

RESOLUTION NO. 23-08

**A RESOLUTION CONCERNING THE SITE MANAGER AT THE TURKEY
CREEK NATURE PRESERVE**

WHEREAS, for more than a decade, the City Council of the City of Pinson, Alabama has supported the Turkey Creek Nature Preserve (the “Preserve”), an area that is open to the public and frequently used for recreational and educational purposes by the citizens of the City;

WHEREAS, during that period, Birmingham-Southern College (“BSC”), through its Southern Environmental Center, has employed a site manager that is responsible for the maintenance and management of the Preserve, keeping the Preserve and its many benefits open and accessible to the general public;

WHEREAS, during that period, the City Council has financially supported these efforts through the contribution of funding to support the site manager’s work at the Preserve;

WHEREAS, during 2022, the City contributed \$20,000 per year in such financial support;

WHEREAS, in addition to the foregoing, the City and BSC are parties to a *Ground Lease and Agreement Regarding Turkey Creek Nature Preserve*, dated October 15, 2020, (the “Ground Lease”) which provides for the City’s lease of certain property and improvements at the Preserve (which includes the Environmental Education Center, the Seely House, and the new Pavilion) to BSC;

WHEREAS, Birmingham-Southern College is transferring its operations at the Preserve to the Ruffner Mountain Nature Coalition (“Ruffner”);

WHEREAS, Ruffner plans to continue BSC's good work, by retaining a site manager that is responsible for the maintenance and management of the Preserve;

WHEREAS, the City Council desires to continue the contribution of \$20,000 per year to help make the site manager's activities possible;

WHEREAS, the site manager's work at the Preserve has conferred and continues to confer a public benefit upon the residents of the City, and the City wishes to ensure that the site manager's work at the Preserve will continue to provide such public benefits of an educational, cultural, and recreational character to the residents of the City;

WHEREAS, Ruffner and BSC also request that the City allow BSC to assign its rights and duties under the Ground Lease to Ruffner, so that Ruffner may "step into BSC's shoes" as the lessee of the City's property at the Preserve set forth in the Ground Lease;

WHEREAS, the City Council desires to permit BSC to assign its rights and duties under the Ground Lease to Ruffner; and

WHEREAS, the City Council expects that Ruffner's work at the leased property at the Preserve will confer public benefits of an educational, cultural, and recreational character to all of the residents of the City.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PINSON, ALABAMA while in regular session on March 16, 2023 at 7:00 p.m. as follows:

1. The City's \$20,000 payment to BSC in 2022 is hereby recognized and ratified by the City Council as a valuable and appropriate transfer supported by the public purposes and benefits stated in this Resolution.

2. The Mayor is hereby authorized and directed, for and on behalf of the City, to enter into the *Site Manager Agreement Concerning the Turkey Creek Nature Preserve* with Ruffner that is appended to this Resolution as Attachment A (or in substantially the same form).

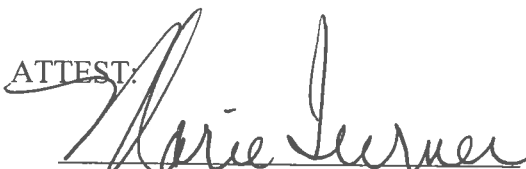
3. The Mayor is hereby authorized and directed, for and on behalf of the City, to enter into the *Assignment of Ground Lease and Agreement Regarding Turkey Creek Nature Preserve* with Ruffner and BSC that is appended to this Resolution as Attachment B (on in substantially the same form).

4. The Mayor is further authorized to carry out the terms of such contract(s) as soon as may be practicable, and to execute such other and additional documents that may be necessary and/or required in order to facilitate the transactions described herein.

ADOPTED this the 16th day of March, 2023.



JOE COCHRAN, MAYOR

ATTEST:


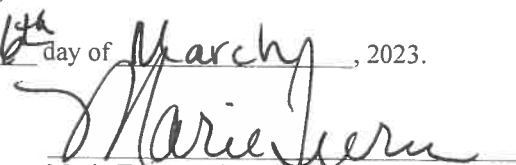
MARIE TURNER, CITY CLERK/TREASURER

CERTIFICATION OF CITY CLERK/TREASURER

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Marie Turner, City Clerk/Treasurer of the City of Pinson, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Pinson, Alabama, on the 16th day of Mar, 2023.

Witness my hand and seal of office this 16th day of March, 2023.



Marie Turner, City Clerk/Treasurer