



COMMUNITY DEVELOPMENT DEPARTMENT

200 NORTH ALSTON STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

FAX (251) 971 -3442

November 21, 2016

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

RE: Request for Rezoning

Dear Mayor Koniar and City Council Members,

The City of Foley Planning Commission held a regular meeting on November 16, 2016 and the following action was taken:

KJS Holdings, LP –Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 26.76+/- acres. Property is currently zoned R-3 (Residential Multi-Family) and AO (Agricultural Open Space), proposed zoning is R-1D (Residential Single Family). Property is located at the SE corner of S. Pecan St. and E. Michigan Ave. Applicant is KJS Holdings, LP.

Action Taken:

Vice-Chairman Hinesley made a motion to recommend to Mayor and Council the requested rezoning. Commissioner Abrams seconded the motion. All Commissioners voted aye.

Motion to recommend to Mayor and Council the requested rezoning passes.

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

Respectfully,

Melissa Ringler
Planning & Zoning Coordinator
mringer@cityoffoley.org

MAYOR: John E. Koniar

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Vicky Southern

COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaites; Ralph G. Hellmich; Cecil R. Blackwell; Charles Ebert III



**CITY OF FOLEY, ALABAMA
APPLICATION FOR
ZONING OF PROPERTY**

1. LOCATION OF PROPERTY (ADDRESS, PIN #, LEGAL DESCRIPTION, MAP/SURVEY, DEED, AND CORPORATION OWNERSHIP INFORMATION):
PIN # 299918 SEE ATTACHED LEGAL DESCRIPTION, DEED, & CORPORATE INFORMATION.
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
SEE ATTACHED
3. APPROXIMATE SIZE OF PROPERTY:
26.76 AC
4. PRESENT ZONING OF PROPERTY:
R-3 & AO
5. REQUESTED ZONING:
R-1D
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:
AGRICULTURE - NO STRUCTURES
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.)
SINGLE-FAMILY DEVELOPMENT AT 3.8 UNITS/ACRE
8. PROCESSING FEE OF \$500.00 FOR 20 ACRES OR LESS, PLUS \$15.00 PER ADDITIONAL ACRE OVER 20.
\$605.00

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

DATE: 18 October 2016

KJS Holdings, LP

M.A. Humand, general partner

PROPERTY OWNER/APPLICANT

145 Technology Pkwy Ste 200, Norcross,
PROPERTY OWNER ADDRESS GA 30092

770-538-1487

PHONE NUMBER

MHOGAN@CMS3LLC.COM

EMAIL ADDRESS

Prepared by, and after recording,

please return to:

George F. Maynard
THE MAYNARD LAW FIRM, LLC
620 Glen Iris Drive NE
Suite 103, Ponce Springs Lofts
Atlanta, Georgia 30308-2767

Address for Tax Notices:

45 Technology Parkway South
Suite 250
Norcross, GA 30092-3454
Attn: Kenneth M. Shumard
Tax Parcel No: 54-08-34-0-000-035.001

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 11/13/2013 10:05 AM
TOTAL \$ 18.00
4 Pages

1429260



Cross Reference:

Instrument No. 1127984,
Baldwin County, Alabama records

WARRANTY DEED IN LIEU OF FORECLOSURE

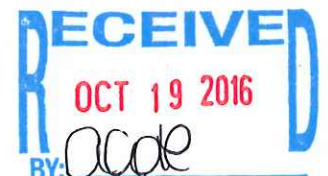
THIS INDENTURE is made as of the 6th day of NOVEMBER, 2013, by and between **HILLTOP PARTNERS, LLC**, an Alabama limited liability company, as party of the first part, hereinafter referred to as "**Grantor**," and **KJS HOLDINGS, L.P.**, a Georgia limited partnership, as party of the second part, hereinafter referred to as "**Grantee**," the words "**Grantor**" and "**Grantee**" to include the neuter, masculine and feminine genders, the singular and the plural.

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) in hand paid and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor has and hereby does grant, bargain, sell and convey unto Grantee and the heirs, legal representatives, successors and assigns of Grantee all that tract or parcel of land lying and being in **Baldwin County, Alabama**, as more particularly described on Exhibit A attached hereto and incorporated by this reference (the "**Property**").

The Property is conveyed hereunder to Grantee in lieu of foreclosure of the Mortgage (as assigned, the "**Mortgage**") held by Grantee and described below:

1. Mortgage dated July 14, 2008, made by **Hilltop Partners, LLC** in favor of Haven Trust Bank, recorded July 21, 2008, in Instrument # 1127984, Baldwin County, Alabama Records;
2. Assignment of Real Estate Mortgage dated February 9, 2010, from FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER FOR HAVEN TRUST BANK, to MULTIBANK 2009-1 RES-ADC VENTURE, LLC, a Delaware limited liability company, recorded on June 4, 2010, in Instrument # 1236558, Baldwin County, Alabama Records;



3. Assignment of Real Estate Mortgage dated December 6, 2011, from MULTIBANK 2009-1 RES-ADC VENTURE, LLC, a Delaware limited liability company to RES-AL ONE, LLC, a Florida limited liability company, recorded on December 12, 2011, in Instrument # 1315451, Baldwin County, Alabama Records; and.
4. Assignment of Mortgage dated August 24, 2012, from RES-AL ONE, LLC, a Florida limited liability company to **KJS HOLDINGS, L.P.**, a Georgia limited partnership, recorded on September 4, 2012, in Instrument # 1357025, Baldwin County, Alabama Records

It is the expressed intent of the parties hereto that this conveyance is made subject to all the rights of the Grantee under the Mortgage which will remain in full force and effect and no merger of the separate estates of title now held by Grantee is contemplated. It is the further expressed intent of the parties that the priority of the Mortgage now held by the Grantee shall remain intact.

TO HAVE AND TO HOLD the Property, together with any and all of the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of the Grantee and the heirs, legal representatives, successors and assigns of Grantee forever **IN FEE SIMPLE**.

GRANTOR SHALL WARRANT and forever defend the right and title to the Property unto the Grantee and the heirs, legal representatives, successors and assigns of Grantee against the claims of all persons whomsoever, claiming by, through, or under Grantor.

This Property is not the homestead of the Grantor.

This is the same property conveyed to the Grantor by Instrument No. 1013536, recorded on November 13, 2006 in the Office of the Judge of Probate, Baldwin County, Alabama records.

SIGNATURES CONTAINED ON FOLLOWING PAGE

SIGNATURE PAGE TO WARRANTY DEED IN LIEU OF FORECLOSURE

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed as of the day and year first above written.

GRANTOR:

**HILLTOP PARTNERS, LLC,
an Alabama limited liability company**

By: Ronald R. Wood (SEAL)
Ronald R. Wood, Manager

NOTARY ACKNOWLEDGMENT:

STATE OF Georgia

COUNTY OF Cherokee

I, the undersigned Notary Public, located in and of said County in said State, having certified that **RONALD R. WOOD**, whose name 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 said instrument, he executed it voluntarily on this date as the Manager of the Grantor.

Given under my hand an official seal, this 6th day of November, 2013.

Gail R Sherrod
NOTARY PUBLIC

[NOTARY SEAL]



EXHIBIT "A"

Legal Description

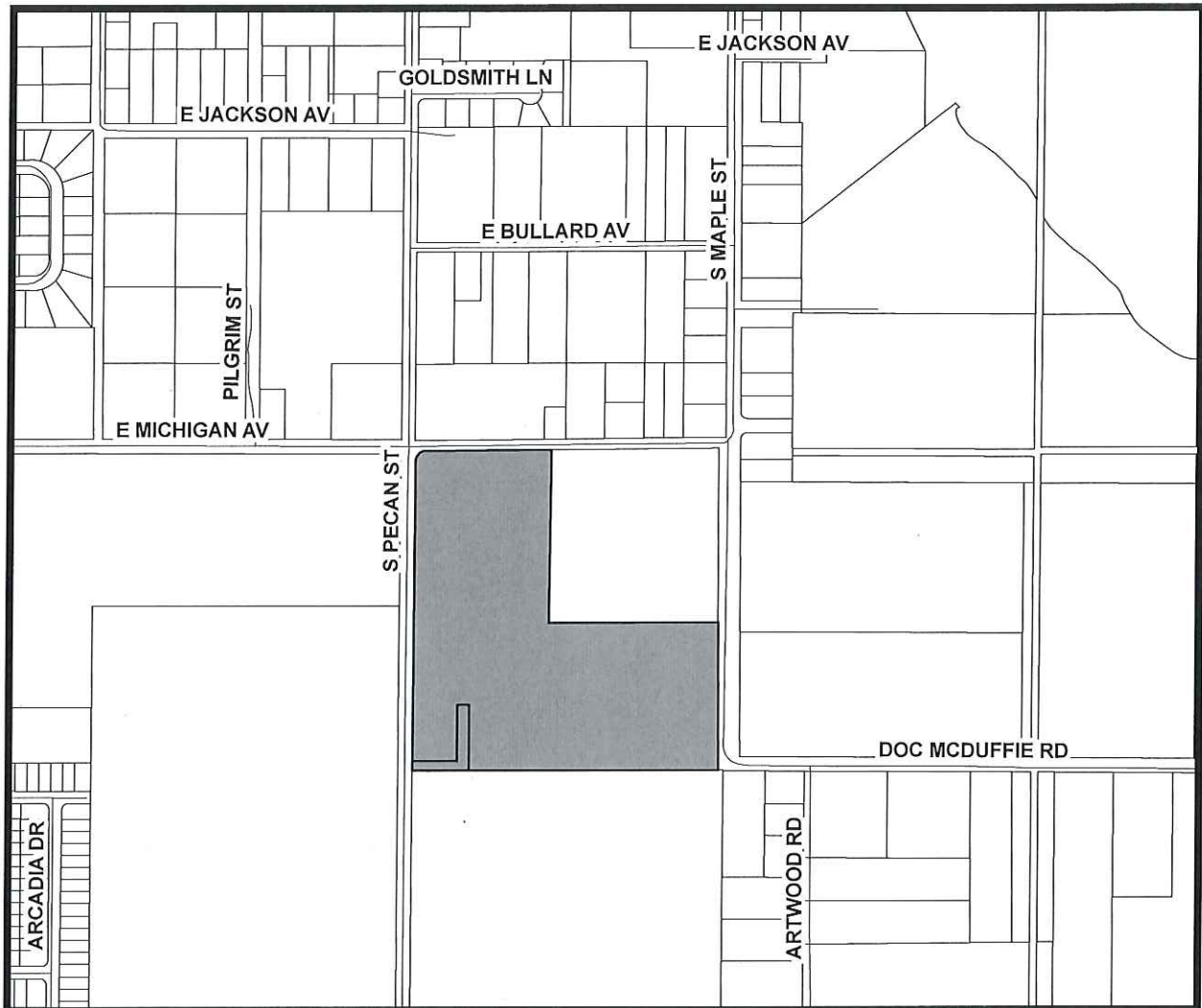
Commencing at the Southwest corner of Section 34, Township 7 South, Range 4 East, Baldwin County, Alabama; run thence North $00^{\circ}05'32''$ East, 20.00 feet to a point; thence run North $89^{\circ}47'13''$ East, 30.00 feet to a capped iron pin on the eastern right of way line of Pecan Street; thence run North $00^{\circ}05'32''$ East, along said right of way, 1,311.12 feet to a capped iron pin and the Point of Beginning of the parcel herein described; thence continue North $00^{\circ}05'32''$ East, along said right of way, 1,270.98 feet to a capped iron pin; thence run on a curve to the right, having a radius of 30.00 feet, a delta angle of $90^{\circ} 42' 10''$, an arc distance of 47.49 feet to a capped iron pin on the South right of way line of Michigan Avenue; thence run North $89^{\circ}20'54''$ East; along said right of way line, 540.99 feet to a capped iron pin; thence run South $00^{\circ}27'24''$ West, 723.25 feet to a capped iron pin; thence run North $89^{\circ}20'54''$ East, 723.25 feet to a capped iron pin on the Western right of way line of Doc McDuffie Road; thence run South $00^{\circ}27'24''$ West, along said right of way, 595.07 feet to a capped iron pin; run thence North $89^{\circ}53'06''$ West, 1,285.72 feet to the Point of Beginning.



RECEIVED
OCT 19 2016
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PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the re-zoning of 26.76 +/- acres.

Property is currently zoned R-3 (Residential Multi-Family) and AO (Agricultural Open Space), proposed zoning is R-1D (Residential Single Family). Property is located at the SE corner of S. Pecan St. and E. Michigan Ave. Applicant is KJS Holdings, LP.

Anyone interested in this re-zoning request may be heard at a public hearing scheduled for November 16, 2016 in City Hall Council Chambers located at 407 E. Laurel Ave., at 5:30 p.m. or may respond in writing to 200 N. Alston St., Foley, AL 36535.

Roderick Burkle
Planning Commission Chairman