



COMMUNITY DEVELOPMENT DEPARTMENT

200 NORTH ALSTON STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

FAX (251) 971 -3442

January 24, 2017

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 January 18, 2017 and the following action was taken:

Paradise Creek LLC.-Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 10+/- acres. Property is currently zoned MH-1 (Mobile/Manufactured Dwelling Park), proposed zoning is B-1A (Extended Business District). Property is located on the east side of Juniper St., north of County Rd. 20 (aka Miflin Rd). Applicant is Todd Edmiston/Paradise Creek LLC.

Action Taken:

Commissioner Hellmich made a motion to recommend the requested rezoning to Mayor and Council. Commissioner Rouzie seconded the motion.

All Commissioner voted aye.

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

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

Respectfully,

Melissa Ringler
Planning & Zoning Coordinator
mringle@cityoffoley.org

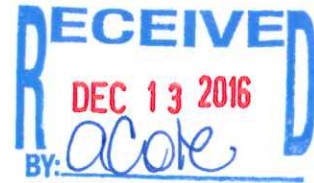
MAYOR: John E. Koniar

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

Foley



**CITY OF FOLEY, ALABAMA
APPLICATION FOR
PRE-ZONING OF PROPERTY**

1. LOCATION OF PROPERTY (ADDRESS, PIN #, LEGAL DESCRIPTION, MAP/SURVEY, DEED, AND CORPORATION OWNERSHIP INFORMATION):
PPIN: 082803 - see attachment, Corporation Name: Paradise Creek LLC
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
Attached
3. APPROXIMATE SIZE OF PROPERTY:
10 Acres
4. PRESENT ZONING OF PROPERTY:
mobile Home / RV
5. REQUESTED ZONING:
B1A
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:
mobile Home + RV Park.
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.)
Remove mobile homes and RV's and replace with a hotel and other businesses.

I CERTIFY THAT I AM THE PROERTY OWNER AND ATTEST THAT ALL FACTS AND INFORMATION SUBMITTED ARE TRUE AND CORRECT.

DATE: 12/13/16

Todd Edmiston

PROPERTY OWNER/APPLICANT
PO Box 543, Fairhope AL 36533

PROPERTY OWNER ADDRESS
251-895-6469

PHONE NUMBER
todd.edmiston@gmail.com
EMAIL ADDRESS

9-1607-10147

Mortgage Recorded Simultaneously

STATE OF ALABAMA)

COUNTY OF BALDWIN)

BALDWIN COUNTY, ALABAMA
TIM RUSSELL, PROBATE JUDGE
Filed/cert. 8/18/2016 8:37 AM
DEED TAX \$ 380.00
TOTAL \$ 395.00
3 Pages

1587898

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that RIVIERA PARK, LLC, an Alabama limited liability company, hereinafter called the "Grantor," for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00) in cash and other good and valuable consideration, in hand paid to the Grantor by PARADISE CREEK, LLC, an Alabama limited liability company, hereinafter called the "Grantee," the receipt and sufficiency of which are hereby acknowledged, subject to all matters and things hereinafter set forth, has this day bargained and sold and by these presents does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the said Grantee, all that real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Commencing at the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 4, Township 8 South, Range 4 East, Baldwin County, Alabama; run thence North 00° 04' 45" East, along the East boundary of said Northwest Quarter of the Southeast Quarter, a distance of 326.02 feet to an iron pin for the point of beginning; thence run South 89°51'43" West, a distance of 1286.35 feet to an iron pin lying on the present East right of way line of Juniper Street; thence run North 00°03'05" East, along said East right of way line, a distance of 326.00 feet to an iron pin; thence run North 89°51'43" East, a distance of 1286.77 feet to an iron pin lying on said East boundary; thence run South 00°04'45" West, along said East boundary, a distance of 326.07 feet to the point of beginning; SUBJECT TO an apparent 40 foot right of way easement over and across the Eastern end thereof.

LESS AND EXCEPT such oil, gas, and other mineral interests and all rights and privileges in connection therewith as may have been reserved or conveyed by prior owners, if any.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

1. Any security interest which may be claimed or perfected under The Uniformed Commercial Code as to the manufactured housing unit or mobile home located on the property herein. The land as described herein does not include any manufactured housing unit or mobile home located thereon.
2. Any portion of the land described in herein, lying within the right of way of a public road.
3. Right of way granted the City of Foley, dated December 12, 1989 and recorded in Real Property Book 429, Page 1737.
4. Reservation of 7/8ths interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed recorded in Deed Book 372, Page 839.
5. Encroachment of a ditch as shown on plat of survey by David M. Givens, dated November 17, 1986, Project No. 86-1117.
6. Any loss or claim which may arise as a result of the fence, as shown on the plat of survey by Seth W. Moore, P.L.S., Moore Surveying, Inc., dated July 27, 2016, Project No. 2016 104, not being located on the true boundary line.

7. City of Foley, Alabama, Subdivision Regulations dated January 7, 2008, and recorded at Instrument 1098026, as may be amended.
8. Zoning, if any, planning, subdivision regulations, and other ordinances, laws, restrictions or regulations upon the use or division of the land comprising the Subdivision as may be legally imposed by the County of Baldwin, Alabama, any municipality in which the property may lie, the State of Alabama, or any other governmental authorities having jurisdiction over the land in the subdivision.

The recording references refer to the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

TOGETHER WITH ALL AND SINGULAR, the rights, members, privileges and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said above described property unto the said Grantee, its successors and assigns in fee simple, forever.

And except as to taxes hereafter falling due which are assumed by the Grantee, and except as to the above mentioned encumbrances, the Grantor does, for itself and its successors and assigns, hereby covenant with the Grantee that it is seized of an indefeasible estate in fee simple in said property, is in peaceable possession thereof, that said property is free and clear of all encumbrances, and that it does hereby **WARRANT AND WILL FOREVER DEFEND** the title to said property and the peaceable possession thereof, unto the Grantee, and to its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto caused this instrument to be properly executed, on this the 16th day of AUGUST, 2016.

Riviera Park, LLC
An Alabama Limited Liability Company

By: _____

Edwin J. Spence

Its: Authorized Manager

STATE OF ALABAMA)

COUNTY OF BALDWIN)

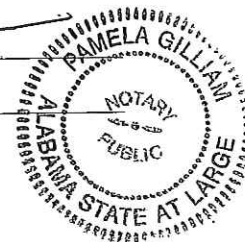
I, Pamela Gilliam, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Edwin J. Spence, whose name as Authorized Manager of Riviera Park, LLC, an Alabama limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, he, as such Authorized Manager 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 seal this the 16th day of AUGUST, 2016.

Notary Public

My Commission Expires: _____

09-13-16



The following information is provided pursuant to Alabama Code §40-22-1:

Grantor's Name: Riviera Park, LLC
Mailing Address: PO Box 4088, Gulf Shores AL 36547
Grantee's Name: Paradise Creek, LLC
Mailing Address: PO Box 543 Fairhope AL 36533
Property Address: 10340 South Gunter St, Foley AL 36535
Date of Sale 8-16-16
Total Purchase Price \$ 1,700,000
or
Actual Value \$ _____
or
Assessor's Market Value \$ _____

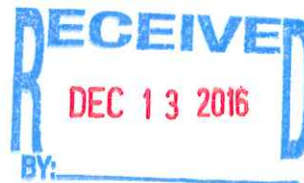
The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required).

THE SCRIVENER OF THIS DEED REPRESENTS NEITHER
GRANTOR NOR GRANTEE AND RECOMMENDS EACH
PARTY RETAIN INDEPENDENT LEGAL COUNSEL TO
REVIEW SAID DOCUMENT.

THIS INSTRUMENT PREPARED BY:
Jule R. Herbert Jr.
Herbert Law Firm, LLC
P.O. Drawer 3889
Gulf Shores, AL 36547
(251) 968-4764

Paradise Creek – Legal Description

Commencing at the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 4, Township 8 South, Range 4 East, Baldwin County, Alabama; run thence North 00° 04' 45" East, along the East boundary of said Northwest Quarter of the Southeast Quarter, a distance of 326.02 feet to an iron pin for the point of beginning; thence run South 89° 51' 43" West, a distance of 1286.35 feet to an iron pin lying on the present East right of way line of Juniper Street; thence run North 00° 03' 05" East, along said East right of way line, a distance of 326.00 feet to an iron pin; thence run North 89° 51' 43" East, a distance of 1286.77 feet to an iron pin lying on said East boundary; thence run South 00° 04' 45" West, along said East boundary, a distance of 326.07 feet to the point of beginning; SUBJECT TO an apparent 40 foot right of way easement over and across the Eastern end thereof.





PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the re-zoning of 10+/- acres. Property is current zoned MH-1 (Mobile/Manufactured Dwelling Park). proposed zoning is B-1A (Extended Business District). Property is located on the east side of Juniper St. north of County Rd. 20 (aka Miflin Rd). Applicant is Todd Edmiston/Paradise Creek LLC.

Anyone interested in this re-zoning request may be heard at a public hearing scheduled for Wednesday, January 18, 2017, 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

JUNIPER STREET

150' Right-of-way Paved Street

Edge of Road

City of Foley E.O.W. Deed In
Real Property Book 429, Page 1737

Paved Drive

50' P.P.

Found Re-bar & Cap (Volvert)

Wood Fence Corner 0.9' North of Line

324.47' Msd

N 89° 51' 43" E 1,286.77' Rec

Wood Fence Line is 0.5' North of Line

Found Re-bar & Cap (Volvert)

1,246.52' Msd

Wood Fence Corner On Line

Found Re-bar & Cap (Volvert)

BECK ROAD

Found Re-bar & Cap
(Covering Disturbed)

Right-of-way Not Known
The County Tax Mapping shows
a 40-foot Right-of-way

Dirt Road

N 00° 04' 45" E 326.02' Rec

S 00° 04' 45" W 326.07' Msd

POINT OF BEGINNING

9.63+/- ACRES

Including 0.3+/- Acres for Beck Road.

1,246.35'

S 89° 51' 43" W 1,286.35' Rec

Set Re-bar & Cap

N 00° 03' 05" E 326.76' Msd

Found Re-bar

60.33' 60' Right-of-way Not Open

Found Re-bar & Cap (L+O)

Parcel #3 of Juniper Park Subdivision
as per its plat recorded on Slide 2334-E

LEGAL DESCRIPTION:
BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 8 SOUTH, RANGE 4 EAST, ST. STEPHENS MERIDIAN, BALDWIN COUNTY, ALABAMA RUN NORTH 00 DEGREES 04 MINUTES 45 SECONDS EAST, ALONG THE EAST BOUNDARY OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 326.02 FEET TO AN IRON PIN FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 51 MINUTES 43 SECONDS WEST, A DISTANCE OF 1,286.35 FEET TO AN IRON PIN LYING ON THE PRESENT EAST RIGHT-OF-WAY LINE OF JUNIPER STREET; THENCE RUN NORTH 00 DEGREES 03 MINUTES 05 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 326.00 FEET TO AN IRON PIN; THENCE RUN NORTH 89 DEGREES 51 MINUTES 43 SECONDS EAST, A DISTANCE OF 1,286.77 FEET TO AN IRON PIN LYING ON SAID EAST BOUNDARY; THENCE RUN SOUTH 00 DEGREES 04 MINUTES 45 SECONDS WEST, ALONG SAID EAST BOUNDARY A DISTANCE OF 326.07 FEET TO THE POINT OF BEGINNING; SUBJECT TO AN APPARENT 40-FOOT RIGHT-OF-WAY EASEMENT OVER AND ACROSS THE EASTERN END THEREOF.

SE CORNER OF THE NW 1/4 OF
SE 1/4 OF SECTION 4, T-8-S,
R-4-E AS PER SURVEY BY
DAVID M. GIVENS DATED
NOVEMBER 17, 1986.

- SURVEYORS NOTES:
1. All Measurements were made in accordance with U. S. Standards.
 2. Description as furnished by Client.
 3. There may be recorded or unrecorded Deeds, Easements, Right-of-ways, or other instruments that could affect the Boundaries of said properties.
 4. There was No attempt to determine the existence, Location or extent of any sub-surface features such as Septic Tanks Underground Utilities, etc.
 5. Bearings and Distances shown hereon were Computed from actual field traverses.
 6. The Basis of Bearings for this Survey is as shown hereon.
 7. There was No attempt made to locate any Environmental issues such as but not limited to Wet lands, Fuel Tanks, etc.
 8. Refer to recorded Deeds, Plats, Restrictive Covenants for additional notes.
 9. This Plat or Map is the property of Moore Surveying Inc. and Seth Moore. It is solely for the use of the Client Named hereon. It is Not transferable to any other Party and may NOT be used for any other purpose without prior written consent from Moore Surveying Inc. or Seth Moore.

I, Seth W. Moore, a registered land surveyor, hereby state that all parts of this survey and drawing have been completed in accordance with the requirements by the Standards of Practice for Land Surveying in the State of Alabama to the best of my Knowledge, information and belief, this is a true and correct map.

All according to my survey made this the 27th day of JULY, 2016.

I also state that this drawing and or certification does not reflect any title or easement research, other than what is visible on the ground or provided by the clients at time of survey.

Seth W. Moore, P.L.S.
Ala. Reg. No. 16671

MOORE SURVEYING, INC.

PROFESSIONAL LAND SURVEYING

555 NORTH SECTION STREET,
FAIRHOPE, ALABAMA 36532

PHONE (251) 928 - 6777

Email mooresurveying@bellsouth.net

NOT VALID WITHOUT AN
EMBOSSSED SEAL OR ORIGINAL
SIGNATURE. ALL COPIES
AND FAXES ARE INVALID
AND MAY NOT BE USED
FOR ANY PURPOSE.

P.P. = Power Pole
CL = Centerline
UG = Underground
REC = Record
MSD = Measured
CAL = Calculated
FC = Fence Corner
R = Radius
ARC = Arc Length
TEL = Telephone
BM = Bench Mark
ELEV = Elevation
FRBC = Found Re-bar & Cap
FP = Found Iron Pin
SP = Set Re-bar & Cap

JOB NO.	2016 104
DATE	7/27/2016
FIELD WORK DATE	7/21 & 26
DRAWN BY	swm
SCALE	1" = 100'

BOUNDARY SURVEY FOR
PARADISE CREEK, LLC
9.63+/- ACRES LYING IN THE SE 1/4 OF
SECTION 4, T-8-S, R-4-E, ST. STEPHENS MERIDIAN
BALDWIN COUNTY, ALABAMA
10340 JUNIPER STREET SOUTH
FOLEY, ALABAMA

2016 MOORE SURVEYING, INC. Copying this Survey is strictly prohibited.

This Survey is copyright

RECEIVED
DEC 13 2016
BY:

Paradise Creek – Legal Description

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