

FIRST ADDENDUM TO SOLID WASTE COLLECTIONS SERVICE AGREEMENT
BETWEEN THE BALDWIN COUNTY COMMISSION
AND PROPERTY OWNERS ASSOCIATION OF SPANISH COVE, INC.

This First Addendum ("First Addendum") to the Solid Waste Collections Service Agreement between the Baldwin County Commission and Property Owners Association of Spanish Cove, Inc., dated on or about October 29, 2019, is made as of the last date written below between the Baldwin County Commission (hereinafter referred to as "County"), and the Property Owners Association of Spanish Cove, Inc. (hereinafter referred to as "Association"). The Baldwin County Solid Waste division (hereinafter referred to as "Collector") is and shall be deemed the duly authorized agent acting for and on behalf of the County as and for the purposes set out herein.

WITNESSETH:

WHEREAS, the County and Association entered into that certain Solid Waste Collections Service Agreement ("Agreement") on or about October 29, 2019; and

WHEREAS, the County and Association desire to execute this First Addendum to the Agreement and amend the Agreement as set forth below.

NOW, THEREFORE, the County and Association hereby agree that the aforementioned Agreement is hereby amended as follows:

1. The Collector agrees to provide the Association with one roll off recycling container for a trial period of one year at no additional charge. The Collector agrees to empty the recycle bin at a minimum of once weekly. The Association will be responsible for educating residents on accepted recyclables (for example, aluminum, paper, plastic). A more comprehensive list of accepted recyclables is published on the Baldwin County Solid Waste website.

As recyclable materials are commodities with unpredictable markets, the County and Collector will reevaluate this service at the end of the trial period of one year to determine whether the Collector is willing to continue providing the service at no charge.

2. This First Addendum to the Agreement shall become effective on April 1, 2020, or upon the date of full execution by the parties, whichever is later. This trial period for the provision of one roll off recycling container set forth in this First Addendum shall expire twelve (12) months from the effective date, unless the trial period or the Agreement is sooner terminated by either party. Either party may terminate the trial period for the provision of one roll off recycling container, with or without cause or reason, by giving the other party thirty (30) days written notice, with such notice being effective upon and the thirty (30) day period running from the date of mailing of such notice. The right of termination referenced in this paragraph shall supersede paragraph 13 of the Agreement in the event this First Addendum is terminated; provided, however, that nothing in this paragraph shall be construed to modify the right of termination established in paragraph 13 of the Agreement in all other circumstances. Termination of the trial period created

by this First Amendment shall not be deemed a termination of the Agreement, which shall continue in full force and effect.

3. Except as expressly amended by this First Addendum, the Agreement shall remain in full force and effect.

BALDWIN COUNTY COMMISSION

By: _____
BILLIE JO UNDERWOOD
Chairman

Attest:

WAYNE DYESS
County Administrator

PROPERTY OWNERS ASSOCIATION
OF SPANISH COVE, INC.

By: _____
PETE GARAFOLA
Operations Manager

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, _____, a Notary Public, in and for said County in said state, hereby certify that BILLIE JO UNDERWOOD, whose name as Chairman of the Baldwin County Commission and WAYNE DYESS, whose name as County Administrator, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said County Commission.

Given under my hand and seal this ____ day of _____, 2019.

Notary Public, Baldwin County, Alabama
My Commission Expires: _____

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, _____, a Notary Public, in and for said County in said State, hereby certify that PETE GARAFOLA, whose name as Operations Manager of the Property Owners Association of Spanish Cove, Inc., an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Association.

Given under my hand and seal this ____ day of _____, 2019.

Notary Public, Baldwin County, Alabama
My Commission Expires: _____