## ARTICLES OF INCORPORATION OF THE DUNNAVANT SQUARE IMPROVEMENT DISTRICT

April 27, 2016

20160608000197000 1/28 \$.00 20160608000197000 1/28 \$.00 Shelby Cnty Judge of Probate, AL 06/08/2016 09:06:50 AM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, in order to form an improvement district as a public corporation under and pursuant to the provisions of Chapter 99A of Title 11 of the Code of Alabama 1975 (hereinafter called the "Enabling Law"), do hereby make, sign, execute, acknowledge and file these articles of incorporation:

#### ARTICLE ONE

The name of this public corporation shall be The Dunnavant Square Improvement District (hereinafter called the "District").

The District is organized pursuant to the provisions of Chapter 99A of Title 11 of the Code of Alabama 1975.

#### ARTICLE TWO

The names and mailing addresses of the undersigned incorporators:

William L. Thornton, III 5300 Cahaba River Road, Suite 200 Birmingham, Alabama 35243

Lauren E. Thornton 5300 Cahaba River Road, Suite 200 Birmingham, Alabama 35243

Mary T. Taylor 5300 Cahaba River Road, Suite 200 Birmingham, Alabama 35243

## ARTICLE THREE

The name of the appointing government is Shelby County, Alabama.

On April 25, 2016 the governing body of Shelby County, Alabama adopted a resolution and order approving and authorizing the incorporation of the District in accordance with the Enabling Law, a certified copy of which is attached hereto as Exhibit A and made a part hereof.

#### ARTICLE FOUR

The names and addresses of the members of the initial board of directors of the District and their initial terms of office are as follows:

|     | Name  | <u>Initial Term of Office</u> |
|-----|---|-------------------------------|
| (1) | William L. Thornton, III<br>5300 Cahaba River Road, Suite 200<br>Birmingham, AL 35243 | April 25, 2022                |
| (2) | Lauren E. Thornton<br>5300 Cahaba River Road, Suite 200<br>Birmingham, AL 35243       | April 25, 2021                |
| (3) | Mary T. Taylor<br>5300 Cahaba River Road, Suite 200<br>Birmingham, AL 35243           | April 25, 2020                |

## ARTICLE FIVE

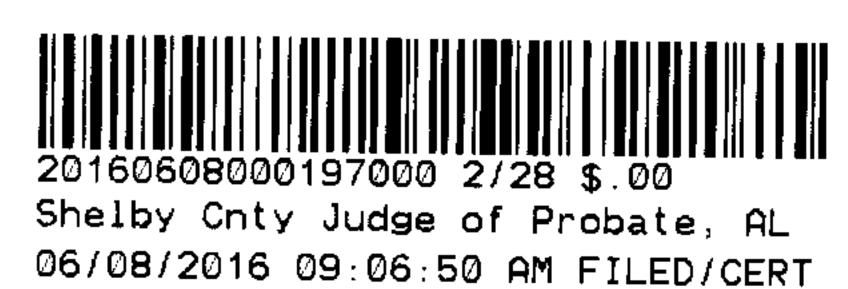
The period of duration of the District shall be perpetual, subject to the provisions of the Enabling Law.

## **ARTICLE SIX**

The location of the principal office of the District (and its post office address) shall be 5300 Cahaba River Road, Suite 200, Birmingham, Alabama 35243.

#### ARTICLE SEVEN

The District shall have all powers conferred on corporations of like nature by the Enabling Law, and any amendment thereof heretofore or hereafter made, and all other powers conferred upon corporations generally by the laws of Alabama not in conflict with the Enabling Law, as heretofore or hereafter amended.



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## ARTICLE EIGHT

The District shall be a non-profit corporation and no part of the net earnings thereof shall inure to the benefit of any private person or entity of any nature whatsoever.

## ARTICLE NINE

Upon dissolution of the District as provided by the Enabling Law, title to all funds and properties owned by the District shall be conveyed and distributed to, and shall vest in, Shelby County, Alabama (or its successor).

IN WITNESS WHEREOF, the undersigned have signed these articles of incorporation on and as of the date and year first above written.

William L. Thornton, III

Lauren E. Thornton

Mary T. Taylor

IN WITNESS WHEREOF, the undersigned have signed these articles of incorporation on and as of the date and year first above written.

William L. Thornton, 771

Mary T. Taylor

Lauren E. Thornton

#### SHELBY COUNTY

The undersigned, a notary public in and for said County in said State, do hereby certify that, William L. Thornton, III whose name is signed to the foregoing Articles of Incorporation and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing Articles of Incorporation, he executed the same voluntarily.

Given under my hand and official seal, this 27th day of April, 2016.

Notary Public

NOTARIAL SEAL

My commission expires: August 27, 2019

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#### SHELBY COUNTY

The undersigned, a notary public in and for said County in said State, do hereby certify that, Lauren E. Thornton whose name is signed to the foregoing Articles of Incorporation and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing Articles of Incorporation, he executed the same voluntarily.

Given under my hand and official seal, this 27th day of April, 2016.

Notary Public

NOTARIAL SEAL

My commission expires: August 27, 2019

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#### SHELBY COUNTY

The undersigned, a notary public in and for said County in said State, do hereby certify that, Mary T. Taylor whose name is signed to the foregoing Articles of Incorporation and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing Articles of Incorporation, he executed the same voluntarily.

Given under my hand and official seal, this <u>H</u> day of April, 2016.

NOTARIAL SEAL

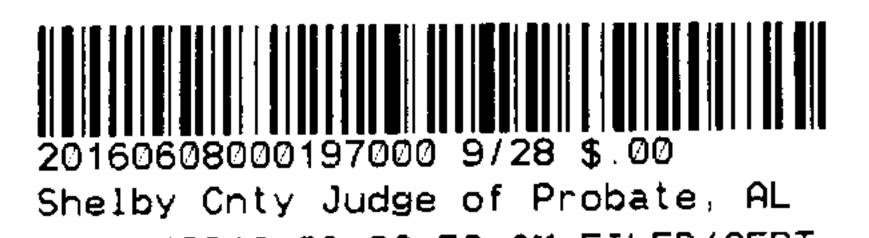
My commission expires: 3000 2018

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## EXHIBIT A

## RESOLUTION OF SHELBY COUNTY COMMISSION



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## EXCERPTS FROM THE MINUTES OF A REGULAR MEETING OF THE COUNTY COMMISSION OF SHELBY COUNTY, ALABAMA

## The Dunnavant Square Improvement District

The Shelby County Commission met in regular public session at the Shelby County Administration Building in the City of Columbiana, Alabama, at 6:00 p.m. on April 25, 2016.

The meeting was called to order by the Chairman, and the roll was called with the following results:

Present: Rick Shepherd, District 8 (Chairman)

Corley Ellis, District 1
Daniel M. Acker, District 4
Elwyn Bearden, District 5
Mike Vest, District 6

Lindsey Allison, District 7 Robbie Hayes, District 9

Absent: Jon Parker, District 3 (Vice Chairman)

Tommy Edwards, District 2

\* \* \*

The Chairman stated that a quorum was present and that the meeting was open for the transaction of business.

\* \* \*

Thereupon, the following Resolution and Order was introduced in writing by the Chairman and read by the County Commission:

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## A RESOLUTION AND ORDER APPROVING A PETITION SEEKING PERMISSION TO FORM AND INCORPORATE AN IMPROVEMENT DISTRICT OF SHELBY COUNTY, ALABAMA AND AUTHORIZING SUCH INCORPORATION

BE IT RESOLVED BY THE COUNTY COMMISSION OF SHELBY COUNTY, ALABAMA (the "Commission"), as follows:

Section 1. That the Commission, upon evidence duly submitted to and considered by it, hereby finds and determines and confirms that the following petition has been duly filed with the governing body of Shelby County, Alabama, for approval of the formation of an improvement district under Chapter 99A of Title 11 of the Code of Alabama 1975 and that the persons executing said petition are the owners of all land described in said petition by attachment thereto and proposed to be included within said improvement district:

## PETITION FOR AUTHORITY TO FORM AN IMPROVEMENT DISTRICT

April 25, 2016

## TO THE GOVERNING BODY OF SHELBY COUNTY, ALABAMA:

The undersigned do hereby petition the governing body of Shelby County, Alabama, for authority and permission to form and incorporate an improvement district under the provisions of Chapter 99A of Title 11 of the Code of Alabama 1975 (the "Enabling Law").

Pursuant to Section 11-99A-4 of the Enabling Law, and in support of the within petition, the undersigned do hereby:

- (1) represent, certify, warrant and declare:
- (a) the undersigned are all of the owners of all land proposed to be included within the said improvement district,
- (b) all of the land proposed to be included within the said improvement district is located within Shelby County, Alabama, and
- (c) all of the land proposed to be included within the said improvement district is contiguous,
- (2) designate the following person, who is over the age of 21 years, to act as agent in representing the undersigned owners before the governing body of Shelby County, Alabama:

Lauren E. Thornton 5300 Cahaba River Road, Suite 200 Birmingham, AL 35243

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- (3) attach to, and by this reference make a part of, this petition, true, correct and complete copies of:
  - (a) a description of the tract or tracts of land proposed to be included within the said improvement district,
  - (b) a map or plat of the proposed district which shows the land proposed to be included within the said improvement district will be contiguous, and
  - (c) a proposed form of articles of incorporation for the said improvement district,
- (4) the proposed name for the said improvement district is set forth in the proposed articles of incorporation attached hereto.

The undersigned do hereby request that this petition be considered and reviewed, that authority and permission be given to form and incorporate such improvement district, and that a resolution and order be adopted by the governing body of Shelby County, Alabama declaring that it has reviewed this petition, has determined as a matter of fact that it is expedient that the improvement district be formed, has approved the formation of the improvement district, and has approved the proposed form of articles of incorporation for the improvement district attached hereto.

IN WITNESS WHEREOF, the undersigned have each caused this Petition to be executed in its name, under seal, by an officer or legal representative thereof duly authorized thereunto, on the date and year first above written.

Dunnavant Commercial, LLC

Bv:

William L. Thornton III, Manager

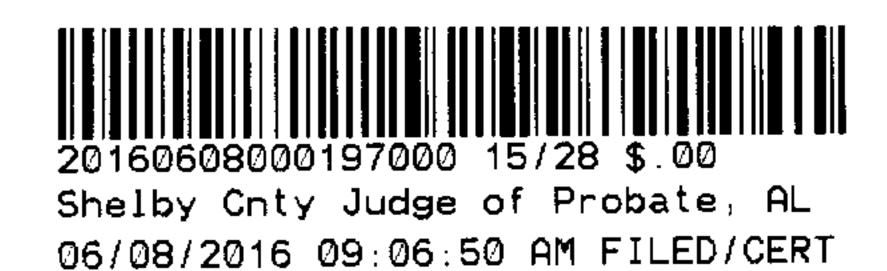
## **Property Description**

Land Proposed to be Included within the District

#### PARCEL A

A part of the NE 1/4 of the SW 1/4 of Section 3, Township 19 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

BEGIN at a 5/8" rebar capped Weygand at the SW corner of Lot 40A of Dunnavant Square Resurvey as recorded in Map Book 42 Page 123 A and B in the Office of the Judge of Probate in Shelby County, Alabama; thence N 78°18'00" E along the southern line of Lot 40A for a distance of 92.79 feet to a 3/4" rebar at the SE corner of Lot 40A; thence N 11°29'50" W along the eastern line of Lot 40A a distance of 65.07 feet to a rebar capped Arrington at the SE corner of Lot 42A; thence N 11°44'35" W along the eastern line of Lot 42A for a distance of 49.16 feet to a rebar capped EDG a point of curve to the right having a central angle of 31°29'08" and a radius of 122.00 feet, said curve subtended by a chord bearing N 3°59'59" E and a chord distance of 67.04 feet; thence along the arc of said curve and along the eastern line of Lots 42A and 44A a distance of 66.20 feet to a rebar capped EDG; thence N 19°44'33" E along the eastern line of Lot 44A and 46A, and also along the eastern line of Lot 47-A of Resurvey Lots 37, 38, 47, & 48 Dunnavant Square as recorded in Map Book 41 Page 155 in the Office of the Judge of Probate in Shelby County, Alabama to a rebar capped SSI at the NE corner of Lot 47-A, said point being on the southern right-of-way of Carlow Lane and on a non tangent curve to the left having a central angle of 11°06'42" and a radius of 280.00 feet, said curve subtended by a chord bearing N 86°03'17" E and a chord distance of 54.22 feet; thence along the arc of said curve and along said right-of-way a distance of 54.30 feet to a rebar capped Weygand; thence N 80°47′50" E along said right-of-way a distance of 239.56 feet to a rebar capped Weygand at a point of curve to the right having a central angle of 7°49'32" and a radius of 219.96 feet, said curve subtended by a chord bearing N 84°34'08" E and a chord distance of 30.02 feet; thence along the arc of said curve and along said right-of-way a distance of 30.04 feet to a rebar capped Weygand at a point of compound curve having a central angle of 92°29'32" and a radius of 25.00 feet, said curve subtended by a chord bearing S 45°09'14" E and a chord distance of 36.12 feet; thence along the arc of said curve and along said right-of-way a distance of 40.36 feet to a rebar capped Weygand at the intersection of said right-of-way and the western right-of-way of Shelby County Hwy. 41, said point being a point of compound curve having a central angle of 19°00'14" and a radius of 2492.71 feet, said curve subtended by a chord bearing \$ 10°39'32" W and a chord distance of 823.00 feet; thence leaving Carlow Lane right-of-way, along the western right-of-way of Shelby County Hwy. 41, and along the arc of said curve a distance of 826.79 feet to 5/8" rebar; thence S 89°42'35" W leaving said right-of-way a distance of 164.44 feet to a rebar capped Weygand on the eastern right-of-way of Connaught Place; thence N 0°14'33" W along said right-of-way a distance of 205.81 feet to a 1/2" rebar at a point of curve to the right having a central angle of 21°14'19" and a chord distance of 81.08 feet, said curve subtended by a chord bearing N 10°22′37" E and a chord distance of 81.08 feet; thence along the arc of said curve and along said right-of-way a distance of 81.55 feet to a rebar capped EDG; thence N 20°59'46" E along said right-of-way a distance of 46.01 feet to a rebar capped EDG at the intersection of said right-of-way and the northeastern right-of-way of Dublin Way; thence N 69°00'14" W leaving Connaught Place right-of-way and along the northeastern right-of-way of Dublin Way a distance of 98.08 feet to a rebar capped EDG at a point of curve to the right having a central angle of 20°19'21" and a radius of 170.00 feet, said curve subtended by a chord bearing N 58°50'34" W and a chord distance of 59.98 feet; thence along the arc of said curve and along said right-of-way a distance of 60.30 feet to a rebar capped EDG; thence N 78°27'27" E along said right-of-way a distance of 4.63 feet to a rebar capped EDG; thence N 11°19'07" W along said right-of-way a distance of 40.00 feet to a rebar capped EDG; thence S 78°27'27" W along said right-of-way a distance of 27.31 feet to a rebar capped EDG on a curve to the right having a central angle of 7°34'31" and a radius of 170.00 feet, said curve subtended by a chord bearing N 29°22'31" W and a chord distance of 22.46 feet; thence along the arc of said curve



and along said right-of-way a distance of 22.48 feet to the POINT OF BEGINNING. Said parcel of land contains 5.69 acres, more or less.

#### PARCEL B

A part of the NE 1/4 of the SW 1/4 of Section 3, Township 19 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

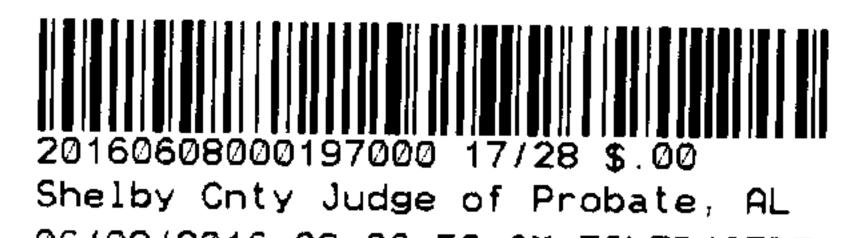
BEGIN at a rebar capped SSI at the SE corner of Lot 50A of Dunnavant Square Resurvey as recorded in Map Book 42 Page 123 A and B in the Office of the Judge of Probate in Shelby County; thence N 6°59'08" E along the eastern line of Lots 50A, 52A, 54A, and Common Area 3, Lots 55, 56, 57, and 58 of Dunnavant Square as recorded in Map Book 39 Page 119 A, B and C in the Office of the Judge of Probate in Shelby County for a distance of 350.07 feet to a rebar capped EDG at the NE corner of Lot 58 said point being on the southern right-of-way of Monaghan Drive; thence S 82°56'19" E along said right-ofway a distance of 114.30 feet to a rebar capped Weygand at the intersection of said right-of-way and the eastern right-of-way of Donegal Place; thence N 1°28'21" E, leaving said Monaghan Drive right-ofway and along the eastern right-of-way of Donegal Place right-of-way, a distance of 139.52 feet to a rebar capped Weygand at the intersection of said right-of-way and the north line of NE 1/4 of the SW 1/4 of Section 3, Township 19 South, Range 1 West, Shelby County, Alabama; thence N 89°26'24" E leaving said Donegal Place right-of-way and along the north line of said 1/4-1/4 section a distance of 187.55 feet to a rebar capped Weygand at the intersection of said 1/4-1/4 section and the western right-of-way of Shelby County Hwy. 41; thence S 0°25'55" W leaving said 1/4-1/4 section and along the western right-of-way of Shelby County Hwy. 41 right-of-way a distance of 404.78 feet to a rebar capped Weygand at the intersection of said right-of-way and the northern right-of-way of Carlow Lane, said point also being a point of curve to the right having a central angle of 90°00'13" and a radius of 25.00 feet, said curve subtended by a chord bearing S 45°21′56" W and a chord distance of 35.36 feet; thence leaving said Shelby County Hwy. 41 right-of-way, along the northern right-of-way of Carlow Lane, and along the arc of said curve a distance of 39.27 feet to a rebar capped Weygand at a point of reverse curve having a central angle of 8°33'40" and a radius of 280.00 feet, said curve subtended by a chord bearing \$ 85°01'03" W and a chord distance of 41.80 feet; thence along the arc of said curve and along said right-of-way a distance of 41.84 feet to a rebar capped Weygand; thence S 80°43'46" W along said right-of-way a distance of 239.41 feet to a rebar capped Weygand at a point of curve to the right having a central angle of 10°43'10" and a radius of 220.00 feet, said curve subtended by a chord bearing S 85°55'33" W and a chord distance of 41.10 feet; thence along the arc of said curve and along said rightof-way a distance of 41.16 feet to the POINT OF BEGINNING. Said parcel of land contains 2.92 acres, more or less.

Instrument # 20080808000320280

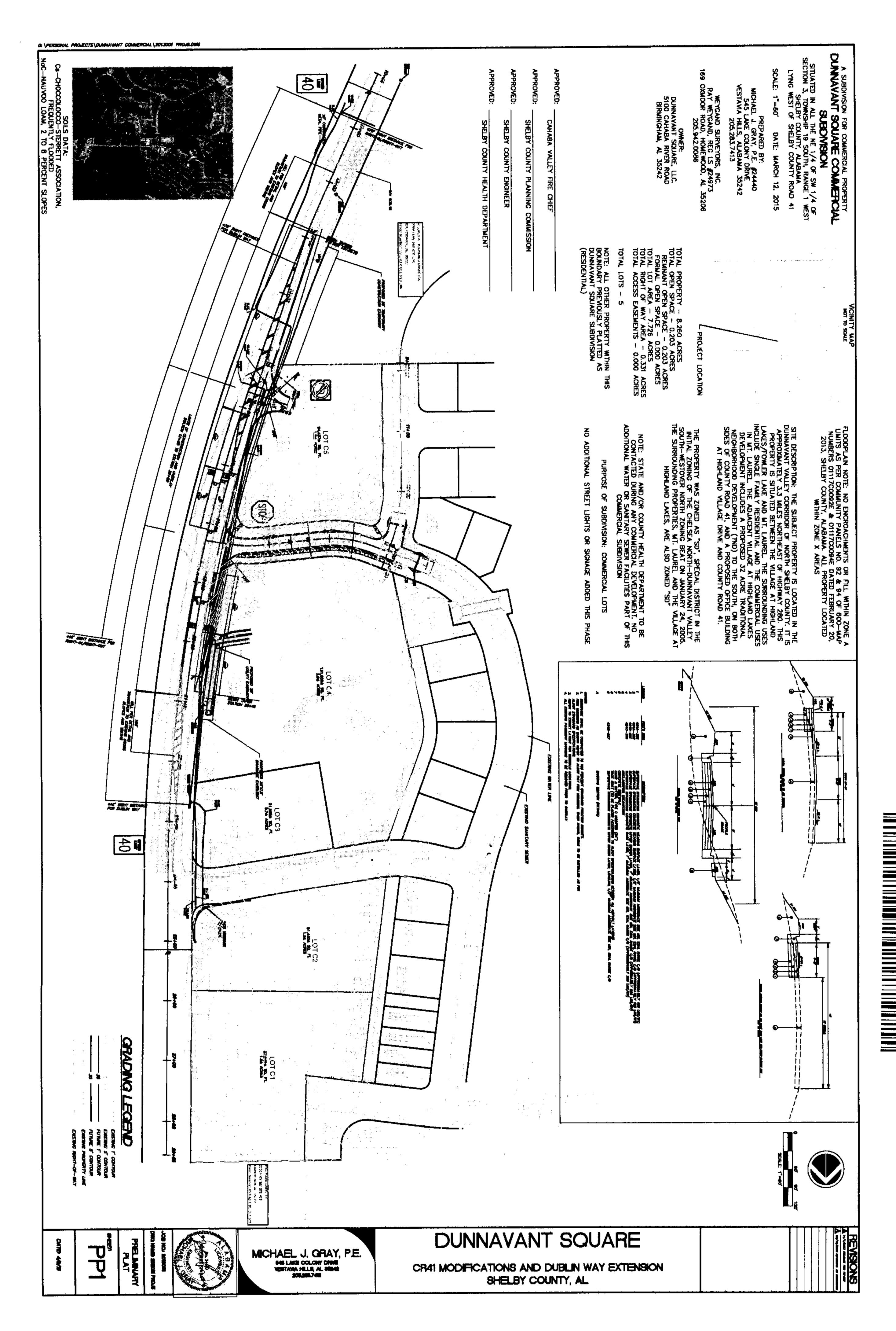


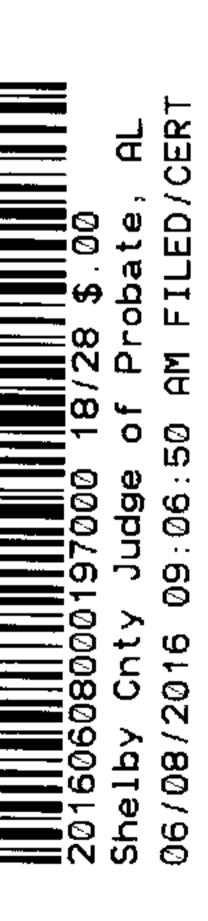
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## MAP OF PROPOSED DISTRICT

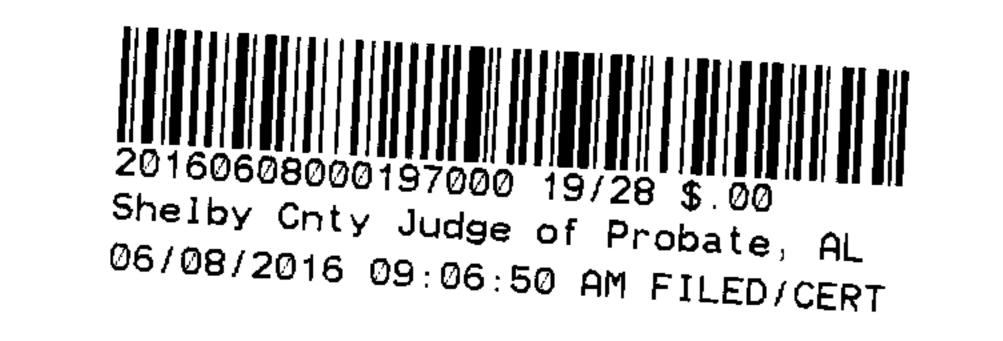


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## PROPOSED ARTICLES OF INCORPORATION



## ARTICLES OF INCORPORATION OF THE DUNNAVANT SQUARE IMPROVEMENT DISTRICT

| <br><u> </u> |        |  |
|--------------|--------|--|
| April 27,    | , 2016 |  |
| <br>         |        |  |

#### KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, in order to form an improvement district as a public corporation under and pursuant to the provisions of Chapter 99A of Title 11 of the Code of Alabama 1975 (hereinafter called the "Enabling Law"), does hereby make, sign, execute, acknowledge and file these articles of incorporation:

## ARTICLE ONE

The name of this public corporation shall be The Dunnavant Square Improvement District (hereinafter called the "District").

The District is organized pursuant to the provisions of Chapter 99A of Title 11 of the Code of Alabama 1975.

## **ARTICLE TWO**

The names and mailing addresses of the undersigned incorporators:

William L. Thornton, III 5300 Cahaba River Road, Suite 200 Birmingham, Alabama 35243

Lauren E. Thornton 5300 Cahaba River Road, Suite 200 Birmingham, Alabama 35243

Mary T. Taylor 5300 Cahaba River Road, Suite 200 Birmingham, Alabama 35243

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## ARTICLE THREE

The name of the appointing government is the governing body of Shelby County, Alabama.

On April 25, 2016 the governing body of Shelby County, Alabama adopted a resolution and order approving and authorizing the incorporation of the District in accordance with the Enabling Law, a certified copy of which is attached hereto as Exhibit A and made a part hereof.

#### ARTICLE FOUR

The names and addresses of the members of the initial board of directors of the District and their initial terms of office are as follows:

|     | <u>Name</u>   | <u>Initial Term of Office</u> |
|-----|---|-------------------------------|
| (1) | William L. Thornton, III<br>5300 Cahaba River Road, Suite 200<br>Birmingham, AL 35243 | April 25, 2022                |
| (2) | Lauren E. Thornton<br>5300 Cahaba River Road, Suite 200<br>Birmingham, AL 35243       | April 25, 2021                |
| (3) | Mary T. Taylor<br>5300 Cahaba River Road, Suite 200<br>Birmingham, AL 35243           | April 25, 2020                |

## ARTICLE FIVE

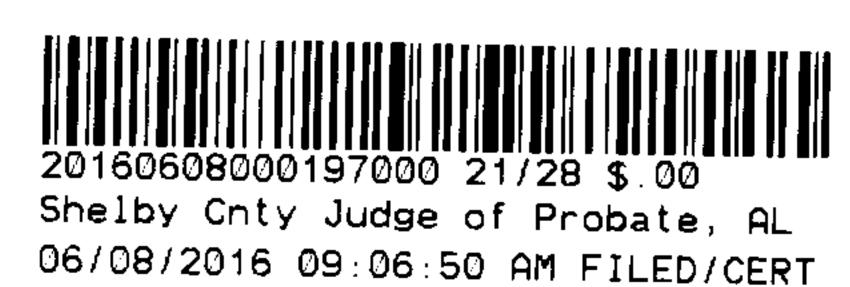
The period of duration of the District shall be perpetual, subject to the provisions of the Enabling Law.

## ARTICLE SIX

The location of the principal office of the District (and its post office address) shall be 5300 Cahaba River Road, Suite 200, Birmingham, Alabama 35243.

## ARTICLE SEVEN

The District shall have all powers conferred on corporations of like nature by the Enabling Law, and any amendment thereof heretofore or hereafter made, and all other powers conferred upon corporations generally by the laws of Alabama not in conflict with the Enabling Law, as heretofore or hereafter amended.



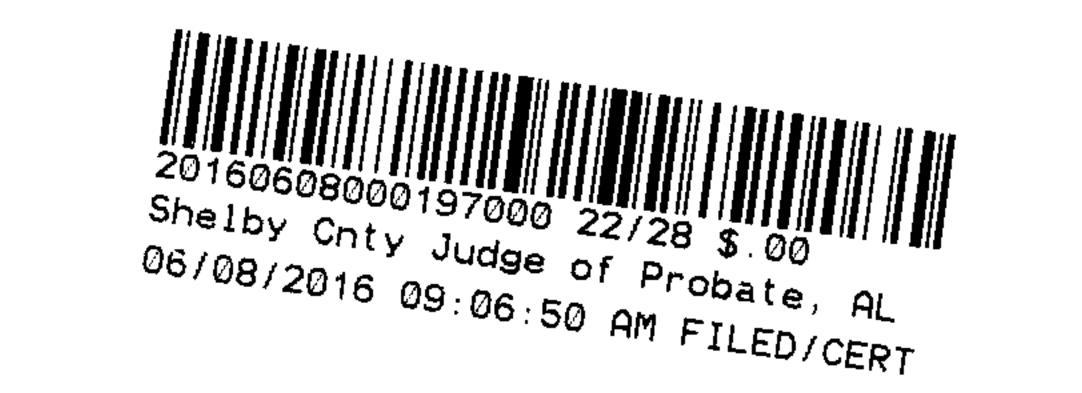
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## ARTICLE EIGHT

The District shall be a non-profit corporation and no part of the net earnings thereof shall inure to the benefit of any private person or entity of any nature whatsoever.

## ARTICLE NINE

Upon dissolution of the District as provided by the Enabling Law, title to all funds and properties owned by the District shall be conveyed and distributed to, and shall vest in, Shelby County, Alabama (or its successor).



IN WITNESS WHEREOF, the undersigned have signed these articles of incorporation on

and as of the date and year first above written.

## SHELBY COUNTY

| The undersigned, a notary public in and for sai<br>whose name is signed.   |                     | tate, do hereby certify that<br>ticles of Incorporation and |
|--|---------------------|---|
| who is known to me, acknowledged before me on this d<br>foregoing Articles of Incorporation, he executed the sam | ay that, being info | <del>-</del>  |
| Given under my hand and official seal, this  | day of              | , 2016.   |
|  |                     |   |
|  |                     |   |
|  | Nota                | ary Public  |
| NOTARIAL SEAL  |                     |   |
| My commission expires:   |                     |   |

Section 2. That the Commission has reviewed and considered the foregoing petition, has confirmed the persons executing the petition are the owners of all land proposed to be included within the said improvement district, and considers the formation of the said improvement district expedient.

Section 3. That the Commission does hereby approve the formation of the said improvement district and the articles of incorporation of the improvement district attached to the foregoing petition as hereinabove set forth.

Section 4. That the Commission does hereby grant permission to form and incorporate the improvement district and does hereby authorize the persons making such petition to proceed to form such improvement district.

Section 5. That the Commission does hereby appoint the following persons as the initial board of directors of the improvement district for terms ending on the date and year set opposite the respective names thereof:

William L. Thornton, III April 25, 2022

Lauren E. Thornton April 25, 2021

Mary T. Taylor April 25, 2020

Section 6. That all ordinances, resolutions, orders, or parts of any thereof, of the Commission in conflict, or inconsistent, with any provision of this resolution and order hereby are, to the extent of such conflict or inconsistency, repealed.

Section 7. That this resolution and order shall take effect immediately without publication hereof as provided in Section 11-99A-29 of the Code of Alabama 1975.

Duly passed and adopted this April 25, 2016.

Chairman of the Shelby County Commission

SEAL

County Manager

20160608000197000 25/28 \$.00 Shelby Cnty Judge of Probate, AL 06/08/2016 09:06:50 AM FILED/CERT After said resolution and order had been discussed and considered in full by the Commission, it was moved by Commissioner Hayes that said resolution and order be now placed upon its final passage and adopted. The motion was seconded by Commissioner Shepherd. The question being put as to the adoption of said motion and the final passage and adoption of said resolution and order, the roll was called with the following results:

Present:

Rick Shepherd, District 8 (Chairman)

Corley Ellis, District 1
Daniel M. Acker, District 4
Elwyn Bearden, District 5
Mike Vest, District 6

Lindsey Allison, District 7 Robbie Hayes, District 9

Nays:

None

The Chairman thereupon declared said motion carried and the resolution and order passed and adopted as introduced and read.

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#### SHELBY COUNTY

## CERTIFICATE OF CHAIRMAN OF THE SHELBY COUNTY COMMISSION

I, the undersigned, do hereby certify that: (1) I am the duly elected, qualified and acting Chairman of the Shelby County Commission (the "County Commission"), (2) as Chairman of the County Commission I have access to all original records of the County Commission and I am duly authorized to make certified copies of its records on its behalf, (3) the above and foregoing pages constitute a complete, verbatim and compared copy of excerpts from the minutes of a regular meeting of the Commission duly held on April 25, 2016, the original of which is on file and of record in the minute book of the Commission in my custody; (4) the resolution and order set forth in such excerpts is a complete, verbatim and compared copy of such resolution and order as introduced and adopted by the Commission on such date, and (5) said resolution and order is in full force and effect and has not been repealed, amended or changed.

IN WITNESS WHEREOF, I have hereunto set my hand as Chairman of the Shelby County Commission, this 21 day of April, 2016.

Chairman of the Shelby County Commission

S E A L

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I, John H. Merrill, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

pursuant to the provisions of Title 10A, Chapter 1, Article 5, Code of Alabama 1975, and upon examination of the entity records on file in this office, the following entity name is sufficient to distinguish the district from other districts of the same appointing government accordance with Alabama Code Section 11-99A-4(d) and is reserved as available:

## The Dunnavant Square Improvement District

This domestic non-profit corporation is proposed to be formed in Alabama and is for the exclusive use of Ann E. Watford, 1901 Sixth Avenue North Suite 2400, Birmingham, AL 35203 for a period of one year beginning January 29, 2016 and expiring January 29, 2017.

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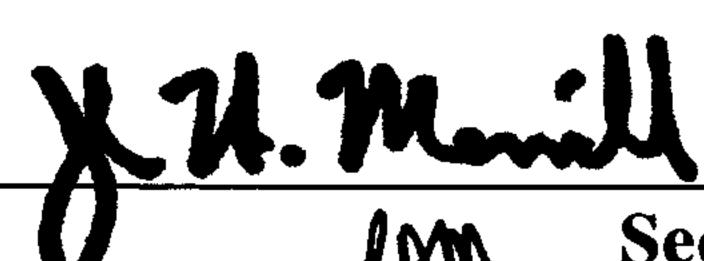
In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.



February 1, 2016

**Date** 

John H. Merrill



Secretary of State

RES151050