

STATE OF ALABAMA:
COUNTY OF BALDWIN:

**DECLARATION OF VACATION
OF A PORTION OF PARK AVENUE RIGHT-OF-WAY**

WHEREAS, the undersigned, **NORAYR R. PEZIKIAN AND RHONDA PEZIKIAN** (hereinafter the "Adjoining Owners") are the fee simple owners of Lot 96 of **ASHFORD PARK** Subdivision as found recorded in Slide 2124-A & B of the Probate records of Baldwin County, Alabama, (hereinafter the "Lot") which Lot abuts the right-of-way of the public street known as **PARK AVENUE** and is located in the corporate limits of the City of Foley, Alabama; and

WHEREAS, the Lot has the following current street address: 547 PARK AVENUE; and

WHEREAS, the Adjoining Owner is desirous of vacating the right-of-way abutting the Lot but only up to the first edge of the existing curb or pavement (hereinafter the "Parcel"), and the Adjoining Owner does not wish to vacate any portion of the right-of-way which is currently improved or used for vehicular travel; and

WHEREAS, the Adjoining Owner will present this Declaration to the City Council of the City of Foley and petition the City Council of the City of Foley to assent to the vacation and closing of the Parcel, excepting therefrom and specifically reserving unto the City of Foley and its successors and assigns the following: (1) any and all existing and future utility easements and rights to locate, improve, replace, maintain and repair any current or future utility improvements on said Parcel, including but not limited to street lights; (2) a construction easement for any current or future construction, repair, or renovation activities on the remaining right-of-way or on the Parcel; (3) a drainage easement for the construction, maintenance, repair, installation or improvement of any storm water drainage system on the Parcel or on the abutting right-of-way; and (4) any other rights or conditions the City Council may impose on the granting and approval of this Declaration of Vacation.

NOW, THEREFORE, subject to and with the exceptions as noted herein, the Adjoining Owner does hereby declare closed and vacated the following described right-of-way:

That portion of the right-of-way up to the first edge of the existing curb or street improvements which abut Lot 96 of Ashford Park Subdivision as found recorded in Slide 2124-A & B

of the Probate records of Baldwin County, Alabama, which land is located in the corporate limits of the City of Foley, Baldwin County, Alabama (hereinbefore and hereinafter, the "Parcel").

The Adjoining Owner does hereby, pursuant to and in accordance with the provisions of Section 23-4-20 and/or Section 35-2-54, Code of Alabama, execute this written Declaration of Vacation of said Parcel, and the same being within the corporate limits of the City of Foley, a municipality, does hereby pray and request the assent of the Mayor and City Council of the City of Foley, Alabama to said vacation of the Parcel, subject to the conditions contained herein or upon such other conditions as may be required by the Mayor and City Council.

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

IN WITNESS WHEREOF, NORAYR R. PEZIKIAN AND RHONDA PEZIKIAN
have hereunto set their hands and seals on this the 18 day of December, 2013.

NORAYR R. PEZIKIAN

Rhonda Pezikian
RHONDA PEZIKIAN

STATE OF Alabama)
COUNTY OF Baldwin)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Norayr R. Pezikian & Rhonda Pezikian, whose name(s) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she/they executed the same voluntarily on the day the same bears date.

GIVEN under my hand this 18th day of December, 2013

NOTARY PUBLIC
My Commission Expires:
(NOTARIAL SEAL)

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Dec 19, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS



PEZIKJAN PETITION FOR VACATION

Page 2

Set 200401225
Amount \$192,195.00
- 153,760.00
= 38,439.00

HERBERT & HARRELL LLC
ATTORNEYS AT LAW
P. O. DRAWER 3889
GULF SHORES, AL 36547
TELEPHONE (251) 968-4764

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

STATE OF ALABAMA)

COUNTY OF BALDWIN)

WARRANTY DEED

State of Alabama, Baldwin Co
I certify this instrument was
and taxes collected on:

2004 May	-26	9:43AM
Instrument Number	810421	Page
Recording	9:00	Mortgage
Date	43-38	Min Tax
Index	5.08	DP
Archive	5.08	

Adrian L. Johns, Judge of proba

KNOW ALL MEN BY THESE PRESENTS, that ADAMS HOMES, L.L.C., an Alabama limited liability company, hereinafter called the "Grantor," for and in consideration of the sum of TEN AND NO/100THS (\$10.00) DOLLARS in cash and other good and valuable consideration, in hand paid to the Grantor by NORAYR R. PEZIKIAN and RHONDA PEZIKIAN, hereinafter called the "Grantees," the receipt and sufficiency of which is 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 Grantees, as tenants in common with equal interest during the period of their concurrent lives, and, upon the death of either of them, then to the survivor of the said Grantees, in fee simple, forever, all that real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Lot 96, Ashford Park, Unit Four, according to the plat thereof recorded in Slide Books 2124-A & B, in the Office of the Judge of Probate of Baldwin County, Alabama.

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. Terms, conditions, reservations, restrictions, easements and other matters, as set forth in Declaration of Covenants and Restrictions recorded as Instrument Number 577355, and all amendments thereto.
2. Building setback line and drainage and utility line easements, as shown on the recorded plat of said subdivision.
3. Articles of Incorporation of Ashford Park Property Owner's Association, Inc., recorded as Instrument Number 577356.
4. Reservation of all oil, gas and other minerals, and all rights in connection therewith, as contained in deed from T. E. Mitchell to ABT, L. L. C., as recorded as Instrument Number 538582.
5. Reservation of all oil, gas and other minerals, and all rights in connection therewith, as contained in deed from Anthony P. Kaiser, et al., to ABT, L. L. C., as recorded as Instrument Number 538580.
6. Reservation of all oil, gas and other minerals, and all rights in connection therewith, as contained in deed from Anthony P. Kaiser, et al., to T. E. Mitchell, as recorded as Instrument Number 538575.
7. Restrictive covenants relating to the use and occupancy of the property described hereinabove, as contained in deed from Adams Homes, L.L.C., to ABT, L. L. C., dated February 21, 2002, and recorded as Instrument Number 646499, and all amendments thereto.

8. Restrictive covenants recorded as Instrument Number 704529, and all amendments thereto.
9. Restrictions, covenants, conditions and easements, as contained in instrument Number 538578, and all amendments thereto.
10. Easement in favor of Baldwin County Electric Membership Corporation recorded as Instrument Number 565871.
11. Articles of Organization, of ABT, L. L. C., recorded as Instrument Number 538578.
12. Restrictions, covenants, conditions and easements as contained as Instrument Number _____, and all amendments thereto.

The recording references refer to the records in 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 Grantees during the term of their concurrent lives, and upon the death of either of them, then to the survivor of them, in fee simple, and to their heirs and assigns of such survivor, forever, together with every contingent remainder and right of reversion.

And except as to taxes hereafter falling due which are assumed by the Grantees, and except as to the above mentioned encumbrances, the Grantor does, for itself and its successors and assigns, hereby covenant with the Grantees 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 Grantees, and to the survivor of them, and to the heirs and assigns of such survivor, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, ADAMS HOMES, L.L.C., an Alabama limited liability company, the Grantor, has hereunto caused its company name to be signed by WAYNE ADAMS, its President, duly authorized, on this the 7th day of May, 2004.

ADAMS HOMES, L.L.C.
An Alabama limited liability company

By: 

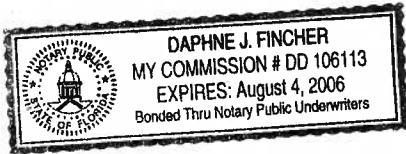
WAYNE ADAMS
Its: President

STATE OF FLORIDA)

COUNTY OF ESCAMBIA)

I, Daphne J. Fincher, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that WAYNE ADAMS, whose name as President, of ADAMS HOMES, L.L.C., 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 president 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 7th day of May, 2004.



Daphne J. Fincher
Notary Public

My Commission Expires:

8/4/06

Grantor's Address:

1101 Gulf Breeze Parkway
Gulf Breeze, FL 32461

Grantees Address:

574 Park Avenue
Foley, AL 36535