

STATE OF ALABAMA
COUNTY OF BALDWIN

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS: That Whereas, Foley Holdings LLC, an Alabama limited liability company, is the owner and in possession of the following described real property situated in Foley, Baldwin County, Alabama, to-wit:

LOT 2 MAGNOLIA WALK, PHASE I, according to plat thereof recorded on Slide 2419A and 2419B and re-recorded on Slides 2419E and 2419F, of the Probate Records of Baldwin County, Alabama.

And

LOT 3A, Re-subdivision of Lot 3, MAGNOLIA WALK, PHASE 1, according to the map or plat thereof recorded on Slide 2482D, of the Probate Records of Baldwin County, Alabama.

and

WHEREAS, the parcels of real property described above constitute a portion of the real property reflected on that certain plat of Magnolia Walk, Phase I, recorded on Slide 2419A and 2419B, and re-recorded on Slide 2419E and 2419F, in the Office of the Judge of Probate of Baldwin County, Alabama (the "Plat"); and

WHEREAS, the undersigned is an owner of the lands abutting on portions of Midtown Village Blvd. hereinafter described; and

WHEREAS, the undersigned, as an owner of the lands abutting on portions of Midtown Village Blvd. hereinabove referred to, desires to vacate a part of said named streets or alleys as the same appears on said plat, as provided in §23-4-20 and §35-2-54 of the Code of Alabama, (1975).

NOW, THEREFORE, the undersigned, as an owner of the lands abutting portions of the named streets or alleys described hereinbelow, does hereby, in accordance with the terms of §23-4-20 and §35-2-54 of the Code of Alabama, (1975), declare the following portions of Midtown Village Blvd located within Magnolia Walk, Phase I, in accordance with the Plat thereof and by reference made a part hereof, and situated in Foley, Baldwin County, Alabama, viz:

A PORTION OF MIDTOWN VILLAGE BLVD.

COMMENCING FROM THE NORTHEAST CORNER OF LOT 2, MAGNOLIA WALK, PHASE 1 AS PER PLAT RECORDED ON SLIDES 2419 A-B & E-F IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA; SAID POINT ALSO LYING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF THE FOLEY BEACH EXPRESS AND THE SOUTH RIGHT OF WAY LINE OF WALK MAGNOLIA DRIVE; THENCE RUN ALONG SAID SOUTH RIGHT OF WAY LINE S 89°59'24" W 274.91 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; SAID POINT ALSO BEING THE PC OF A 25.00 FOOT RADIUS CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 90° 12' 35" AND WHOSE CHORD BEARS S 44° 53' 00" W 35.42 FEET; THENCE RUN SOUTHWESTWARDLY ALONG THE ARC OF SAID

39.36 FEET TO THE PT OF SAID CURVE; THENCE RUN S 00° 13' 24" E 395.31 FEET TO THE PC OF A 190.00 FOOT RADIUS CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 57° 04' 19 " AND WHOSE LONG CHORD BEARS S 28° 18' 46" W 181.53 FEET; THENCE RUN ALONG SOUTHWESTWARDLY ALONG THE ARC OF SAID CURVE 189.26 FEET TO THE PT OF SAID CURVE; THENCE RUN S 56° 50' 55" W 142.24 FEET TO THE PC OF A 190.00 FOOT RADIUS CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 32° 55' 44 " AND WHOSE CHORD BEARS S 73° 18' 46" W 107.70 FEET; THENCE RUN SOUTHWESTWARDLY ALONG THE ARC OF SAID CURVE 109.20 FEET TO THE PT OF SAID CURVE; THENCE RUN S 89° 46' 36" W 443.85 FEET TO A POINT; THENCE RUN N 00° 00' 03" W 80.01 FEET TO A POINT; THENCE RUN N 89° 46' 36" E 443.54 FEET TO PC OF A CURVE 110.00 FOOT RADIUS CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 32° 55' 44" AND WHOSE CHORD BEARS N 73° 18' 46" E 62.35 FEET; THENCE RUN NORTHEASTWARDLY ALONG THE ARC OF SAID CURVE 63.22 FEET TO THE PT OF SAID CURVE; THENCE RUN S 56° 50' 55" W 142.24 FEET TO THE PC OF A CURVE 110.00 FOOT RADIUS CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 57° 04' 19" AND WHOSE CHORD BEARS N 28° 18' 46" E 105.10 FEET; THENCE RUN NORTHEASTWARDLY ALONG THE ARC OF SAID CURVE 109.57 FEET TO THE PT OF SAID CURVE; THENCE RUN N 00° 13' 24" W 420.70 FEET TO A POINT; THENCE RUN N 89° 59' 24" E 105.09 FEET TO THE POINT OF BEGINNING.

SAID ABOVE DESCRIBED PROPERTY LYING AND BEING SITUATED IN SECTION 3, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; CONTAINING 99,506.34 SQUARE FEET, OR 2.29 ACRES, MORE OR LESS.

To be vacated so as to destroy the force and effect of the dedication of said portions of said streets and alleys and to divest all public rights, including any rights which may have been acquired by prescription, in that part of the streets or alleys hereinabove vacated.

The undersigned does hereby, pursuant to and in accordance with the provisions of §23-4-20, Code of Alabama, (1975), request the assent of the municipal council of the City of Foley, Alabama, to said vacation of a portion of the unnamed streets or alleys and its approval of same.

Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property.

[Signature pages follow.]

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed by its duly authorized officer on this the 24 day of JANUARY 2017.

FOLEY HOLDINGS LLC,
an Alabama limited liability company

By: Creek Indian Enterprises Development Authority,
Its: member

BY: James T. Martin
James T. Martin
ITS: President/CEO

WITNESS:

Heather P. Lee

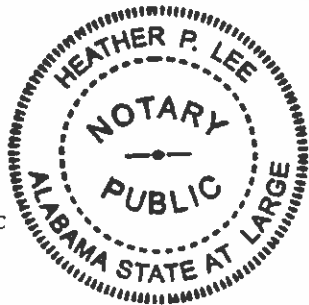
STATE OF ALABAMA
COUNTY OF BALDWIN

I, HEATHER P. LEE, a notary public in and for said county in said state, hereby certify that James T. Martin, as President/CEO of Creek Indian Enterprises Development Authority, 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 said instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 24 day of JANUARY, 2017.

SEAL

A2440494.DOC



Heather P. Lee
Notary

My Commission Expires: 09/09/2020