

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA

In re: City of Foley)
Deannexation)
Resolution No.) Case No. 31476
14-0608)
)
)

ORDER OF DEANNECTATION

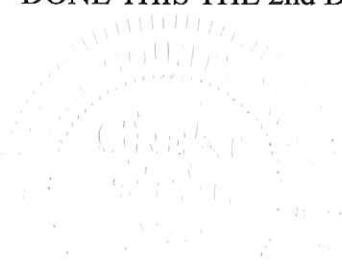
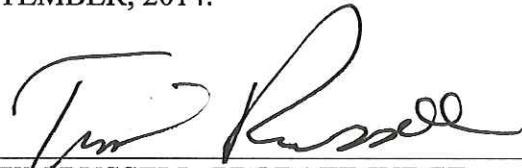
It appearing to the Court that on August 18, 2014, the Council of the City of Foley adopted Resolution No. 14-0608-RES approved by the Mayor of said City, to exclude or deannex from the territory within the corporate limits of the City of Foley under the provisions of Article 7, Chapter 42, Title 11, Code of Alabama, described in the Attachment A hereto.

It further appearing to the Court that John E. Koniar, Mayor of the City of Foley, has certified a copy of said Resolution No. 14-0608-RES together with a map (Attachment B hereto) of the territory to be deannexed, and petitioned the Court to enter an Order reducing the boundaries of the City of Foley so as to omit therefrom by deannexation, the property described.

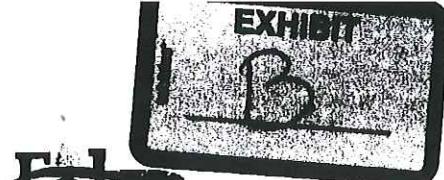
It further appearing to the Court that the owners and the qualified electors residing on the territory proposed to be excluded have consented to said deannexation by executing waivers and consent regarding deannexation wherin said persons have expressly waived any rights to any and all hearings before the Probate Court of Baldwin County, Alabama and consented to the entering of an Order by said Probate Court to accomplish such deannexation of the territory, no notice or hearing as provided for by Section 11-42-202 for the aforesaid Title 11 is required in the premises:

It is therefore, **ORDERED, ADJUDGED AND DECREED**, pursuant to the provisions of Section 11-42-203, Code of Ala. 1975, that all of the territory and property described in Attachment A hereto is hereby excluded from the corporate limits of the City of Foley and that said map be recorded in the Office of the Probate Court of Baldwin County, Alabama.

DONE THIS 2nd DAY OF SEPTEMBER, 2014.

TIM RUSSELL, PROBATE JUDGE



Foley

City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Signature Copy

Resolution: 14-0355-RES

File Number: 14-0608

Enactment Number: 14-0355-RES

Reducing the City's Corporate Limits

WHEREAS, Larry Wireman was advised of the proposed Annexation by Legislative Act along U.S. Hwy. 98 West and received notice of the public hearing held on January 8, 2014, and had made his wishes known that he wanted to "Opt-Out", and

WHEREAS, the property located at 17195 US Highway 98 West, which consists of 19.44 acres, was inadvertently included in Legislative Act 2014-409 annexing various properties along U.S. Hwy. 98 west of Foley, and

WHEREAS, it is the City's desire to decrease the City's corporate limits by de-annexing 17195 US Highway 98 West in accordance with the procedures set forth in the *Code of Alabama, 1975, Section 11-42-200.*

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Foley, Alabama, as follows:

SECTION 1: Approves the de-annexation of 17195 US Highway 98 West.

SECTION 2: The qualified elector that owns the property is Larry Wireman.

SECTION 3: Approves the new corporate limits as set forth in the attached Exhibit "A".

SECTION 4: A certified copy of this resolution defining the City's proposed corporate limits will be sent to the Judge of Probate, Baldwin County, Alabama, who will hold a hearing at which the owner of record, Larry Wireman, may appear before the Judge of Probate to show just cause as to why the proposed reduction of corporate limits should not take place (Section 11-42-202, Code of Alabama, 1975).

SECTION 5: This Resolution shall become effective immediately upon its adoption as required by law.

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

Aye: 4 President Trawick, Council Member Quaites, Council Member Hellmich
and Council Member Blackwell

Nay: 1 Council Member Ebert III



President's Signature

Date

8-19-14

Attest by City Clerk

Date

8-19-14

Mayor's Signature

Date

8/19/14

STATE OF ALABAMA BALDWIN COUNTY
Filed 8-19-14 M
Rec. 8-19-14 Bk. Pg.
Jim Russell
Judge of Probate



PETITION REQUESTING DE-ANNEXATION
(MUST BE COMPLETED BY PROPERTY OWNER)

To the Mayor and Council of Foley, Alabama:

We, the undersigned owners of the property described in "Appendix A" hereby petition the City of Foley and request that said City de-annex the described property from the corporate boundaries of Foley.

Said owners certify that they are the owners of the land identified in "Appendix A" and that there are no other owners or co-owners of any such property.

Larry Wireman 8/12/14

Signature of Owner (1)

Date

LARRY WIREMAN

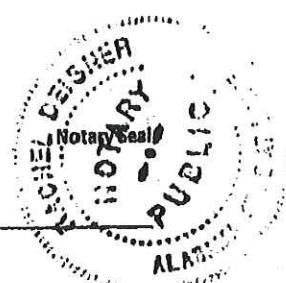
Print Name and Title

P.O. Box 189, Orange Beach, AL 36561

Address, City, State, Zip Code

Rachel Dusenberry

Notary Exp 05/02/15



N/A

Signature of Owner (2)

Date

Notary Seal

Print Name and Title

Address, City, State, Zip Code

Notary

N/A

Signature of Owner (3)

Date

Notary Seal

Print Name and Title

Address, City, State, Zip Code

Notary



ADDENDUM TO APPLICATION

Please answer the following:

1. Total population, including children and tenants, who live on the property to be de-annexed is: N/A
2. Total number of dwelling on the property: N/A
3. Total number of persons, including children and tenants, living on the property, by race: N/A
 WHITE HISPANIC AFRICAN AMERICAN ASIAN
 NATIVE AMERICAN OTHER (SPECIFY) _____
4. Total number of persons, eighteen (18) years of age or older living on the property: N/A

5. Total number of individuals, eighteen (18) years of age or older who are registered to vote in Baldwin County, Alabama, who live on the property: N/A

Please provide the complete name and age for each such person: N/A

6. What is the current use for the property to be de-annexed:

Residential Commercial

7. State the reason(s) for requesting de-annexation by the City of Foley, Alabama:

It was my intention to not have this property annexed earlier this year. I thought that I had provided the proper materials to confirm that request, but it has become clear that an error or omission was made which allowed the property to be annexed.

8. Voting District: 4

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA

In re: City of Foley
De-annexation
Resolution No.

*
*
* Case No. _____
*
*

WAIVER AND CONSENT REGARDING DE-ANNEXATION

The undersigned property owner, who is a non-resident owner of the real property situated in the territory described in Attachment A hereto and designated on Attachment B hereto, does hereby certify de-annexation of said territory by the City of Foley, and waives any rights to any and all hearings before the Probate Court of Baldwin County, Alabama, and consents to entering of an Order by said Probate Court to accomplish such of the said territory.

Larry Wireman 8/12/14
, Owner Larry Wireman

, Owner

City of Foley, AL



Deannexation: 17195 US HWY 98

Created By: K
Data Created: 8/13/2014

Larry Wireman



PIN - 61083

Par Num - 097.000

Acreage - 19.276

Subdivision -

Lot -

Street Name - US HWY 98

Street Number - 17195

Improvement - GENO,LMAN,PAVI,PAVI,FENC,MH,SHOP,2 PAV

Name - WIREMAN, LARRY

Address1 - 28103 PERDIDO BEACH BLVD

Address2 - STE 100

Address3 -

City - ORANGE BEACH

State - AL

Zip - 36561

Last Data Upload: 8/13/2014 2:50:55 AM

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**ATTACHMENT "A"****Legal Description of Property to be De-Annexed:**

Property situated in the City of Foley, County of Baldwin, State of Alabama, as more particularly described as:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter, of Section 25, Township 7 South, Range 3 East, Baldwin County, Alabama, run north 00° 00' 47" East, 50 feet to a potato iron at the Southwest corner of Lot One, SUNSET SUBDIVISION, UNIT ONE (unrecorded subdivision) and also being on the North right-of-way of U.S. Highway No. 98 for the POINT OF BEGINNING: Thence run West, along said North right-of-way, 875.6 feet to an iron pipe; thence run North 01° 44' 33" East, 500.23 feet to an iron pipe; thence run North 775.93 feet to a point; thence run North 88° 56' 19" East, 660.68 feet to an iron pipe; thence run South 00° 00' 47" West, 1278.64 feet to the Point of Beginning.

Being more particularly described by survey of Moore Surveying Inc., dated June 27, 2005 by Seth W. Moore, P.L.S. Alabama Reg. No. 16671 as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 25, Township 7 South, Range 3 East, Baldwin County, Alabama, run north 00° 00' 47" East, a distance of 50 feet to a concrete monument on the Southwest corner of Lot One of SUNSET SUBDIVISION, UNIT ONE (unrecorded subdivision) and lying on the North right-of-way of U.S. Highway No. 98 for the POINT OF BEGINNING: Thence run North 88° 58' 20" West, along said North right-of-way line a distance of 875.6 feet to a concrete monument; thence run North 01° 43' 19" East, a distance of 500.4 feet to a concrete monument; thence run North 00° 00' 44" West, a distance of 776.1 feet to a concrete monument; thence run North 88° 58' 02" East, a distance of 661.00 feet to a concrete monument; thence run South 00° 00' 47" West, a distance of 1,276.7 feet to the Point of Beginning.