



City of Foley, AL

Signature Copy

Ordinance: 14-1023-ORD

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 9/ 2/2014 2:21 PM
TOTAL \$ 48.00
14 Pages

1475047



File Number: 14-0441

Enactment Number: 14-1023-ORD

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY

WHEREAS, on the 13th day of June, 2014, William & Kathleen Litzsinger, being the owners of all the real property hereinafter described, did file with the City Clerk a petition asking that the said tract or parcel of land be annexed to and become a part of the City of Foley, and

WHEREAS, said petition did contain the signatures of all the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Foley, and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the City of Foley and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FOLEY, ALABAMA, AS FOLLOWS:

Section 1. The Council of the City of Foley, Alabama, finds and declares as the legislative body of the City that it is in the best interests of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Foley.

Section 2. The boundary lines of the City of Foley, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretobefore encompassed by the corporate limits of the City of Foley, Alabama, and in addition thereto the following described territory, to-wit:

Tax Map Parcel ID# 05-61-05-16-0-001-011.044

Commence at the southwest corner of lot 43, Willow Lakes Estates, Phase1, Division 1 Subdivision, as shown by map or plat thereof recorded at Slide 2117-B, Probate Records, Baldwin County, Alabama for a point of beginning and run thence south 00 degrees 19 minutes 51 seconds east, a distance of 75.00 feet; Thence run north 89 degrees 49 minutes 24 seconds east, a distance of 125.00 feet; Thence run north 00 degrees 19 minutes 51 seconds west, a distance of 75.00 feet to the southeast corner of said lot 43; Thence run south 89 degrees 49 minutes 24 seconds west, along the south line of lot 43, a distance of 125.00 feet to the point of beginning.

Section 3. Petitioners requested zoning as R-1D Residential Single Family. The zoning will go through Planning Commission and all fees associated with the annexation/zoning of the property will be waived.

Section 4. This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Baldwin County, Alabama.

Section 5. The territory described in this ordinance shall become a part of the corporate limits of Foley, Alabama, upon publication of this ordinance as required by law.

PASSED, APPROVED AND ADOPTED this 18th day of August, 2014.



President's Signature

[Signature]

Date

8-19-14

Attest by City Clerk

[Signature]

Date

8-19-14

Mayor's Signature

[Signature]

Date

8/19/14

I certify that the foregoing Ordinance was published in the Foley Onlooker, a newspaper of general circulation in the City of Foley, in its issue of Tuesday, August 26, 2014.

[Signature]

Victoria Southern, CMC
City Clerk

Annexation Report for Mayor & Council

By: Miriam Boutwell

For: July 7, 2014 Meeting

Applicant: William & Kathleen Litzsinger

Location: 8865 Turf Creek Drive (Willow Lakes Estates)

Size: .22+/- Acres

Current Zoning: Baldwin County

Future Land Use: RM – Residential Medium Density

Requested Zoning: R1D – Residential Single Family

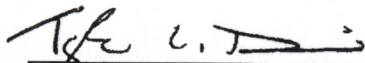
Flood Zone: X

Comments: Mr. Litzsinger purchased 75' x 125' adjacent to the south of his existing home. The Planning Commission will review his request to combine this portion to the other lot which contains his home at the July meeting.

Memo

To: Vickey Southern
From: Taylor Davis
Date: 6-30-14
Re: Petition for Annexation – William & Kathleen Litzsinger Property
8865 Turf Creek Drive, Willow Lake Estates

The City of Foley Engineering Department has evaluated the above referenced property being petitioned for annexation into the City of Foley. I recommend approval of the petition for annexation.


Taylor Davis, PE
Assistant City Engineer



Katy Taylor <ktaylor@cityoffoley.org>

Annexation

Leslie Gahagan <lgahagan@cityoffoley.org>

Wed, Jul 2, 2014 at 2:24 PM

To: Katy Taylor <ktaylor@cityoffoley.org>

I am unable to get to my U drive with my comments for this annexation. The Environmental Division has no concerns with the Litzsinger annexation as it is an adjacent lot in a previous open field.

Leslie Lassitter Gahagan
Environmental Manager
City of Foley
251-971-1471

On Tue, Jul 1, 2014 at 9:43 AM, Katy Taylor <ktaylor@cityoffoley.org> wrote:

Taylor and leslie,

I need your report on this annexation petition for William & Kathleen Litzsinger before I can proceed.

Thanks
Katy

Katy Taylor || Assistant City Clerk || City of Foley
407 East Laurel Avenue Foley, Alabama 36535 ||
251.943.1545 || ktaylor@cityoffoley.org

——— Forwarded message ———

From: **Katy Taylor** <ktaylor@cityoffoley.org>

Date: Mon, Jun 16, 2014 at 10:46 AM

Subject: Annexation

To: Miriam Boutwell <mboutwell@cityoffoley.org>, Karen Cowan <kcowan@cityoffoley.org>, Leslie Gahagan <lgahagan@cityoffoley.org>, Angela Cooper <acooper@cityoffoley.org>, Taylor Davis <tdavis@cityoffoley.org>, Joey Darby <jdarby@cityoffoley.org>, Dan Hellmich <dhellmich@cityoffoley.org>, David Wilson <dwilson@foleypolice.org>

All,

Attached is an annexation petition for William & Kathleen Litzsinger. It is for his empty lot (in the county) that is adjacent to his house and property (in the City) in Willow Lakes Subdivision. I look forward to receiving your reports.

Thanks
Katy

Annexation

Litzsinger

Created By: KTaylor
Date Created: 6/16/2014



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PETITION FOR ANNEXATION

We, the undersigned PETITIONERS, owners of the property described in the attached Exhibit A and as delineated on the map attached as Exhibit B, such property being outside the corporate limits of the City of Foley, Alabama, but which is now, or at the time this petition is acted upon will be, contiguous to the said corporate limits, and such property not lying within the corporate limits of any other municipality, do by these presents hereby petition the City of Foley, a municipal corporation, that said property be annexed into the City of Foley, Alabama pursuant to the authority of Section 11-42-21 of the Code of Alabama (1975).

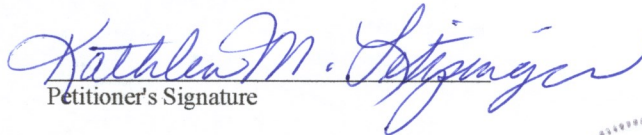
We, the undersigned PETITIONERS further petition that the Honorable Mayor and City Council of the City of Foley, Alabama, set a date for the hearing of this petition and adopt an ordinance annexing such property.

We, the undersigned PETITIONERS also ask that the Honorable Mayor and City Council of the City of Foley, Alabama, do all things necessary and requisite to comply with the terms of Section 11-42-21 of the Code of Alabama (1975).

We, the undersigned PETITIONERS understand that we will have no right to vote in any elections which we would be entitled to vote in as a result of this proposed annexation until the annexation is pre-cleared by the United States Department of Justice pursuant to section 5 of the Voting Rights Act of 1965, as amended.

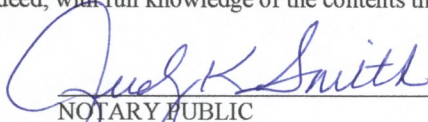
Dated this 9TH day of JUNE, 2014


Petitioner's Signature


Petitioner's Signature

STATE OF ALABAMA
BALDWIN COUNTY

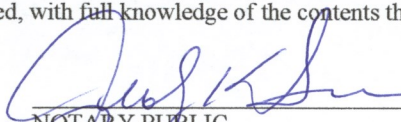
On this 9th day of June, 2014, before me personally appeared William F. Litzinger, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.


NOTARY PUBLIC
My Commission Expires: _____



STATE OF ALABAMA
BALDWIN COUNTY

On this 9th day of June, 2014, before me personally appeared Kathleen M. Litzinger, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.


NOTARY PUBLIC
My Commission Expires: _____



JUDY K. SMITH
NOTARY PUBLIC - STATE AT LARGE
State of Alabama - County of Baldwin
My Commission Expires Aug. 29, 2016

JUDY K. SMITH
NOTARY PUBLIC - STATE AT LARGE
State of Alabama - County of Baldwin
My Commission Expires Aug. 29, 2016

ATTACHMENT TO PETITION

PETITIONER(S) REQUEST PROPERTY BE INITIALLY ZONED AS FOLLOWS:

- | | | |
|-------------------------------------|-------|---|
| ☐ | R-1A | Residential Single Family |
| ☐ | R-1B | Residential Single Family |
| ☐ | R-1C | Residential Single Family |
| ☒ | R-1D | Residential Single Family |
| ☐ | R-1R | Restricted Residential Single Family |
| ☐ | R-2 | Residential Single Family & Duplex |
| ☐ | R-3 | Residential Multi Family |
| ☐ | R-4 | Residential Single Family & Duplex |
| ☐ | GPH-1 | Residential Garden-Patio Homes |
| ☐ | TH-1 | Residential Townhouses |
| ☐ | MH-1 | Residential Mobile Home Park/Subdivision |
| ☐ | OSP | Open Space/Reservation District |
| ☐ | PDD | Planned Development District |
| ☐ | PUD | Planned Unit Development |
| ☐ | PID | Planned Industrial District |
| ☐ | B-1 | Central Business District |
| ☐ | B-1A | Commercial Extended Business District |
| ☐ | B-2 | Commercial Neighborhood Business District |
| ☐ | B-3 | Commercial Local Business District |
| ☐ | PO | Preferred Office District |
| ☐ | M-I | Light Industry |
| ☐ | A-O | Agriculture Open Space |
| ☐ | H | Overlying area of Historic District |

PLEASE SELECT ONE OF THE ABOVE. IF YOU HAVE ANY QUESTIONS REGARDING THE REQUESTED ZONING, PLEASE CALL THE ZONING OFFICE AT 251-943-4011.

Initial Zoning Fee \$250.00 - check payable to the City of Foley due at time of submission.

Number of homes currently located on the property being annexed 0

Number of occupants Adults 0 Race N/A

Number of businesses currently located on the property being annexed 0

(If more than one business on property, print information on back.)

Name of business _____

Owner's Name _____

Mailing Address _____

If property is undeveloped, have plans been submitted to Planning Commission?

☐ Yes

If yes, state estimated date the development or subdivision will be completed _____

☐ No

[Signature]
Petitioner's Signature

6/9/14
Date

[Signature]
Petitioner's Signature

6/9/14
Date

For Internal Use Only: Are infrastructure valuation forms for annexations and subdivision acceptance from the Engineering Department attached?

☐ Yes

☐ No

Date: June 13, 2014

To: City of Foley Alabama

From: William F. & Kathleen M. Litzsinger
8865 Turf Creek Dr
Foley, AL 36535
(251) 228-1201

Per the attached documentation we are requesting annexation into the city of Foley a 75' X125' parcel of land which we bought through Brooks DeLaney and purchased from the county. Our house is currently in the city and we would appreciate your rezoning of this new parcel and including it into our property lines.

Thank You in advance

A handwritten signature in dark ink, appearing to be 'W. Litzsinger', with a long horizontal flourish extending to the right.

William F Litzsinger

PS: Since it is such a small piece of property anything that can be done to midigate the \$250.00 would be heloful.

REAL ESTATE VALIDATION FORM

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

Grantor's Name:	Southern Capital Development, LLC	Grantee's Name:	William F. Litzsinger and Kathleen M. Litzsinger
Mailing Address:	P.O. Box 1040 Magnolia Spring, AL 36555	Mailing Address:	8885 Turf Creek Drive Foley, AL 36535
Property Address:	Unknown Foley, AL	Date of Sale:	06/09/2014
		Purchase Price:	10000
		Loan Amount:	0
		Equity:	10000

WARRANTY DEED

STATE OF ALABAMA
COUNTY OF BALDWIN

KNOW ALL MEN BY THESE PRESENTS that **SOUTHERN CAPITAL DEVELOPMENT, LLC** (hereinafter referred to as "**Grantor**"), for and in consideration of the sum of TEN AND NO/100THS (\$10.00) DOLLARS and other good and valuable considerations to Grantor in hand paid by **WILLIAM F. LITZSINGER AND KATHLEEN M. LITZSINGER** (hereinafter collectively referred to as "**Grantee**"), the receipt of which is hereby acknowledged, does by these presents, subject to the provisions hereinafter set out, GRANT, BARGAIN, SELL AND CONVEY unto Grantee as joint tenants with equal rights and interests for the period that both shall live, then to the survivor of them at the death of the other, and to the heirs, executors, administrators and assigns of such survivor forever, that certain real property situated in the County of Baldwin, State of Alabama, described as follows:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 43, WILLOW LAKE ESTATES, PHASE 1, DIVISION 1 SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2117-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA FOR A POINT OF BEGINNING AND RUN THENCE SOUTH 00 DEGREES 19 MINUTES 51 SECONDS EAST, A DISTANCE OF 75.00 FEET; THENCE RUN NORTH 89 DEGREES 49 MINUTES 24 SECONDS EAST, A DISTANCE OF 125.00 FEET; THENCE RUN NORTH 00 DEGREES 19 MINUTES 51 SECONDS WEST, A DISTANCE OF 75.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 43; THENCE RUN SOUTH 89 DEGREES 49 MINUTES 24 SECONDS WEST, ALONG THE SOUTH LINE OF LOT 43, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

THIS CONVEYANCE AND THE WARRANTIES HEREUNDER ARE MADE SUBJECT TO THE FOLLOWING EXCEPTIONS:

1. Lien for ad valorem taxes for the current tax year against the aforescribed property due and payable October 1, 2014, which said taxes Grantee agrees to pay when due.
2. Any prior reservation or conveyance, together with release of damages, of minerals of every kind and character, including, but not limited to, oil, gas, sand and gravel in, on or under aforescribed property.
3. Building setback lines, easements and other matters as set forth on recorded plat of subdivision.
4. Covenants, conditions, and restrictions as recorded in Instrument Number 881233; Instrument Number 923682; Instrument Number 1199234; and Instrument Number 1321790; , and any amendments thereof.
5. The Articles of Incorporation of Willow Lakes Estates Property Owner's Association, Inc. in Instrument Number 1177227, together with bylaws as recorded in Instrument Number 1177228, and any and all rules and regulations implemented by the Association.

CERTIFICATION OF OWNERSHIP AND DEDICATION:

WE, THE PROPRIETORS, HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT AND PLATTED TO BE KNOWN AS

A PART OF SECTION 16, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, AND THAT THE EASEMENTS AS SHOWN ON SAID PLAT ARE HEREBY DEDICATED FOR THE USE AS SHOWN HEREON.

SIGNED AND SEALED IN THE PRESENCE OF: _____

OWNERS

CERTIFICATION BY NOTARY PUBLIC:

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, _____ A NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, IN THE STATE OF ALABAMA DO CERTIFY THAT

WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS (THEIR) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS _____ DAY OF _____ 2014.

NOTARY PUBLIC

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE _____ DAY OF _____ 2014.

CAL MARKERT, P.E.

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

THE UNDERSIGNED, AS CITY ENGINEER OF THE CITY OF FOLEY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE _____ DAY OF _____ 2014.

CITY ENGINEER

CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION

THE WITHIN PLAT OF PECAN STREET SUBDIVISION, FOLEY, ALABAMA, IS HEREBY APPROVED BY THE CITY OF FOLEY PLANNING COMMISSION, THIS THE _____ DAY OF _____ 2014.

CITY PLANNING COMMISSION CHAIRMAN

SURVEYOR'S NOTES:

1. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
2. DESCRIPTION AS FURNISHED BY CLIENT.
3. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
4. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
5. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
6. SURVEY WAS CONDUCTED ON MAY 21ST, 2014, AND IS RECORDED IN FIELD BOOK #283, AT PAGE 86, AND IN AN ELECTRONIC DATA FILE.
7. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES.
8. BEARINGS ARE BASED ON STATE PLANE GRID COORDINATES ALABAMA WEST ZONE 0102 (NAD 83 DATUM).
9. ALL GPS OBSERVATIONS WERE TAKEN USING REAL TIME KINEMATIC GPS.
10. THIS SURVEY IS BASED UPON MONUMENTATION FOUND IN PLACE AND DOES NOT PURPORT TO BE A RETRACEMENT AND PROPORTIONING OF THE ORIGINAL GOVERNMENT SURVEY.

FLOOD CERTIFICATE:

THIS PROPERTY LIES WITHIN ZONE "X" AS SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA, MAP NUMBER 01003C0933, COMMUNITY NUMBER 15000, PANEL NUMBER 0935, SUFFIX L, MAP REVISED DATE JULY 17, 2007.

SURVEYOR'S CERTIFICATE:

STATE OF ALABAMA
COUNTY OF BALDWIN

WE, PREBLE-RISH, LLC, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO-WIT:

LOT 43, WILLOW LAKE ESTATES, PHASE 1, DIVISION 1 SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2117-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND THE NORTH 75 FEET OF THE WEST 125 FEET OF LANDS IN WARRANTY DEED TO SOUTHERN CAPITAL DEVELOPMENT, LLC, RECORDED IN INSTRUMENT 947122, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCE AT 1/2" REBAR AT THE NORTHEAST CORNER OF LOT 43, WILLOW LAKE ESTATES, PHASE 1, DIVISION 1 SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2117-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA FOR A POINT OF BEGINNING AND RUN THENCE SOUTH 00 DEGREES 17 MINUTES 40 SECONDS EAST, A DISTANCE OF 149.85 FEET TO A 1/2" CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 89 DEGREES 49 MINUTES 24 SECONDS WEST, A DISTANCE OF 125.00 FEET TO A 1/2" CAPPED REBAR (CA-0951-LS); THENCE RUN NORTH 00 DEGREES 19 MINUTES 51 SECONDS WEST, A DISTANCE OF 150.00 FEET TO 5/8" CAPPED REBAR (CA-0568-LS); THENCE NORTH 89 DEGREES 53 MINUTES 14 SECONDS EAST, A DISTANCE OF 125.06 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.43 ACRES, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA.

(DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY).

WE FURTHER STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE MAY 7, 2002.

PREBLE-RISH, LLC, AL. P.L.S. NO. 26014

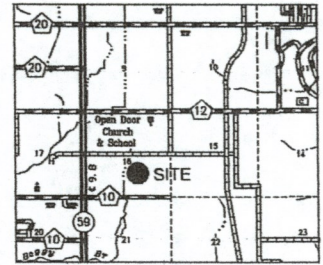
DAVID E. DIEHL SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



LEGEND:

- = REBAR FOUND
- = CAPPED REBAR FOUND
- = 1/2" CAPPED REBAR SET (CA-0951-LS)
- BSL = BUILDING SETBACK LINE
- = FENCE

PROPERTY IS LOCATED IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA.



VICINITY MAP
1" = 1 MILE

NOTE:
LOT IS CURRENTLY PROVIDED WITH UTILITIES.

RMF-6 (B.C.)

ZONED:

SOUTHERN CAPITAL DEVELOPMENT, LLC
(INSTRUMENT 947122)



RE-PLAT OF LOT 43 WILLOW LAKE ESTATES PHASE 1 DIVISION 1

BOUNDARY SURVEY & REPLAT
MR. WILLIAM LITZINGER

PREBLE-RISH, LLC.
CONSULTING ENGINEERS & SURVEYORS
CIVIL - SURVEYING - SITE PLANNING

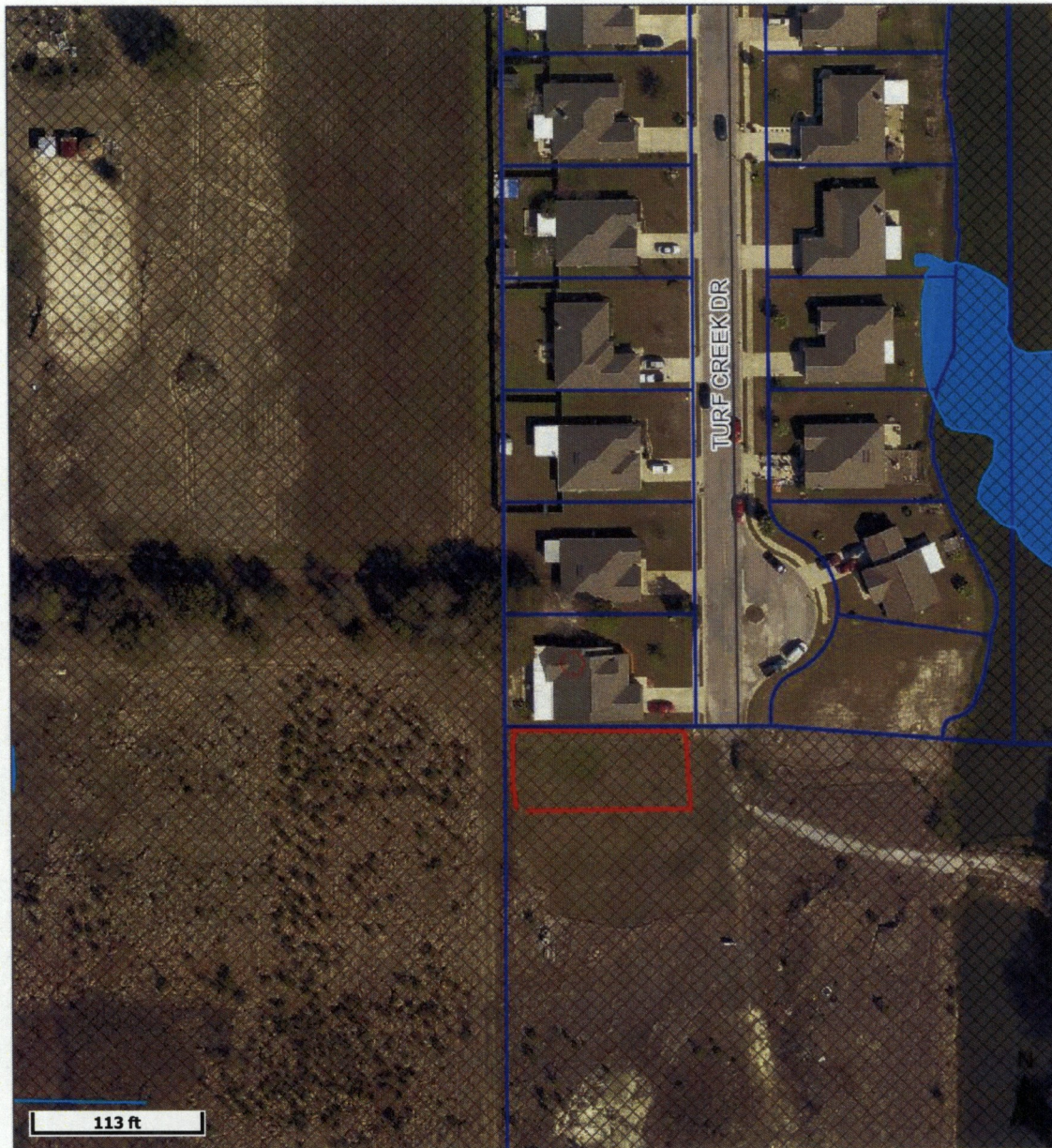
9949 Belliston Ave. Daphne, AL 36526
251-990-9990 Fax 251-990-9990 info@preble-rish.com

DATE: _____
SCALE: 1" = 40'
DRAWN BY: JAF
CHECKED BY: DED
SECTION 16, T-8-S, R-4-E
BALDWIN COUNTY, ALABAMA
PROJECT# 0010202
REF# _____
DWS# 0010202.DWG
SHEET NO. 1 OF 1

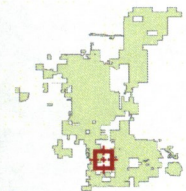
Annexation

Litzinger

Created By: KTaylor
Date Created: 6/16/2014



Overview



Legend

- Main Highways
- County Roads
- Centerlines
- Foley City Limits
- County Mask
- Foley City Limit Background
- Parcels
- Downtown Historic District
- Streams and Creeks
- Lakes and Bays

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REAL ESTATE VALIDATION FORM

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Grantor's Name:	Southern Capital Development, LLC	Grantee's Name:	William F. Litzsinger and Kathleen M. Litzsinger
Mailing Address:	P.O. Box 1040 Magnolia Spring, AL 36555	Mailing Address:	8865 8885 Turf Creek Drive Foley, AL 36535
Property Address:	Unknown Foley, AL	Date of Sale:	06/09/2014
		Purchase Price:	10000
		Loan Amount:	0
		Equity:	10000

WARRANTY DEED

STATE OF ALABAMA
COUNTY OF BALDWIN

KNOW ALL MEN BY THESE PRESENTS that **SOUTHERN CAPITAL DEVELOPMENT, LLC** (hereinafter referred to as "Grantor"), for and in consideration of the sum of TEN AND NO/100THS (\$10.00) DOLLARS and other good and valuable considerations to Grantor in hand paid by **WILLIAM F. LITZSINGER AND KATHLEEN M. LITZSINGER** (hereinafter collectively referred to as "Grantee"), the receipt of which is hereby acknowledged, does by these presents, subject to the provisions hereinafter set out, GRANT, BARGAIN, SELL AND CONVEY unto Grantee as joint tenants with equal rights and interests for the period that both shall live, then to the survivor of them at the death of the other, and to the heirs, executors, administrators and assigns of such survivor forever, that certain real property situated in the County of Baldwin, State of Alabama, described as follows:

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2. Any prior reservation or conveyance, together with release of damages, of minerals of every kind and character, including, but not limited to, oil, gas, sand and gravel in, on or under aforescribed property.
3. Building setback lines, easements and other matters as set forth on recorded plat of subdivision.
4. Covenants, conditions, and restrictions as recorded in Instrument Number 881233; Instrument Number 923682; Instrument Number 1199234; and Instrument Number 1321790; , and any amendments thereof.
5. The Articles of Incorporation of Willow Lakes Estates Property Owner's Association, Inc. in Instrument Number 1177227, together with bylaws as recorded in Instrument Number 1177228, and any and all rules and regulations implemented by the Association.



COUNTY COMMISSION

BALDWIN COUNTY
312 Courthouse Square, Suite 12
BAY MINETTE, ALABAMA 36507
(251) 937-0264
Fax (251) 580-2500
www.baldwincountyal.gov
October 21, 2014

MEMBERS
DISTRICT 1. FRANK BURT, JR.
2. CHRIS ELLIOTT
3. J. TUCKER DORSEY
4. CHARLES F. GRUBER

The Honorable John E. Koniar
Mayor
City of Foley
ATTN: Ms. Victoria Southern, CMC, City Clerk
Post Office Box 429
Foley, Alabama 36535

RE: City of Foley – Annexation Notification

Dear Mayor Koniar:

The Baldwin County Commission, during its regularly scheduled meeting held on October 21, 2014, authorized the placement of the City of Foley's Annexation Ordinance #14-1023-ORD, Annexation Ordinance #14-1024-ORD, City of Foley Resolution #14-0355-RES deannexing 17195 US Highway 98 West, Foley, Alabama, and the Order of Deannexation from Baldwin County Judge of Probate approving the same, into the minutes of the October 21, 2014, Baldwin County Commission regular meeting with proper notification to the following departments/organizations:

DEPARTMENTS/ORGANIZATIONS

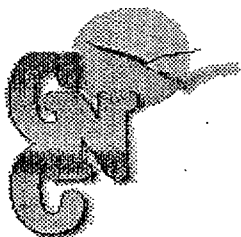
Sheriff's Office
Highway Department
Solid Waste Department
Revenue Commission Office
Building Inspection Department
E-911
South Alabama Regional Planning Commission
Board of Registrars
Planning Department
Communications/Information Systems Department
Baldwin County Commission

If you have any questions or need further assistance, please do not hesitate to contact me or Jeannie M. Bonifay, Chief Administrative Assistant, Foley Commission Office, at (251) 972-6833.

Sincerely,

CHARLES F. GRUBER, Chairman
Baldwin County Commission

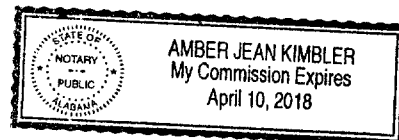
CFG/cfc Item BA4



Sworn to and subscribe before me

this 20th day of August, 2014

Amber Jean Kimbler
Notary Public



Mail Payment to: The Fairhope Courier
P.O. Box 549
Fairhope, AL 36533

Affidavit: This is to certify the attached advertisement appeared in the following newspaper(s):

Tuesday Publications:

☐ The Courier
☐ The Islander
☐ The Foley Onlooker
☐ The Independent
☐ The Baldwin Times

Friday Publications:

☐ The Courier
☐ The Islander
☒ The Foley Onlooker
☐ The Independent
☐ The Baldwin Times

Publication Date(s):

August 15

Cost: Words/inches x Rate:

613x.18

Total \$ 110.34

April M. Wallace
April M. Wallace
Legal Ad Representative

Bill to:

City of Foley

Type of ad:

Litzinger

PO # _____

For Office Use Only:

Account # 600017

Receipt # _____

☐ Check # _____

☐ Credit Card _____

☐ Paid _____

☐ Cash _____

☒ Unpaid _____

NOTICE TO THE PUBLIC

The Foley City Council will hold a Public Hearing at 5:30 p.m. Monday, August 18, 2014 in Council Chambers to consider passage of an ordinance and to consider Planning Commission's recommendation for the initial zoning of 0.21+/- acres being annexed into the corporate limits of the City of Foley located on the west side of Turf Creek Drive and south of County Road 12 S. owned by William and Kathleen Litzinger.

All persons wishing to be heard may speak in person at the Public Hearing, or may respond in writing to the City of Foley, P.O. Box 1750, Foley Alabama 36536 before August 18, 2014, in order to be considered.

Ordinance No. _____

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY

WHEREAS, on the 13th day

of June, 2014, William & Kathleen Litzinger, being the owners of all the real property hereinafter described, did file with the City Clerk a petition asking that the said tract or parcel of land be annexed to and become a part of the City of Foley, and

WHEREAS, said petition did contain the signatures of all the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Foley, and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the City of Foley and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FOLEY, ALABAMA, AS FOLLOWS:

Section 1. The Council of the City of Foley, Alabama, finds and declares as the legislative body of the City that it is in the best interests of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Foley.

Section 2. The boundary lines of the City of Foley, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Foley, Alabama, and in addition thereto the following described territory, to-wit:

Tax Map Parcel ID

05-61-05-16-0-001-011.044

Commence at the southwest corner of lot 43, Willow Lakes Estates, Phase 1, Division 1 Subdivision, as shown by map or plat

thereof recorded at Slide 2117-B, Probate Records, Baldwin County, Alabama for a point of beginning and run thence south 00 degrees 19 minutes 51 seconds east, a distance of 75.00 feet; Thence run north 89 degrees 49 minutes 24 seconds east, a distance of 125.00 feet; Thence run north 00 degrees 19 minutes 51 seconds west, a distance of 75.00 feet to the southeast corner of said lot 43; Thence run south 89 degrees 49 minutes 24 seconds west, along the south line of lot 43, a distance of 125.00 feet to the point of beginning.

Section 3. Petitioners requested zoning as R-1D Residential Single Family. The zoning will go through Planning Commission and all fees associated with the annexation/zoning of the property will be waived.

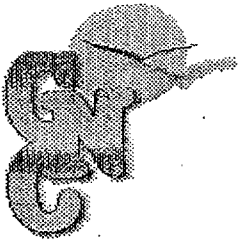
Section 4. This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Baldwin County, Alabama.

Section 5. The territory described in this ordinance shall become a part of the corporate limits of Foley, Alabama, upon publication of this ordinance as required by law.

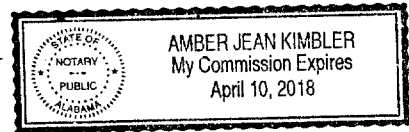
PASSED, APPROVED AND ADOPTED this _____ day of _____, 2014.

J. Wayne Trawick, President
Victoria Southern, CMC
City Clerk

John E. Koniar, Mayor
The Foley Onlooker
August 15, 2014



Sworn to and subscribe before me
 this 28th day of August, 2014
Amber Jean Kimbler
 Notary Public



Mail Payment to: The Fairhope Courier
 P.O. Box 549
 Fairhope, AL 36533

Affidavit: This is to certify the attached advertisement appeared in the following newspaper(s):

Tuesday Publications:

☐ The Courier
☐ The Islander
☒ The Foley Onlooker
☐ The Independent
☐ The Baldwin Times

Friday Publications:

☐ The Courier
☐ The Islander
☐ The Foley Onlooker
☐ The Independent
☐ The Baldwin Times

Publication Date(s):

8/26

Cost: Words/inches x Rate:

502 x .14

Total \$ 70.28

Am M Wallace
 April M. Wallace
 Legal Ad Representative

Billed to:

City of Foley

Type of ad:

Ord # 14-1023

PO # _____

For Office Use Only:

Account # 1000017

Receipt # _____

☐ Check # _____

☐ Credit Card _____

☐ Paid

☐ Cash

☒ Unpaid

**Ordinance: 14-1023
 AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY**

WHEREAS, on the 13th day of June, 2014, William & Kathleen Litzsinger, being the owners of all the real property hereinafter described, did file with the City Clerk a petition asking that the said tract or parcel of land be annexed to and become a part of the City of Foley, and

WHEREAS, said petition did contain the signatures of all the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Foley, and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the City of Foley and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FOLEY, ALABAMA, AS FOLLOWS:

Section 1. The Council of the City of Foley, Alabama, finds and declares as the legislative body of the City that it is in the best interests of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Foley.

Section 2. The boundary lines of the City of Foley, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Foley, Alabama, and in addition thereto the following described territory, to-wit:

**Tax Map Parcel ID
 # 05-61-05-16-0-001-011.044**
 Commence at the southwest corner of lot 43, Willow Lakes Estates, Phase 1, Division 1 Subdivision, as shown by map or plat thereof recorded at Slide 2117-B, Probate Records, Baldwin County, Alabama for a point of beginning and run thence south 00 degrees 19 minutes 51 seconds east, a distance of 75.00 feet; Thence run north 89 degrees 49 minutes 24 seconds east, a distance of 125.00 feet; Thence run north 00 degrees 19 minutes 51 seconds west, a distance of 75.00 feet to the southeast corner of said lot 43; Thence run south 89 degrees 49 minutes 24 seconds west, along the south line of lot 43, a distance of 125.00 feet to the point of beginning.

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Section 4. This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Baldwin County, Alabama.

Section 5. The territory described in this ordinance shall become a part of the corporate limits of Foley, Alabama, upon publication of this ordinance as required by law.

PASSED, APPROVED AND ADOPTED this 18th day of August, 2014.

/s/ J. Wayne Trawick, President
 /s/ Victoria Southern, CMC
 City Clerk

/s/ John E. Koniar, Mayor
 The Foley Onlooker
 August 26, 2014