

RESOLUTION NO. _____

A RESOLUTION RATIFYING PUBLICATION OF NOTICE PUBLISHED WITH RESPECT
TO CERTAIN ACTIONS TO BE TAKEN, INCLUDING PARTICIPATION WITH
THE ECONOMIC DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF DOTHAN, ALABAMA
AND DOTHAN NURSERIES, INC. AND AUTHORIZING THE ISSUANCE OF
THE CITY'S 2026 LIMITED OBLIGATION REVENUE WARRANT IN REGARDS THERETO

BE IT RESOLVED BY THE MEMBERS OF THE CITY COMMISSION OF THE CITY OF DOTHAN,
ALABAMA (the "City") as follows:

Section 1. The City has heretofore, upon evidence duly presented to and considered by it, found and determined, and does hereby find and determine and declare that, in order to promote economic development in the City for the general welfare of the citizens of the City, Houston County and the State of Alabama, has received an application for economic assistance from Dothan Nurseries, Inc., an Alabama corporation.

Section 2. The City published a notice in the *Dothan Eagle* on December 18, 2025, in order to inform the public of certain actions the City desires to take to improve and induce economic development in the City for the public good by promoting expansion and retention of business enterprises within the City to increase employment opportunities, to increase tax revenue and to promote and development for the public good and welfare, trade, commerce and industry.

Section 3. The City Clerk, acting on behalf of the City Commission, published a Legal Notice of Public Meeting (the "Amendment 772 Notice") in the *Dothan Eagle*, which notice was at least seven (7) days prior to the next scheduled meeting of the City Commission for the City of Dothan, said Amendment 772 Notice read as follows:

"LEGAL NOTICE
OF A PUBLIC MEETING
AND PUBLIC HEARING
OF
CITY OF DOTHAN, ALABAMA

Regarding Economic Development Action Under Alabama Constitutional Amendment No. 772

Notice was given that the City Commission of the City of Dothan, Alabama (the "City"), will meet in public session and conduct a public hearing at 10:00 a.m. on January 6, 2026, in the Commission Chambers in the Dothan Civic Center, Room 203 located at 126 North St. Andrews Street, Dothan, Alabama 36303, for the purpose of considering the transaction of business that may properly come before the City, such business to include, but not be limited to, the consideration of the proposed payment by the City of up to \$60,000 for all gross sales at the Project Site (hereinafter defined) in excess of \$1,790,000 as an inducement to Dothan Nurseries, Inc., an Alabama corporation (the "Developer"), to construct and equip at an estimated cost of Four Hundred Thousand Dollars (\$400,000.00) a new large covered greenhouse for the retail nursery and garden facility known as "Dothan Nurseries" (the "Project"), which is located at 1300 Montgomery Highway, Dothan, Alabama 36303 (the "Project Site").

The City will enter into an Economic Development Agreement (the "Development Agreement") between the City and the Developer pursuant to Amendment No. 772 to the Constitution of Alabama of 1901, as amended, and the payment by the City to the Developer, which will be an amount not to exceed \$60,000 over a period of ten years, will be administered by the City and will be paid to the Developer incrementally for all gross sales at the Project Site in excess of \$1,790,000 from two percent (2.0%) of the four percent (4.0%) sales tax revenue levied, collected and received by the City on retail sales derived solely from the operation of Dothan Nurseries.

The City seeks to issue a limited warrant or other form of indebtedness to evidence its obligations and undertakings set forth in the Development Agreement to offer public assistance to promote the local economic, commercial, and industrial development of the City; to promote the expansion and retention of business enterprise within the City; to increase employment in the City; to promote and develop for the public good and welfare additional trade, commerce, industry, and employment opportunities in the City; to increase the tax and revenue base of the City and to promote the general welfare, convenience, order, and prosperity of the citizens of the City, Houston County and the State of Alabama. The economic growth and anticipated increase in new employment, tax revenues and other benefits will directly benefit the City and serve a valid and sufficient public purpose.

The Commission is expected to determine at its public meeting that the issuance of public assistance contemplated in connection with the transactions described above will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to the Company or any other private entity or entities.

All interested persons may examine and review the Development Agreement and all relevant documents and make copies thereof at their personal expense at the offices of the City Clerk of the City at the Dothan Civic Center, Room 213, 126 North St. Andrews Street, Dothan, Alabama 36303, during normal business hours, before and after the meeting of the City Commission referenced herein. Further information concerning the information in this notice can be obtained from the City Clerk at the City Clerk's office, Dothan Civic Center, Room 213, 126 North St. Andrews Street, in Dothan, Alabama 36303, during normal business hours."

Section 4. A public meeting was held on January 6, 2026, in accordance with the above-published notice, and the public was given an opportunity to offer comment or objection.

Section 5. The City proposes to enter into an Economic Development Agreement with Dothan Nurseries, Inc., an Alabama corporation (the "Developer") to induce the Developer to construct and equip at an estimated cost of Four Hundred Thousand Dollars (\$400,000.00) a new large covered greenhouse on the retail nursery and garden facility site known as "Dothan Nurseries" and which is located at 1300 Montgomery Highway, Dothan, Alabama 36303 (the "Project Site"), said Economic Development Agreement to be dated the date of delivery to the Developer, pursuant to Amendment No. 772 to the Constitution of Alabama 1901, as amended ("Amendment 772"), as a limited obligation of the City to provide for annual payments by the City of up to a maximum principal amount of \$60,000, payable for all gross sales at the Project Site in excess of \$1,790,000 solely from two percent (2.0%) (the "Pledged Revenues") of the four percent (4.0%) sales tax revenue levied, collected and received by the City on retail sales derived solely from the operation of Dothan Nurseries where the proposed greenhouse is to be installed on the Project Site. The City shall issue its 2026 Limited Obligation Revenue Warrant evidencing the City's limited obligation to pay up to \$60,000 to the Developer.

Section 6. The 2026 Limited Obligation Revenue Warrant of the City shall be in substantially the following form with appropriate insertions, omissions or revisions to comply with the provisions hereof to accurately reflect the correct date and other information to complete the 2026 Limited Obligation Revenue Warrant:

THIS WARRANT HAS NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933 OR ANY STATE SECURITIES LAW (OR ANY SUCH SIMILAR SUBSEQUENT LEGISLATION). THIS WARRANT MAY BE TRANSFERRED ONLY IN ACCORDANCE WITH THE PROVISIONS HEREOF.

[THIS WARRANT DOES NOT BEAR INTEREST]

UNITED STATES OF AMERICA

STATE OF ALABAMA

CITY OF DOTHAN, ALABAMA

2026 LIMITED OBLIGATION REVENUE WARRANT

No. R-1	\$60,000.00
<u>Issuance Date</u>	<u>Maturity</u>
January 6, 2026	December 1, 2035 Subject to the terms of the Economic Development Agreement

The City of Dothan, Alabama, a municipal corporation organized under the laws of the State of Alabama (the "City"), for value received, hereby acknowledges itself indebted, pursuant to the terms of that certain Economic Development Agreement (the "Economic Development Agreement"), dated of even date herewith, by and between the City and Dothan Nurseries, Inc., an Alabama corporation (the "Company"), and to the limited extent hereinafter specified, promises to pay to the Company up to a maximum principal sum of

SIXTY THOUSAND DOLLARS

and hereby directs and orders the City Clerk, as custodian of the revenue, after costs of collection, to pay to the Company annually for all gross sales at the Project Site in excess of \$1,790,000 from two percent (2.0%) (the "Pledged Revenues") of the four percent (4.0%) sales tax revenue (none of which is earmarked for education) levied, collected and received by the City and derived solely from the operation of Dothan Nurseries on the Project Site located at 1300 Montgomery Highway, Dothan, Houston County, Alabama 36303, the principal sum so levied, collected, and received by the City for the prior fiscal tax year of the City, without interest, commencing December 1, 2026 or upon any subsequent date to which the City may agree (the "Payment Commencement Date"). Thereafter, as long as the Company is not in default and the Economic Development Agreement has not been terminated, the City shall make annual payments during the Term hereof (as defined in the Economic Development Agreement) until the earlier of (i) the date that the principal amount of this 2026 Limited Obligation Revenue Warrant is paid in full, (ii) the thirtieth day after the date of written notice given by the City to the Company of an event of default by the Company which has not been cured, or (iii) ten years (i.e. - December 1, 2035 - in any such event, the "Termination Date"). Commencing with the first year of the Term (as defined in the Economic Development Agreement) immediately following the year of the Payment Commencement Date, unless the Company is in default, the City shall make payment to the Company on the first day of December of each year during the Term or until the principal amount of this 2026 Limited Obligation Revenue

Warrant is paid in full. The principal hereof shall be payable in lawful money of the United States of America at the principal office of the Company in the City of Dothan, Alabama.

This 2026 Limited Obligation Revenue Warrant is duly authorized and issued in a principal amount not to exceed \$60,000.00 for purposes for which warrants are authorized to be issued by the City, pursuant to a Resolution duly adopted by the Board of Commissioners of the City, the governing body of the City, at its regular meeting duly and legally held on January 6, 2026, to the Economic Development Agreement and to the constitution and laws of the State of Alabama, including particularly the provisions of Amendment 772 to the Constitution of Alabama (1901) (Section 94.01(a)(3) of the Recompiled Constitution of Alabama hereinafter referred to as Amendment No. 772) (the Enabling Law”).

Reference is hereby made to the terms and provisions of the Economic Development Agreement to which all terms and provisions the Company, in acceptance of the 2026 Limited Obligation Revenue Warrant, assents and agrees to be bound.

The indebtedness evidenced by this 2026 Limited Obligation Revenue Warrant is a limited obligation of the City payable solely from the Pledged Revenues and from no other source. The Pledged Revenues are hereby identified by the City as the Warrant Fund from which all payments shall be made, and such amounts levied. Pursuant to the Enabling Law, the City has irrevocably pledged the Pledged Revenues comprising the Warrant Fund for payment of any amounts due under this 2026 Limited Obligation Revenue Warrant. The City, if the Company is not in default and the Economic Development Agreement has not been terminated, will commence payment of the amounts collected from the Pledged Revenues on the Payment Commencement Date and will continue payments thereafter on each Payment Date during the Term until the Termination Date.

It is hereby certified that the amount ordered paid by this 2026 Limited Obligation Revenue Warrant will be lawfully due at its maturity; that this 2026 Limited Obligation Revenue Warrant has been registered as a claim against the Pledged Revenues as hereinabove defined; that all conditions, actions and things required by the Constitution and laws of the State of Alabama to exist, be performed or happen precedent to or in the issuance of this 2026 Limited Obligation Revenue Warrant exist, have been performed, have happened and have been duly complied with; and that the indebtedness evidenced and ordered paid by this 2026 Limited Obligation Revenue Warrant does not constitute an indebtedness of the City for purposes of the City’s debt limit as prescribed in the constitution and laws of the State of Alabama.

The representations and covenants contained in this 2026 Limited Obligation Revenue Warrant, the Economic Development Agreement, or in any of the documents, instruments or certificates authorizing the issuance of the 2026 Limited Obligation Revenue Warrant or executed in connection therewith (collectively, the “Development Documents”) do not constitute a personal or pecuniary liability or charge against the general credit of the City, nor shall the 2026 Limited Obligation Revenue Warrant constitute an obligation of any county or municipal corporation in the State of Alabama. The City shall not be obligated to pay the principal evidenced by the 2026 Limited Obligation Revenue Warrant except with the proceeds of the Pledged Revenues and no other source, and neither the full faith and credit nor the taxing power of any county or municipality in the State of Alabama is pledged to payment of the principal amount evidenced by the 2026 Limited Obligation Revenue Warrant.

The 2026 Limited Obligation Revenue Warrant is issued as a fully registered warrant registered on the books of the City and is personal to the Company and non-transferrable, and the City shall not be bound by or affected by any attempt by the Company to assign the 2026 Limited

Obligation Revenue Warrant. Therefore, the Company is the only person in whose name the 2026 Limited Obligation Revenue Warrant is registered as the owner hereof for the purpose of receiving payment and for all other purposes, whether or not the 2026 Limited Obligation Revenue Warrant is overdue.

No covenant or agreement contained in this 2026 Limited Obligation Revenue Warrant or in any of the Development Documents shall be deemed to be a covenant or agreement of any commissioner, officer, agent or employee of the City, and neither any Member of the Board of Commissioners of the City nor any officer executing this 2026 Limited Obligation Revenue Warrant shall be liable personally on this 2026 Limited Obligation Revenue Warrant or be subject to any personal liability or accountability by reason of the issuance hereof.

Execution by the City Clerk as the Chief Administrative Officer of the City of the registration certificate hereon is essential to the validity hereof.

IN WITNESS WHEREOF, the City has caused this 2026 Limited Obligation Revenue Warrant to be executed in its name by the Mayor, as Chief Executive Officer of the City, has caused its seal to be affixed hereon, has caused the said execution and seal to be attested by its City Clerk, as Chief Administrative Officer, and has caused this 2026 Limited Obligation Revenue Warrant to be dated January 6, 2026.

CITY OF DOTHAN, ALABAMA

By: _____
Mark Saliba, Mayor

ATTEST:

By: _____
Wendy Shiver, City Clerk

[S E A L]

DATE OF REGISTRATION: January 6, 2026

REGISTRATION CERTIFICATE

This 2026 Limited Obligation Revenue Warrant is issued pursuant to the within-mentioned ordinance and is registered as to principal on the books and records of the City of Dothan, Alabama, in the name of Dothan Nurseries, Inc., the sole holder, who shall be deemed the registered owner. The principal on this 2026 Limited Obligation Revenue Warrant shall be payable only to or upon the order of such registered owner.

**Registration As Claim Against
Pledged Revenues (Warrant Fund)**

I hereby certify that this 2026 Limited Obligation Revenue Warrant has been registered by me as a claim against the Pledged Revenues (Warrant Fund) referred to in this warrant.

City Clerk, as Chief Administrative Officer

(NO WRITING SHALL BE MADE ON THIS CERTIFICATE EXCEPT BY THE CITY CLERK AS CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF DOTHAN, ALABAMA, WHO IS THE REGISTRAR FOR THE 2026 LIMITED OBLIGATION REVENUE WARRANT)

DATE OF REGISTRATION	IN WHOSE NAME REGISTERED	SIGNATURE OF AUTHORIZED REGISTRAR
January 6, 2026	Dothan Nurseries, Inc.	

Section 7. There has been prepared for and delivered to the City, and made available for public inspection, an Economic Development Agreement and a form of the proposed City's 2026 Limited Obligation Revenue Warrant with respect to the transactions described in the Amendment 772 Notice and the undertakings by the City in connection therewith (collectively, the "Economic Development Documents").

Section 8. It is necessary, desirable and in the best interests of the taxpayers and citizens of the City for the City to deliver the Economic Development Documents, to issue its 2026 Limited Obligation Revenue Warrant and to perform the agreements and undertakings of the City set forth therein.

Section 9. The City does hereby ratify and confirm the form and content of, and the statements set forth in the Amendment 772 Notice and the publication of the Amendment 772 Notice as set forth in these resolutions above.

Section 10. The City does hereby approve, adopt, authorize, ratify, and confirm the representations, warranties, agreements and covenants of the City set forth in, and the transactions to be undertaken by the City pursuant to the Economic Development Documents.

Section 11. The City does hereby approve, adopt and authorize the issuance of its 2026 Limited Obligation Revenue Warrant evidencing its obligation to pay the sums at the times, in the manner and from the source described in the Economic Development Documents.

Section 12. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Dothan, Alabama, the Economic Development Agreement between the City and Dothan Nurseries, Inc., a copy of which is on file in the office of the City Clerk, whereby the City agrees to pay to Dothan Nurseries, Inc. from the Pledged Revenues (as defined in the Economic Development Agreement) a portion of the sales tax revenue derived solely from the Project Site (at the times and in the manner described in the Economic Development Agreement), in order to promote economic development in the City which will improve the general welfare of the citizens of the City, Houston County and the State of Alabama.

Section 13. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City, the City's 2026 Limited Obligation Revenue Warrant, a copy of which is on file in the office of the City Clerk, in order to evidence its obligation under the Economic Development Agreement, as set forth in Section 12 above.

Res. No. _____, authorizing the issuance of the City's 2026 Limited Obligation Revenue Warrant, in regards to the participation with the Economic Development Agreement by and between the City of Dothan, Alabama and Dothan Nurseries, Inc., continued.

Section 14. The Mayor is hereby authorized to take such further action as he deems necessary to effect the transactions contemplated in these Resolutions, and the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City any other instruments or documents which the Mayor deems necessary to effect the transactions contemplated in these Resolutions.

PASSED, ADOPTED AND APPROVED on _____.

Mayor

ATTEST:

Associate Commissioner District 1

By: _____
Wendy Shiver,
City Clerk

Associate Commissioner District 2

Associate Commissioner District 3

Associate Commissioner District 4

Associate Commissioner District 5

Associate Commissioner District 6
BOARD OF CITY COMMISSIONERS

This resolution shall take effect immediately.