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JOHN R. COOPER
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MEMORANDUM OF UNDERSTANDING

WOERNER LAND DEVELOPMENT STATE ROUTE 59 - MILEPOST 7.990 - 8.270 FOLEY, ALABAMA

This memorandum of understanding between The Alabama Department of Transportation (hereinafter referred to as "ALDOT"), Woerner Land, LLC (hereinafter referred to as "DEVELOPER"), and the City of Foley (hereinafter referred to as "CITY") is a condition of the approved permit that documents the understandings and agreements forming the basis of this approval of the ALDOT permits associated with the work proposed for the multi-phase commercial development along Alabama Highway 59. The agreed upon stipulations which must be fulfilled for the above referenced approval are as follows:

The ALDOT's approval of the referenced permits applies to Phase I of the development, as described by the traffic impact study (TIS) submitted by Gulf Coast Traffic and Development Services, LLC, on behalf of, the DEVELOPER (Appendix A). Phase II of the development, as described by the aforementioned TIS, must be re-evaluated by way of a subsequent TIS. Should the TIS recommend improving infrastructure along AL 59, appropriate measures will be taken by the DEVELOPER to maintain the level of service and/or improve the safe operations of the corridor. All improvements required, as determined by ALDOT, after further review of the TIS shall be paid for by the DEVELOPER and shall be permitted separately. In the interim, the CITY shall refrain from issuing permit approvals associated with Phase II of the development without notification from the ALDOT that the DEVELOPER has met the stipulations detailed within this memorandum of understanding.

This memorandum will be binding on the DEVELOPER, or any successor developer(s), but does not obligate the DEVELOPER, any successor, ALDOT, or CITY to construct any particular phase(s) of Woerner Land, LLC or otherwise to proceed with development in accordance with its plans.

Woerner Land, LLC _____ Date

Vincent Calametti, P.E.
Southwest Region Engineer, ALDOT _____ Date

Signature Authority TBD
City of Foley, City Engineer _____ Date

Associated ALDOT Permits: 9-2-10788, 9-2-10789, & 9-2-10790