



**COMMUNITY DEVELOPMENT DEPARTMENT**

120 S. MCKENZIE STREET

Foley, Alabama 36535

[www.cityoffoley.org](http://www.cityoffoley.org)

(251) 952-4011

June 22, 2023

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

RE: Request for Rezoning

Dear Mayor Hellmich and City Council Members,

The City of Foley Planning Commission held a meeting on June 22, 2023 and the following action was taken:

**Tyler Higginbotham- Request to Rezone**

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 3 +/- acres. Property is currently zoned B-3 (Local Business District). Proposed zoning is R-1R (Restricted Residential Single Family). Property is located N. of US Hwy. 98 and W. of Bender Rd. Applicant is Tyler Higginbotham.

**Planning Commission Action:**

Commissioner Hinesley made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner Swanson seconded the motion. All Commissioners voted aye.

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

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

Respectfully,

*Melissa Ringler*

Melissa Ringler  
Planning & Zoning Coordinator

MAYOR: Ralph Hellmich

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Kathryn Taylor

COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaites; Richard Dayton; 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, CORPORATION OWNERSHIP INFORMATION, AND AGENT AUTHORIZATION IF REQUIRED): 20772 pin , 05-54-08-27-0-000-008.000
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
3. APPROXIMATE SIZE OF PROPERTY:  
3<sup>1</sup>/<sub>4</sub> ACRES
4. PRESENT ZONING OF PROPERTY:  
B-3
5. REQUESTED ZONING:  
R-1A
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:  
vacant
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.) Residential Home
8. IF REQUESTING A PLANNED DEVELOPMENT ZONE (PUD, PDD, R-3, TH-1, PID) ATTACH A PRELIMINARY TRAFFIC ANALYSIS, OFFICIAL UTILITY COMMITMENT LETTERS, DRAWING, AND WRITTEN NARRATIVE AS DEFINED IN THE CURRENT ZONING ORDINANCE. n/a
9. 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: 5/22/2023

Tyler Higginbotham  
PROPERTY OWNER/APPLICANT  
218 W. Marigold AVE Foley AL  
PROPERTY OWNER ADDRESS  
251-424-2035  
PHONE NUMBER  
tylercindyhigginbotham@gmail.com  
EMAIL ADDRESS

pd receipt #  
20264

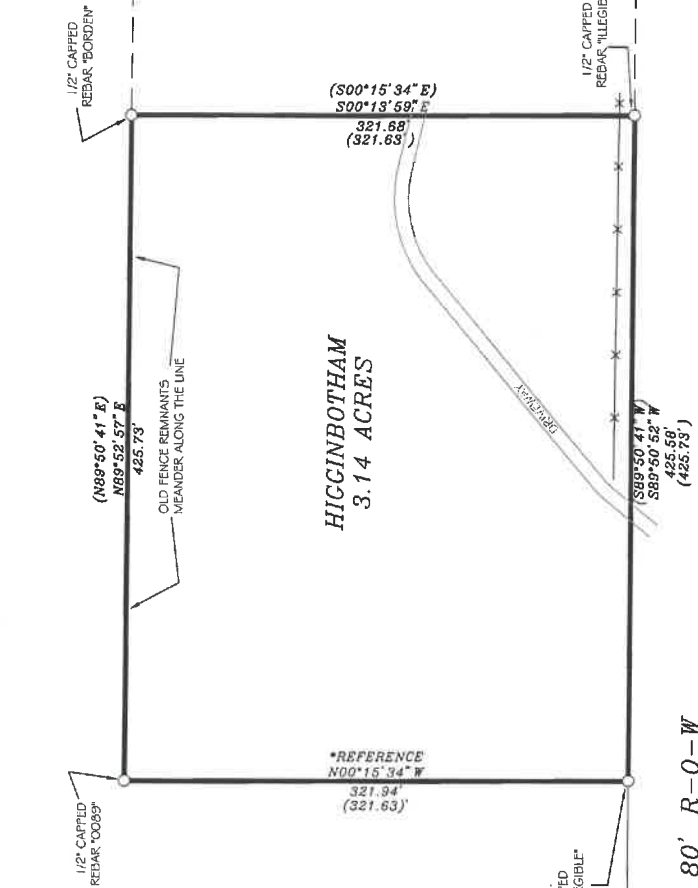


5/22/23  
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# NOTES:

1. All bearings shown hereon are relative to the West line of the surveyed parcel related to each a record, as shown by the provision provided by the client.
2. Corner monuments shown as set iron pins are 3/8" reinforcing bars with a durable plastic cap stamped "26623".
3. Only Select Fixed Interior Improvements shown hereon.
4. The survey was prepared for the client shown and is not to be used for any other purpose without prior approval from this surveyor.
5. No instruments of record reflecting easements, right of ways, and/or ownership were furnished this surveyor, except as shown or noted.
6. No underground installations or improvements have been located, except as shown or noted.
7. This survey was prepared without the benefit of an abstract of title or a title search hereon. No liability is assumed by the undersigned for loss relating to any matter that is discovered by an abstract, title search, or legal judgement rendered on the property.
8. Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.

DESCRIPTION AS SURVEYED  
Commencing at the SW CORNER OF THE SW 1/4 OF THE NE 1/4 OF SEC. 27 T-7S R-4-E BALDWIN CO., AL; thence N00°02'16"E, a distance of 40.00 feet, more or less, to a POINT on the North R-O-W; thence N89°53'19"E, along said North R-O-W, a distance of 667.36', to a 1/2" CAPTED REBAR "BORDER" "ILLEGIBLE" to the POINT OF BEGINNING; thence N00°02'16"E, leaving said R-O-W a distance of 321.94 feet to a 1/2" CAPTED REBAR "00089"; thence N89°53'19"E, a distance of 425.73 feet to a 1/2" CAPTED REBAR "BORDER"; thence S00°15'34"E, a distance of 321.68 feet to a 1/2" CAPTED REBAR "ILLEGIBLE" on said North R-O-W; thence S89°50'52"W, along said North R-O-W a distance of 425.58 feet to the POINT OF BEGINNING. Said parcel containing 3.14 acres, more or less.



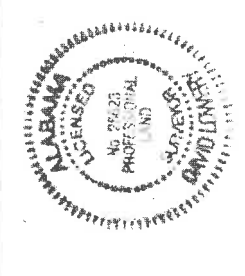
DAVID LOWERY SURVEYING, L.L.C.

PLAT OF A BOUNDARY LINE SURVEY PREPARED FOR			
HICCINBOTHAM, AL.			
DWG. NO.	SURVEY DATE	SCALE	
20-10-003	03-29-2020	1"=80'	
DRAWN BY:	DBL	CHECKED BY:	D. LOWERY
LEGEND AND SYMBOLS			
(*)	RECORD BEARING/DISTANCE		
OE	OVERHEAD ELECTRIC		
●	SET IRON PIN		
○	FOUND IRON PIN		
△	PIN NOT SET OR FOUND		
P.O.C.	POINT OF COMMENCEMENT		
P.O.B.	POINT OF BEGINNING		
—X—	NOT TO SCALE		
—X—	FENCE		
■	FENCE CORNER POST		
□	CONCRETE MONUMENT		

DAVID LOWERY  
STOCKTON, AL 36579  
251-937-2757 ph. 251-937-2756 fax  
disurvey25@hotmail.com

55284 MARTIN LN.  
STOCKTON, AL 36579  
251-937-2757 ph. 251-937-2756 fax  
disurvey25@hotmail.com

DAVID LOWERY SURVEYING, L.L.C.



## CERTIFICATION

I, David Lowery, a licensed land surveyor in the State of Alabama, do hereby certify the foregoing to be a true plot or map of a survey performed by me or under my supervision, containing the acreage and being situated as both shown and stated herein. I further certify 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.

D.L.H.

David Lowery  
ALC No. 26623  
55284 Martin Ln.  
Stockton, AL 36579  
251-937-2757

SCALE  
1"=80'

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The following information is furnished in accordance with Code of Alabama 1975, Section 40-22-1, and is verified by the signature of the Grantor below:

Grantor's name: Kathleen M. Tims  
Mailing address: P.O. Box 1383  
Foley AL 36536  
Grantees' names: Cindy Higginbotham  
Tyler Higginbotham  
Mailing address: 21655 U.S. Hwy 98  
Foley, AL 36535 Property address: 21655 U.S. Hwy 98  
Foley, AL 36535  
Date of Sale: 10/27/2020  
Total Purchase Price: 115,000.00  
or Actual Value: \_\_\_\_\_  
or Assessor's Market Value: \_\_\_\_\_

BALDWIN COUNTY, ALABAMA  
HARRY D'OLIVE, JR. PROBATE JUDGE  
Filed/cert. 10/30/2020 9:01 AM  
DEED TAX \$ 115.00  
TOTAL \$ 134.00  
3 Pages

1867197

The purchase price or actual value claimed can be verified in the following documentary evidence: (check one)

\_\_\_\_ Bill of Sale, \_\_\_\_ Sales Contract, ☒ Closing Statement, \_\_\_\_ Appraisal, \_\_\_\_ other

### WARRANTY DEED

STATE OF ALABAMA:

COUNTY OF BALDWIN:

68196

KNOW ALL MEN BY THESE PRESENTS, that KATHLEEN M. TIMS, formerly known as KATHLEEN M. WILDE, a married woman, the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration hereby acknowledge to have been paid to the said GRANTOR by CINDY HIGGINBOTHAM and TYLER HIGGINBOTHAM, the GRANTEES, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said GRANTEES, as tenants in common with equal interests during the period of their concurrent lives, and upon the death of either of said GRANTEES, the remainder to the survivor of said GRANTEES, in fee simple, subject to the provisions hereinafter contained, all that real property in said County, State of Alabama described as follows, to-wit:

COMMENCE AT THE PURPORTED SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 40' TO A POINT; THENCE RUN EAST A DISTANCE OF 15.00 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF US STATE HIGHWAY #98; THENCE RUN ALONG SAID RIGHT-OF-WAY NORTH 89 DEGREES 51 MINUTES 03 SECONDS EAST A DISTANCE OF 652.36 FEET TO AN IRON PIN AND THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 15 MINUTES 34 SECONDS WEST A DISTANCE OF 321.63 FEET TO AN IRON PIN; THENCE RUN NORTH 89 DEGREES 50 MINUTES 41 SECONDS EAST A DISTANCE OF 425.73 FEET TO AN IRON PIN; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 34 SECONDS EAST A DISTANCE OF 321.63 FEET TO AN IRON PIN ON THE NORTHERN RIGHT-OF-WAY OF US STATE HIGHWAY #98; THENCE RUN SOUTH 89 DEGREES 50 MINUTES 41 SECONDS WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 425.73 FEET TO AN IRON PIN AND THE POINT OF BEGINNING.

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

1. That portion of subject property which lies within the right-of-way of the public road.
2. Terms, conditions, rules, regulations, subdivision regulations, ordinances, and other matters relating to the City of Foley, Alabama, including, but not limited to: (A) City of Foley, Alabama, Subdivision Regulations dated January 7, 2008, and recorded at Instrument 1098026, and all amendments thereto. (B) Tree and Natural Feature Preservation Ordinance Number 1009-07, recorded at Instrument 1079685, as the same may have been modified at Instrument 1556660, Heritage Tree Preservation Ordinance Number 15-1003 as recorded at Instrument 1508545, Ordinance Number 15-1003 Regulating Environmental Permits Related to Land Disturbance within the City of Foley recorded at Instrument 1508544, and Ordinance 16-2001-ORD, Rescinding Ordinance 1009-07 recorded at Instrument 1556660. (C) City of



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Foley Ordinance No. 986-07, adopting the 2006 International Building (ICC) codes and supplemental provisions to upgrade the various codes relating to the inspection activities of the City of Foley and enforcement of the building provisions and fire safety as provided in said codes, dated June 18, 2007, as amended at Instruments 1110234, 1118864, 1198497; Ordinance No. 1200-12 adopting the 2009 codes, dated July 2, 2012 and recorded at Instrument 1348178; Ordinance No. 13-1025 approving the amendments to the City of Foley Building Codes, dated January 7, 2013, and recorded at Instrument 1380798; Ordinance No. 13-1043 adopting and amending the 2009 codes, dated November 4, 2013 and recorded at Instrument 1429467, as amended in Ordinance 13:1054 at Instrument 1436249; Ordinance No. 15-1013 adopting the 2012 codes, dated June 1, 2015 and recorded at Instrument 1517983; Ordinance No. 16-2020-ORD adopting the 2012 codes, dated September 6, 2016 and recorded at Instrument 1594654; Ordinance 17-2028-ORD, Building Code & Fee Amendments recorded at Instrument 1646589; Ordinance 17-2029-ORD, Amendments to Manual for Design and Construction Standards, recorded at Instrument 1648524; Ordinance 17-2036-ORD rescinding Ordinance 17-2028 Building Codes and Fee Amendments recorded at Instrument 1655740; Ordinance 17-2037-ORD, Building Code & Fee Amendment recorded at Instrument 1655741; Ordinance 17-2038-ORD rescinding Ordinance 17-2029, Amendments to the Manual for Design and Construction Standards Ordinance as recorded at Instrument 1655742; Ordinance 17-2039-ORD, Amendments to the Manual for Design and Construction Standards Ordinance, recorded at Instrument 1655743; Ordinance 18-2004-ORD Amending Building Code & Fee Amendments as recorded at Instrument 1685212; Resolution 2018-120, Ordinance 19-2023-ORD, An Ordinance to Amend the Manual for Design and Construction Standards recorded at Instrument 1786474; and Ordinance 20-2005-ORD, Adopting the 2018 International Building (ICC) Codes and Supplement Provisions recorded at Instrument 1827606.

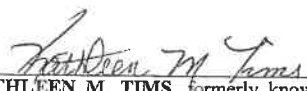
If married, Grantor hereby certifies that the above described property does not constitute her homestead or the homestead of her spouse.

TOGETHER WITH ALL AND SINGULAR the rights, privileges, tenements, hereditaments and appurtenances hereunto belonging, or in anywise appertaining; TO HAVE AND TO HOLD unto the said GRANTEES as tenants in common during their concurrent lives, and upon the death of either of said GRANTEES, the remainder to the survivor of said GRANTEES, and to the heirs and assigns of said survivor, in fee simple, FOREVER.

And, except as to the above and taxes hereafter falling due, which are assumed by the GRANTEES, the GRANTOR for GRANTOR and for the heirs and assigns of GRANTOR, hereby COVENANTS AND WARRANTS to and with the said GRANTEES, the survivor of said GRANTEES, and the heirs and assigns of said survivor, that GRANTOR is seized of an indefeasible estate in fee simple in and to said real property, and has a good and lawful right to sell and convey the same; that GRANTOR is in quiet and peaceable possession thereof; and that said real property is free and clear of all liens and encumbrances of every kind and nature whatsoever; and GRANTOR does hereby WARRANT AND WILL FOREVER DEFEND the title to said real property, and the possession thereof, unto the said GRANTEES the survivor of said GRANTEES, and the heirs and assigns of said survivor, against the lawful claims and demands of all persons whomsoever.

It is the intention of the GRANTEES herein that the title be taken in their joint names as tenants in common with cross-contingent remainders to the survivor in fee, and that this estate be destructible only with the consent of all GRANTEES.

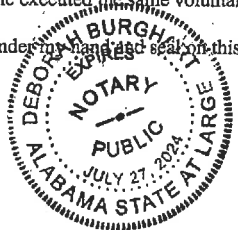
IN WITNESS WHEREOF, GRANTOR has set her hand and seal on this the 27 day of October, 2020.

  
KATHLEEN M. TIMS, formerly known as KATHLEEN  
M. WILDE

STATE OF Alabama :  
COUNTY OF Baldwin :

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that KATHLEEN M. TIMS, formerly known as KATHLEEN M. WILDE, 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 the instrument, she executed the same voluntarily on the same bears date.

Given under my hand and seal on this 27th day of October, 2020.



Deborah Burghart  
NOTARY PUBLIC  
My Commission Expires: 7/27/2024

*This instrument prepared by:  
Lori Meadows, P.C.  
24407 Lauder Place  
Orange Beach, AL 36561  
(251) 942-5541*

*The scrivener of this instrument and Lori Meadows, P.C.  
represents neither the Grantor(s) nor the Grantee(s).  
Independent counsel should be consulted for legal advice,  
if desired by either party.*

Legal Description

COMMENCE AT THE PURPORTED SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 40' TO A POINT; THENCE RUN EAST A DISTANCE OF 15.00 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF US STATE HIGHWAY #98; THENCE RUN ALONG SAID RIGHT-OF-WAY NORTH 89 DEGREES 51 MINUTES 03 SECONDS EAST A DISTANCE OF 652.36 FEET TO AN IRON PIN AND THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 15 MINUTES 34 SECONDS WEST A DISTANCE OF 321.63 FEET TO AN IRON PIN; THENCE RUN NORTH 89 DEGREES 50 MINUTES 41 SECONDS EAST A DISTANCE OF 425.73 FEET TO AN IRON PIN; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 34 SECONDS EAST A DISTANCE OF 321.63 FEET TO AN IRON PIN ON THE NORTHERN RIGHT-OF-WAY OF US STATE HIGHWAY #98; THENCE RUN SOUTH 89 DEGREES 50 MINUTES 41 SECONDS WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 425.73 FEET TO AN IRON PIN AND THE POINT OF BEGINNING.



# PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 3 +/- acres. Property is currently zoned B-3 (Local Business District). Proposed zoning is R-1R (Restricted Residential Single Family). Property is located N. of US Hwy. 98 and W. of Bender Rd. Applicant is Tyler Higginbotham.

Anyone interested in this rezoning request may be heard at a public meeting scheduled for June 21, 2023 in the Council Chambers of City Hall located at 407 E. Laurel Ave., at 5:30 p.m. or may respond in writing to 120 S. McKenzie St., Foley, AL 36535.

Wes Abrams  
Planning Commission Chairman