

RESOLUTION NUMBER 2025- 22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRINITY, ALABAMA ("COUNCIL") CALLING FOR THE CREATION AND RECORDING OF A RESTRICTIVE COVENANT LIMITING THE USE OF THE PARCEL OF REAL PROPERTY OWNED BY THE TOWN OF TRINITY AND KNOWN AS GARTH KIMBREL MEMORIAL PARK TO USE AS A PUBLIC PARK FOR PUBLIC OUTDOOR RECREATION USES AS REQUIRED BY CERTAIN REGULATIONS

WHEREAS, the Town Council of the Town of Trinity, Alabama ("the Town"), owns a certain parcel of real property situated within its municipal limits and which is known as Garth Kimbrel Memorial Park ("the Park") and which is more particularly described on "Exhibit A," which is annexed hereto and made a part hereof by reference to the same, as is the survey, "Exhibit B," which is attached hereto and made a part hereof by reference to the same; and

WHEREAS, funding for improvements of the Park have been obtained through grants currently administered by the Alabama Department of Economic and Community Affairs ("ADECA"), specifically, through Alabama LWCP Project Nos. 01-00061 and 01-01100; and

WHEREAS, as a specific condition of such funding, and likely any future funding for improvements at the Park through ADECA administered grants, there must be an official obligation imposed on the Town whereby use of the Park is restricted to public outdoor recreation uses only; and

WHEREAS, the Park property was acquired by the Town of Trinity through eminent domain proceedings in the Morgan County Probate Court, with a final judgment being entered which vested title in the Park property in the Town in 1968 and, therefore, there is no deed in which the required use restrictions could have been included.

NOW, THEREFORE, be it resolved by the Town Council of the of Trinity, Alabama, as follows:

1. The Town Attorney shall prepare a restrictive covenant whereby the Town, as owner of the Park, provides that use of the Park shall be restricted to public outdoor recreation uses only so long as required by ADECA, the U. S. Government or any other governmental entity or agency with the authority to require such restrictions pursuant to Alabama Land and Water Conservation Fund ("LWCF") Project Nos. 01-00061 and 01-01100, or by any successor project or grant which may require such restrictions.
2. The Mayor is hereby authorized and directed to execute the aforesaid restrictive covenant and the Clerk shall attest to such execution and cause the covenant to be recorded in the records of the Probate Judge of Morgan County, Alabama.

3. This resolution shall be effective immediately upon its adoption by the Town Council.

RESOLVED this 11th day of August 2025.

APPROVED BY:

Vaughn Goodwin
Vaughn Goodwin, Mayor

ATTEST:

(SEAL)

Ashley C. Patterson
Ashley C. Patterson, CMC
Trinity Town Clerk

LWM/zip0425/trinity resolution.parkcovenants
T108-25M

Ashley C. Patterson
Notary Public, Alabama State at Large
My Commission Expires September 20, 2028

EXHIBIT "A"

**GARTH KIMBREL PARK
TRINITY, ALABAMA**

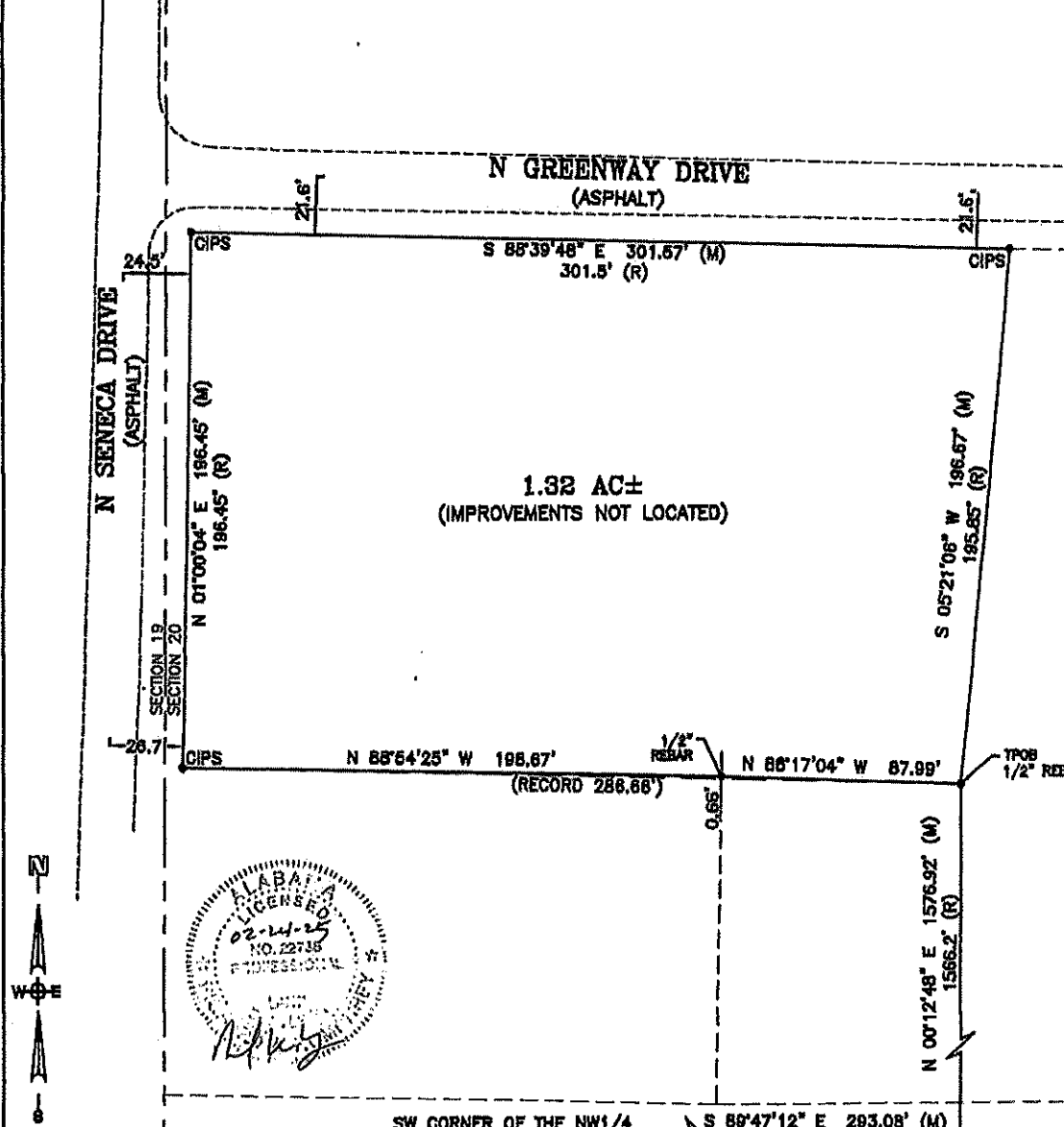
A PORTION OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 5 WEST, TRINITY, MORGAN COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20, THENCE SOUTH 89 DEGREES 47 MINUTES 12 SECONDS EAST (ALABAMA STATE PLANE GRID, WEST ZONE [NAD83]) A DISTANCE OF 293.08 FEET TO A POINT;
THENCE NORTH 00 DEGREES 12 MINUTES 48 SECONDS EAST A DISTANCE OF 1576.92 FEET TO A 1/2 INCH REBAR, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE TRUE POINT OF BEGINNING NORTH 88 DEGREES 17 MINUTES 04 SECONDS WEST A DISTANCE OF 87.99 FEET TO A 1/2 INCH REBAR;
THENCE NORTH 88 DEGREES 54 MINUTES 25 SECONDS WEST A DISTANCE OF 198.67 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS");
THENCE NORTH 01 DEGREES 00 MINUTES 04 SECONDS EAST A DISTANCE OF 196.45 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS");
THENCE SOUTH 88 DEGREES 39 MINUTES 48 SECONDS EAST A DISTANCE OF 301.57 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS");
THENCE SOUTH 05 DEGREES 21 MINUTES 06 SECONDS WEST A DISTANCE OF 196.67 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 1.32 ACRES MORE OR LESS

EXHIBIT "B"



Scale 1" = 50'



GENERAL NOTES

1. NORTH REFERENCE IS ALABAMA STATE COORDINATE GRID--WEST ZONE (NAD1983) AS DETERMINED BY GNSS OBSERVATIONS.
2. ALL MEASUREMENTS SHOWN ARE TO U.S. STANDARDS AND ARE FIELD MEASUREMENTS UNLESS OTHERWISE SHOWN
3. SOURCE OF INFORMATION USED FOR SURVEY:
BOOK 137, PAGE 297; DB 2022, PG 6077; DB 2008, PG 4452
4. NO ENCROACHMENTS WERE FOUND ABOVE GROUND EXCEPT AS SHOWN
5. NO SEARCH OF PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM TO DETERMINE IF ANY DEFECTS AND/OR AMBIGUITIES EXIST IN THE TITLE.
6. THERE WAS NO FIELD LOCATION ATTEMPTED TO DETERMINE THE EXTENT OF SUBSURFACE STRUCTURES
7. UNLESS STATED OTHERWISE, GOVERNMENTAL JURISDICTIONAL AREAS OR NEGATIVE EASEMENT, IF ANY, WHICH MIGHT AFFECT THE USE OF THIS PROPERTY WERE NOT LOCATED. THE UNDERSIGNED ASSUMES NO LIABILITY FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY GOVERNMENTAL JURISDICTION AFFECTING THE USE OF THIS PROPERTY.
8. FIELD WORK WAS COMPLETED ON FEBRUARY 24, 2025.

BOUNDARY SURVEY -- TOWN OF TRINITY -- KIMBRELL PARK, N. SENECA DRIVE

DRAWING DATE: 02/14/2025 | DRAWN BY: RWH | APPROVED BY: RWH | JOB No. S-21-25 | SCALE: 1"=50' | PAGE 2 OF 2

STATE OF ALABAMA)

COUNTY OF MORGAN)

RESTRICTIVE COVENANT

WHEREAS, the Town of Trinity, Alabama, a municipal corporation, is the sole owner of a certain parcel of real property situated within the municipal limits of said Town, which said property is commonly known as Garth Kimbrel Memorial Park, which has the Morgan County Tax Assessors assigned Tax Parcel Number 02-04-20-0-003-001.000, and which is more particularly described on "Exhibit A," which is annexed hereto and made part hereof by reference to the same as is the survey, "Exhibit B," which is attached hereto and made a part hereof by reference to the same; and

WHEREAS, the Town Council of the Town of Trinity, Alabama, to comply with certain grant obligations, including Alabama LWCF Project Nos. 01-00061 and 01-01100 (24-LW-1100), must restrict use of the real property to that of a public park and must legally bind itself to do so.

NOW, THEREFORE, the Town Council of the Town of Trinity, Alabama does hereby adopt the following conditions, restrictions, covenants and limitations, which shall apply to the above-described real property in its entirety:

1. Use of the above-described real property shall be limited to those uses which are commonly, and reasonably, attendant to the use of land for public outdoor recreation uses, and considered for public outdoor recreation uses, and no others.
2. This property has been acquired or developed with Federal financial assistance identified in Alabama LWCF Project Nos. 01-00061 and 01-01100 provided by the National Park Service of the U. S. Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, (Public Law 88-578; currently codified at 54 U.S.C. § 2003 et. Seq.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and/or reasonably equivalent usefulness and location.
3. This covenant shall run with the title to the land and shall be binding on the Town of Trinity, Alabama, its successors and assigns, and all persons or entities claiming under the Town of Trinity, for so long as required by the terms and conditions of the aforesaid Alabama LWCF Project Nos. 01-00061 and 01-01100, the Alabama Department of Economic and Community Affairs, the U. S. Government, or any other governmental entity or agency with the authority to require such restrictions to continue in place with regard to the above said project number, or by any successor or subsequent project or grant, which may require such restrictions. Only

upon the recording of an official document releasing the Town of Trinity from any such restrictions shall this covenant be cancelled or terminated.

DONE this 11th day of August, 2025.

Vaughn Goodwin
Vaughn Goodwin, Mayor

ATTEST:

(SEAL)

Ashley C. Patterson
Ashley C. Patterson, Town Clerk

LWM/zip0425/trinity.park.covenants

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Notary Public, Alabama State at Large
My Commission Expires September 20, 2028

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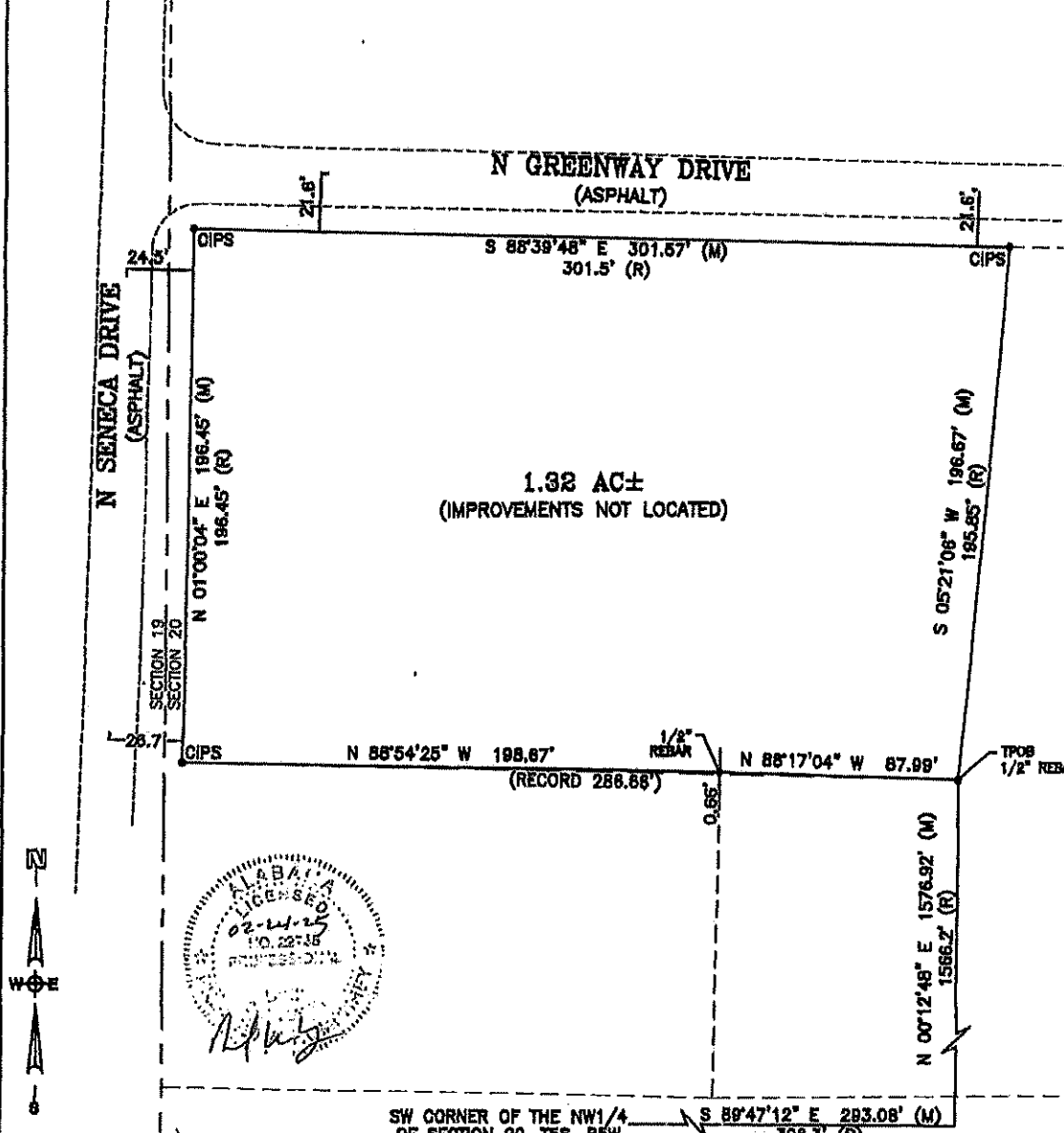
GARTH KIMBREL PARK TRINITY, ALABAMA

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PUGH WRIGHT MCANALLY, INC.