



COMMUNITY DEVELOPMENT DEPARTMENT
200 NORTH ALSTON STREET
Foley, Alabama 36535
www.cityoffoley.org

(251) 952-4011
FAX (251) 971 -3442

February 27, 2015

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 February 18, 2015 and the following action was taken:

Agenda Item

Thomas Provost- Request for Re-zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 20 +/- acres. Property is currently zoned PUD (Planned Unit Development), proposed zoning is AO (Agricultural Open Space). Property is located E of Bodenhamer Rd. and S of Breckner Rd. Applicant is Thomas Provost.

Action Taken:

Commissioner Hellmich made a motion to recommend the requested re-zoning to Mayor and Council. Commissioner Hare seconded the motion. All Commissioners voted aye.

Motion to recommend the requested re-zoning to Mayor and Council carries.

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

Respectfully,

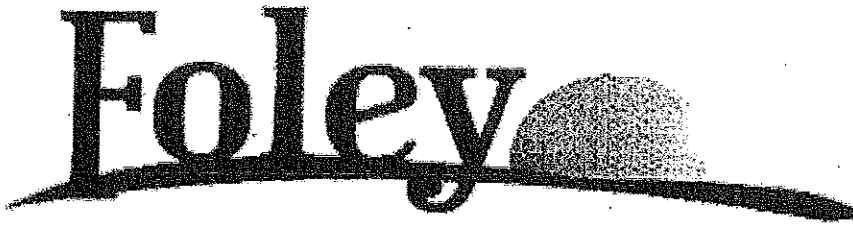
Melissa Ringler
Planning & Zoning Coordinator
mringler@cityoffoley.org

MAYOR: John E. Koniar

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Vickey 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 (NFORMATION):
*East 20 Ac of Parcel 55-07-25-0-000-044.00
PPIN: 004500*
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
See Attached
3. APPROXIMATE SIZE OF PROPERTY: *20 Ac*
4. PRESENT ZONING OF PROPERTY: *PUD*
5. REQUESTED ZONING: *AO*
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY: *Vacant with trees. No Improvements*
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.) *Residential Agricultural*
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: 1-20-15


PROPERTY OWNER/APPLICANT

PROPERTY OWNER ADDRESS

(850) 221-4641

PHONE NUMBER

provost5@msn.com

EMAIL ADDRESS

Return To:

Attorneys Title, Inc.
Post Office Box 3304
Gulf Shores, Alabama 36547

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 9/19/2014 8:19 AM
DEED TAX \$ 115.00
TOTAL \$ 130.00
3 Pages

1477834



14-136

WARRANTY DEED

STATE OF ALABAMA }
COUNTY OF BALDWIN }

KNOW YE ALL MEN BY THESE PRESENTS, that in consideration of the sum of ONE HUNDRED AND NO/100 DOLLARS (\$100.00) and other valuable consideration to the undersigned **GRANTOR, MOUNTAINTOP COMMUNITY CHURCH, INC.**, an Alabama non-profit church corporation, in hand paid by the **GRANTEE, EQUITY TRUST COMPANY, AS CUSTODIAN FBO THOMAS C. PROVOST IRA**, a corporation, the receipt whereof is hereby acknowledged, the Grantor does hereby GRANT, BARGAIN, SELL, and CONVEY unto the Grantee in fee simple, the following described real property situated in **BALDWIN COUNTY, ALABAMA**, to-wit:

A parcel lying in the Northwest Quarter of the Northeast Quarter of Section 25, Township 7 South, Range 3 East, Baldwin County, Alabama, and being more particularly described as follows, to-wit: Commencing at the purported Northeast corner of said Section 25; thence run South 89° 31' 30" West, a distance of 1,317.83 feet; thence run South 00° 05' 09" West, a distance of 23.35 feet to the South right-of-way of Breckner Road and the Point of Beginning of the parcel herein described, said point being the Northwest corner of Lot 17, Block F, of Green Acres Estates, according to map or plat thereof recorded in Map Book 8, Page 36, in the Office of the Judge of Probate of Baldwin County, Alabama; thence run South 00° 05' 09" West, along the West line of said Block F, a distance of 1,305.49 feet; thence run South 89° 37' 49" West, a distance of 1,334.68 feet to the East right-of-way of a paved county road; thence run North 00° 19' 58" East, along and with the East right-of-way, a distance of 1,303.16 feet to said South right-of-way of said Breckner Road; thence run North 89° 31' 38" East, along and with said South right-of-way, a distance of 1,329.09 feet to the said Point of Beginning; Less and except any portion of same which may lie in said county right-of-way.

Said realty being and intended to be that same realty conveyed to the Grantor by warranty deed recorded May 11, 2012, as Instrument Number 1338336.

SAID REALTY IS CONVEYED SUBJECT TO the following, to-wit:

1. Lien of taxes and assessments for the current year and all subsequent years hereafter falling due, which Grantee agrees to assume.
2. Any future change, adjustment, reappraisal, reassessment, roll back, or escape taxes changed, assessed or made come due by action of either the Office of the Tax Assessor or Collector or the Board of Equalization.
3. Any prior reservation of oil, gas, and other minerals, in, on, and under said realty, together with all rights and easements in connection therewith, as may have been previously reserved by or conveyed to others and presently of record.

WRAH 8/27/14

4. All zoning, planning, subdivision, wetlands and other environmental areas, construction and other setback requirements, covenants, reservations, restrictions, regulations, rules, and all other limitations on the use of said realty presently of record and as may hereafter be imposed by the State of Alabama, United States of America, Corp of Engineers, EPA, ADEM, or any other municipal, environmental, or governmental agency, department or authority having jurisdiction over said realty.

5. All reservations, covenants, restrictions, rights-of-way, roadways, building and other setback lines, and drainage, utility, and other easements, and other matters of record.

6. Reservation of interest in all oil, gas, and other minerals, and all other rights and easements in connection therewith, as contained in deed from Magnolia Land Company, to C.H. McKenzie, dated June 30, 1937, and recorded in Deed Book 63 N.S., Page 412.

7. Reservation of twenty (20) feet along the North line and fifteen (15) feet along the West line of the Northwest Quarter of the Northeast Quarter of said Section 25, Township 7 South, Range 3 East, and all other rights and easements in connection therewith, as contained in deed from Magnolia Land Company, to C.H. McKenzie, dated June 30, 1937, and recorded in Deed Book 63 N.S., Page 412.

8. Oil, gas, and mineral lease to Mitchell Energy Corporation, and all other rights and easements in connection therewith, as contained in instrument from Carl E. Breckner and Sarah Jane Breckner, dated September 2, 1987, and recorded in Real Property Book 306, Page 130.

9. Right-of-way of Breckner Road as it now exists running along the North boundary of said realty, and the right-of-way of paved county road as it now exists running along the Western boundary of said realty, all as referenced in deed to South Baldwin, LLC, dated August 3, 2005, and recorded as Instrument Number 912920.

10. Any claim arising by reason of any portion of said realty lying below mean high tide, or some portion of said realty is tide or submerged land or has been created by artificial means or has accreted to such portion so created.

11. Grantor makes no representations or warranties regarding any EPA or other environmental matters related to said realty as contained in the sales contract by and between the parties. Grantee has been heretofore furnished a Phase I environmental study of said realty, and the recording of this deed shall evidence Grantee's acknowledgment and acceptance of same.

All recording citations referenced herein refer to the official records as properly indexed in the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

TOGETHER WITH all and singular the rights, members, privileges, improvements, hereditaments, tenements, and appurtenances therunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the Grantee and unto Grantee's successors and assigns, in fee simple, forever.

AND THE GRANTOR does for Grantor and for Grantor's successors and assigns, covenant with the Grantee and Grantee's successor and assigns, that Grantor is lawfully seized in fee simple of said realty; that Grantor has a good right to sell and convey said realty; that said realty is free from all liens and encumbrances, EXCEPT FOR TAXES HEREAFTER FALLING DUE AND AS SET OUT HEREIN ABOVE; and that Grantor and Grantor's successors and assigns, shall warrant and defend the same unto the Grantee and Grantee's successors and assigns forever, against the lawful claims of all persons.

WVA 8/27/14

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed under seal on this 27TH day of AUGUST, 20 14.

ATTESTED:

MOUNTAIN TOP COMMUNITY CHURCH, INC.,
An Alabama Non-profit Church Corporation

Wayne Hudson (SEAL)
BY: WAYNE HUDSON
As Its PRESIDENT



BY:
As Its

STATE OF Alabama)
COUNTY OF Jefferson)

I, Craig Peterson, a Notary Public in and for said County and State, hereby certify that Wayne Hudson and President of MOUNTAIN TOP COMMUNITY CHURCH, INC., an Alabama non-profit church corporation, is/are signed as Grantor to the foregoing instrument and who is/are known to me or otherwise produced valid identification, acknowledged before me on this day, that, after being informed of the contents of said conveyance, he/she/they, as such official(s) and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears date.

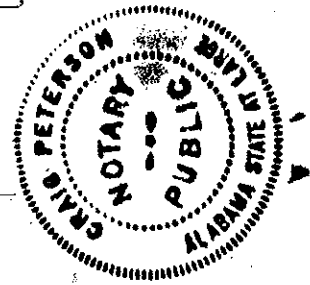
Given under my hand and official seal on this 27th day of August, 20 14.

My Commission Expires:

(NOTARY SEAL)

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Dec 27, 2014
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Craig Peterson
NOTARY PUBLIC



GRANTOR'S MAILING ADDRESS:

225 CENTERVIEW DRIVE
BIRMINGHAM, AL 35216

GRANTEE'S MAILING ADDRESS:

Post Office Box 905
Gulf Breeze FL 32562

This Instrument Prepared By:

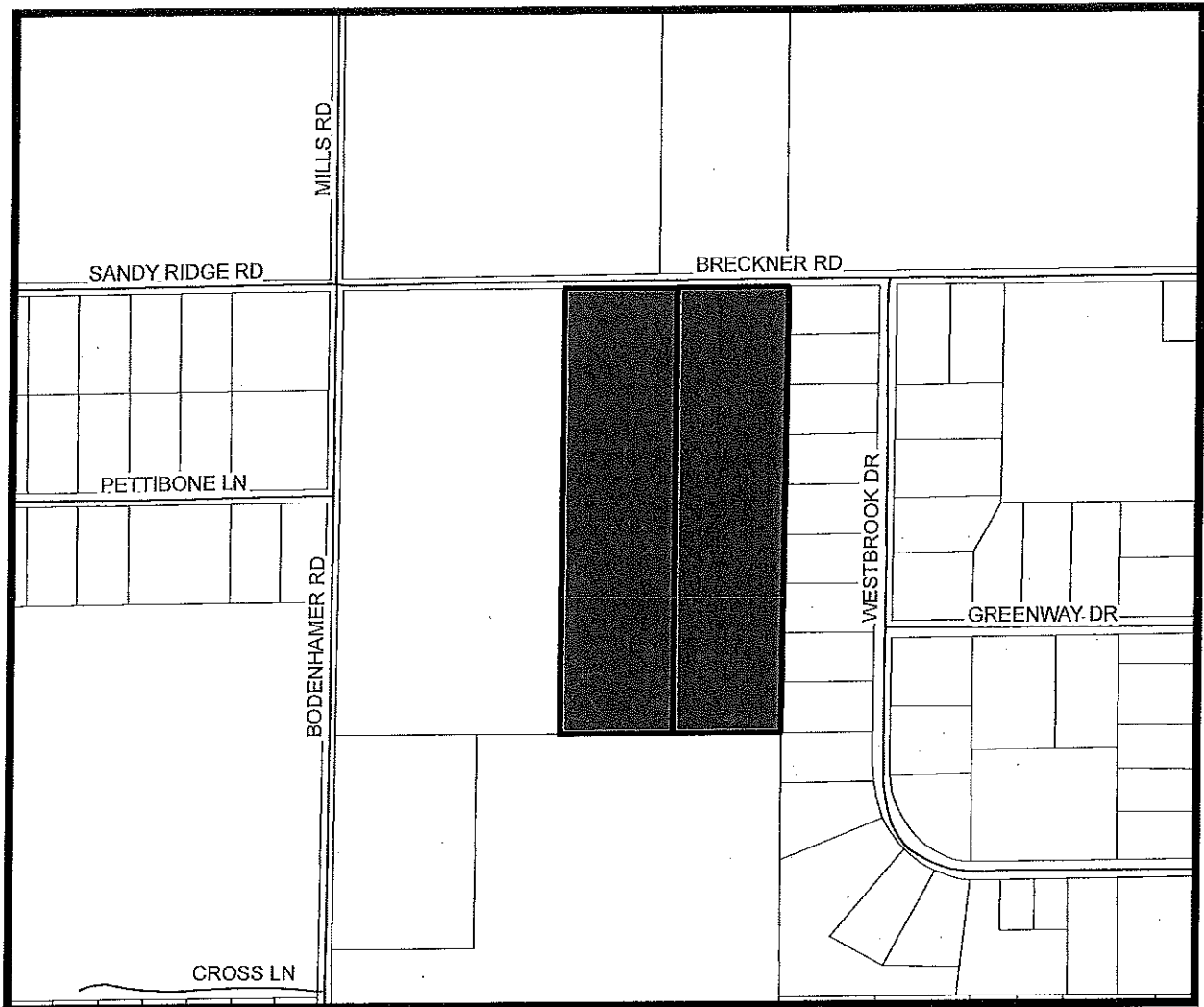
Timothy D. Garner
Attorney at Law
Post Office Box 3304
Gulf Shores, Alabama 36547-3304
Telephone (251) 968-5540
Facsimile (251) 9685451

File No. 14-136

Handwritten note: 8/29/14



PUBLIC NOTICE



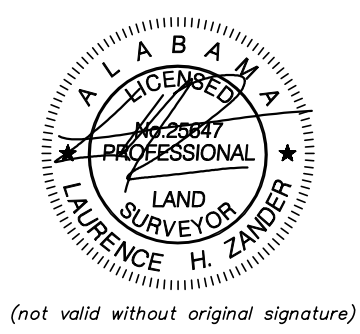
The City of Foley Planning Commission has received a request to recommend to Mayor and Council the re-zoning of 20 +/- acres. Area is currently zoned PUD (Planned Unit Development), proposed zoning is AO (Agricultural Open Space). Property is located E of Bodenhamer Rd. and S of Breckner Rd. Applicant is Thomas Provost.

Anyone aggrieved by this re-zoning request may be heard at a public hearing scheduled for Wednesday, February 18, 2015 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

SURVEY SERVICES

P.O. BOX 970
MAGNOLIA SPRINGS, ALABAMA 36555
9690-A SHERMAN ROAD, FOLEY, AL 36535
PH. (251) 971-2986
FAX (251) 971-2987
E-MAIL: SURVEYSERVICES@GULFTEL.COM



Owner N/F:
EQUITY TRUST COMPANY
POST OFFICE BOX 905
GULF BREEZE, FL 32562

Survey for:
Equity Trust Company

STATE: ALABAMA COUNTY: BALDWIN
SECTION: 25 TOWNSHIP: 7 SOUTH RANGE: 3 EAST
PARCEL #: 55-07-25-0-000-044.000
ADDRESS: BRECKNER ROAD
FOLEY, AL 36535

PROJECT NO.:	152465
DWN. BY:	LHZ
FIELD WORK:	02-26-15
DATED:	02-27-15

SURVEYOR NOTES

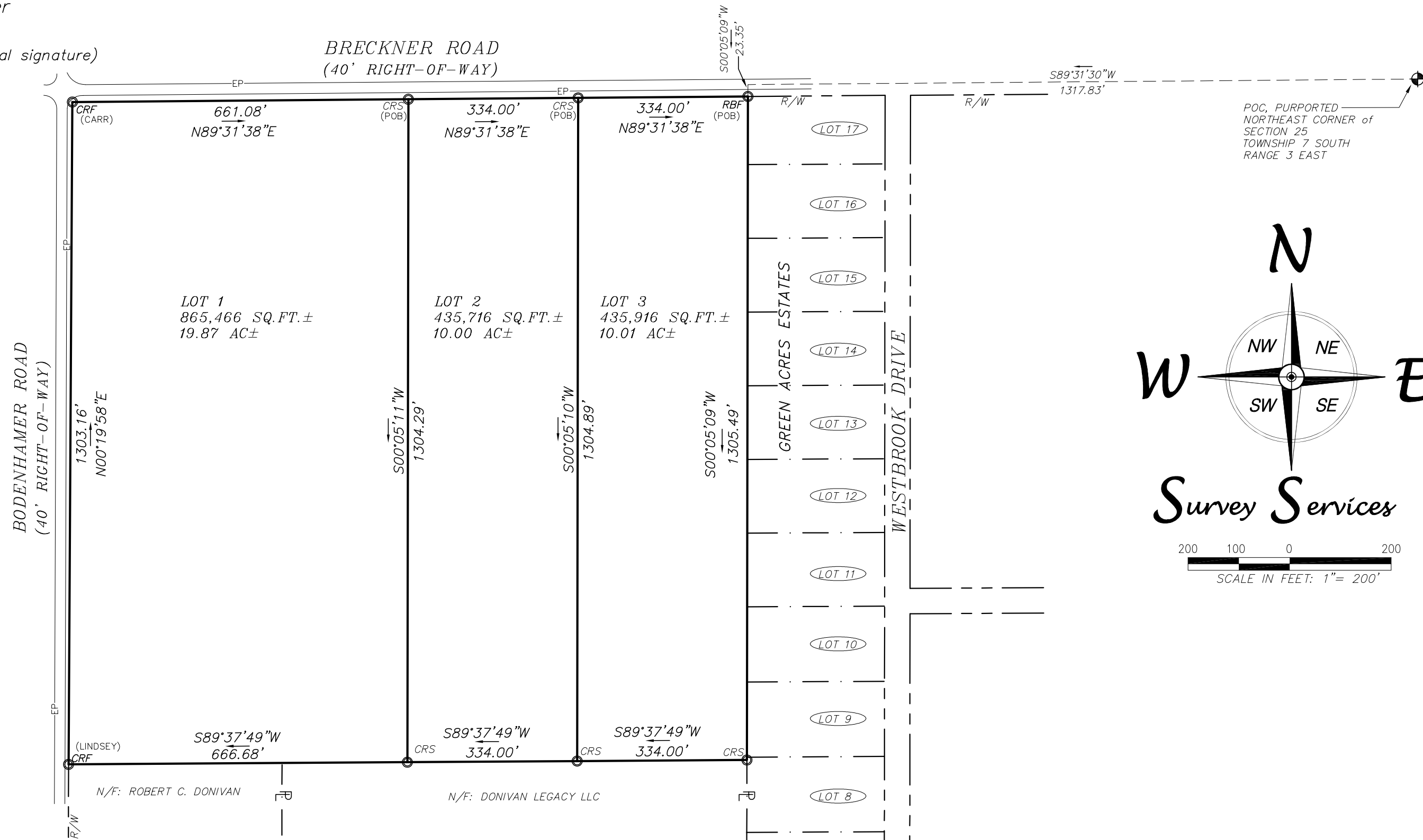
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED EXCEEDS SECOND ORDER CLASS 1 PRECISION AS OUTLINED BY THE AMERICAN CONGRESS ON SURVEY AND MAPPING.
- THE DATA SHOWN ON THIS MAP INDICATING ACTUAL PROPERTY LINES HAS BEEN CALCULATED FOR A CLOSURE AND IS FOUND TO HAVE A CLOSURE PRECISION OF GREATER THAN ONE FOOT IN 10,000.
- THE LINEAR AND ANGULAR MEASUREMENTS NECESSARY FOR THIS SURVEY WERE OBTAINED IN THE FIELD WITH A SPECTRA PRECISION FOCUS 30 ROBOTIC TOTAL STATION.
- THE BASIS OF THE BEARINGS AND NORTH ARROW OF THIS PLAT ARE ASSUMED AND BASED ON THE NORTH PROPERTY LINE BEING NORTH 89°31'38" EAST.
- ALL LINEAR DISTANCES SHOWN ON THIS MAP ARE HORIZONTAL.
- THIS LAND LIES WITHIN ZONE "X" PER GRAPHIC LOCATION AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY PANEL NO 01003C0815L, BALDWIN CO. ALABAMA REVISED MAP DATED JULY 17, 2007
- THIS PLAT IS SUBJECT TO ALL RESTRICTIONS, ENCUMBRANCES AND EASEMENTS WHICH MAY OR MAY NOT BE OF RECORD.
- THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF UTILITIES OR SUB SURFACE FEATURES.
- NO TITLE SEARCH, OR ABSTRACT WAS FURNISHED TO NOR PERFORMED BY THIS FIRM FOR THE SUBJECT PROPERTY. SUCH A SEARCH OR ABSTRACT COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
- SOURCE OF INFORMATION USED IN PREPARATION OF THIS PLAT: DEEDS AND PLATS OF RECORD.

CERTIFICATION

I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

DATE: February 27, 2015

Laurence H. Zander
Alabama P.L.S. 25647
(not valid without original signature)



PROPERTY DESCRIPTIONS

- Lot 1**
A parcel of land lying in the Northwest Quarter of the Northeast Quarter of Section 25, Township 7 South, Range 3 East, Baldwin County, Alabama and being more particularly described as follows: Commencing at the purported Northeast corner of said Section 25; thence run South 89°31'30" West, a distance of 1,317.83 feet to a point; thence run South 00°05'09" West, a distance of 23.35 feet to a point on the South right-of-way line of Breckner Road; thence run South 89°31'38" West, along said South right-of-way line a distance of 668.00 feet to the Point of Beginning; thence run South 00°05'11" West, a distance of 1304.29 feet to a point; thence run South 89°37'49" West, a distance of 666.68 feet to a point on the East right-of-way line of Bodenhamer Road; thence run North 00°19'58" East along said East right-of-way line, a distance of 1303.16 feet to a point on the above mentioned South right-of-way line of Breckner Road; thence run North 89°31'38" East along said right-of-way line, a distance of 661.08 feet to the Point of Beginning.
- Lot 2**
A parcel of land lying in the Northwest Quarter of the Northeast Quarter of Section 25, Township 7 South, Range 3 East, Baldwin County, Alabama and being more particularly described as follows: Commencing at the purported Northeast corner of said Section 25; thence run South 89°31'30" West, a distance of 1,317.83 feet to a point; thence run South 00°05'09" West, a distance of 23.35 feet to a point on the South right-of-way line of Breckner Road; thence run South 89°31'38" West, along said South right-of-way line a distance of 334.00 feet to the Point of Beginning; thence run South 00°05'10" West, a distance of 1304.89 feet to a point; thence run South 89°37'49" West, a distance of 334.00 feet to a point; thence run North 00°05'11" East, a distance of 1034.29 feet to a point on the above mentioned South right-of-way line of Breckner Road; thence run North 89°31'38" East along said right-of-way line, a distance of 334.00 feet to the Point of Beginning.
- Lot 3**
A parcel of land lying in the Northwest Quarter of the Northeast Quarter of Section 25, Township 7 South, Range 3 East, Baldwin County, Alabama and being more particularly described as follows: Commencing at the purported Northeast corner of said Section 25; thence run South 89°31'30" West, a distance of 1,317.83 feet to a point; thence run South 00°05'09" West, a distance of 23.35 feet to a point on the South right-of-way line of Breckner Road and the Point of Beginning of the parcel herein described, said point being the Northwest corner of Lot 17, Block F of Green Acres Estates, according to the map or plat thereof recorded in Map Book 8, Page 36, in the Office of the Judge of Probate of Baldwin County, Alabama; thence run South 00°05'09" West along the West line of said Green Acres Estates, a distance of 1305.49 feet to a point; thence run South 89°37'49" West, a distance of 334.00 feet to a point; thence run North 00°05'10" East, a distance of 1034.89 feet to a point on the above mentioned South right-of-way line of Breckner Road; thence run North 89°31'38" East, a distance of 334.00 feet to the Point of Beginning.