

PREPARED BY AND RETURN TO:
Steven A. Brickman, Esq.
Dentons Sirote PC
P.O. Box 55727
Birmingham, Alabama 35255-5727

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (“Declaration”) made and entered into as of the 7th day of June, 2024 (“Effective Date”), by and between the **CITY OF PELHAM, ALABAMA** (hereinafter referred to as “Owner”).

W I T N E S S E T H

WHEREAS, concurrently herewith, Owner is conveying to **Jack’s Family Restaurants, LP**, a Delaware limited partnership (“Jack’s”), that certain real property located in Shelby County, Alabama described on **Exhibit “A”** attached hereto (“Jack’s Parcel”); and

WHEREAS, as an inducement to Jack’s to purchase the Jack’s Parcel, Owner has agreed to encumber certain real property in Shelby County, Alabama currently owned by Owner or its successors and assigns and any owner or occupant of the Restricted Parcel and described on **Exhibit “B”** (the “Restricted Parcel”), with a restriction which will benefit the Jack’s Parcel and which will burden the Restricted Parcel.

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by all parties, Owner declares the following:

RESTRICTIVE COVENANT

For so long as there is a Jack's restaurant actively operating on the Property (subject to closures for remodeling or casualty or condemnation or for pandemic related matters), that with regard to the Seller's Residual Parcel, ("Restricted Parcel"), the Restricted Parcel will not be utilized for the following restaurants: Hardees, Freddy's Frozen Custard & Steakburgers, Culver's, Milo's McDonald's, In-N-Out Burger, Krystal, Sonic, Dunkin Donuts, Whataburger, Burger King, Popeyes Louisiana Kitchen, Guthrie's, Slim Chicken, Super Chix, Golden Chick, Wendy's, Arby's, Cookout, Chick-Fil-A, Raising Cane's, Foosackly's, Kentucky Fried Chicken, Bojangles, Zaxby's, Church's, Rally's, , Checker's, and Dairy Queen. This restriction is not to apply to a business where all the sales are devoted to coffee, bagels, and/or donuts except for Dunkin Donuts which is specifically prohibited. This restriction also applies to any billboards or other advertising medium on the Restricted Parcel.

This covenant is intended to and shall be construed as a covenant running with the land, which benefits Jack's Property and burdens the Restricted Parcel for a period of four (4) years from the date of Closing.

Jack's will be entitled to all remedies at law or equity for a violation of this Restrictive Covenant including, without limitation, injunctive relief.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Jack's and Owner execute this Declaration on the date below acknowledged.

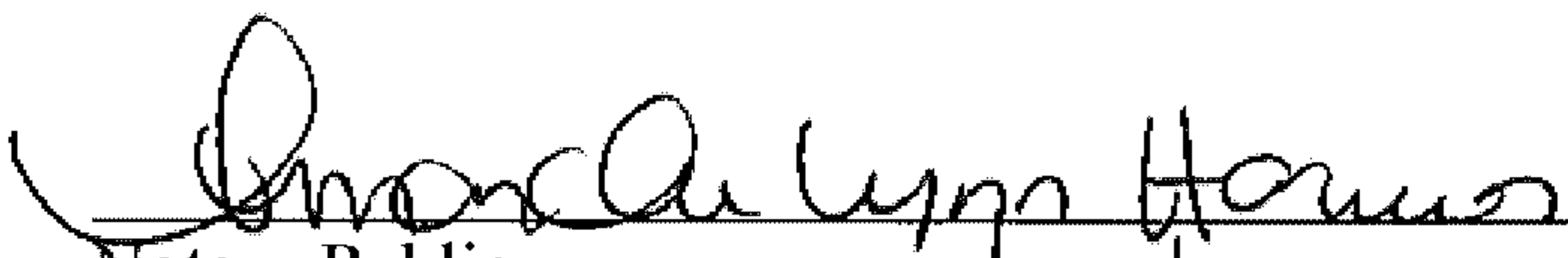
JACK'S FAMILY RESTAURANTS, LP

By 
Name **K. Todd Bartmess**
Title **CEO**

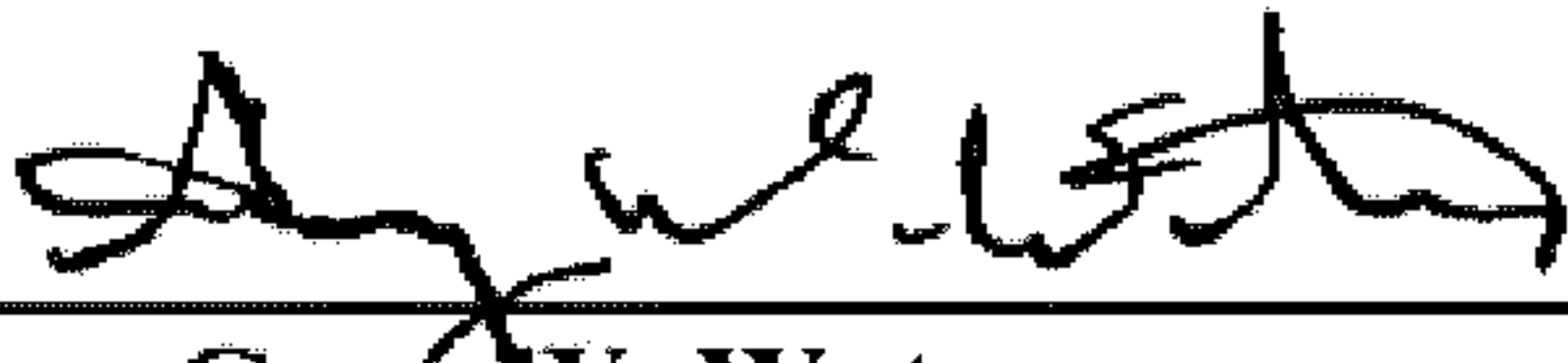
STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that K. Todd Bartmess, whose name, as CEO of **Jack's Family Restaurants, LP**, a Delaware limited partnership, is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, he/she, as such officer and with full authority, executed the same voluntarily on the day the same bears date for and as an act of said limited partnership.

GIVEN under my hand and seal, this 6 day of June, 2024.


Notary Public
My Commission Expires: 4/29/2026

GRANTOR:
CITY OF PELHAM, ALABAMA

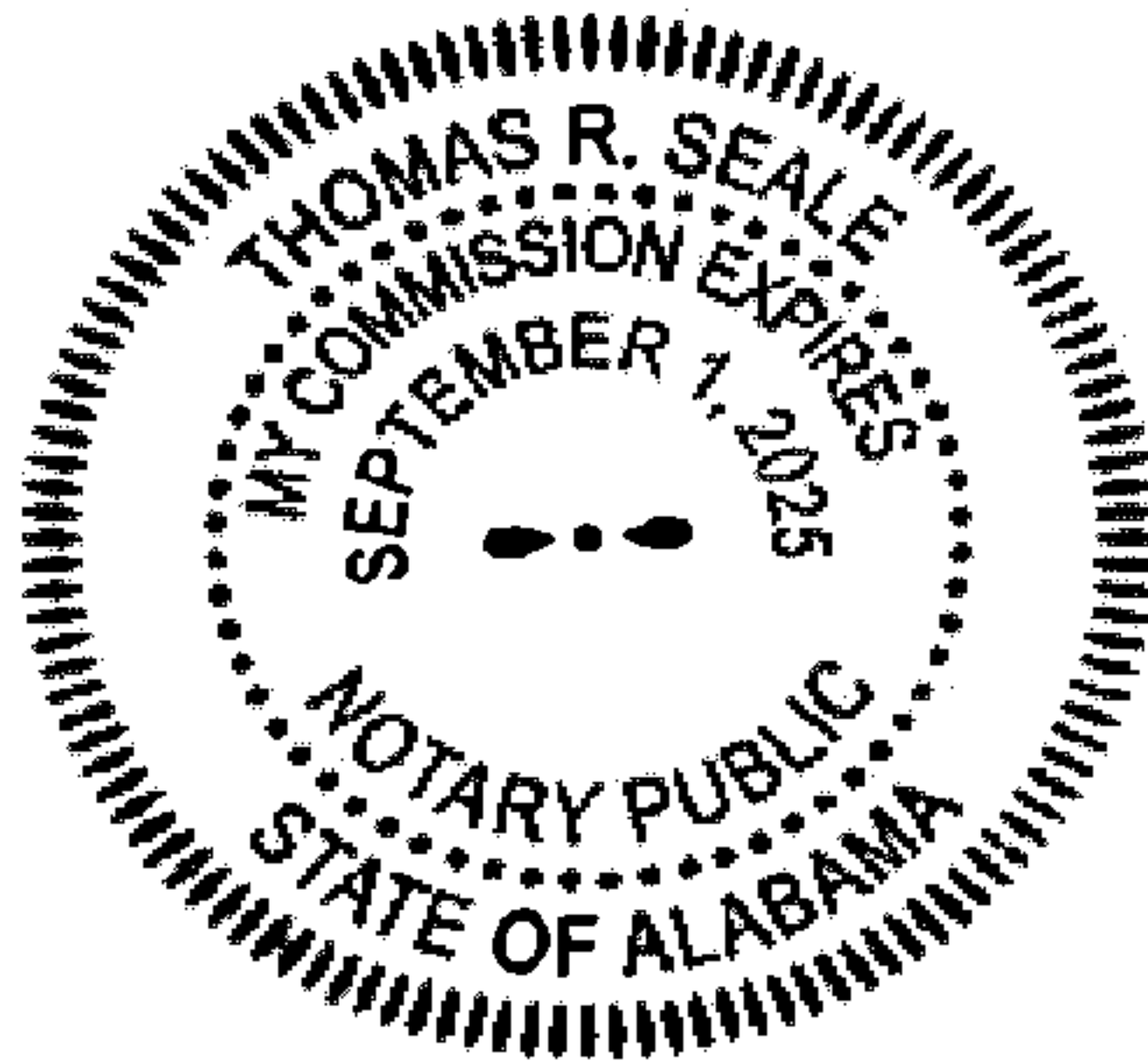
By: 
Name: **Gary W. Waters**
Its: **Mayor**

STATE OF ALABAMA)
 :
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that GARY W. WATERS, whose name, as MAYOR of the **City of Pelham, Alabama**, is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, he/she, as such officer and with full authority, executed the same voluntarily on the day the same bears date for and as an act of The City of Pelham, Alabama.

Given under my hand and official seal, this 6TH day of JUNE, 2024.

[NOTARIAL SEAL]




Notary Public
My Commission Expires _____

[Additional Grantor Signature Pages Follow]

EXHIBIT “A”

LEGAL DESCRIPTION

Lot 2-A, according to the Final Plat of The Grande Vista Subdivision Plat No. 2 being a resurvey of Lot 2 The Grande Vista Subdivision, as recorded in Map Book 59, Page 96, in the Office of the Judge of Probate of Shelby County, Alabama.

EXHIBIT "B"

RESTRICTED PARCEL

Lot 2-B, according to the Final Plat of The Grande Vista Subdivision Plat No. 2 being a resurvey of Lot 2 The Grande Vista Subdivision, as recorded in Map Book 59, Page 96, in the Office of the Judge of Probate of Shelby County, Alabama.



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
06/07/2024 01:23:47 PM
\$37.00 JOANN
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Allen S. Bayl