



October 19, 2018

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 October 17, 2018 and the following action was taken:

Agenda Item: Truland Homes, LLC.- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 2.09+/- acres. Property is currently zoned R-2 (Residential Single Family and Duplex) the proposed zoning is R-1D (Residential Single Family). Property is located on Briscoe Ct. Applicant is Truland Homes, LLC.

Action Taken:

Commissioner Steigerwald made a motion to recommend the requested rezoning to Mayor and Council. Commissioner Hamrick seconded the motion. Commissioner Watkins abstained, all other Commissioners voted aye.

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

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

Respectfully,

Melissa Ringler
Planning & Zoning Coordinator
mringle@cityoffoley.org

MAYOR: John E. Koniar

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Kathryn Taylor

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):
PLEASE SEE ATTACHED SHEET
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
PLEASE SEE ATTACHED SHEET
3. APPROXIMATE SIZE OF PROPERTY:
LOT 24: 0.85 AC LOT 25: 0.42 AC LOT 26: 0.38 AC LOT 27: 0.44 AC
4. PRESENT ZONING OF PROPERTY:
R-2
5. REQUESTED ZONING:
R-1D
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:
UNDEVELOPED, ZONED FOR DUPLEX CONSTRUCTION
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.)
SINGLE-FAMILY HOMES
8. PROCESSING FEE OF \$500.00 FOR 20 ACRES OR LESS, PLUS \$15.00 PER ADDITIONAL ACRE OVER 20.

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

DATE: 9/19/18

NATHAN C. G.
PROPERTY OWNER/APPLICANT

29891 WOODBROW LN, STE 300, SPANISH FORT, AL
PROPERTY OWNER ADDRESS

251-625-1198

PHONE NUMBER

nathan@68ventures.com

EMAIL ADDRESS



TRULAND HOMES, LLC
~~ARBOR WALK DEVELOPMENT LLC~~
29891 WOODROW LANE STE 100
SPANISH FORT, AL 36527

To Whom It May Concern:

Dewberry is hereby authorized as our agent to represent us before the Foley Planning Commission and City Council in regards to the rezoning of Lots 24-27 of the Villages at Arbor Walk.

Sincerely,



Signature

Date: 9/19/18

NATHAN L. COX

Print Name



PROPERTY PARCEL NUMBERS:

05-61-03-07-0-000-006.090 pin#284391

05-61-03-07-0-000-006.091 pin#284392

05-61-03-07-0-000-006.092 pin# 284393

05-61-03-07-0-000-006.093 pin# 284394



LEGAL DESCRIPTION

LOT 24:

LOT 24 A/B OF THE VILLAGES AT ARBOR WALK AS SHOWN BY A MAP OR PLAT THEREOF, RECORDED AT SLIDE 2294-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LOT 25:

LOT 25 A/B OF THE VILLAGES AT ARBOR WALK AS SHOWN BY A MAP OR PLAT THEREOF, RECORDED AT SLIDE 2294-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LOT 26:

LOT 26 A/B OF THE VILLAGES AT ARBOR WALK AS SHOWN BY A MAP OR PLAT THEREOF, RECORDED AT SLIDE 2294-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LOT 27:

LOT 27 A/B OF THE VILLAGES AT ARBOR WALK AS SHOWN BY A MAP OR PLAT THEREOF, RECORDED AT SLIDE 2294-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.





The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 2.09 +/- acres. Property is currently zones R-2 (Residential Single Family and Duplex) the proposed zoning is R-1D (Residential Single Family). Property is located on Briscoe Ct. Applicant is Truland Homes, LLC.

Anyone interested in this rezoning request may be heard at a public hearing scheduled for October 17, 2018 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.

Phillip Hinesley
Planning Commission Chairman

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 6/21/2018 9:46 AM
DEED TAX \$ 60.00
TOTAL \$ 76.00
2 Pages

1703347

TT 2018-367(24)



REAL ESTATE SALES VALIDATION

The following information is provided pursuant to Alabama Code § 40-22-1, and is verified by the signature of Grantor below.

Grantor's Name:	Arbor Walk Development, LLC	Grantee's Name:	Truland Homes, LLC
Mailing Address:	1125 N Causeway Blvd Suite 2 Mandeville, LA 70471	Mailing Address:	29891 Woodrow Lane Suite 100 Spanish Fort, AL 36527
Property Address:	24A & B, 25A & B, 26A & B, 27A & B, etc.	Date of Sale:	May 24, 2018
		Purchase Price:	\$ 60,000.00

STATE OF ALABAMA
COUNTY OF BALDWIN

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that ARBOR WALK DEVELOPMENT, LLC an Louisiana limited liability company ("Grantor"), in consideration for the sum of TEN and NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid to Grantor by TRULAND HOMES, LLC, AN ALABAMA LIMITED LIABILITY COMPANY ("Grantee"), the receipt and sufficiency whereof are hereby acknowledged, does, subject to all matters and exceptions hereinafter mentioned, hereby GRANT, BARGAIN, SELL, and CONVEY unto Grantee, and the successors and assigns of Grantee, the following described real property situation in the County of Baldwin, State of Alabama, to wit:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 14 MINUTER 19 SECONDS EAST 1300.20 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 45 MINUTER 52 SECONDS EAST 560.74 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 45 MINUTER 52 SECONDS EAST 775.67 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 12 MINUTES 44 SECONDS 210.26 FEET TO A POINT; THENCE NORTH 89 DEGREES 45 SECONDS 17 MINUTES WEST 775.58 FEET TO A POINT; THENCE NORTH 00 DEGREES 11 MINUTES 11 SECONDS 210.13 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF THE LAND SUBDIVIDED AS THE VILLAGES AT ARBOR WALK, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED ON SLIDE 2294-C OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

TO HAVE AND TO HOLD said property, together with all and singular, the rights, members, privileges, tenements, improvements, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining; subject, however, to the matters and exceptions to which reference is hereinbelow made, unto the said Grantee, and the successors and assigns of Grantee, forever.

The property is conveyed subject to any and all applicable zoning and other land use laws, ordinances, regulations, etc. and to the lien for ad valorem taxes hereafter falling due, which taxes Grantee assumes and agrees to pay when due, and to the following:

1. Transmission line easement and right-of-way as set forth in Deed book 278, page 525.
2. Reservation of oil, gas and minerals and all right in connection therewith as contained in Real Property Book 103, page 1879; Real Property Book 121, page 53 and Instrument #872888.
3. Easement granted Baldwin County Electric Membership Corporation in Deed Book 288, page 239.
4. Reservation, restrictions, covenants, easements and rights to royalties deriving from existing natural gas well, rights to underground aquifers or water reserves, existing surface area for installation of a well and pumping house and easement of pipeline and electrical line as set out in Exhibit A contained in Deed recorded at Instrument #872888.
5. Building setback line, drainage easements, utility easements, covenants, wetlands and all other matters shown on the recorded plat of said subdivision at Slide 2619-F.
6. Declaration of restrictions, conditions, reservations, limitations, easements and rights as contained in instrument dated February 7, 2007 and recorded at Instrument # 1038287 and amended by instrument recorded as Instrument 1684117.



7. Articles of Incorporation of The Villages at Arbor Walk Home Owners Association, Inc recorded at Instrument #1038286.

8. Ordinance: 17-2027-ORD filed July 26, 2017 at Instrument #1646588.

Grantor covenants to and with Grantee that, except as to the matters and exceptions to which reference is made herein, Grantor is lawfully seized of an indefeasible estate in fee simple in and to said property, same is free from other encumbrances and liens, Grantor has a good and lawful right to sell and convey same, Grantor is in quiet and peaceable possession of same, and Grantor shall, and Grantor's successors and assigns shall, forever warrant and defend the title to said property as herein conveyed, unto Grantee, and the successors and assigns of Grantee, against the lawful claims of all persons whomsoever.

All recordings mentioned herein refer to the records in the Office of the Judge of Probate of Baldwin County, Alabama.

IN WITNESS WHEREOF, Grantor, by and through its undersigned authorized representative, has executed this deed this 24 day of May 2018.

ARBOR WALK DEVELOPMENT, LLC
A Louisiana limited liability company

By: [Signature]
As: Manager

Louisiana
STATE OF ALABAMA
COUNTY OF BALDWIN St. Tammany
Parish

I, the undersigned Notary Public, in and for said Parish in the said State, do hereby certify that Don McMath, whose name as Manager of, an Alabama limited liability company, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance, he, as said Manager and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this 24 day of May 2018.

[Signature]
NOTARY PUBLIC
My commission expires:

THIS INSTRUMENT PREPARED BY:
MCDAVID FLOWERS
J. MCDAVID FLOWERS, JR., P.C.
30941 Mill Lane, Unit D
Daphne, AL 36527
(334) 797-9363

GINA V. BROUSSARD #062807
NOTARY PUBLIC
ST. TAMMANY PARISH
MY COMMISSION IS FOR LIFE

\$ 96,000.00

TT 2018-367(24)

Grantee's Address:
29891 Woodrow Lane Suite 100
Spanish Fort, AL 36527

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 6/21/2018 9:45 AM
Deed Tax \$ 96.00
TOTAL \$ 109.00
1 Pages

1703346



Property Address: Lots 24 A and B, 25 A and B, 26 A and B, 27 A and B, part of Lots 23 A and B, 28 A and B, The Villages at Arbor Walk, Foley, AL 36535

STATE OF ALABAMA
COUNTY OF BALDWIN

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration in hand paid to Arbor Walk Development, LLC, a Louisiana limited liability company (hereinafter referred to as "Grantor"), the receipt and sufficiency of which is hereby acknowledged, by Truland Homes, LLC (hereinafter referred to as "Grantee"), hereby remises, releases, quitclaims, grants, sells, and conveys unto Grantee, all of Grantor's right, title, interest, and claim in or to the following described real estate, situated in Baldwin County, Alabama, to-wit:

Lots 24A, 24B, 25A, 25B, 26A, 26B, 27A, 27B, and part of Lots 23A, 24B, 28A and 28B, The Villages at Arbor Walk, a subdivision according to the plat thereof recorded on Slide 2294-C in the records in the Office of the Judge of Probate of Baldwin County, Alabama.

LESS AND EXCEPT such oil, gas, and other mineral interests, and all rights and privileges in connection therewith, as may have been reserved or conveyed by prior owners, if any.

THIS CONVEYANCE AND THE WARRANTIES CONTAINED IN THIS DEED ARE MADE SUBJECT TO THE FOLLOWING:

Any and all covenants, restrictions, regulations, conditions, easements, rights-of-way, liens, set back lines, and other rights of whatever nature, recorded and/or unrecorded.

TO HAVE AND TO HOLD, to the said Grantee, forever.

IN WITNESS WHEREOF, we have hereunto set my hand and seal this 24th day of May, 2018.

Arbor Walk Development, LLC
A Louisiana Limited Liability Company

By: Don McMath
Its: Manager

Parish St. Tammany
COUNTY OF BALDWIN

Gina Broussard Notary Public, in and for said Parish County in said State, hereby certify that Don McMath whose name as Manager of Arbor Walk Development, LLC, a LA Limited Liability Company, 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 (she), as such officer and with full authority, executed the same voluntarily for and as the act of said Limited Liability Company.

Given under my hand and seal this 24th day of May, 2018.

Gina Broussard
Notary Public
My Commission Expires:

GINA V. BROUSSARD #062907
NOTARY PUBLIC
ST. TAMMANY PARISH
MY COMMISSION IS FOR LIFE

Instrument Prepared By: J. McDavid Flowers, Jr., P.C, 30941 Mill Lane, Suite D., Daphne, Alabama 36527

This instrument has been prepared in accordance with information provided by a third party. No title examination and/or opinion was requested of, or rendered by, J. McDavid Flowers, Jr., P.C.

J. McDavid Flowers, Jr., P.C. does not represent the Grantor or the Grantee in this transaction, and recommends the parties hereto seek independent legal counsel to review this instrument.

File #: 2018-367(24)

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Alabama Secretary of State



Truland Homes, LLC	
Entity ID Number	055 - 342
Entity Type	Domestic Limited Liability Company
Principal Address	Not Provided
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Baldwin County
Formation Date	5-7-2012
Registered Agent Name	COX, NATHAN L
Registered Office Street Address	9945 SPANISH FORT BOULEVARD SPANISH FORT, AL 36527
Registered Office Mailing Address	9945 SPANISH FORT BOULEVARD SPANISH FORT, AL 36527
Nature of Business	CONSTRUCTION/DEVELOPMENT OF RESIDENTIAL & COMMERCIAL REAL ESTATE
Capital Authorized	
Capital Paid In	
Organizers	
Organizer Name	BATTLE PLAN CAPITAL LLC
Organizer Street Address	32128 BROKEN BRANCH CIRCLE SPANISH FORT, AL 36527
Organizer Mailing Address	32128 BROKEN BRANCH CIRCLE SPANISH FORT, AL 36527
Organizers	
Organizer Name	COX, NATHAN L
Organizer Street Address	32128 BROKEN BRANCH CIRCLE SPANISH FORT, AL 36527
Organizer Mailing Address	32128 BROKEN BRANCH CIRCLE SPANISH FORT, AL 36527
Scanned Documents	
Document Date / Type / Pages	5-14-2012 Certificate of Formation 5 pgs.