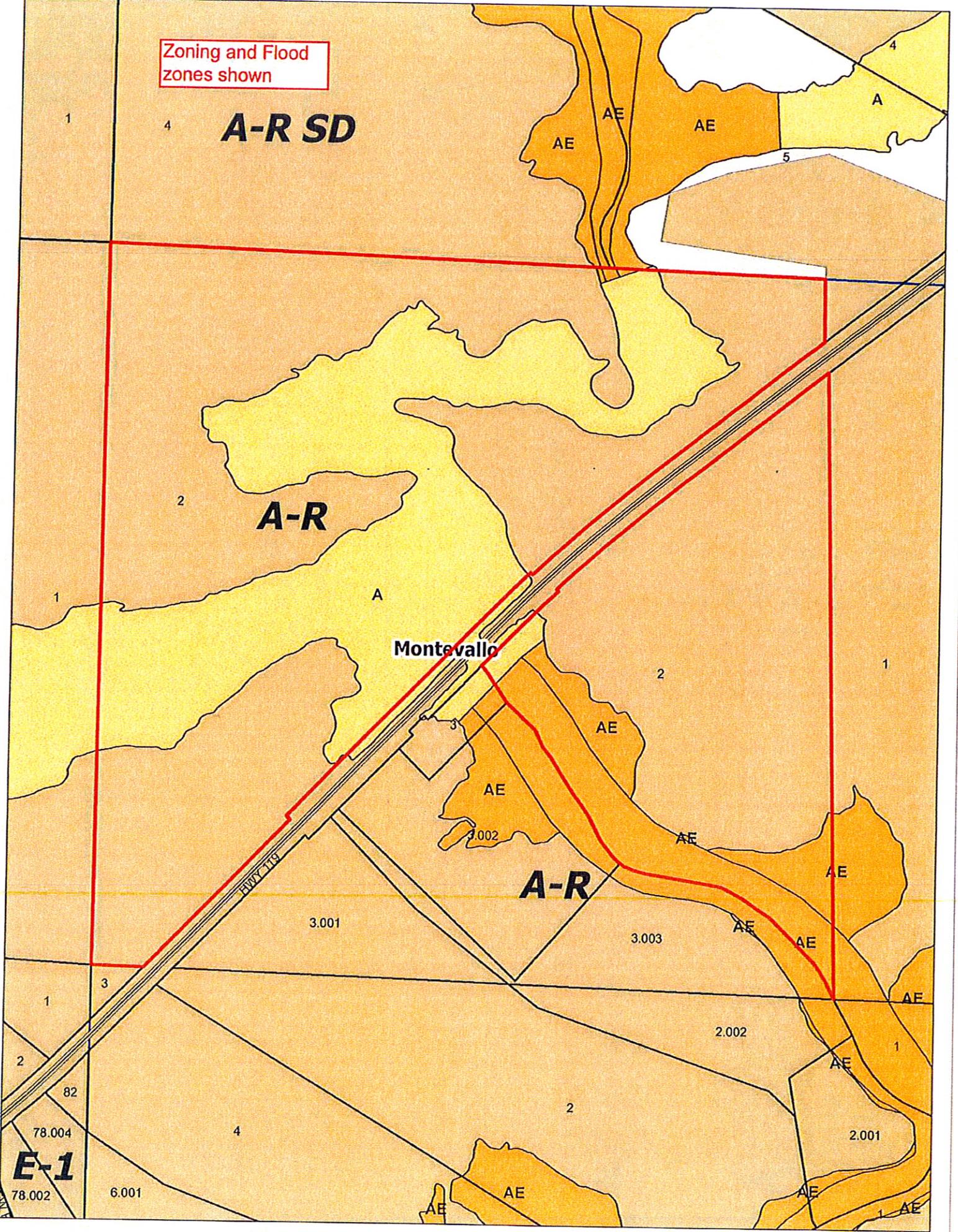
Zoning and Flood zones shown

A-R SD

A-R

Montevillo

A-R



E-1

Verification of sam.gov Registration

SAM Search Results
List of records matching your search for :

Record Status: Active

DUNS Number: 070509963

Functional Area: Entity Management, Performance Information

ENTITY MONTEVALLO, CITY OF

Status:Active

DUNS: 070509963

+4:

CAGE Code: 3SGN0

DoDAAC:

Expiration Date: Sep 30, 2016

Has Active Exclusion?: No

Delinquent Federal Debt?: No

Address: 545 MAIN ST

City: MONTEVALLO

ZIP Code: 35115-4044

State/Province: ALABAMA

Country: UNITED STATES