

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA

In re: City of Foley
Deannexation
Resolution No.
13-0490

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Case No. 30508

ORDER OF DEANNEXATION

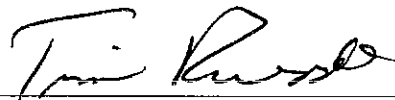
It appearing to the Court that on September 16, 2013, the Council of the City of Foley adopted Resolution No. 13-0409-RES approved by the Mayor of said City, to exclude or deannex from the territory within the corporate limits of the City of Foley under the provisions of Article 7, Chapter 42, Title 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. 13-0490-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.

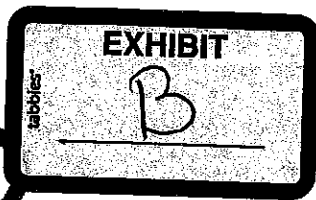
It further appearing to the Court that the owners and the qualified electors residing on the territory proposed to be excluded have consented to said deannexation by executing waivers and consent regarding deannexation wherein said persons have expressly waived any rights to any and all hearings before 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 THE 7th DAY OF OCTOBER, 2013.



TIM RUSSELL, PROBATE JUDGE



City of Foley, AL

STATE OF ALABAMA
BALDWIN COUNTY

407 E. Laurel Avenue
Foley, AL 36535

Signature Copy

2013 OCT -1 P 3:19

Resolution: 13-0490-RES

JUDGE OF PROBATE

File Number: 13-1009

Enactment Number: 13-0490-RES

Reducing the City's Corporate Limits

WHEREAS, James Randall McPhail was advised of the proposed Annexation by Legislative Act along U.S. Hwy. 98 and had made known his wishes of not being included in the expansion of the City of Foley's corporate limits, and

WHEREAS, the property known as Lot 1, Sandy Creek Acres Subdivision, was included in Legislative Act 2013-230 annexing various properties along U.S. Hwy. 98 east of Foley, and

WHEREAS, it is the City's desire to decrease the City's corporate limits by de-annexing Lot 1, Sandy Creek Acres Subdivision 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 "Lot 1, Sandy Creek Acres Subdivision, as shown on map or plat thereof recorded in Map Book 10, Page 134, in the Office of the Judge of Probate of Baldwin County, Alabama" as noted in the recorded deed.

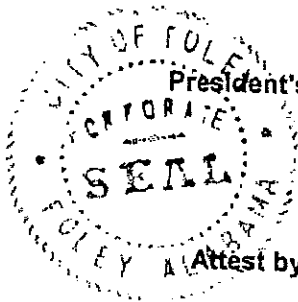
SECTION 2: The qualified elector that owns the property is James Randall McPhail.

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, James Randall McPhail, 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 16th day of September, 2013.



President's Signature

Date

9-17-13

Attest by City Clerk

Date

9-17-13

Mayor's Signature

Date

9/17/2013

I, the undersigned qualified and City Clerk of the City of Foley, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the Foley City Council named therein, at a regular meeting of such Council held on the 16th day of September, 2013, and that such resolution is on file in the City Clerk's Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 26th of September, 2013.



Victoria Southern, CMC
City Clerk



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.

James Randall McPhail
Signature of Owner (1)

9-12-13
Date

JAMES RANDALL MCPHAIL OWNER
Print Name and Title

Notary Seal

22521 Hwy 98 Foley AL 36535
Address, City, State, Zip Code

[Signature]
Notary

my commission expires 11/7/2016

Signature of Owner (2)

Date

Print Name and Title

Notary Seal

Address, City, State, Zip Code

Notary

Signature of Owner (3)

Date

Print Name and Title

Notary Seal

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: 2
2. Total number of dwelling on the property: 2
3. Total number of persons, including children and tenants, living on the property, by race:
☒ 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: 1

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: 1

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

James Randall McPhail

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:

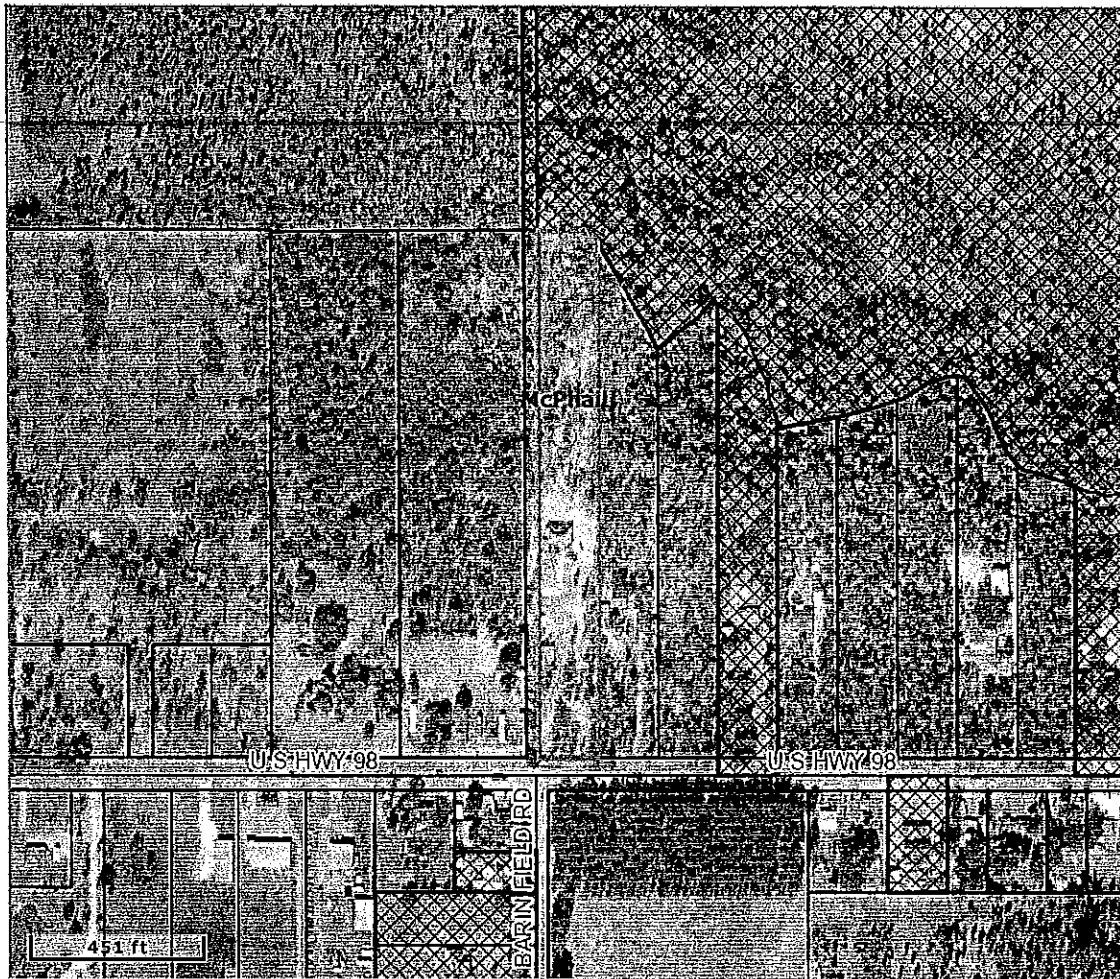
I WAS OUT OF STATE WHEN THEY HELD THE MEETING
I CALLED AND WAS TOLD I WOULD HAVE THE CHOICE TO
REMAIN IN THE COUNTY I WOULD NOT BE ANNEXED IN WITHOUT
MY CONSENT WE USE THE PROPERTY FOR HUNTING

8. Voting District: _____

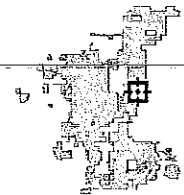
Deannexation

McPhail

Created By: KTaylor
Date Created: 9/12/2013



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

PIN - 69557
Par Num - 002.017
Acreage - 4.422
Subdivision - 07SC
Lot - 1
Street Name -
Street Number - 0
Improvement - RES,GAR,POOL,PAVI

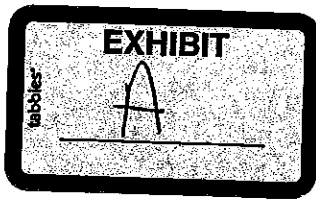
Name - MCPHAIL, RANDY
Address1 - P O BOX 945
Address2 -
Address3 -
City - ORANGE BEACH
State - AL
Zip - 36561

Last Data Upload: 9/12/2013 2:21:18 AM

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The Schneider Corporation
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Legal Description of Property to be De-Annexed:

Lot Number 1, Sandy Creek Acres Subdivision, as shown by map or plat thereof recorded in the Map Book 10, Page 134, Probate Records, Baldwin, County, Alabama.

WARRANTY DEED

STATE OF ALABAMA,
COUNTY OF BALDWIN.

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of TEN DOLLARS (\$10.00) and ~~other good and valuable considerations paid to~~ me by RANDY McPHAIL, Post Office Box 945, Orange Beach, Alabama 36561 ["Grantee"], the receipt and sufficiency of which is hereby acknowledged, I, DAVID HAEGELAND, a married man, who does hereby certify that the property conveyed herein does not constitute any portion of his homestead, 65 East Palatine Road, Prospect Heights, Illinois 60070 ["Grantor"], do grant, bargain, sell and convey unto the Grantee the following described real property (the "Property"), situated in Baldwin County, Alabama, viz: .

Lot Number 1, Sandy Creek Acres Subdivision, as shown by map or plat thereof recorded in Map Book 10, Page 134, Probate Records, Baldwin County, Alabama.

SUBJECT TO THE FOLLOWING:

1. Restrictive Covenants/Restrictions as contained in Miscellaneous Book 31, Page 999. But deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap; familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
2. Title to any portion of the land below the normal high water level and rights of the public and others entitled thereto in and to the use of that portion of the described premises within the bounds of Sandy Creek.
3. Building set-back lines, drainage and utility easements as shown on recorded plat.
4. Any part of the land described which may constitute wetlands or tidelands and any restriction on use or development arising out of a determination that the land, or some portion thereof, may be subject to provisions of Alabama Coastal Preservation statutes.

SUBJECT TO:

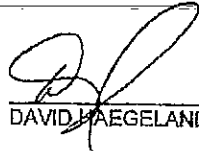
Any and all restrictive covenants, easements, reservations, mineral reservations or covenants of minerals and rights-of-ways applicable to said property of record in the Probate Court of Baldwin County, Alabama.

TO HAVE AND TO HOLD unto the Grantee, his heirs and assigns in fee simple, forever.

And I do, for myself and for my heirs, executors and administrators, covenant with the Grantee, his heirs and assigns that; I am lawfully seized in fee simple of the Property and that it is free from all encumbrances; I have a good right to sell and

convey the Property as aforesaid; and, I will, and my heirs, executors and administrators shall warrant and defend the title to the Property to the Grantee, his heirs and assigns, forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 9th day of November, 2007.



DAVID HAEGELAND

L.S.

STATE OF ALABAMA,
COUNTY OF BALDWIN.

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that DAVID HAEGELAND, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 9th day of November, 2007.



Notary Public
My Commission Expires: 08/03/2011

This instrument was prepared by:
HARTLEY & HICKMAN
Attorneys at Law
P.O. Box 583
Greenville, Alabama 36037
(334) 382-6618
(334) 382-5183 FAX

The preparation of this document does not constitute an examination of title as to the property described herein. The above attorneys have made no such title examination unless reflected by separate documents signed by such attorneys. The description of the real property used in this document was provided to the above attorneys by the Grantor and/or the Grantee and is not based on an historical examination of the title by the above attorneys or on an engineer's or other survey of the property described.



Baldwin County Revenue Commissioner

Property Appraisal Link BALDWIN COUNTY, AL

Current Date 9/12/2013

Tax Year 2013

Valuation Date October 1, 2012

OWNER INFORMATION

PARCEL 54-07-26-0-000-002.017 **PPEN** 069557 **TAX DIST** 02
NAME MCPHAIL, RANDY
ADDRESS P O BOX 945
 ORANGE BEACH, AL 36561
DEED TYPE IN BOOK 0000 **PAGE** 1084528
PREVIOUS OWNER HAEGELAND, DAVID
LAST DEED DATE 11/ 9/2007

DESCRIPTION

150' X 1295.9' IRR SANDY CREEK ACRES SUB LOT 1 SEC 26-T7S-R4
E (WD)

PROPERTY INFORMATION

PROPERTY ADDRESS 22521 US HWY 98 E
NEIGHBORHOOD FOLEY **FOLEY AREA**
PROPERTY CLASS **SUB CLASS**
SUBDIVISION 07SC **SUB DESC** SANDY CREEK ACRES
LOT 1 BLOCK
SECTION/TOWNSHIP/RANGE 00-00 -00
LOT DIMENSION 150X1295.9IRR **ZONING**

PROPERTY VALUES

LAND: 56300 **CLASS 1:** **TOTAL ACRES:** 4.50
BUILDING: 332000 **CLASS 2:** 388300 **TIMBER ACRES:**
CLASS 3:
TOTAL PARCEL VALUE: 388300
ESTIMATED TAX: \$2,174.48

DETAIL INFORMATION

CODE	TYPE	REF	METHOD	DESCRIPTION	LAND USE	TC	Hs	Ph	MARKET USE VALUE	VALUE
M	LAND	1	ST AC9	4.50 acres	9110-VAC RES	2	N	N	56300	
	BLDG	1	R 111	SINGLE FAMILY RESIDENCE	-	2	N	N	258400	
	BLDG	2	O 24 BKFD	GARAGE, TILE/BRICK, FLOO	-	2	N	N	56300	
	BLDG	3	O 29 SPVIN	POOL, VINYL LINED	-	2	N	N	14800	
	BLDG	4	O 34 PCR04	PAVING, CONCRETE REINFOR	-	2	N	N	2500	

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