

**CITY OF DAPHNE
CITY COUNCIL WORK SESSION AGENDA
1705 MAIN STREET
DAPHNE, AL
SEPTEMBER 12, 2016
6:30 P.M.**

- 1. PRESENTATION: DAPHNE STRIKE CLUB**
- 2. DISCUSS: RECREATION FACILITES**
- 3. DISCUSS: RESORATION PLAN FOR THE WETLANDS AT THE
 DAPHNE SPORTS COMPLEX**
- 4. ANYTHING ELSE DEEMED NECESSARY**
- 5. ADJOURN**

**CITY OF DAPHNE
ORDINANCE 2016 –57**

**AN ORDINANCE CONSENTING TO THE GRANT OF AN EASEMENT OVER
CERTAIN REAL PROPERTY BY THE UTILITIES BOARD OF THE CITY OF
DAPHNE**

WHEREAS, the Utilities Board of the City of Daphne (“Daphne Utilities”) is required to receive the consent of the City of Daphne under the provisions of Ala. Code § 11-50-314(a)(10) before it grants an easement across real property; and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to grant an ingress/egress easement over certain property to Sandra Dunlop as described in detail on Exhibit “A”; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the grant of easement over the property to Sandra Dunlop as described in Exhibit “A”.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Daphne does hereby consent to the easement by Daphne Utilities of the property described on Exhibit “A” to Sandra Dunlop.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ____ day of _____, 2016.

**Dane Haygood
Mayor**

ATTEST:

**Rebecca A. Hayes
City Clerk**

EXHIBIT “A”

STATE OF ALABAMA }

EASEMENT

COUNTY OF BALDWIN }

KNOW ALL MEN BY THESE PRESENTS, that **The Utilities Board of the City of Daphne**, an Alabama public corporation, (hereinafter referred to as “GRANTOR”), for and in consideration of the amount of \$500.00 and other good and valuable consideration in hand paid to the GRANTOR by the **Sandra M. Dunlop**, (hereinafter referred to as “GRANTEE”), the receipt and sufficiency whereof is hereby acknowledged by the said GRANTOR, and for the further consideration of the a release by GRANTEE of GRANTOR, does hereby, subject to terms hereinafter contained, **GRANT, BARGAIN, SELL AND CONVEY** unto the said GRANTEE, her heirs, successors or assigns, a non-exclusive right and easement for ingress, egress, constructing, inspecting, repairing, maintaining and using, the strip of land running across a parcel of land lying and being in the County of Baldwin, State of Alabama, being more particularly described as follows:

EASEMENT

Beginning at the Southeast corner of the Utilities Board of the City of Daphne parcel (described below), run thence South 00 degrees, 02 minutes, 21 seconds West along the East Boundary of the Utilities Board of the City of Daphne parcel (described below), a distance of 625.97 feet to a capped rebar on the North right-of-way line of Well Road; thence run South 89 degrees, 52 minutes, 48 seconds West along said right-of-way line 20.00 feet to a point, thence run North 00 degrees, 02 minutes, 15 seconds West, 625.62 feet to a point on the South boundary of the Utilities Board of the City of Daphne parcel (described below); thence run South 89 degrees, 59 minutes, 42 seconds East along said South boundary 20.00 feet to the Point of Beginning (hereinafter referred to as “Easement”).

The Utilities Board of the City of Daphne parcel is described as follows: From the Northwest corner of Section 16, Township 5 South, Range 2 East, thence run South 00 degrees, 05 minutes, 12 seconds East, 1,997.95 feet; thence run North 89 degrees, 59 minutes, 11 seconds East, 1,645.16 feet to the Point of Beginning; thence run North 00 degrees, 01 minutes, 48 seconds East, 446.91 feet; thence run North 89 degrees, 49 minutes, 35 seconds East, 1,005.61 feet; thence run South 00 degrees, 01 minutes, 45 seconds West, 449.72 feet; thence run South 89 degrees, 59 minutes, 11 seconds West, 1,005.16 feet to the Point of Beginning (hereinafter referred to as “Daphne Utilities Property”).

TO HAVE AND TO HOLD the above described property unto the said GRANTEE, her heirs, successors and assigns, forever.

Any except as to all other easements, right of way, restrictions or reservations of record together with all of those things specifically mentioned above, the said GRANTOR, for itself, its successors and assigns, does hereby covenant with the GRANTEE, her heirs, successors and assigns, that the GRANTOR is seized of an indefeasible estate in fee simple in said property, and that the GRANTOR does hereby warrant and will forever defend the above described easement and rights unto the GRANTEE, her heirs, successors and assigns, against the lawful claims of all persons.

The GRANTEE, for herself, her heirs, her personal representatives, her successors and her assigns does hereby completely and fully release, remise, acquit and discharge forever THE UTILITIES BOARD OF THE CITY OF DAPHNE, of and from any and all claims, demands, causes of action, suits, costs, damages, expenses, compensation and liability of every kind, character and description, either direct or consequential, at law or in equity, which we may have now, may have had at any time heretofore, or may have at any time hereafter, arising from, resulting from, or in any manner incidental to any matter, thing or event occurring, or failing to occur, at any time in the past up to and including the date hereof in any way related to the Property and to Daphne Utilities Property, including but not limited to, any and all claims of GRANTOR of alleged other existing easements, licenses or other grants of ingress/egress in, over or under the Daphne Utilities Properties that are not granted herein.

The Easement shall be subject to the following agreed terms and conditions:

- **Ingress and Egress of Grantee.** GRANTEE, her agents, licensees, successors and assigns, are hereby granted a nonexclusive ingress and egress easement over and across the Easement. Ingress and egress shall include vehicular and pedestrian access to GRANTEE'S property of approximately 10.34 acres adjacent to the north of the Daphne Utilities Property as shown on the attached survey as Exhibit A (hereinafter referred to as the "Grantee's Property").
- **Continued use by Grantor.** GRANTOR, its employees, agents, contractors, licensees, successors and assigns shall all have use and access of the Easement at any time and for any purpose.
- **Continued rights of Grantor.** Nothing herein shall be construed to limit, impair, or otherwise affect the rights of GRANTOR to develop, use, occupy or otherwise enjoy the Daphne Utilities Property or the Easement, including GRANTOR'S own construction of utility lines or other construction on, over or under the Easement.
- **No Public Use.** The use of the Easement shall not be subject to use by the public at large nor shall the Easement be used by the GRANTEE, her agents, licensees, successors or assigns, for any recreational use or other purpose not stated herein.
- **Grantor's Right to Dedicate as a Public Road.** GRANTOR shall have the exclusive right at any time or times to dedicate the Easement as a public road or to relocate any portion of the Easement, provided such public road or relocation continues to provide GRANTEE substantially similar access to the Grantee's Property. However, GRANTOR is under no obligation to build, provide or construct a roadway, is under no obligation to

relocate any portion of Easement, and is under no obligation to dedicate any roadway as a public road.

- **Indemnity.** To the fullest extent allowed by Alabama law, GRANTEE, her heirs, successors and assigns, shall and does hereby agree that she will protect, defend and indemnify and hold harmless the GRANTOR, and its officers, directors, board members, employees, contractors, agents, successors and assigns (the “Indemnitees”) at all times from and against and in respect to any and all damages as hereinafter defined. Damages, as used herein, shall include any claims, actions, demands, losses, costs, expenses, obligations, liabilities (joint or several), penalties, charges, and damages (including, without limitation, reasonable legal, accounting, consulting, engineering, environmental, and other fees and expenses incurred in investigating or in attempting to avoid the same or oppose the imposition thereof) that may be imposed or incurred by, or assessed against any of the Indemnitees by any other party or parties (including, without limitation, governmental entities) arising out of, in connection with or relating to any accident or occurrence causing injury or death to any person (including, without limitation, Indemnitees), or damage to property (including, without limitation, property of Indemnitees) directly resulting from any act, omission, or commission of GRANTEE, her employees, contractors, agents, invitees, licensees, guests, heirs, successors or assigns that occur as a consequence of such third party’s use of the Easement or roadway.
- **Remedies.** In the event that either GRANTOR or GRANTEE breaches any of the requirements hereof, the non-breaching party shall be entitled to all legal remedies, including, but not limited to, suit for injunction or specific performance.
- **Assignment.** GRANTEE may assign GRANTEE’S rights and obligations in the Easement but only in connection with the sale or conveyance of the GRANTEE’S Property and only provided the buyer agrees to the provisions herein.

(signatures on the pages to follow)

IN WITNESS WHEREOF, this instrument is executed this the _____ day of _____, 2016.

The Utilities Board of the City of Daphne

By: Danny Lyndall
Its: General Manager

STATE OF ALABAMA }
COUNTY OF BALDWIN }

I hereby certify, that on this day, before me, a Notary Public, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Danny Lyndall, General Manager of the Utilities Board of the City of Daphne, a public corporation, to me known to be person described in and who executed the foregoing instrument and acknowledged before me that, being informed of the content of the same, voluntarily signed and delivered the within and foregoing instrument on the day and year therein mentioned, as an authorized act of said corporation

Given under my hand and official seal, this _____ day of _____, 2016.

(Affix Seal)

Notary Public

Sandra M. Dunlop

STATE OF ALABAMA }
COUNTY OF BALDWIN }

I hereby certify, that on this day, before me, a Notary Public, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Sandra M. Dunlop to me known to be person described in and who executed the foregoing instrument and acknowledged before me that, being informed of the content of the same, voluntarily signed and delivered the within and foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal, this _____ day of _____, 2016.

(Affix Seal)

Notary Public

GRANTOR:
THE UTILITIES BOARD OF
THE CITY OF DAPHNE
c/o GENERAL MANAGER, DANNY LYNDALL
P.O. BOX 2550
DAPHNE, AL 36526

GRANTEE:
SANDRA M. DUNLOP

This instrument prepared by:
SPEEGLE, HOFFMAN, HOLMAN & HOLIFIELD, LLC
Jerome E. Speegle, Esq.
Post Office Box 11
Mobile, Alabama 36601
(251) 694-1700

**who makes no representation as to
status of title or to matters which
would be disclosed by a current survey or title search.**



Memorandum

To: Council and Mayor
From: Ashley Campbell

Date: September 8, 2016

Re: Daphne Sport Complex

During the last Council Work session I presented a letter regarding the Sport Complex environmental impacts and answered council questions. The Council President requested that I present the cost associated with the compliance issues and restoration of the buffer zones. Below, you will find a summary of the issues and a breakdown of the cost for the restoration of the buffer zones.

The two issues:

1. A condition of the USACE reverification of its wetland jurisdictional determination for the Daphne Sports Complex design plans was that no wetland impacts would occur onsite. Wetland impacts did occur during the clearing activity and the City has claimed (Letters Attached) that the impacts did not need a USACE permit due to the fact that the portion of the site plan where the wetland impact had occurred was not part of the Daphne Sports Complex. It was a silviculture operation and therefore City, State nor Federal regulations had to be followed. Nowhere in Resolution 2016-53 did it state that we were performing a silviculture operation. It stated that "Whereas by having the extents of construction of Daphne Sports Complex cleared prior to project bidding will lower construction costs and expedite the project timeline."

Since, letters have been mailed; is it the will of the City of Daphne Council to move forward claiming that the clearing was a silviculture operation? If so, we will meet with both agencies and have a determination made whether we qualify for the wetland exemption. From there, we will do everything possible to bring the site into compliance with the state and federal agencies' regulations. Depending on the outcome of the determination additional funds may be need to reach full compliance.

2. The City of Daphne's Planning Commission approved the Daphne Sports Complex Site plan on July 28th with a variance of the City's 30' Non-disturbed Wetland Buffer Zone for the site plan in four small areas. However, the clearing activity impacted the 30' buffer zone throughout the site.

Since the City's planning commission did not approve a variance for the entire site plan from the required buffer zone. We will need to take the site plan back to the Planning Commission and ask for the variance of the impacted wetland buffer zone.

Or, we need to replant the buffer zone with native species and implement an aggressive invasive species control plan. The exact size of the impacted buffer zone has not been surveyed, but the 30' buffer zone (Map Below) for all the onsite wetlands is ~6.3 acres. The area will be less but for estimating purposes the ~ 6.3 acre value will be used. Below are two quotes from local vendors who specialize in this type of work.

Local Vendors Quotes	Native Species Plants	Total Plants for ~6.3 acres 10'x10' Spacing	Total Labor and Plants
Vendor 1	One Gallon	2788	\$26,486.00
Vendor 2	One Gallon	2788	\$16,728.00

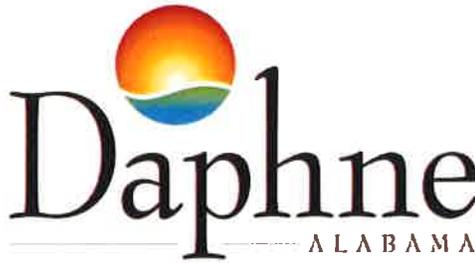
Please, express the will of the City of Daphne Council and I will begin the process to achieve compliance with local, state and federal regulations.

Thanks, 

Ashley Campbell, CPESC
City of Daphne-Environmental Programs Manager
acampbell@daphneal.com
Phone: 251-621-3080 Cell: 251-234-7122



Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

August 4, 2016

Joy B. Earp
Team Leader South Alabama Branch
U.S. Army Corps of Engineers
Mobile District, Regulatory Division
P. O. Box 2288 (109 St Joseph Street)
Mobile, AL 36628-0001

RE: City of Daphne Forest Management Plan – Park Drive Tract – Sec. 7 & 8, T5S, R2E, Baldwin County, Alabama – Silviculture Exemption

Dear Mrs. Earp:

Please find attached the City of Daphne's Forest Management Plan that has been submitted to the Alabama Forestry Commission for the above referenced tract of land. The City has owned this 120 +/- acres (four contiguous parcels) for some time with the intent of developing part of the land for active recreation facilities. Approximately 70 acres are to be developed and the remaining 50 acres are to be preserved for possible future passive recreation: walking trails, green space, etc... In the process of due diligence in the design of the 70 acres to be developed the City contracted with a Forester, Southeastern Natural Resources, Inc., to advise us on the best way to manage all Forestry resources on the site.

The attached plan involves 50 acres not to be disturbed by development that is to be preserved for possible future passive recreation. This area has been harvested for timber in the past and now has mature trees 25-30 year of age. His guidance to date has been to selectively to cut the understory and encroaching plant species effectively opening up the forest floor and provide an opportunity for the established trees to healthily mature and develop robust canopies. From the start of the planning process, it has always been the intention of the City for these 50 acres to remain undisturbed by development and be preserved for future passive recreation. Please note in the plan that Stands 1, 2, 3 & 5 have no proposed or future disturbance for development. A section of Stand 4 contains the proposed lake/post development stormwater treatment facility. All approved facility site plans do not include or propose any disturbance for development on these four Stands and only a portion of Stand 4.

By action of the City Council and Authorization of the Mayor (Resolution 2016-53) the City entered into a silviculture agreement and contract with our selected Forester and Timber Contractor. It is the intent for the City to continue the relationship with our Forester to manage

Public Works Department
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3182 Fax: (251) 621-3189

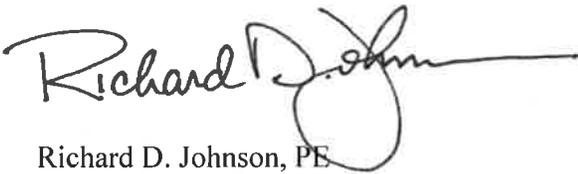
this undisturbed by development tract at the highest possible level for possible future passive recreation. During this process, the United States Army Corps of Engineers (USACE) has questioned the City's application of Clean Water Act 404 silviculture exemption concerning a minor wetland crossing at the south side of the 50 acre tract (Stand 5). The only possible way we can manage the Forest in Stand 3 is by crossing Stand 5. The Forester and Contractor followed the existing timber road used during the last harvest. This was clearly the path of least impact. The Forester and Timber Contractor has assured the City that they have followed the guidelines published in Alabama's Best Management Practices for Forestry and our Forester is not in agreement with the USACE interpretation of the exemption. Part of your concern for our use of the exemption is based on the lack of a Forest Management Plan on file with the Alabama Forestry Commission. The referenced submittal should address that concern.

The City has done its due diligence by hiring an experienced and well regarded Forester and a reputable Timber Contractor. We have relied on his experience and guidance in the management of our forest on this tract of land. He is of the opinion that the exemption does not require a plan on file; however, in an abundance of caution we have filed one with the Commission. Secondly, since this property has been timbered in the past, within the last 25-30 years, it is established as an on-going silviculture operation. Finally, this wetland impact is not part of or tied to the approved site development plan. The plan approved by the Daphne Planning Commission does not even include or show the 50 acres to be undisturbed by development. The land is contiguous; however it is not a component of the development. It is wholly separate. This 50 acres, including Stand 5 (area of the wetland impact) is to be preserved in an undisturbed by development state and may be used for future passive recreation.

Based on the information enclosed, the Clean Water Act 404 Silviculture Exemption is applicable to the City's forestry management (silviculture) of this undisturbed for development 50 acre tract. I humbly ask you to reconsider your interpretation.

If you have any questions or concerns, do not hesitate to contact me or our Registered Forester.

Yours,



Richard D. Johnson, PE
Public Works Director

Cc: Mayor
Councilman Robin LeJeune, Parks & Recreation Committee
Director of Parks and Recreation
Environmental Programs Manager
Volkert – Program Manager
Southeastern Natural Resources, Inc.
File

**CITY OF DAPHNE
FOREST MANAGEMENT PLAN**

**PARK DRIVE TRACT
SEC. 7 & 8, T5S, R2E
BALDWIN COUNTY, ALABAMA**

Prepared For:

**Mr. Richard Johnson
Public Works Director
26435 Public Works Road
Daphne, Alabama 36526**

Prepared By:

**Arthur C. Dyas, Ala. R. F. #852, ACF
Southeastern Natural Resources, Inc.
P. O. Box 650
Montrose, Alabama 36559**

SOUTHEASTERN NATURAL RESOURCES, INC.

RURAL LAND BROKERAGE
TIMBER MANAGEMENT

ARTHUR C. DYAS, ACF, RF, MBA
REGISTERED FORESTER
ALABAMA REAL ESTATE BROKER

28311 N. MAIN STREET, STE. B-103
DAPHNE, ALABAMA 36526

MAILING ADDRESS:
P.O BOX 650
MONTROSE, ALABAMA 36559
(251) 331-4017 (c)
Email: adyas@msn.com

August 4, 2016

Mr. Richard Johnson
Director of Public Works
City of Daphne
26435 Public Works Road
Daphne, Alabama 36526

RE: Forest Management Plan – Park Drive Recreational Site

Dear Mr. Johnson:

This report is a Forest Management Plan (FMP) for a portion of the new recreational park south of Park Drive for the City of Daphne. As you know, approximately half of the 116 acre tract will be used for active recreation and the balance of the acreage will be used for passive recreation as well as for environmental education purposes. The 55+/- acre parcel is comprised of upland pine-hardwood sites and wetland creek bottoms, which will be managed under the guidance of this FMP.

It is not uncommon for municipalities to incorporate forested acreages into their overall land use plans. The City of Mobile has a working forest/longleaf ecosystem next to the botanical gardens at Municipal Park. The City of Fairhope has an old growth longleaf park at Knoll Park near the Fairhope pier. Both of these examples are managed with the use of fire and invasive plant eradication methods. These sites are also used for educational purposes.

GENERAL DISCUSSION

There are those who believe that silviculture is limited to the planting and harvesting of trees. In the text book *The Practice of Silviculture*, “silviculture is defined as the art of producing and tending a forest; the application of the knowledge of silvics in the treatment of a forest; the theory and practice of controlling forest establishment, composition and growth.” This definition includes all aspects of maintaining a forest, including prescribed burning, woody vegetation control, invasive species eradication, and timber harvesting to name a few. Silvicultural exemptions were designed to aid in accomplishing forest stand management. Silviculture is not limited to planting and harvesting trees. There are many acres of natural forests in the southeast. These forest were established using natural regeneration, exactly as was the timbered acreage at the Daphne park.

The ability to utilize a substantial portion of the 116 acres as a working forest and educational tool will provide an excellent public benefit. The upland/wetland interface should be highlighted.

The non-wetland areas have been thinned within the last two weeks. Brush and pre-merchantable stems have been removed as well as a large portion of the hill hardwood. The open aspects of these wooded sites are now again similar to the way these areas looked when fire was sculpting the forest of the southeast U. S.

Included with this report are current timber stand conditions, a timber stand map with the wetlands delineated and future forest management recommendations.

TIMBER STAND CONDITIONS

Stand 1: This acreage is comprised of mature pine timber. There are three pine species represented here, longleaf, slash and loblolly pine. This stand can be burned to reduce fuel loads and to help eliminate the woody vegetation. An understory herbicide treatment during the summer of 2017 will also reduce sprouting of undesirable vegetation. Invasive species should be treated once annually. These include Chinese Tallow Tree, privet, cogongrass and Camphor trees.

Stand 2: Stand 2 is comprised of mixed pine and hardwood. An understory herbicide treatment should be conducted during the summer of 2017. Invasive plants should be treated annually.

Stand 3: This stand is also comprised of pine and upland hardwood. There were numerous invasive species within this stand. Sprouting of invasives and other woody vegetation can be controlled with herbicides during the summer of 2017.

Stand 4: Stand 4 is a portion of the dirt pit which is located on this tract. There are a number of volunteer loblolly pine with this site, however, these trees will struggle due to there being no top soil in this area. Stand 4 should be left in its current condition at this time.

Stand 5: Stand 5 is comprised of the wetlands within the timbered acreage. This stand includes many wetland species, including slash pine, yellow poplar, sweetgum, blackgum and numerous shrub species. Many of the wetland species are encroaching onto the adjacent upland sites due to the lack of fire for many years. Generally, the wetlands do not burn during a prescribed fire, however, the wetland shrubs are eliminated from the upland sites. The invasive plants in stand 5 should be treated annually, especially the privet and tallow trees.

All stands should be assessed for timber harvesting needs in approximately 8 to 10 years.

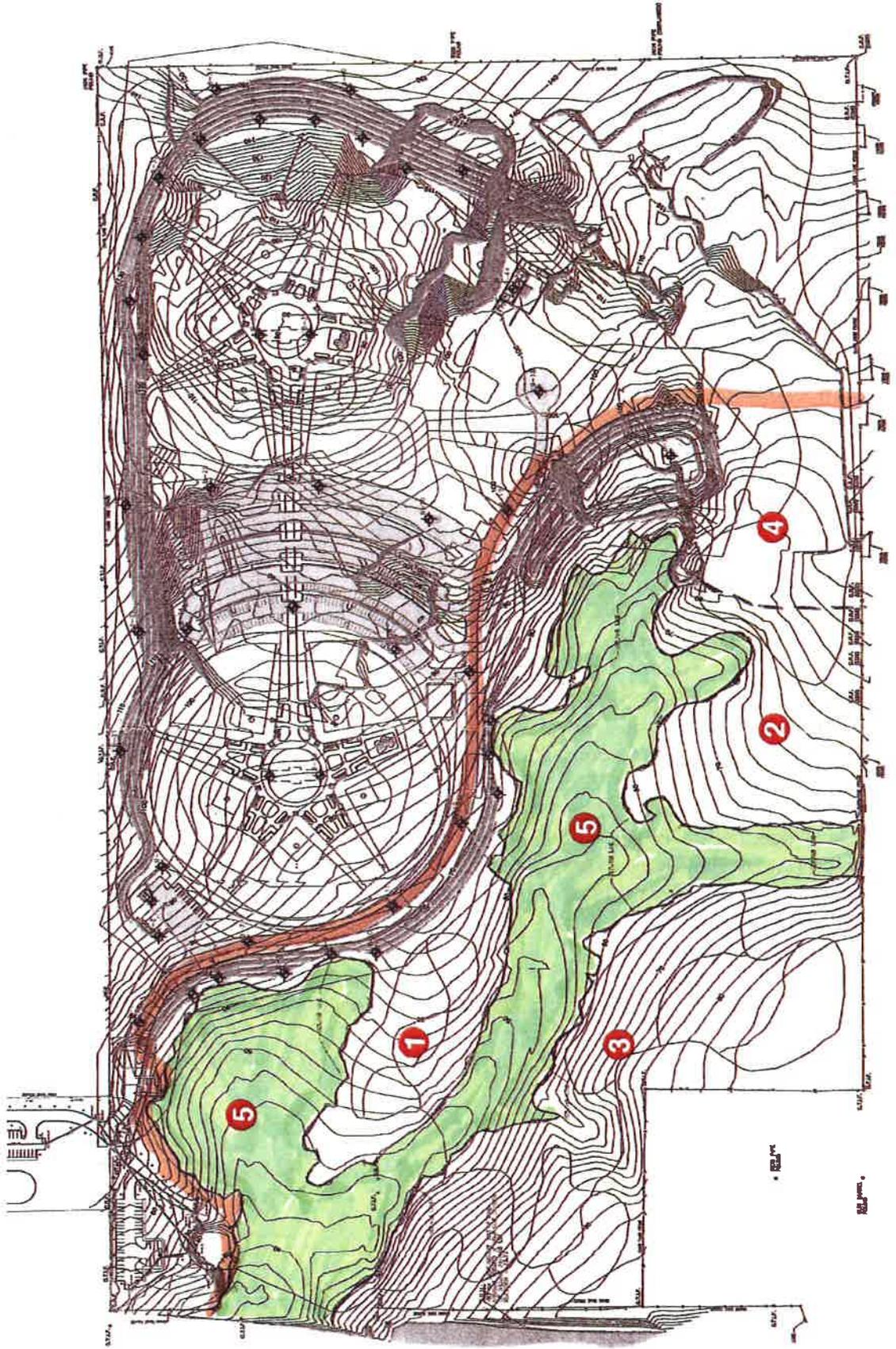
I trust that this forest management plan meets your needs at this time. If you have any questions, please contact me.

Sincerely,



Arthur C. Dyas
Ala. R. F. #852, ACF

**CITY OF DAPHNE
TIMBER STAND MAP
PARK DRIVE TRACT**



Viewer Map



August 4, 2016

1:4,514



- Misc
- Parcels
- Lot Lines
- County Boundary

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri/Japan, METI, Esri/China (Hong Kong), Esri (Thailand).

Resolution 2016-53

Approval of a Timber Sales Agreement with Mobile Forest Products, Inc., Daphne Sports Complex

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for certain recreational grounds capital Items; and

WHEREAS, the City of Daphne has selected three design firms and three locations for new recreation facilities to be constructed within the City; and

WHEREAS, the firm of Hutchinson, Moore & Rauch, LLC and Lose and Associates have been contracted to design the new recreational facilities located on the City's Park City Property known as Daphne Sports Complex; and

WHEREAS, during the design process Hutchinson, Moore & Rauch, LLC and Lose and Associates have determined that there is value in the timber and forest products located on the property that will be required to be cleared prior to construction; and

WHEREAS, by having the extents of construction of Daphne Sports Complex cleared prior to projecting bidding will lower construction costs and expedite the project timeline; and

WHEREAS, Southeastern Natural Resources, Inc. (Art Dyas), Forestry Product Broker, has evaluated the property and determined that the brush (woody vegetation) can be removed at no cost to City and the Timber can be harvested and sold at fair market value; and

WHEREAS, Southeastern Natural Resources, Inc. (Art Dyas) has match the City with Mobile Forest Products, Inc. as the harvester/buyer for the timber and forest products located on the property; and

WHEREAS, any net proceeds from the sale of timber for the property can be applied to the project construction;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Daphne that:

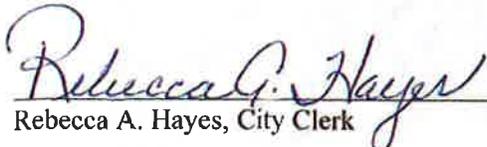
- 1.) Southeastern Natural Resources, Inc. (Art Dyas) shall work with City Personnel and Design Professionals to identify and determine the timber and forest products to be harvested; and
- 2.) Authorize the Mayor to enter into the attached Sales Agreement with Mobile Forest Products, Inc., and execute any other documents required for the harvesting and sale of timber and forest products located on the property; and
- 3.) That all net proceeds from the sale of timber for the property be applied to the project construction.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 21ST DAY OF JULY, 2016.

ATTEST:



Dane Haygood, Mayor



Rebecca A. Hayes, City Clerk

TWP.5S-RNG.2E - NORTHWEST

BALDWIN COUNTY, ALABAMA (LOCATOR 43)

Scale 1:27,000

1 Inch = 2,250 US Survey Feet



0 2,640 5,280

EXHIBIT A

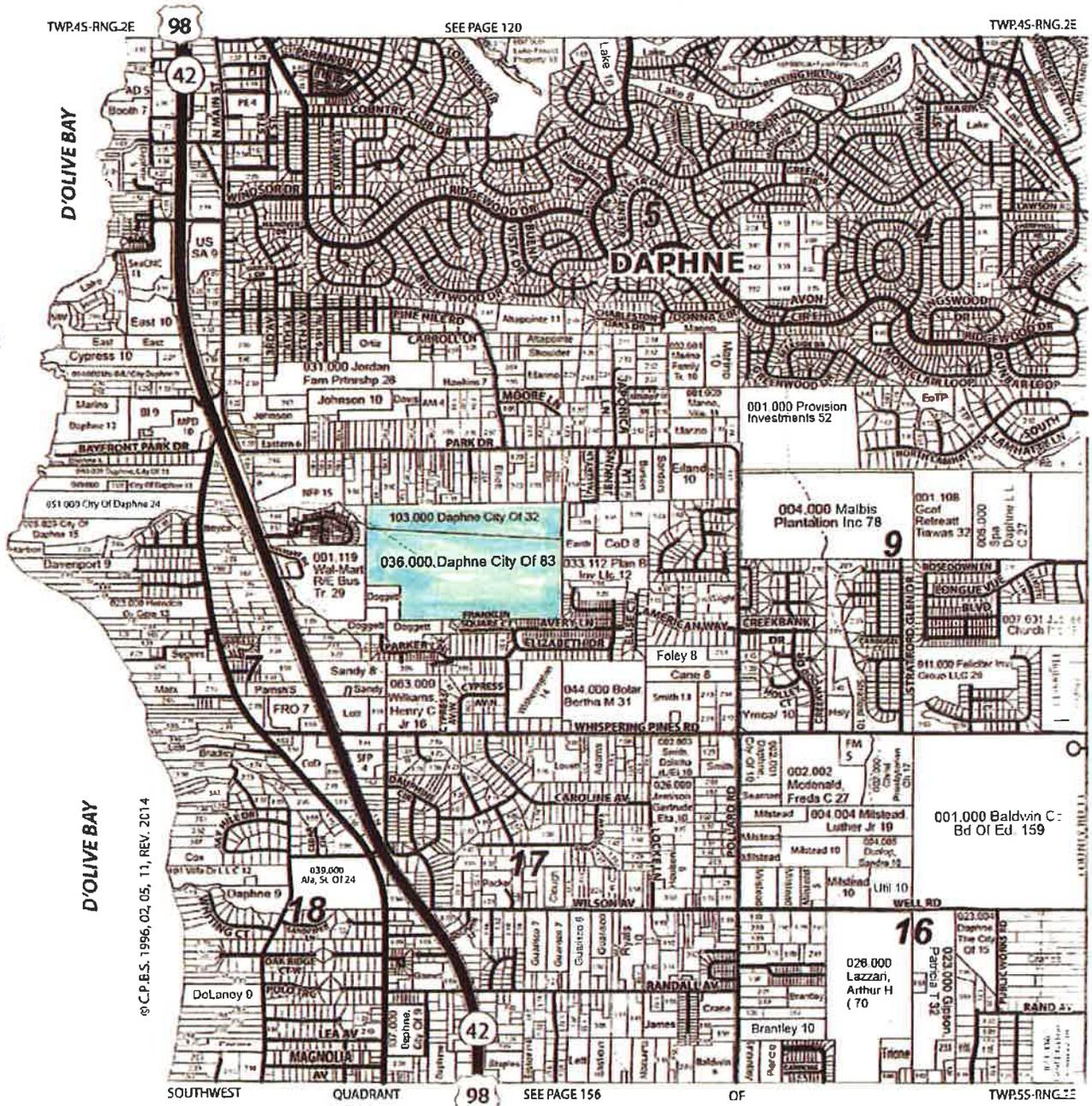
TWP.4S-RNG.2E

98

SEE PAGE 120

TWP.4S-RNG.2E

D'OLIVE BAY



© C.P.E.S. 1996, 02, 05, 11, REV. 2014

SOUTHWEST

QUADRANT

98

SEE PAGE 156

OF

TWP.5S-RNG.2E

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

September 7, 2016

Sheri M. Zettle, P.G.
Chief, South Alabama Branch
U.S. Army Corps of Engineers
Mobile District, Regulatory Division
P. O. Box 2288 (109 St Joseph Street)
Mobile, AL 36628-0001

RE: SAM-2016-00906-JEB - City of Daphne – Park Drive Tract – Sec. 7 & 8, T5S, R2E, Baldwin County, Alabama – Silviculture Exemption

Dear Mrs. Zettle:

I am in receipt of your letter dated August 23, 2016. It describes the key issues remaining with our forestry stream crossing as:

“Based upon our August 3, 2016 site visit, it does not appear the wetland road crossing, in its current configuration, will qualify for the Section 404 forestry exemption. Specifically, the road is not culverted nor was it properly stabilized to prevent erosion on the date of inspection, as required by Alabama Forestry Commission regulations.”

The first issue is that the forestry stream crossing is that it was not culverted. As you know the City of Daphne contracted with a Forester (Arthur C. Dyas, Ala. R.F. #852, AFC, Southeastern Natural Resources, Inc.) to assist us with the management of this total tract, including the 50 acres to be left undisturbed by development. It was under his expert leadership that he had the forestry contractor build the forestry road stream crossing. He had the forestry contractor install a rock ford per the guidelines published in Alabama’s Best Management Practices for Forestry (attached). This type of stream crossing is one of three accepted BMP’s allowed for the Section 404 forestry exemption. I have attached a picture (8-29-2016) and it matches very closely to the picture in the guideline. Also after review of the mandatory federal BMP’s listed on pages 19 and 20 it appears to me the rock ford was the best management practice for this forestry road stream crossing to meet full compliance with those requirements. As a professional engineer, it is my opinion that a culvert crossing, with inlet and outlet protection, would have impacted the adjacent wetlands significantly more than the rock ford installed. Furthermore, the potential for constriction of the flood flow by pipe would be detrimental to the downstream receiving channel, whereas, the ford will act as a broad crested weir and allow the flood flow to remain normalized within the channel and overbanks.

Public Works Department
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3182 Fax: (251) 621-3189

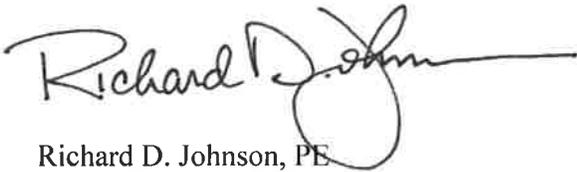
It is the opinion of our forester that a culvert at this forestry road stream crossing was not warranted, would be detrimental to the environment and that a rock ford was the appropriate BMP for this location. I support his conclusions.

The remaining issue is the road was not properly stabilized to prevent erosion on the date of inspection. I have enclosed a picture from August 29, 2016. I am not sure to what extent stabilization is required. The placed rock covers the approach and departure up to the upland on each side. However, this phase of forestry management is complete and I will review with the forestry contractor his requirements to stabilize the forestry road approaching and departing the crossing. Barring his reluctance to do such, I will gladly send city forces out to hay, mulch and seed to the extents required. We will stabilize to your satisfaction.

I would like to schedule a site visit for you or your staff so that you can verify this compliance with the regulations required by Alabama Forestry Commission. You may contact me at your convenience to schedule an onsite meeting.

If you have any questions or concerns, do not hesitate to contact me or our Registered Forester.

Yours,

A handwritten signature in black ink that reads "Richard D. Johnson". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

Richard D. Johnson, PE
Public Works Director

Cc: Mayor
Councilman Robin LeJeune, Parks & Recreation Committee
Director of Parks and Recreation
Environmental Programs Manager
Volkert – Program Manager
Southeastern Natural Resources, Inc.
File



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

August 23, 2016

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army File SAM-2016-00906-JEB, City of Daphne

City of Daphne, Public Works Department
Attention: Mr. Richard D. Johnson, P.E.
Public Works Director
26435 Public Works Road
Post Office Box 400
Daphne, Alabama 36526

Dear Mr. Johnson:

The purpose of this letter is to reply to your August 4, 2016 correspondence regarding the possible unauthorized fill road in wetlands at the Park Drive Tract in Daphne. Based on a site visit conducted on August 3, 2016, it appears unauthorized activities consist of clearing and filling in wetlands draining to the north fork of Yancey Branch. The work is related to an on-going timber harvesting operation associated with development of the City of Daphne sports complex. The work was performed in Sections 7 and 8, Township 5 South, Range 2 East at Latitude 30.623719° North and Longitude 87.900160° West, Daphne, Alabama.

Section 404 of the Clean Water Act requires a Department of the Army (DA) permit be obtained for the placement or discharge of dredged and/or fill material into a waters of the United States, including wetlands, prior to conducting the work (33 U.S.C. 1344). Yancey Branch is a water of the United States.

Based upon our August 3, 2016 site visit, it does not appear the wetland road crossing, in its current configuration, will qualify for the Section 404 forestry exemption. Specifically, the road is not culverted nor was it properly stabilized to prevent erosion on the date of inspection, as required by Alabama Forestry Commission regulations.

The activity described above may have required authorization under the above referenced federal law(s), and we have reviewed our records and concluded a DA permit was not obtained. We are currently conducting an investigation to determine the appropriate course of action to be taken in this matter. To ensure all pertinent information is available for our evaluation and is included in the public record, you should provide any information which you believe should be considered.

Nothing in this letter shall be construed as excusing you from compliance with other federal, state, or local statutes, ordinances, or regulations that may affect this work. We are furnishing copies of this letter to the following agency in order to solicit their views concerning resolution of this matter: Alabama Department of Environmental Management, Attention: Mr. Dylan Hendrix, Mobile Branch Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

Please acknowledge in writing, within 15 calendar days from receipt of this letter, your intentions concerning resolution of this matter, either through site restoration, compliance with Alabama Forestry Commission regulations, or submission of an after-the-fact permit application. Additionally, if there is a change-of-use to an approved forestry road, a Section 404 permit may be required along with any necessary compensatory mitigation.

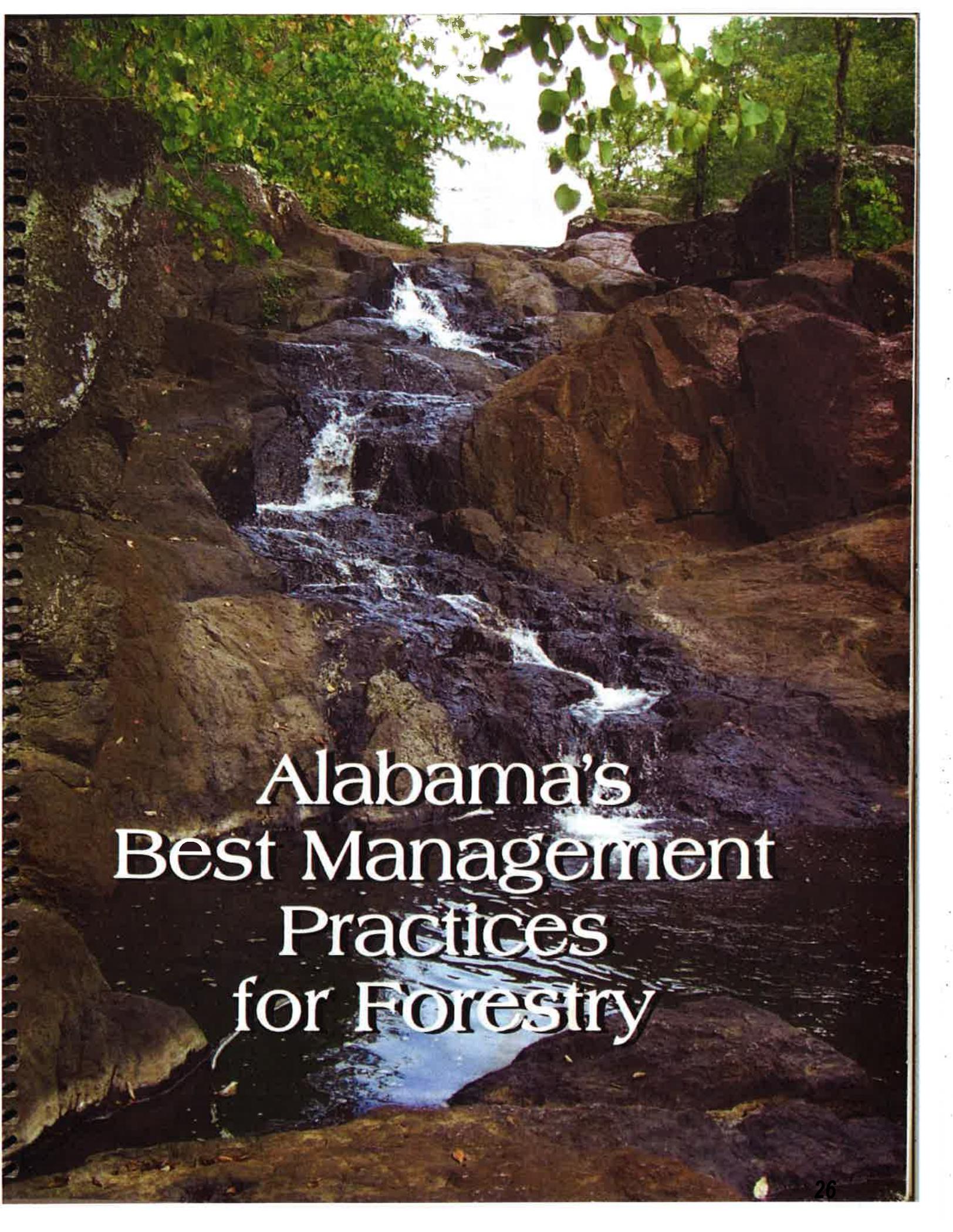
Please refer to file number SAM-2016-00906-JEB in future correspondence, or if you have any questions concerning this matter, you may call Mr. Eric Buckelew at (251) 690-3184.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sheri M. Zettle', with a long horizontal flourish extending to the right.

Sheri M. Zettle, P.G.
Chief, South Alabama Branch
Regulatory Division

Enclosures



Alabama's
Best Management
Practices
for Forestry

2. STREAM CROSSINGS



The crossing of streams by roads, skid trails, or firebreaks should be avoided. Stream crossings cause a break in the canopy and filtration strip provided by an SMZ. It may take a large amount of time and effort to stabilize water quality impairment from excessive stream crossings. If stream crossings are unavoidable, use the fewest number, cross the stream/SMZ by the least disruptive manner possible, and control sediment and other pollutants.

In general, stream crossings should be located where the bank and SMZ will be least disturbed. They should be installed at right angles to the stream where the stream channel is straight, and should have gentle slopes and straight paths in and out of the SMZ. Water diversions should divert upland runoff so that sediment and other pollutants can be filtered out on the forest floor before reaching the stream. At no time should a perennial or intermittent stream be crossed without providing a way for normal passage of water or aquatic animals within the channel. **Follow mandatory federal BMPs listed on pages 19 and 20 when roads cross streams or any other wetlands.**

Log crossings involve placing hollow or solid logs into shallow channels. Green and/or small diameter tops, limbs and brush should not be used for this purpose. The surface can be improved by use of secured decking or portable logging mats; do not use fill dirt. All log crossings must be removed when the logging operation is complete.

Fords can be used where the stream bed is firm, banks are low and stream is shallow. Banks should be back bladed away from water and used to improve the approaches. Rock may be brought in to stabilize the approaches and stream bottom.



er must first obtain a 404 permit before proceeding with the change. (Changes of use to farm stock ponds may be exempt under a nationwide Corps of Engineers permit.)

3. Roads and stream crossings are constructed in a wetland without following the mandatory, federal BMPs listed under the wetland road regulations.
4. The area has lain idle for so long that hydrologic modifications are necessary to resume operations. This does not refer to temporary water management techniques such as minor drainage, plowing, bedding and seeding which are exempt, normal silvicultural activities, as long as they don't result in the conversion of wetlands to uplands. However, it does apply to reopening ditches which were once established as permanent wetland drainage structures but have lost their effectiveness for this purpose as they filled in with soil and vegetation.

BMPs for wetlands are not intended to make up for uncontrolled negative impacts on uplands but are part of the overall management of the full landscape to protect water quality.

Streamside management zones should be established and managed around the perimeter of all major drainages and open bodies of water (i.e., main stream courses, oxbow lakes, sloughs) contained within wetlands.

Minor drainage refers to installation of ditches or other water control facilities for temporary dewatering of an area. Minor drainage is considered a normal silvicultural activity in wetlands to temporarily lower the water level and minimize adverse impacts on a wetland site during road construction, timber harvesting and reforestation activities. Minor drainage does not include construction of a canal, dike or any other structure which continuously drains or significantly modifies a wetland or other aquatic area.

Minor drainage is exempt from needing an individual 404 permit if it is part of an ongoing silvicultural operation and does not result in the immediate or gradual conversion of a wetland to an upland or other uses. Artificial drainage must be managed. Once silvicultural activity has been completed the hydrology that existed prior to the activity should be restored by closing drainage channels.

Roads and stream crossings within wetlands and other waters of the U.S. must be constructed and maintained in accordance with the following U.S. Army Corps of Engineer baseline BMPs (from Section 404, Corps of Engineers Permit Requirements, 40 CFR Part 233.22) in order to retain exemption status for the road operation:

1. Permanent roads, temporary access roads and skid trails (all for forestry) in waters of the U.S. shall be held to the minimum feasible number, width, and total length consistent with the purpose of specific silvicultural operations, and local topographic and climatic conditions;
2. All roads, temporary or permanent, shall be located sufficiently far from streams or other water bodies (except for portions of such roads which must cross water bodies) to minimize discharges of dredged or fill material into waters of the U.S.;
3. The road fill shall be bridged, culverted or otherwise designed to prevent the restriction of expected flood flows;
4. The fill shall be properly stabilized and maintained during and following construction to prevent erosion;
5. Discharges of dredged or fill material into waters of the U.S. to construct a road fill shall be made in a manner that minimizes the encroachment of trucks, tractors, bulldozers, or other heavy equipment within waters of the U.S. (including adjacent wetlands) that lie outside the lateral boundaries of the fill itself;
6. In designing, constructing and maintaining roads, vegetative disturbance in the waters of the U.S. shall be kept to a minimum;
7. The design, construction and maintenance of the road crossing shall not disrupt the migration or other movement of those species of aquatic life inhabiting the water body;
8. Borrow material shall be taken from upland sources whenever feasible;

2. It is part of an established (i.e. ongoing) silvicultural, farming or ranching operation and not a new use to which the wetland was not previously subject; and
3. It uses "normal" silvicultural, farming or ranching activities which are in compliance with federal BMPs (listed under "Roads and Stream Crossings . . ." on, pages 19 and 20); and
4. It has not lain idle for so long that hydrological modifications will be necessary to resume operations; and
5. It does not contain any toxic pollutant listed under Section 307 of the Clean Water Act.

What is an established silvicultural operation?

Established or ongoing operations are included in a management system (not necessarily written) which is planned over conventional rotation cycles for a property or are introduced as part of an ongoing operation.

Evidence of use of the property may be used to determine whether an operation is ongoing. Such evidence includes the following:

1) a history of harvesting with either natural or artificial regeneration; 2) a history of fire, insect, and disease control to protect the maturing timber; and 3) the presence of stumps, logging roads, landings, or other indications of established silvicultural operations that will continue on the site.

While past management may have been relatively non-intensive, intensification of management involving artificial regeneration and other practices can occur as part of a conventional rotation and be considered an established operation.

Although wetland regulations do not require a written forest management plan, it is in a landowner's best interest to have one to document that operations are established, that BMPs are implemented and effective, and that all activities are consistent with other Section 404 exemption criteria.

A change in ownership between landowners (both of which manage forested wetlands for silvicultural purposes) has no bearing on whether a forestry operation is part of an established ongoing activity. Continuation or strict adherence to a management plan written for the previous owner is not required by Section 404 silvicultural exemptions.

"Normal" silvicultural activities (such as road construction, timber harvesting, mechanical or chemical site preparation, reforestation, timber

stand improvement, and minor drainage) conducted as part of established ongoing silvicultural operations are exempt from Section 404 Corps of Engineers permit requirements as long as the appropriate measures are implemented. Those measures are listed under "Roads and Stream Crossings. . ." on pages 19-20. *Alabama's Best Management Practices for Forestry* are not required for exemption from Section 404 Corps of Engineer permit requirements; they are, however, strongly recommended to minimize nonpoint source pollution of waters of the state and/or waters of the U.S.

A forestry activity or operation WILL require a 404 permit from the Corps of Engineers when the following applies:

1. The activity results in the immediate or gradual conversion of a wetland to an upland as a consequence of altering the flow and circulation or reducing the reach of waters of the U.S.

Changes in flow, circulation or reach of waters can be affected by permanent major drainage such as channelization or by placement of fill material. A discharge which changes the bottom elevation of waters of the U.S., without converting it to dry land, does not reduce the reach of waters but may alter flow or circulation and therefore may be subject to permitting requirements.

The criteria that are used to determine if a wetland has been converted include a change in hydrology, soils and vegetation to such an extent that the area no longer qualifies as a jurisdictional wetland according to the *Federal Manual for Delineating Jurisdictional Wetlands*.

2. A new activity results in a change from the past, historical use of the wetland into a different use to which it was not previously subject where the flow or circulation of waters is impaired or the reach of the water is reduced. Such a change does not meet the established, ongoing requirement and causes the activity or operation to lose its exemption.

Examples of this situation are areas where tree harvesting has been the established use and the landowner wishes to convert the site for use as pasture, green tree reservoir, agriculture, real estate or aquaculture. In such cases the landown-



Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

August 4, 2016

Alabama Forestry Commission
C/O The State Forester
P.O. Box 302550
Montgomery, AL 36130

RE: City of Daphne Forest Management Plan – Park Drive Tract – Sec. 7 & 8, T5S, R2E, Baldwin County, Alabama

Dear Sir:

Please find attached the City of Daphne's Forest Management Plan for the above referenced tract of land. The City has owned this 120 +/- acres (four contiguous parcels) for some time with the intent of developing part of the land for active recreation facilities. Approximately 70 acres are to be developed and the remaining 50 acres are to be preserved for passive recreation: walking trails, green space, etc... In the process of due diligence in the design of the 70 acres to be developed the City contracted with a Forester, Southeastern Natural Resources, Inc., to advise us on the best way to manage all Forestry resources on the site.

The attached plan involves only the 50 acres not to be disturbed by development that is to be preserved for possible future passive recreation. This area has been harvested for timber in the past and now has mature trees 25-30 year of age. His guidance to date has been to selectively cut the understory and encroaching plant species effectively opening up the forest floor and provide an opportunity for the established trees to healthily mature and develop robust canopies. From the start of the planning process, it has always been the intention of the City for these 50 acres to remain undisturbed by development and be preserved for future passive recreation.

By action of the City Council and Authorization of the Mayor (Resolution 2016-53) the City entered into a silviculture agreement and contract with our selected Forester and Timber Contractor. It is the intent for the City to continue the relationship with our Forester to manage this undisturbed by development tract at the highest possible level for future passive recreation. During this process the United States Army Corps of Engineers (USACE) has challenge the Clean Water Act 404 silviculture exemption concerning a minor wetland crossing at the south side of the 50 acre tract. The Forester and Timber Contractor has assured the City that they have followed the guidelines published in Alabama's Best Management Practices for Forestry and our Forester is not in agreement with the USACE interpretation of the exemption. The USACE has

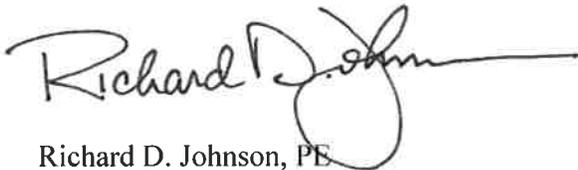
Public Works Department
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3182 Fax: (251) 621-3189

challenged the exemption based on the lack of a Forest Management Plan on file with the Alabama Forestry Commission. This submittal should address that concern.

It is troubling that the USACE is of the opinion that the exemption cannot be applied if no plan is on file. I personally am a family member/owner of a large tract of land in Covington County, Alabama, which has been under silvaculture for the past 25 years. We have conducted select cutting/harvesting with minor wetland impacts and have never filed a plan with your office. We conducted this silvaculture without a plan on file because there is no explicit requirement for such in CFR 343.4. Clarification and guidance is needed. The silvaculture exemption should be applicable to the City in the forestry management of this undisturbed by development tract of land.

If you have any questions or concerns, do not hesitate to contact me or our Registered Forester.

Yours,

A handwritten signature in black ink that reads "Richard D. Johnson". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Richard D. Johnson, PE
Public Works Director

Cc: Mayor
Councilman Robin LeJeune, Parks & Recreation Committee
Director of Parks and Recreation
Environmental Programs Manager
Volkert – Program Manager
Southeastern Natural Resources, Inc.
File

**CITY OF DAPHNE
FOREST MANAGEMENT PLAN**

**PARK DRIVE TRACT
SEC. 7 & 8, T5S, R2E
BALDWIN COUNTY, ALABAMA**

Prepared For:

**Mr. Richard Johnson
Public Works Director
26435 Public Works Road
Daphne, Alabama 36526**

Prepared By:

**Arthur C. Dyas, Ala. R. F. #852, ACF
Southeastern Natural Resources, Inc.
P. O. Box 650
Montrose, Alabama 36559**

SOUTHEASTERN NATURAL RESOURCES, INC.

RURAL LAND BROKERAGE
TIMBER MANAGEMENT

ARTHUR C. DYAS, ACF, RF, MBA
REGISTERED FORESTER
ALABAMA REAL ESTATE BROKER

28311 N. MAIN STREET, STE. B-103
DAPHNE, ALABAMA 36526

MAILING ADDRESS:
P.O BOX 650
MONTROSE, ALABAMA 36559
(251) 331-4017 (c)
Email: adyas@msn.com

August 4, 2016

Mr. Richard Johnson
Director of Public Works
City of Daphne
26435 Public Works Road
Daphne, Alabama 36526

RE: Forest Management Plan – Park Drive Recreational Site

Dear Mr. Johnson:

This report is a Forest Management Plan (FMP) for a portion of the new recreational park south of Park Drive for the City of Daphne. As you know, approximately half of the 116 acre tract will be used for active recreation and the balance of the acreage will be used for passive recreation as well as for environmental education purposes. The 55+/- acre parcel is comprised of upland pine-hardwood sites and wetland creek bottoms, which will be managed under the guidance of this FMP.

It is not uncommon for municipalities to incorporate forested acreages into their overall land use plans. The City of Mobile has a working forest/longleaf ecosystem next to the botanical gardens at Municipal Park. The City of Fairhope has an old growth longleaf park at Knoll Park near the Fairhope pier. Both of these examples are managed with the use of fire and invasive plant eradication methods. These sites are also used for educational purposes.

GENERAL DISCUSSION

There are those who believe that silviculture is limited to the planting and harvesting of trees. In the text book *The Practice of Silviculture*, “silviculture is defined as the art of producing and tending a forest; the application of the knowledge of silvics in the treatment of a forest; the theory and practice of controlling forest establishment, composition and growth.” This definition includes all aspects of maintaining a forest, including prescribed burning, woody vegetation control, invasive species eradication, and timber harvesting to name a few. Silvicultural exemptions were designed to aid in accomplishing forest stand management. Silviculture is not limited to planting and harvesting trees. There are many acres of natural forests in the southeast. These forest were established using natural regeneration, exactly as was the timbered acreage at the Daphne park.

The ability to utilize a substantial portion of the 116 acres as a working forest and educational tool will provide an excellent public benefit. The upland/wetland interface should be highlighted.

The non-wetland areas have been thinned within the last two weeks. Brush and pre-merchantable stems have been removed as well as a large portion of the hill hardwood. The open aspects of these wooded sites are now again similar to the way these areas looked when fire was sculpting the forest of the southeast U. S.

Included with this report are current timber stand conditions, a timber stand map with the wetlands delineated and future forest management recommendations.

TIMBER STAND CONDITIONS

Stand 1: This acreage is comprised of mature pine timber. There are three pine species represented here, longleaf, slash and loblolly pine. This stand can be burned to reduce fuel loads and to help eliminate the woody vegetation. An understory herbicide treatment during the summer of 2017 will also reduce sprouting of undesirable vegetation. Invasive species should be treated once annually. These include Chinese Tallow Tree, privet, cogongrass and Camphor trees.

Stand 2: Stand 2 is comprised of mixed pine and hardwood. An understory herbicide treatment should be conducted during the summer of 2017. Invasive plants should be treated annually.

Stand 3: This stand is also comprised of pine and upland hardwood. There were numerous invasive species within this stand. Sprouting of invasives and other woody vegetation can be controlled with herbicides during the summer of 2017.

Stand 4: Stand 4 is a portion of the dirt pit which is located on this tract. There are a number of volunteer loblolly pine with this site, however, these trees will struggle due to there being no top soil in this area. Stand 4 should be left in its current condition at this time.

Stand 5: Stand 5 is comprised of the wetlands within the timbered acreage. This stand includes many wetland species, including slash pine, yellow poplar, sweetgum, blackgum and numerous shrub species. Many of the wetland species are encroaching onto the adjacent upland sites due to the lack of fire for many years. Generally, the wetlands do not burn during a prescribed fire, however, the wetland shrubs are eliminated from the upland sites. The invasive plants in stand 5 should be treated annually, especially the privet and tallow trees.

All stands should be assessed for timber harvesting needs in approximately 8 to 10 years.

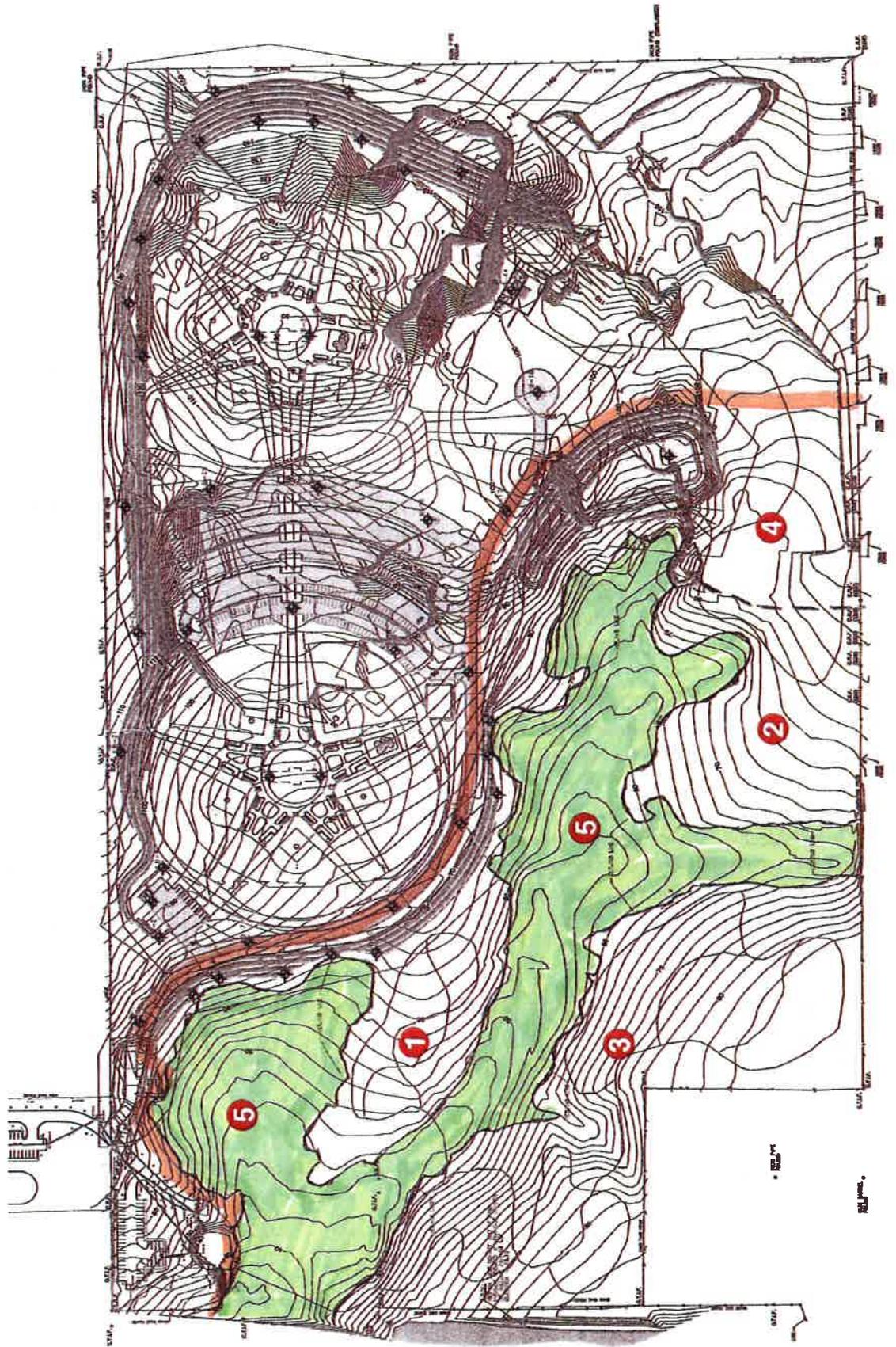
I trust that this forest management plan meets your needs at this time. If you have any questions, please contact me.

Sincerely,



Arthur C. Dyas
Ala. R. F. #852, ACF

**CITY OF DAPHNE
TIMBER STAND MAP
PARK DRIVE TRACT**



Viewer Map



August 4, 2016

- Misc
- Parcels
- Lot Lines
- County Boundary

1:4,514



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand),

Resolution 2016-53

Approval of a Timber Sales Agreement with Mobile Forest Products, Inc., Daphne Sports Complex

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for certain recreational grounds capital Items; and

WHEREAS, the City of Daphne has selected three design firms and three locations for new recreation facilities to be constructed within the City; and

WHEREAS, the firm of Hutchinson, Moore & Rauch, LLC and Lose and Associates have been contracted to design the new recreational facilities located on the City's Park City Property known as Daphne Sports Complex; and

WHEREAS, during the design process Hutchinson, Moore & Rauch, LLC and Lose and Associates have determined that there is value in the timber and forest products located on the property that will be required to be cleared prior to construction; and

WHEREAS, by having the extents of construction of Daphne Sports Complex cleared prior to projecting bidding will lower construction costs and expedite the project timeline; and

WHEREAS, Southeastern Natural Resources, Inc. (Art Dyas), Forestry Product Broker, has evaluated the property and determined that the brush (woody vegetation) can be removed at no cost to City and the Timber can be harvested and sold at fair market value; and

WHEREAS, Southeastern Natural Resources, Inc. (Art Dyas) has match the City with Mobile Forest Products, Inc. as the harvester/buyer for the timber and forest products located on the property; and

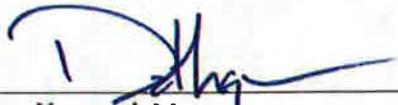
WHEREAS, any net proceeds from the sale of timber for the property can be applied to the project construction;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Daphne that:

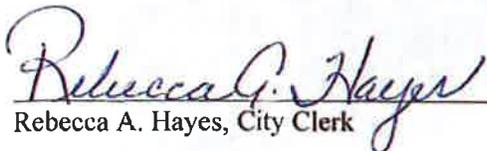
- 1.) Southeastern Natural Resources, Inc. (Art Dyas) shall work with City Personnel and Design Professionals to identify and determine the timber and forest products to be harvested; and
- 2.) Authorize the Mayor to enter into the attached Sales Agreement with Mobile Forest Products, Inc., and execute any other documents required for the harvesting and sale of timber and forest products located on the property; and
- 3.) That all net proceeds from the sale of timber for the property be applied to the project construction.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 21ST DAY OF JULY, 2016.

ATTEST:



Dane Haygood, Mayor



Rebecca A. Hayes, City Clerk



0 2,640 5,280

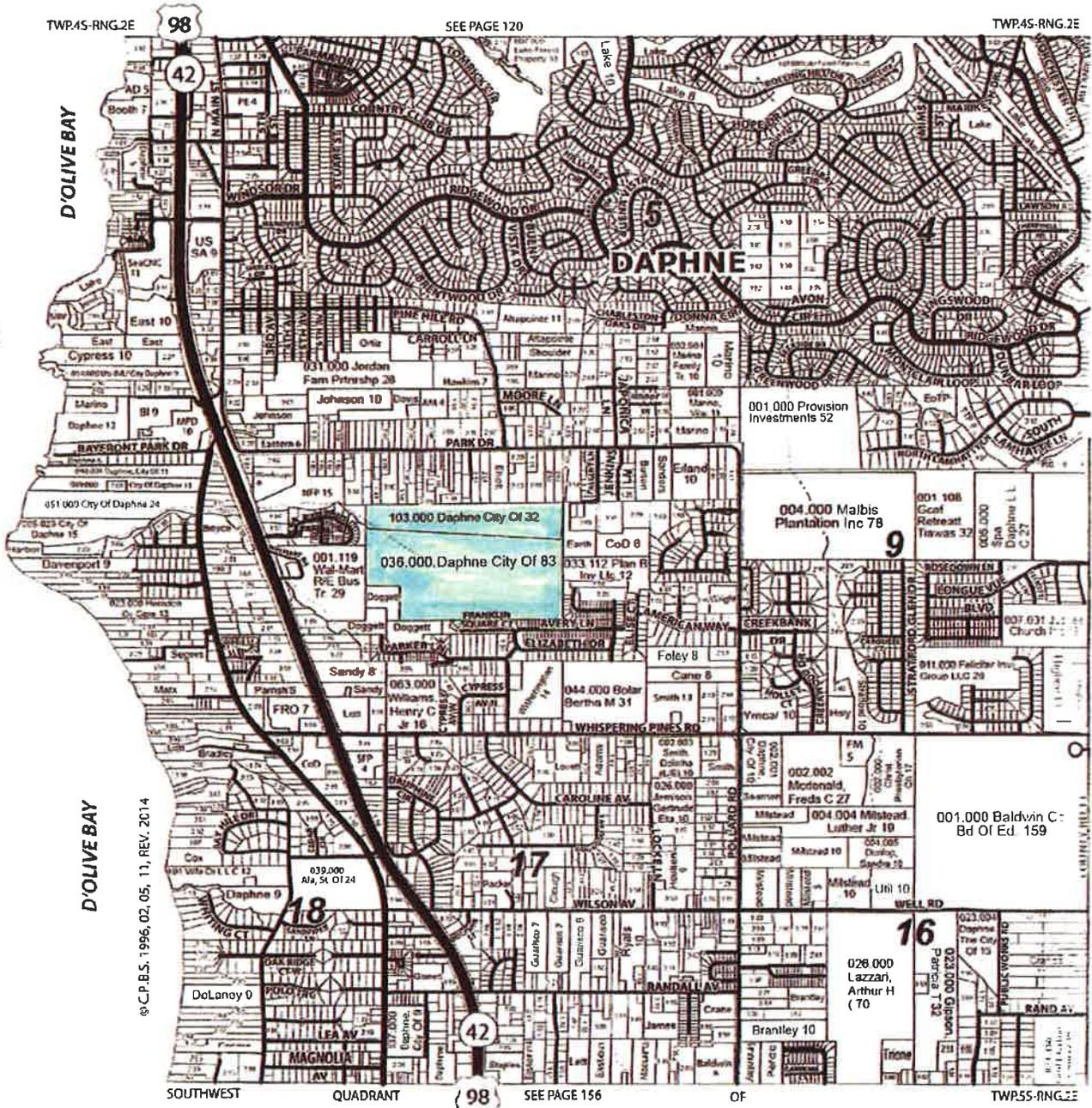
EXHIBIT A

TWP.4S-RNG.2E

98

SEE PAGE 120

TWP.4S-RNG.2E



© C.P.B.S. 1996, 02, 05, 11, REV. 2014

SOUTHWEST

QUADRANT

98

SEE PAGE 156

OF

TWP.5S-RNG.2E

