

RESOLUTION NO. 001-2024

BE IT RESOLVED by the City Council of the City of Creola, Alabama, as follows:

Section 1. **Findings.** The City Council (the “Council”) of the City of Creola, Alabama (the “City”), which is the governing body of the City, has found and ascertained and does hereby declare as follows:

A. The Council has heretofore caused to be published in the *Call News*, a newspaper having circulation in the City, in its edition of December 27, 2023, a notice to the public announcing the holding by the Council of a public meeting beginning at 5:30 PM on January 11, 2024 for the purpose of receiving comments from interested citizens, pursuant to the provisions of the constitution and laws of the State of Alabama, including particularly Amendment No. 772 to the Constitution of Alabama of 1901, concerning the proposed authorization, execution and delivery, for and in the name and behalf of the City, of a Project Development Agreement (the "Development Agreement") (attached hereto as Exhibit “A”) by and between the City and Jack’s Family Restaurants, LP (collectively the “Developer”), in which the City proposes to take the actions as set forth therein and as partially described below.

B. The purpose of the project and the items set forth above is the promotion of the economic development of the City in accordance with the economic development goals and objectives of the City, the increase in tax revenues in and around the City, the increase in jobs in and around the City and the improvement of the quality of life for citizens in and around the City.

C. Any interested citizens appearing at the public hearing have been given an opportunity to make comments to the Council on the proposed project and the terms of the Development Agreement and the Council has considered such comments as may have been made with respect thereto.

D. The public benefits sought to be achieved by the adoption of the Development Agreement are the construction and operation of a restaurant facility which is expected to generate additional tax revenues for the City, and the creation of additional full time equivalent jobs in the City, many of which will be filled by residents of the City and which will improve and enhance the overall aesthetics of the City thereby promoting economic development within the City and enhancing the quality of life for citizens of the City.

E. For purposes of Amendment No. 772 to the Constitution of Alabama of 1901, the Developer is the business entity to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value;

F. The expenditure of public funds for the purpose specified in this resolution will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

Section 2. **Approval.** The Council hereby approves the authorization, execution and delivery, for and in the name and behalf of the City, of:

A. the Development Agreement by and between the City and the Developer, and the provisions set forth therein in substantially the form and of substantially the content as the said Development Agreement and presented to and considered by the City Council, with such changes or additions thereto or deletions therefrom as the Mayor of the City executing such Development Agreement to which the City is a party signatory thereto shall approve, which approval shall be conclusively evidenced by his executing the Development Agreement as herein provided.

B. The approval of the above stated Development Agreement provided for herein is contingent upon and subject to the approval of all parties to the Development Agreement and the said Development Agreement is approved in substantially the same form and substance of those presented to and considered by the City Council.

Section 3. **Authorization of Related Documents and Actions.** The Mayor, the City Clerk, and all other officers of the City and of the Council are hereby authorized and directed to execute, deliver, seal and attest such other agreements, undertakings, documents and certificates and to take such other actions on behalf of the City and the Council as may be necessary or desirable to consummate the execution and delivery of the Development Agreement and the undertakings of the City and the Council as set forth in the Development Agreement and to carry out fully the transactions contemplated by this resolution subject to the conditions set forth herein.

Section 4. **Provisions of Resolution Severable.** The various provisions of this resolution are hereby declared to be severable. In the event any provision hereof shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or enforceability of any other portion of this resolution.

Section 5. **Effective Date.** This resolution shall take effect upon its passage and adoption by the Council.

ADOPTED and APPROVED this the 11<sup>th</sup> day of January, 2024.

THE CITY OF CREOLA, ALABAMA

\_\_\_\_\_  
Don Nelson, Mayor

Attest:

\_\_\_\_\_  
City Clerk

**CERTIFICATE OF CITY CLERK**

I, \_\_\_\_\_, do hereby certify that I am the duly elected, qualified and acting Clerk of the City of Creola, Alabama. I do further certify that as Clerk of the City I have access to all original records of the City and I am duly authorized to make certified copies of its records on its behalf; the above and foregoing pages constitute a complete, copy of the resolution of the City Council of the City duly held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the original of which is on file and of record in the minute book of the City Council in my custody; the resolution set forth in such excerpts is a complete, verbatim and compared copy of said resolution as introduced and adopted by the City Council on such date; and said resolution is in full force and effect and has not been repealed, amended or changed.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the City and have affixed the official seal of the City, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY SEAL

\_\_\_\_\_  
Clerk of the City of Creola, Alabama