

Council Member RAKESTRAW introduced the following Resolution, which was seconded by Council Member COLE:



RESOLUTION 041023-B

A RESOLUTION APPROVING AN APPLICATION FOR THE FORMATION OF ALABASTER DOWNTOWN REDEVELOPMENT AUTHORITY

BE IT RESOLVED by the City Council (the "Council") of the City of Alabaster (the "City"), as follows:

Section 1. Findings. (a) The City, upon evidence duly submitted to and considered by it, hereby finds and determines that Brian Joseph Binzer, John Mark Frey, and John Richard Haggard (collectively, the "Incorporators") have filed with the Council an application in writing for permission to apply for the incorporation, under the provisions of Chapter 54A of Title 11 (the "Act") of the Code of Alabama 1975, as amended, (the "Code"), of a body corporate and politic and a political subdivision of the State of Alabama to be known as "Alabaster Downtown Redevelopment Authority" (the "Authority"). Said application (the "Application"), which includes the form of certificate of incorporation for the Authority (the "Certificate of Incorporation"), is attached hereto as Exhibit A.

(b) The City has undertaken to examine and determined that each of the residences identified at the mailing address of (i) 173 Sterling Gate Drive, Alabaster, Alabama 35007, (ii) 1238 9th Ave SW, Alabaster, Alabama 35007 and (iii) 213 Fox Valley Highlands Circle, Maylene Alabama 35114, are located entirely within the City.

(c) Attached as Exhibit B hereto is a certificate from the Secretary of State of the State of Alabama that the name of the Authority as aforesaid is not identical to that of any other entity organized under the laws of the State or so similar thereto as to lead to confusion and uncertainty (the "Certificate of the Secretary of State").

Section 2. Authorization for Incorporation of Authority. Having reviewed and considered the Application and proposed Certificate of Incorporation accompanied therewith, the Council (i) approves the Application and declares that it is wise, expedient and necessary that the Authority be formed, (ii) approves the Certificate of Incorporation, and (iii) authorizes the Incorporators to proceed to form the Authority by filing for record pursuant to the Act, including without limitation Section 11-56-5 thereof, the Certificate of Incorporation, together with the Certificate of the Secretary of State, with the office of the Judge of Probate of Shelby County, Alabama, all in accordance with the applicable provisions of the Act.

ADOPTED AND APPROVED THIS 10TH DAY OF APRIL 2023.

ATTEST:

CITY OF ALABASTER


J. Mark Frey, City Clerk


Council President Sophie Martin

APPROVED:

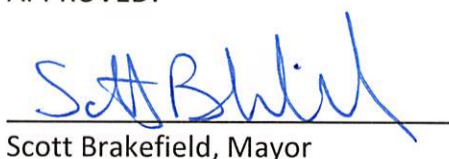

Scott Brakefield, Mayor

Exhibit A
Application to form Authority

**APPLICATION FOR INCORPORATION OF
ALABASTER DOWNTOWN REDEVELOPMENT AUTHORITY**

TO: THE CITY COUNCIL OF THE CITY OF ALABASTER

(1) We, the undersigned, each of whom is a natural person of the age of twenty-one years or more, propose to incorporate a corporation pursuant to the provisions of Chapter 54A of Title 11 of the Code of Alabama 1975, as amended (the "Act"), and do hereby file with you, as the governing body of the City of Alabaster, Alabama (the "Council"), this application, and by so doing apply for authority to incorporate a body corporate and politic with all the rights, privileges, and powers pursuant to the provisions of the Act to be known as "Alabaster Downtown Redevelopment Authority" (the "Authority").

(2) Each of the undersigned is a resident and duly qualified elector of, and owner of real property within, the City of Alabaster, Alabama (the "City").

(3) It is hereby requested that the Council adopt a resolution declaring that it is wise, expedient and necessary that the Authority be formed, approving this written application, and authorizing the undersigned to proceed to form the Authority, thereby causing the undersigned to become the incorporators of the Authority, by filing for record a certificate of incorporation for the Authority, the form of which is attached hereto as Exhibit A, all in accordance with and in the manner provided in the Act.

WITNESS our signatures this 10th day of April, 2023.



Brian Joseph Binzer



John Mark Frey



John Richard Haggard

Exhibit A
Form of Certificate of Incorporation

**CERTIFICATE OF INCORPORATION OF
THE DOWNTOWN REDEVELOPMENT AUTHORITY OF
THE CITY OF ALABASTER**

STATE OF ALABAMA)
 :
SHELBY COUNTY)

TO: THE HONORABLE JUDGE OF PROBATE
 OF SHELBY COUNTY, ALABAMA

We, the undersigned incorporators, each of whom is a natural person of the age of twenty-one (21) years or more, and a resident and duly qualified elector of, and property owner within, the City of Alabaster, Alabama (herein called the "City"), desiring to organize a corporation (herein called the "Authority") under Chapter 54A of Title 11 of the Code of Alabama 1975, as amended (herein called the "Act"), with all of the rights, powers and privileges of a body corporate and politic and a political subdivision of the State organized under said Act and under the Constitution and laws of the State of Alabama (except to the extent such powers are expressly limited hereinafter), hereby make and file this Certificate of Incorporation as required by said Act, and certify as follows:

ALABASTER DOWNTOWN REDEVELOPMENT AUTHORITY

ARTICLE I

The following are the names of the incorporators of the Authority, and each is a resident and duly qualified elector of, and owner of real property within, the City.

<u>Name of Incorporator</u>	<u>Address of Residence</u>
Brian Joseph Binzer	173 Sterling Gate Drive Alabaster, Alabama 35007
John Mark Frey	1238 9 th Ave SW Alabaster, AL 35007
John Richard Haggard	312 Fox Valley Highlands Circle Maylene, AL 35114

ARTICLE II

The name of the Authority is "The Downtown Redevelopment Authority of the City of Alabaster"

ARTICLE III

The location of the principal office of the Authority shall be 1953 Municipal Way, Alabaster, Alabama, 35007.

ARTICLE IV

The number of directors (each herein called a "Director") of the board of directors of the Authority (herein called the "Board of Directors") shall be three (3). Directors shall be appointed to the Board of Directors by the governing body of the City.

ARTICLE V

The Board of Directors shall adopt such rules and bylaws for the governance and operation of the Authority as said Board of Directors shall deem necessary or appropriate.

ARTICLE VI

In the event of the dissolution of the Authority, all assets thereof shall be distributed to the City.

* * * * *

WITNESS our hands as incorporators of the Authority this the 10th day of April, 2023 (herein called the "Execution Date")

day of


Brian Joseph Binzer


John Mark Frey


John Richard Haggard

STATE OF ALABAMA)
 :
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that **JOHN RICHARD HAGGARD**, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the within instrument, he executed the same voluntarily on the aforesaid Execution Date.

GIVEN under my hand and official seal of office, this 10th day of April, 2023

[NOTARIAL SEAL]



Lisa J. Glasgow

Notary Public

STATE OF ALABAMA)
 :
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that **BRIAN JOSEPH BINZER**, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the within instrument, he executed the same voluntarily on the aforesaid Execution Date.

GIVEN under my hand and official seal of office, this 10th day of April, 2023

[NOTARIAL SEAL]





Notary Public

STATE OF ALABAMA)
 :
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that **JOHN MARK FREY**, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the within instrument, he executed the same voluntarily on the aforesaid Execution Date.

GIVEN under my hand and official seal of office, this 10th day of April, 2023

[NOTARIAL SEAL]



Lisa J. Glasgow

Notary Public

Exhibit B
Certificate of Secretary of State