



COMMUNITY DEVELOPMENT DEPARTMENT

120 S. MCKENZIE STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

April 25, 2023

Mayor and City Council
City of Foley
407 East Laurel Avenue
Foley, AL 36535

RE: Pre-Zoning

Dear Mayor Hellmich and City Council Members,

The City of Foley Planning Commission held a meeting on April 19, 2023 and the following action was taken:

Turf Properties LLC- Request for Pre-zoning

The City of Foley Planning Commission has received a request for to recommend to the Mayor and Council the pre-zoning of 619 +/- acres. Proposed zoning is PID (Planned Industrial District). Property is located S. of County Rd. 26 and W. of County Rd. 65. Applicant is Turf Properties LLC.

Planning Commission Action:

Commissioner Hinesley made a motion to recommend the requested pre-zoning to the Mayor and Council with the condition that a landscaped buffer and fence will be in place along the areas that are adjacent to residences. Commissioner Hare seconded the motion.

Motion to recommend the requested pre-zoning to the Mayor and Council with the condition that a landscaped buffer and fence will be in place along the areas that are adjacent to residences.

Please let me know if you have any questions or concerns.

Respectfully,

Melissa Ringler

Planning & Zoning Coordinator
mringler@cityoffoley.org

MAYOR: Ralph Hellmich

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Kathryn Taylor

COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaites; Richard Dayton; Cecil R. Blackwell; Charles Ebert III

Foley

CITY OF FOLEY, ALABAMA APPLICATION FOR PRE-ZONING OF PROPERTY

1. LOCATION OF PROPERTY (ADDRESS, PIN #, LEGAL DESCRIPTION, MAP/SURVEY, DEED, CORPORATION OWNERSHIP INFORMATION, AND AGENT AUTHORIZATION IF REQUIRED):

The property is East of Rte 65 and south of Rte 26. The nearby address is 10505 Co Rd 65 A, Foley, AL 36535
Pin numbers are:

Parcel Number	Pin	Owner Name
05-60-01-01-0-000-005.001	18463	TURF PROPERTIES #3 L L C
05-60-01-01-0-000-005.003	200487	TURF PROPERTIES #3 L L C
05-60-01-01-0-000-005.002	89487	TURF PROPERTIES #3 L L C
05-60-01-12-0-000-003.000	65508	TURF PROPERTIES #3 L L C
05-60-01-01-0-000-005.000	65506	TURF PROPERTIES #3 L L C
05-60-01-01-0-000-006.007	361486	TURF PROPERTIES #4 L L C
05-60-01-12-0-000-001.000	66264	TURF PROPERTIES #4 L L C

Legal Description is attached

Map/Survey is attached

Corporate Ownership and agent authorization is attached

2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:

Attached

3. APPROXIMATE SIZE OF PROPERTY:

Approximately 619 acres

4. PRESENT ZONING OF PROPERTY:

All tracts currently reside in Baldwin County:

The following are unzoned

05-60-01-01-0-000-006.007

05-60-01-12-0-000-001.000

The following are zoned Rural Agricultural:

05-60-01-01-0-000-005.001

05-60-01-01-0-000-005.002

05-60-01-01-0-000-005.003

05-60-01-02-0-000-003.000

05-60-01-12-0-000-003.000

5. REQUESTED ZONING:



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Upon Annexation with the City of Foley, the applicant requests Planned Industrial District (PID)

6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:

Current use is an active sod farm with two pole barns used for storage.

7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.)

Applicant proposes a utility scale solar facility that consists of ground mounted solar panels that produces carbon free electricity for the electric grid. The facility will have no residential homes and very little ongoing traffic upon completion of construction.

8. IF REQUESTING A PLANNED DEVELOPMENT ZONE (PUD, PDD, R-3, TH-1, PID) ATTACH A PRELIMINARY TRAFFIC ANALYSIS, OFFICIAL UTILITY COMMITMENT LETTERS, DRAWING, AND WRITTEN NARRATIVE AS DEFINED IN THE CURRENT ZONING ORDINANCE.

The planned facility will not have significant traffic beyond occasional site maintenance and vegetative management. The applicant is currently working with Alabama Power for the sale of electricity and Riviera Utilities for any electricity requirements at the site. No additional utilities are required at this time.

I CERTIFY THAT I AM THE PROPERTY OWNER AND ATTEST THAT ALL FACTS AND INFORMATION SUBMITTED ARE TRUE AND CORRECT.

DATE: March 27, 2023

Freddie J. Taylor, III, LLC Manager
Sup Projects 3, LLC as Sup Project 4, LLC
PROPERTY OWNER/APPLICANT

Box 1469 - Fayette Alabama 36532
PROPERTY OWNER ADDRESS

251-510-4900
PHONE NUMBER

rtaylor@avi3group.com
EMAIL ADDRESS

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**CITY OF FOLEY
AGENT AUTHORIZATION FORM**

I/We authorize and permit Andrew Boggs and/or Matt Levine
to act as My/Our representative and agent in any manner regarding this application which
relates to property described as tax parcel ID# see attached list of parcels
I/We understand that the agent representation may include but not be limited to decisions
relating to the submittal, status, conditions, or withdrawal of this application. In understanding
this, I/We release the City of Foley from any liability resulting from actions made on My/Our
behalf by the authorized agent and representative. I hereby certify that the information stated
on and submitted with this application is true and correct. I also understand that the submittal of
incorrect information will result in the revocation of this application and any work performed will
be at the risk of the applicant.

**Note: All correspondence will be sent to the authorized representative. It will be the
representative's responsibility to keep the owner(s) adequately informed as to the status of the
application.*

PROPERTY OWNER(S):

Turf Properties #3, LLC

Name(s) printed _____

P.O. Box 1469 _____

Address _____

Fairhope, AL 36533

City/State _____

251-510-4900

rtaylor@avizogroup.com

Phone _____

Email _____

Fax _____

Richard J. Taylor LLC Manager

3-27-2023

Signature(s) _____

Date _____

PROPERTY OWNER(S):

Turf Properties #4, LLC

Name(s) printed _____

P.O. Box 1469 _____

Address _____

Fairhope, AL 36533

City/State _____

251-510-4900

rtaylor@avizogroup.com

Phone _____

Email _____

Fax _____

Richard J. Taylor LLC Manager

3-27-2023

Signature(s) _____

Date _____

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**HECATE ENERGY FOLEY SOLAR
TRACTS 1,2,3,4
TURF PROPERTIES # 3, LLC
DESCRIPTION FOR 544.14 ACRES
SECTION 1 & 12, TOWNSHIP 8 SOUTH, RANGE 3 EAST
BALDWIN COUNTY, ALABAMA**

Being a description for 544.14 acres of land located in Sections 1 and 12, Township 8 South, Range 3 East, being all of called Parcel B, Parcel C, Parcel D, and Parcel F conveyed to Turf Properties #3, LLC in Instrument Number 1728629 of the Official Public Records of Baldwin County, Alabama. Said 544.14-acre parcel being more particularly described by metes and bounds as follows, with all bearings and coordinates based on the Alabama Coordinate System of 1983, West Zone, as determined by GPS observations, area, distances, and coordinates are grid values:

BEGINNING at a 1-1/2-inch iron spike found (N: 139,997.14; E: 1,894,742.44) marking the common northwest corner of said Section 1 and said Parcel B, and the herein described parcel;

THENCE, NORTH 89°53'32" EAST, along the common north line of Section 1 and said Parcel B a distance of 2,572.42 feet to a 5/8-inch iron rod with cap marked "PERCHERON LLC" set in the west right-of-way line of Brewer/ Poser Road, marking the common northwest corner of said Parcel b and the herein described parcel;

THENCE, along the common east line of said Parcel B and the herein described parcel the following seven (7) courses:

1. THENCE, SOUTH 00°02'53" EAST, with said right-of-way line a distance of 29.97 feet to a 5/8-inch iron rod with cap marked "PERCHERON LLC" set for an angle point;
2. THENCE, SOUTH 45°10'27" EAST, continuing with said right-of-way line a distance of 35.28 feet to a 5/8-inch iron rod with cap marked "PERCHERON LLC" set for an angle point;
3. THENCE, SOUTH 90°00'00" EAST, continuing with said right-of-way line a distance of 42.00 feet to a 5/8-inch iron rod with cap marked "CA 0031 LS" found marking an angle point;
4. THENCE, SOUTH 00°02'53" EAST, a distance of 608.58 feet to a 5/8-inch iron rod with cap marked "CA0371LS" found;
5. THENCE, NORTH 89°41'28" EAST, passing at a distance of 454.94 feet a 1/2-inch iron rod with cap marked "WEYLAND WILSON CA1165" found marking the southeast corner of the Kenneth R. Kennedy and Lindsey Brewer Kennedy, Husband and Wife, tract described in Instrument No. 1779303 of the Official Public Records of Baldwin County, Alabama, continuing for a total distance of 1,319.36 feet to a 5/8-inch iron rod with cap marked "PERCHERON LLC" set marking the southwest corner of the Frances Clarie Holk tract described in Instrument No. 0918243 in the Official Public Records of Baldwin County, Alabama;
6. THENCE, SOUTH 00°01'11" WEST, a distance of 1,310.56 feet to a 1-1/2-inch iron pipe found for an angle point;
7. THENCE, SOUTH 00°09'03" EAST, a distance of 643.84 feet to a 1/2-inch iron rod with cap found marking the northwest corner of said called parcel D for an interior corner in the east line of the herein described parcel;

THENCE, NORTH 89°41'05" EAST, along the north line of said Parcel D, a distance of 1,288.62 feet to the west right-of-way line of County Road 65 (formally known as Hartung Road) (variable width right-of-way) and the northeast corner of said Parcel D, and angle point in the east line of the herein described parcel;



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THENCE, SOUTH 00°02'11" EAST, along the east line of said Parcel D and said west right-of-way line, a distance of 40.00 feet to the southeast corner of said Parcel D, from which a found pk nail bears SOUTH 89°41'05" WEST, a distance of 8.63 feet;

THENCE, SOUTH 89°41'05" WEST, along the south line of said Parcel D, a distance of 370.02 feet for an angle point;

THENCE, over and across Said Parcel D the following two (2) courses:

1. THENCE, NORTH 04°51'43" EAST, a distance of 2.34 feet for an angle point;
2. THENCE, SOUTH 89°55'52" WEST, a distance of 918.77 feet to a point in the west line of said Parcel D for an interior angle point in the east line of the herein described parcel, from which a 5/8-inch iron rod with cap found marking the southwest corner of said Parcel D and the northwest corner of the Dustin York Mizzel tract described in Instrument No. 1511298 of the Official Public Records of Baldwin County, Alabama, and the northeast corner of said called Parcel F bears SOUTH 00°03'52" EAST, a distance of 6.28 feet;

THENCE, SOUTH 00°00'33" EAST, a distance of 1,400.68 feet to a 1/2-inch iron rod with cap marked "LS 30810" marking the southeast corner of said Parcel F, a corner point in the east line of said Parcel B, the northwest corner of the Turf Properties #4, LLC tract described in Instrument No. 1831664 of the Official Public Records of Baldwin County, Alabama and for an angle point in the east line of the herein described parcel;

THENCE, SOUTH 00°01'47" EAST, along the east line of said Parcel B, a distance of 1,258.75 feet to a 1/2-inch iron rod with cap marked "CA 0371 LS" in the south line of said Section 1 and in the north line of said Section 12, marking the southeast corner of said Parcel B and a corner in the east line of the herein described parcel;

THENCE, SOUTH 89°39'19" WEST, along said south line of Section 1 a distance of 1,331.99 feet to a 1/2-inch iron rod marking the northeast corner of said called Parcel C and an interior corner in the east line of the herein described parcel;

THENCE, SOUTH 00°09'39" WEST, along the east line of said Parcel C, a distance of 1,320.80 feet to a 3/4-inch iron rod marking the common southeast corner of said Parcel C and the herein described parcel;

THENCE, SOUTH 89°17'38" WEST, along the south line of said Parcel C, a distance of 2,630.18 feet to the west line of said Section 12 for the common southwest corner of said Parcel C and the herein described parcel, from which a 3/4-inch iron (bent) bears SOUTH 00°09'22" WEST, 11.42 feet;

THENCE, NORTH 00°09'22" EAST, along the common west line of said Parcel C and Section 12, a distance of 1,322.49 feet to a 1-inch iron pipe marking the northwest corner of said Parcel C, and the southwest corner of said Parcel B and said Section 1 for an angle point in the west line of the herein described parcel;

THENCE, NORTH 00°06'25" EAST, along the common west line of said Parcel B and Section 1, a distance of 2,665.51 feet to a 1-1/2-inch iron rod marking the west 1/4 corner of said Section 1, the northeast corner of the Joel w. Stutz and Amberly Stutz tract described in Instrument No. 2032948 of the Official Public Records of Baldwin County, Alabama, and an angle point in the common west line of said Parcel B and the herein described parcel;

THENCE, NORTH 00°05'44" WEST, continuing along the common west line of said Parcel B and Section 1, a distance of 2,672.24 feet returning to the POINT OF BEGINNING and containing a calculated area of 544.14 acres.

**HECATE ENERGY FOLEY, LLC
TRACT 5
TURF PROPERTIES #4, LLC
DESCRIPTION FOR 75.66 ACRES
SECTION 1 & 12 TOWNSHIP 8 SOUTH, RANGE 3 EAST
BALDWIN COUNTY, ALABAMA**

Being a description for 75.66 acres of land located in Section 1 and 12 Township 8 South, Range 3 East, Baldwin County, Alabama, said 75.66 acres being out of a tract of land conveyed to Turf Properties #4, LLC under Instrument Number 1831664 of the Official Public Records of Baldwin County, Alabama. Said 75.66 acres being described as follows by metes and bounds with all bearings and coordinates based on the Alabama Coordinate System of 1983, West Zone, as determined by GPS observations, area, distances, and coordinates are grid values.

BEGINNING at a 1/2-inch iron rod with cap marked "LS 30810" found (N: 135,956.88; E: 1,898,703.26) marking the northwest corner of said Turf Properties #4, the northwest corner of the southeast 1/4 of the southeast 1/4 of said Section 1 and the southwest corner of tract of land conveyed to Jason G. Slaten under instrument number 1692959 the Official Public Records of Baldwin County, Alabama and the northwest corner of the herein described parcel;

THENCE, North 89°54'03" East, along the north line of said Turf Properties #4 and the south line of said Slaten tract a distance of 1,289.26 feet to 1/2-inch iron rod with cap stamped LS #30810 found in the west right-of-way of County Road 65, marking the northeast corner of the herein described parcel;

THENCE, along said west right-of-way line the following 10 courses:

1. THENCE, South 00°01'32" West, a distance of 866.48 feet for an angle point;
2. THENCE, South 24°47'59" West, a distance of 27.98 feet for an angle point;
3. THENCE, South 04°41'24" West, a distance of 207.40 feet for an angle point;
4. THENCE, South 34°30'52" West, a distance of 96.43 feet for an angle point;
5. THENCE, South 02°26'10" East, a distance of 95.21 feet for an angle point;
6. THENCE, South 32°23'15" East, a distance of 82.08 feet for an angle point;
7. THENCE, South 04°06'49" East, a distance of 195.38 feet for an angle point;
8. THENCE, South 27°17'58" East, a distance of 45.84 feet for an angle point;
9. THENCE, South 00°01'15" West, a distance of 8.66 feet to a 1/2-inch iron rod found for an angle point;
10. THENCE, South 00°01'59" West, a distance of 991.84 feet to a 5/8-inch iron rod with cap marked "PERCHERON LLC" set in the south line of said Turf Properties #4 and the north line of a tract conveyed to OM Group, LLC in Instrument No. 1765314, marking the southeast corner of the herein described parcel;

THENCE, South 89°53'19" West, along said the south line of said Turf Properties #4 a distance of 1,287.12 feet to a found 1/2-inch iron rod marking the common southwest corner of said Turf Properties #4 and the herein described parcel;

THENCE, North 00°02'39" West, along the west line of said Turf Properties #4 a distance of 991.72 feet for an angle point in the west line of the herein described parcel;

THENCE, North $00^{\circ}06'45''$ East, continuing along west line of said Turf Properties #4 a distance of 328.26 feet, to a 1/2-in iron rod with cap marked "CA 0371 LS" found in the south line of said Section 1 and the north line of said Section 12 for an angle point in the west line of the herein described parcel;

THENCE, North $00^{\circ}02'07''$ West, continuing along the west line of said Turf Properties #4 a distance of 1,258.87 feet, returning to the POINT OF BEGINNING and containing a calculated area of 75.66 acres.

THIS DESCRIPTION PREPARED IN CONJUNCTION WITH A SURVEY PLAT.

STATE OF ALABAMA)

BALDWIN COUNTY)

**ARTICLES OF ORGANIZATION
OF
TURF PROPERTIES #3, LLC**

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

2004 December -29 3: 09PM

Instrument Number 060508 Pages 2

Recording 55.00 Mortgage

Deed Min Tax

Index BP 5.00

Archive 5.00

Adrian T. Johns, Judge of Probate

The undersigned initial member desiring to form a limited liability company pursuant to the laws of the State of Alabama, certifies as follows:

1. **Name:** The name of the Limited Liability Company is Turf Properties #3, LLC.
2. **Duration:** The existence of the Limited Liability Company shall commence on the date of the filing of these Articles of Organization in the Office of the Judge of Probate of Baldwin County, Alabama, and shall be perpetual; provided, however, that the Limited Liability Company shall be dissolved prior to such date: (a) upon the written consent of all of the members; (b) as provided in the Operating Agreement; or (c) as may be required by the Alabama Limited Liability Company Act.
3. **Purposes:** The purpose for which this limited liability company (the "Company") is organized is to accomplish the following: (a) maintain control of Company Property; (b) consolidate fractional interests in Company Property; (c) increase wealth; (d) establish a method by which gifts can be made without fractionalizing assets; (e) continue the ownership of Company Property and restrict the right of others to acquire interests in Company Property; (f) provide protection to Company Property from future claims against Equity Owners to the extent permitted by law; (g) prevent the transfer of an Equity Owner's interest in the Company as a result of a failed marriage; (h) provide flexibility in business planning not available through trusts, corporations, or other business entities; (i) facilitate the administration and reduce the cost associated with the disability or probate of the estate of Equity Owners; and (j) promote the Equity Owners' knowledge of and communication about Company Property.
4. **Registered Office And Agent For Service Of Process:** The location and mailing address of the initial registered office shall be: 21833 County Road 12 East, Foley, Alabama 36535. The name of the initial registered agent for service of process at said address shall be Robert S. Craft.
5. **Initial Member:** The name of the initial member is Craft Turf Farms, LLC, and the mailing address of the initial member is 21833 County Road 12 East, Foley, Alabama 36535.
6. **Continuity Of Business:** The cessation of membership of any member shall not result in the dissolution of the Limited Liability Company.
7. **Management:** The limited liability company shall be managed by its Manager which whom shall serve as Manager in accordance with the terms of the Operating Agreement until its successor or successors are elected and qualified. The name of the initial manager is Craft Turf Farms, LLC, and the mailing address of the initial manager is 21833 County Road 12 East, Foley, Alabama 36535.



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8. **Classes of Membership.** The Company's Units of Ownership shall be divided into Class A Units and Class B Units. Except as expressly may be provided in the Operating Agreement of the Company, which has been executed simultaneously herewith, Class A Units and Class B Units shall be equal in all respects. Class A Units may only be owned by Managers. A Manager may own both Class A Units and Class B Units. In the event any Person who owns a Class A Unit ceases to be a Manager and remains a Member, thereupon such Person's Class A Units shall be converted automatically into an equal number of Class B Units. In the event any Person who owns a Class A Unit Transfers a Class A Unit, thereupon such transferred Class A Unit shall be converted automatically into a transferred Class B Unit. In the event a Member who owns no Class A Units becomes a Manager in the manner provided in the Operating Agreement, then the lesser of all Class B Units and one Class B Unit of such Member shall be converted automatically into Class A Units upon such Member becoming a Manager.

9. **Additional Members :** The managers of the Limited Liability Company shall have the right to admit additional members to the limited liability company upon and subject to the terms and conditions of the Operating Agreement of the Company. The members of the limited liability company, in their capacity as such, shall not have any right to admit additional members to the limited liability company, except as provided in the Operating Agreement of the Company.

10. **No Liability:** The members of the Company shall have no liability for any debt, obligation, or liability of the company as provided in the Alabama Limited Liability Act.

IN WITNESS WHEREOF, the undersigned have affixed their hands and seals on this 27th day of December, 2004.

CRAFT TURF FARMS, LLC

By: 

Robert S. Craft
Its Manager

By: 

R. C. Craft
Its Manager

(INITIAL MEMBER)

This instrument prepared by:
Shirley M. Justice, Esq.
Sirote & Permutt, P.C.
One St. Louis Centre, Suite 1000
Mobile, Alabama 36652-2025

STATE OF ALABAMA

**DOMESTIC LIMITED LIABILITY COMPANY
AMENDMENT TO FORMATION/ORGANIZATION**

PURPOSE: In order to amend a Limited Liability Company's (LLC) Certificate of Formation/Articles of Organization under Section 10A-1-3.13 and 10A-5-2.03 of the Code of Alabama 1975 this Amendment and the appropriate filing fees must be filed with the Office of the Judge of Probate in the county where the LLC was initially formed/ incorporated.

INSTRUCTIONS: Mail one (1) signed original and two (2) copies of this completed form and the appropriate filing fee to the Office of the Judge of Probate in the county where the LLC's Certificate of Formation was recorded. Contact the Judge of Probate's Office to determine the county filing fees. Make a separate check or money order payable to the Secretary of State for the state filing fee of \$50.00 for standard processing or \$150.00 if expedited processing within 3 business days of receipt by the Office of the Secretary of State is requested (10A-1-4.31) and the Judge of Probate's Office will transmit the fee along with a certified copy of the Amendment to the Office of the Secretary of State within 10 days after the filing is recorded. Once the Secretary of State's Office has indexed the filing, the information will appear at www.sos.alabama.gov under the Government Records tab and the Business Entity Records link – you may search by entity name or number. You may pay the Secretary of State fees by credit card if the county you are filing in will accept that method of payment (see attached). Your Amendment will not be indexed if the credit card does not authorize and will be removed from the index if the check is dishonored.

This form must be typed or laser printed.

1. The name of the Limited Liability Company from the Certificate of Formation/Articles of Organization:

Turf Properties #3 LLC

2. The date the Certificate of Formation was filed in the county: 12 / 29 / 2004 (format MM/DD/YYYY)

3. Alabama Entity ID Number (Format: 000-000): 459 - 450

INSTRUCTION TO OBTAIN ID

NUMBER TO COMPLETE FORM: If you do not have this number immediately available, you may obtain it on our website at www.sos.alabama.gov under the Government Records tab. Click on Business Entity Records, click on Entity Name, enter the registered name of the entity in the appropriate box, and enter. The six (6) digit number containing a dash to the left of the name is the entity ID number. If you click on that number, you can check the details page to make certain that you have the correct entity – this verification step is strongly recommended.

(For SOS Use Only)

This form was prepared by: (type name and full address)

Robert S. Craft
21833 County Road 12 East
Foley, AL 36535

BALDWIN COUNTY, ALABAMA
TIM RUSSELL, PROBATE JUDGE
Filed/cert. 5/13/2013 11:14 AM
TOTAL \$ 81.00
8 Pages

1397833



(For County Probate Office Use Only)

DOMESTIC LIMITED LIABILITY COMPANY AMENDMENT

4. The titles, dates, and places of filing of any previous Amendments: N/A

Attach a listing if necessary.

[Instruction on Amendment completion: Be very specific about what must be changed if you are amending existing information. If the amendment includes a name change, a copy of the Name Reservation form issued by the Office of Secretary of State must be attached.]

Registered agents and registered agent addresses are changed by filing a Change Of Registered Agent Or Registered Office By Entity form directly with the Office of the Secretary of State (the new agent's signature is required agreeing to accept responsibility). You may file the information as a Amendment also, but the change form must be on file with the Secretary of State per 10A-1-3.12(a)(2) to effect the change in the public records database.]

5. The following amendment was adopted on 05 / 07 / 2013 (format MM/DD/YYYY):

Elizabeth C. Craft is being added as a new partner with 50% ownership of the LLC.

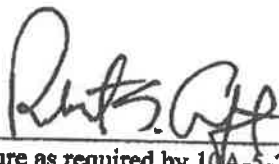
See the attached statement for information related to the new member and the ownership of the company after the amendment.

The company will file a Form 1065 for the tax year beginning in 2013, since it is no longer considered a single member LLC.

☐ Additional Amendments and the dates on which they were adopted are attached.

6. The undersigned authorized signature certifies that the amendment or amendments have been approved in the manner required by Title 10A of the *Code of Alabama of 1975* and the governing documents of this entity.

05 07/ 2013
Date (MM/DD/YYYY)


Signature as required by 10A-5-2.04

Robert S. Craft
Typed Name of Above Signature

Partner
Typed Title/Capacity to Sign under 10A-5-2.04

Turf Properties #3 LLC
21833 County Road 12 East
Foley, AL 36535

The following member is being added to the LLC member list:

Elizabeth C. Craft
21833 County Road 12 East
Foley, AL 36535

After the amendment, the company ownership is to be reflected as:

	<u>Ownership %</u>
Robert S. Craft :	50%
Elizabeth C. Craft :	50%

STATE OF ALABAMA)

MOBILE COUNTY)

2008033347 Book-6378 Page-1473
Total Number of Pages: 2

ARTICLES OF ORGANIZATION

OF

TURF PROPERTIES #4, LLC

I, the undersigned Organizer, duly authorized to execute these Articles of Organization on behalf of the initial Members who desire to form a limited liability company pursuant to the laws of the State of Alabama, certify as follows:

1. **Name.** The name of the limited liability company is Turf Properties #4, LLC.

2. **Duration.** The existence of the limited liability company shall commence on the date of the filing of these Articles of Organization in the Office of the Judge of Probate of Mobile County, Alabama, and its duration shall be perpetual; provided, however, that the limited liability company shall be dissolved (a) upon the written consent of all of the Members, (b) as provided in the Operating Agreement, or (c) as may be required by the Alabama Limited Liability Company Act.

3. **Purposes.** The purpose for which this limited liability company (the "Company") is organized is to accomplish the following: (a) maintain control of Company Property; (b) consolidate fractional interests in Company Property; (c) increase wealth; (d) establish a method by which gifts can be made without fractionalizing assets; (e) continue the ownership of Company Property and restrict the right of others to acquire interests in Company Property; (f) provide protection to Company Property from future claims against Equity Owners to the extent permitted by law; (g) prevent the transfer of an Equity Owner's interest in the Company as a result of a failed marriage; (h) provide flexibility in business planning not available through trusts, corporations, or other business entities; (i) facilitate the administration and reduce the cost associated with the disability or probate of the estate of Equity Owners; and (j) promote the Equity Owners' knowledge of and communication about Company Property.

4. **Registered Office and Agent for Service of Process.** The location and mailing address of the initial registered office shall be One St. Louis Centre, Suite 1000, Mobile, Alabama 36602, and the name of the initial registered agent at said address shall be Shirley M. Justice.

5. **Initial Members.** The names and mailing addresses of the initial Members of the limited liability company are as follows:

NAME

MAILING ADDRESS

Robert S. Craft

21833 County Road 12 East
Foley, Alabama 36535

Mitchell C. Craft

21833 County Road 12 East
Foley, Alabama 36535



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3/27/03

6. **Organizer.** The name and mailing address of the Organizer of the limited liability company is as follows: Shirley M. Justice, Sirote & Permutt, P.C., One St. Louis Centre, Suite 1000, Mobile, Alabama 36602.

7. **Management.** The limited liability company shall be managed by the following Manager who shall serve as Manager until his successor(s) are elected and qualified. The name and mailing address of the initial Manager is as follows:

NAME

MAILING ADDRESS

Robert S. Craft

21833 County Road 12 East
Foley, Alabama 36535

8. **Classes of Membership.** The Company's Units of Ownership shall be divided into Class A Units and Class B Units. Except as may be expressly provided in the Operating Agreement of the Company, which has been executed simultaneously herewith, Class A Units and Class B Units shall be equal in all respects. Class A Units may only be owned by Managers. A Manager may own both Class A Units and Class B Units. In the event any Person who owns a Class A Unit ceases to be a Manager and remains a Member, such Person's Class A Units shall be converted automatically into an equal number of Class B Units. In the event any Person who owns a Class A Unit Transfers a Class A Unit, such transferred Class A Unit shall be converted automatically into a transferred Class B Unit. In the event a Member who owns no Class A Units becomes a Manager in the manner provided in the Operating Agreement, then the lesser of all Class B Units and one Class B Unit of such Member shall be converted automatically into Class A Units upon such Member becoming a Manager.

9. **Additional Members.** The managers of the Limited Liability Company shall have the right to admit additional members to the Limited Liability Company upon the unanimous consent of all of the managers of the Limited Liability Company. The members of the Limited Liability Company, in their capacity as such, shall not have any right to admit members to the Limited Liability Company

10. **No Liability:** The members of the Company shall have no liability for any debt, obligation, or liability of the company as provided in the Alabama Limited Liability Act."

IN WITNESS WHEREOF, the undersigned Organizer has affixed her hand and seal on this the 14th day of May, 2008.


Shirley M. Justice

(ORGANIZER)

This instrument was prepared by:
Shirley M. Justice, Esq.
Sirote & Permutt, P.C.
One Saint Louis Centre, Suite 1000
Mobile, Alabama 36602

State of Alabama-Mobile County
I certify this instrument was filed on:
May 14, 2008 @ 10:14:40 AM
RECORDING FEE \$35.00
S.R. FEE \$2.00
RECORDING FEES \$1.00
TOTAL AMOUNT \$38.00

DOCSMOB\124488\3\

STATE OF ALABAMA

DOMESTIC LIMITED LIABILITY COMPANY
AMENDMENT TO FORMATION/ORGANIZATION

PURPOSE: In order to amend a Limited Liability Company's (LLC) Certificate of Formation/Articles of Organization under Section 10A-1-3.13 and 10A-5-2.03 of the Code of Alabama 1975 this Amendment and the appropriate filing fees must be filed with the Office of the Judge of Probate in the county where the LLC was initially formed/ incorporated.

INSTRUCTIONS: Mail one (1) signed original and two (2) copies of this completed form and the appropriate filing fee to the Office of the Judge of Probate in the county where the LLC's Certificate of Formation was recorded. Contact the Judge of Probate's Office to determine the county filing fees. Make a separate check or money order payable to the Secretary of State for the state filing fee of \$50.00 for standard processing or \$150.00 if expedited processing within 3 business days of receipt by the Office of the Secretary of State is requested (10A-1-4.31) and the Judge of Probate's Office will transmit the fee along with a certified copy of the Amendment to the Office of the Secretary of State within 10 days after the filing is recorded. Once the Secretary of State's Office has indexed the filing, the information will appear at www.sos.alabama.gov under the Government Records tab and the Business Entity Records link – you may search by entity name or number. You may pay the Secretary of State fees by credit card if the county you are filing in will accept that method of payment (see attached). Your Amendment will not be indexed if the credit card does not authorize and will be removed from the index if the check is dishonored.

This form must be typed or laser printed.

1. The name of the Limited Liability Company from the Certificate of Formation/Articles of Organization:

Turf Properties #4 LLC

2. The date the Certificate of Formation was filed in the county: 05 / 14 / 2008 (format MM/DD/YYYY)

3. Alabama Entity ID Number (Format: 000-000): 420 - 033 **INSTRUCTION TO OBTAIN ID NUMBER TO COMPLETE FORM:** If you do not have this number immediately available, you may obtain it on our website at www.sos.alabama.gov under the Government Records tab. Click on Business Entity Records, click on Entity Name, enter the registered name of the entity in the appropriate box, and enter. The six (6) digit number containing a dash to the left of the name is the entity ID number. If you click on that number, you can check the details page to make certain that you have the correct entity – this verification step is strongly recommended.

(For SOS Use Only)

This form was prepared by: (type name and full address)

Robert S. Craft
21833 County Road 12 East
Foley, AL 36535

State of Alabama-Mobile County
I certify this instrument was filed on:
May 14, 2013 @ 8:47:46 AM
RECORDING FEE \$25.00
S.R. FEE \$2.00
RECORDING FEES \$1.00
TOTAL AMOUNT \$28.00

2013028760
Don Davis, Judge of Probate

(For County Probate Office Use Only)

DOMESTIC LIMITED LIABILITY COMPANY AMENDMENT

4. The titles, dates, and places of filing of any previous Amendments: N/A

Attach a listing if necessary.

[Instruction on Amendment completion: Be very specific about what must be changed if you are amending existing information. If the amendment includes a name change, a copy of the Name Reservation form issued by the Office of Secretary of State must be attached.

Registered agents and registered agent addresses are changed by filing a Change Of Registered Agent Or Registered Office By Entity form directly with the Office of the Secretary of State (the new agent's signature is required agreeing to accept responsibility). You may file the information as a Amendment also, but the change form must be on file with the Secretary of State per 10A-1-3.12(a)(2) to effect the change in the public records database.]

5. The following amendment was adopted on 05 / 07 / 2013 (format MM/DD/YYYY):

Elizabeth C. Craft is being added as a new partner with 31% ownership of the LLC.

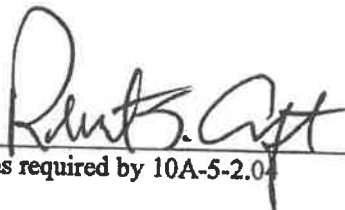
See the attached statement for information related to the new member and the ownership of the company after the amendment.

☐ Additional Amendments and the dates on which they were adopted are attached.

6. The undersigned authorized signature certifies that the amendment or amendments have been approved in the manner required by Title 10A of the *Code of Alabama of 1975* and the governing documents of this entity.

05 07 2013

Date (MM/DD/YYYY)



Signature as required by 10A-5-2.04

Robert S. Craft

Typed Name of Above Signature

Partner

Typed Title/Capacity to Sign under 10A-5-2.04

Turf Properties #4 LLC
21833 County Road 12 East
Foley, AL 36535

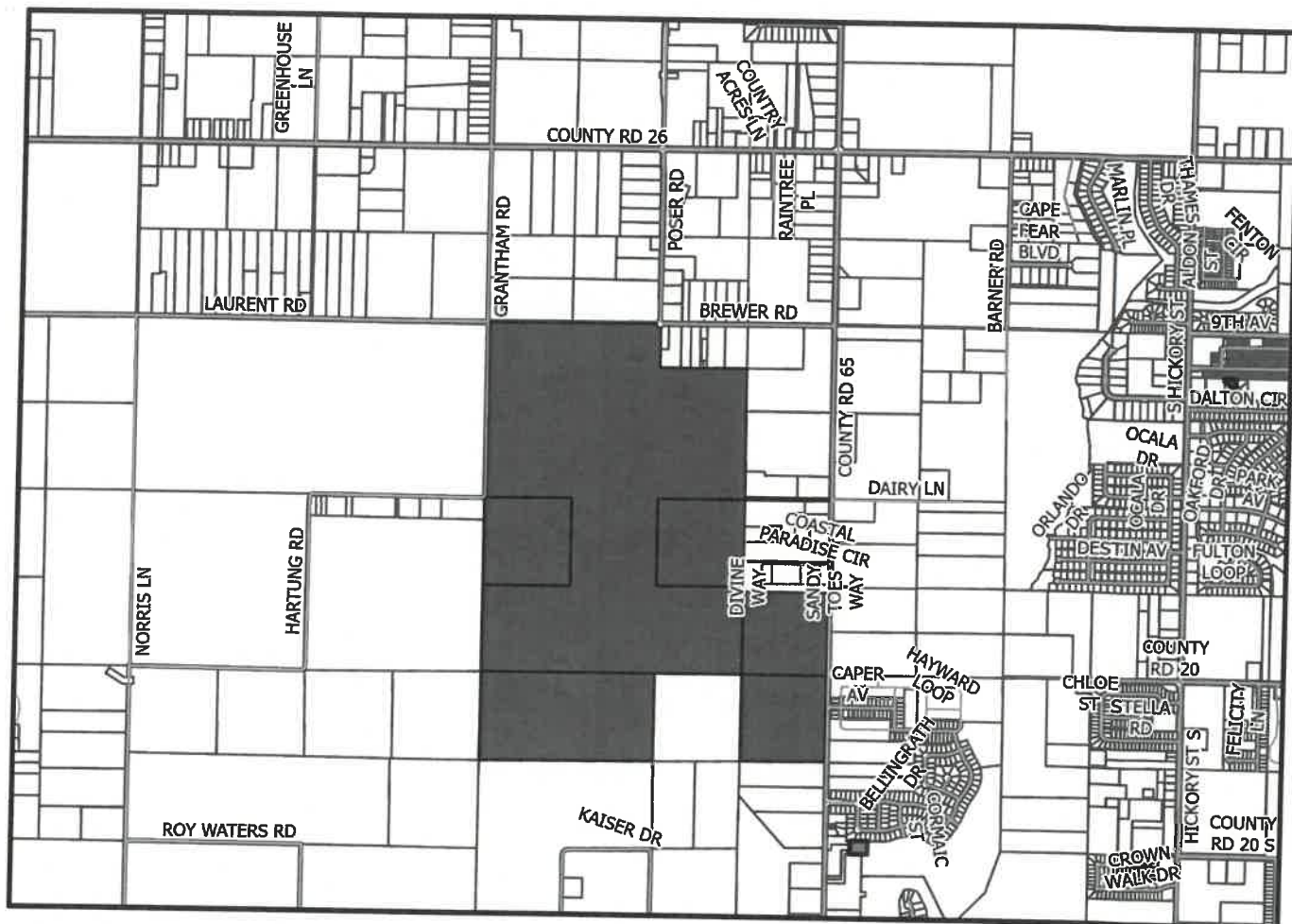
The following member is being added to the LLC member list:

Elizabeth C. Craft
21833 County Road 12 East
Foley, AL 36535

After the amendment, the company ownership is to be reflected as:

	<u>Ownership %</u>
Robert S. Craft :	31%
Elizabeth C. Craft :	31%
Mitchell C. Craft :	38%

PUBLIC NOTICE

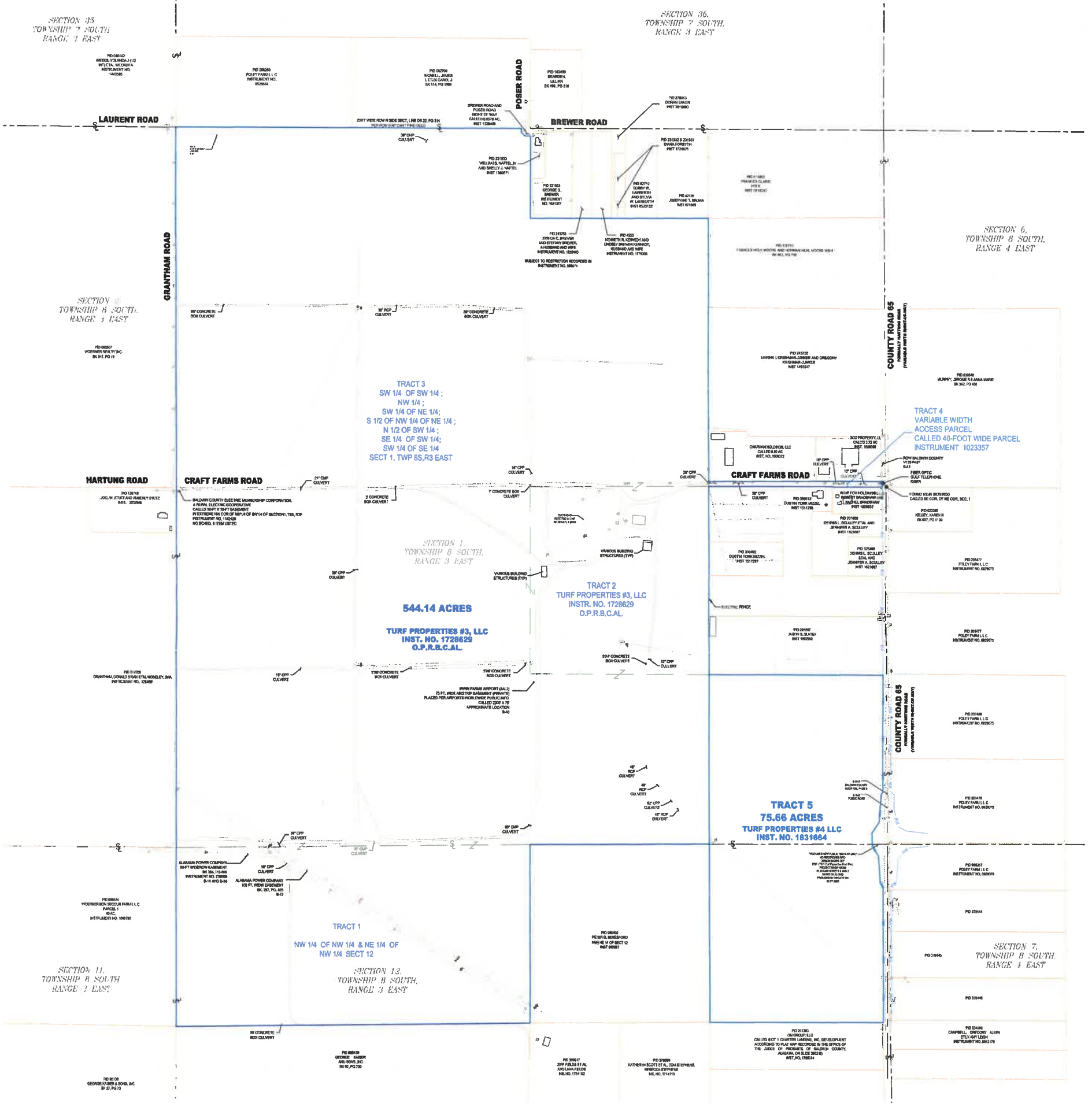
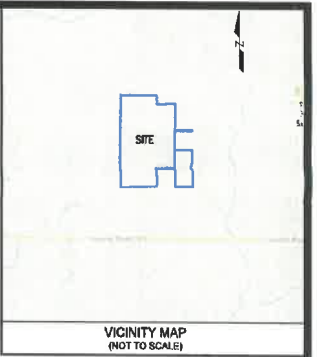
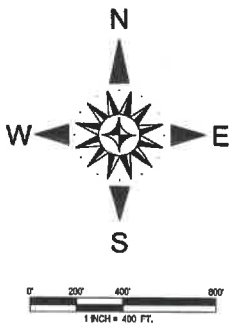


The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 619 +/- acres. Proposed zoning is PID (Planned Industrial District). Property is located S. of County Rd. 26 and W. of County Rd. 65. Applicant is Turf Properties LLC.

Anyone interested in this rezoning request may be heard at a public meeting scheduled for April 19, 2023 in the Council Chambers of City Hall located at 407 E. Laurel Ave., at 5:30 p.m. or may respond in writing to 120 S. McKenzie St., Foley, AL 36535.

Wes Abrams
Planning Commission Chairman

EXHIBIT "A"
BALDWIN COUNTY, ALABAMA
SECTION 1 AND SECTION 12, TOWNSHIP 8 SOUTH, RANGE 3 EAST



PERCHERON
PROFESSIONAL
SERVICES, L.L.C.
1904 WEST GRAND
PARKWAY N. SUITE 200
KATY, TEXAS 77449
(832) 300-6400
TEXAS SURVEYING FIRM
LICENSE: 10020700

LEGEND

- | | | |
|---------------------------|---------------------------|---------------------------------------------------------------------|
| BOUNDARY LINES | MONUMENT (TYPE AS NOTED) | P.O.B. - POINT OF BEGINNING |
| BOUNDARY ADJOURN | POWER POLE | O.P.R.B.C.A.L. - OFFICIAL PUBLIC RECORDS OF BALDWIN COUNTY, ALABAMA |
| BOUNDARY DEED LINES | TRANSMISSION TOWER | |
| APPROX. SECTION LINES | TELEPHONE PEDSTAL | |
| BARBER FENCE | PIPELINE MARKER | |
| ELECTRIC FENCE | TEST LEAD | |
| WOOD FENCE | WATER VALVE | |
| HOORNE FENCE | TREE | |
| EXISTING PIPELINE | STREET SIGN | |
| EXPOSED EXISTING PIPELINE | SECTION CORNER | |
| OVERHEAD POWER | SPRINKLER/IRRIGATION HEAD | |
| EXISTING EASEMENT | | |
| ROAD R.O.W. | | |
| EDGE OF PAVEMENT | | |

PREPARED FOR



DRAWN BY: ARD	REVISIONS
DATE: 08/30/21	09/14/2022
CHECKED BY: LWS	02/09/2023
FIELD DATE:	02/17/2023
SCALE: 1"=400'	
PROJECT NO: 05.007721.0000	
PAGE 2 OF 4	

SHEET 1 OF 1

TITLE NO. 1529NTL
OVERALL SHEET
FOR HECATE ENERGY
FOLEY SOLAR, LLC
BALDWIN COUNTY, ALABAMA

SITE INFORMATION

SITE NAME:

FOLEY SOLAR (80 MW AC)

APPROX. GPS LOCATION:
(SOLAR SITE)

LAT: 30.374778°
LONG: -87.724161°

APPLICANT:

HECATE ENERGY
621. W. RANDOLPH STREET
CHICAGO, IL 60661

SYSTEM SPECIFICATIONS

SOLAR MODULE:

ET SOLAR 540 W

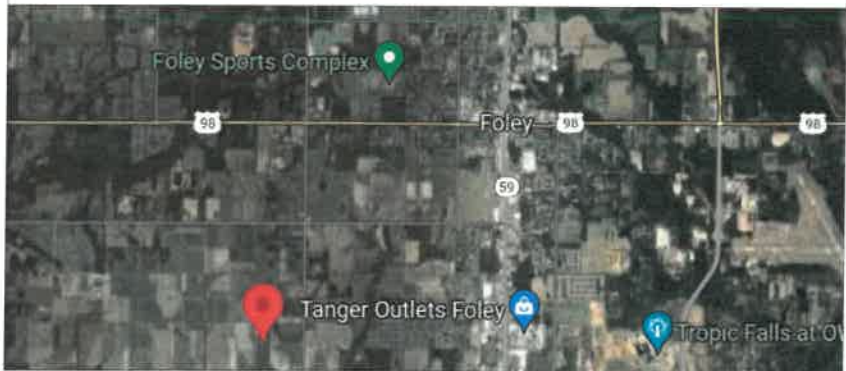
INVERTER(S):

(23)SUNGROW SG3600

RACKING:

SINGLE AXIS TRACKER
@ 33% GCR

PROJECT LOCATION



APPROXIMATE PV SYSTEM SIZING

ARRAY AREA	SOLAR MODULE				ARRAY SIZE (DC)
	AZIMUTH	RACKING TYPE	SIZE	COUNT	
GROUND	0	SINGLE AXIS TRACKER	540W	180684	97.569 MW

NOTES:

1. THIS CONCEPTUAL PLAN IS BASED SOLELY ON AERIAL PHOTOGRAPHS AND PROVIDED PLANS.

2. GROUND MOUNTED ELECTRICAL EQUIPMENT NOT SHOWN ON THIS PLAN, MAY INCLUDE, INVERTERS SWITCHGEAR, DC COMBINERS, AND/OR TRANSFORMERS

3. DOES NOT INCLUDE GEOTECHNICAL, FLOOD PLAIN, CULTURAL, ECOLOGICAL ANALYSIS

4. NOT FOR CONSTRUCTION

5. SETBACKS

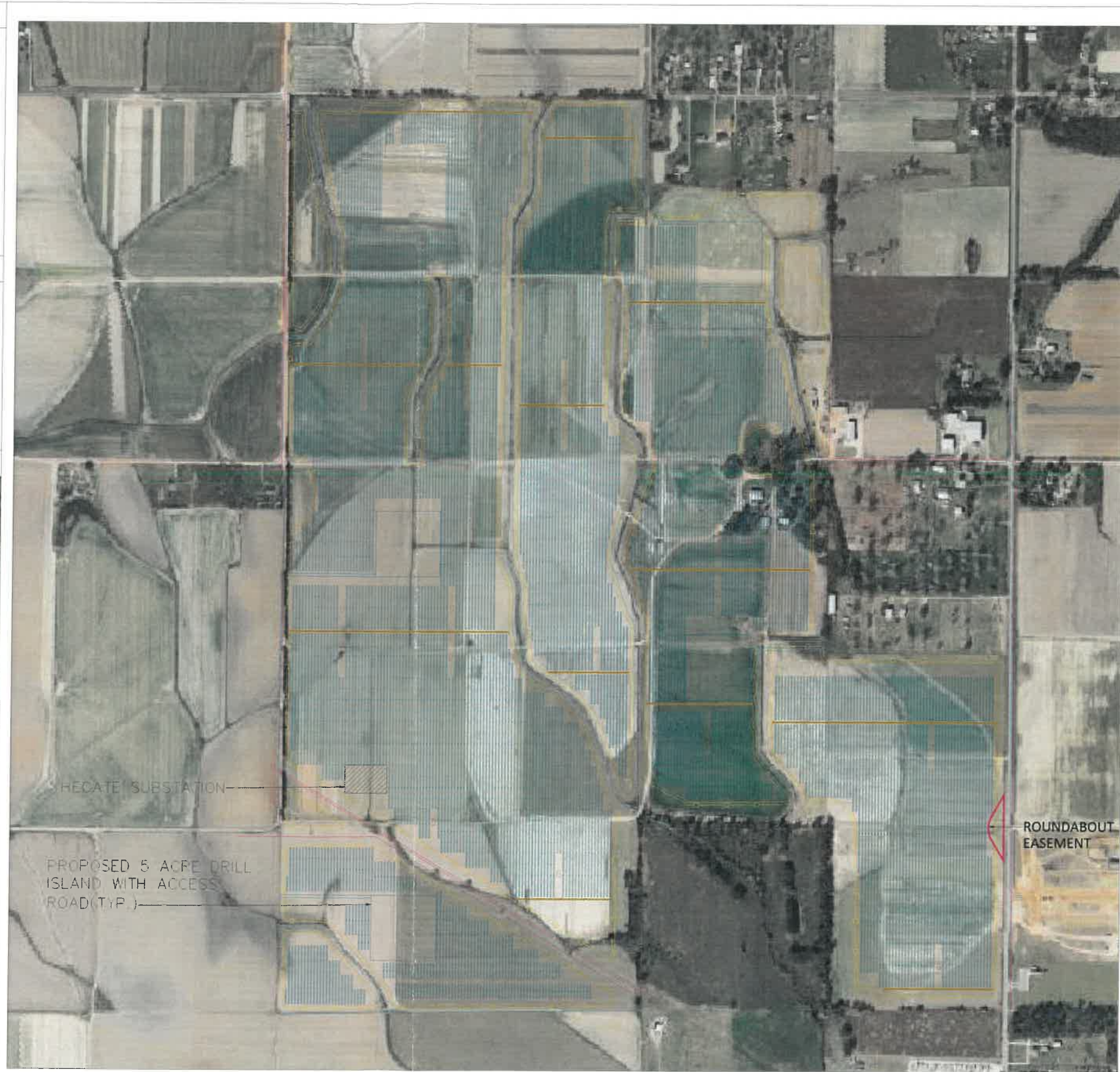
5.1 RESIDENCES - 250 FT

5.2 PROPERTY LINE - 50 FT

5.3 TRANSMISSION LINES - 150 FT

5.4 WETLANDS - 50 FT


5.5 ARRAY EDGE TO PROPOSED FENCE - 20 FT



HECATE SUBSTATION

PROPOSED 5 ACRE DRILL ISLAND WITH ACCESS ROAD(TYP.)

ROUNDABOUT EASEMENT



HECATE ENERGY
621 W. RANDOLPH STREET
CHICAGO, IL 60661
hecateenergy.com

LEGEND

PROJECT SITE LIMIT

EXISTING OVERHEAD POWER

APPROXIMATED DEVELOPMENT AREA

EXISTING ROAD

WETLANDS

PROPOSED FENCE

PROPOSED ACCESS ROAD

25' STREAM BUFFER

INVERTER

HECATE ENERGY
FOLEY
AL
US

PROJECT NUMBER:

SITE ID:

SHEET TITLE:


PRELIMINARY LAYOUT

NO.	REVISION	DATE	INIT.
0	PRELIM LAYOUT	2/14/2023	NL
1			
2			
3			
4			
5			
6			
7			
8			

0 1200 2400 4800 Feet

IF BAR IS NOT ONE INCH, PRINT IS NOT TO SCALE

Revision
RECEIVED
3/20/23



0 1200 2400 4800 Feet

ACTUAL DIMENSIONS AND DETAILS DEPEND ON SPECIFIC CONDITIONS OF THE SITE.