



### PETITION FOR ANNEXATION

We, the undersigned PETITIONERS, owners of the property described in the attached Exhibit A and as delineated on the map attached as Exhibit B, such property being outside the corporate limits of the City of Foley, Alabama, but which is now, or at the time this petition is acted upon will be, contiguous to the said corporate limits, and such property not lying within the corporate limits of any other municipality, do by these presents hereby petition the City of Foley, a municipal corporation, that said property be annexed into the City of Foley, Alabama pursuant to the authority of Section 11-42-21 of the Code of Alabama (1975).

We, the undersigned PETITIONERS further petition that the Honorable Mayor and City Council of the City of Foley, Alabama, set a date for the hearing of this petition and adopt an ordinance annexing such property.

We, the undersigned PETITIONERS also ask that the Honorable Mayor and City Council of the City of Foley, Alabama, do all things necessary and requisite to comply with the terms of Section 11-42-21 of the Code of Alabama (1975).

We, the undersigned PETITIONERS understand that we will have no right to vote in any elections which we would be entitled to vote in as a result of this proposed annexation until the annexation is pre-cleared by the United States Department of Justice pursuant to section 5 of the Voting Rights Act of 1965, as amended.

Dated this 08 day of June, 20 18

RE: PIN #11219

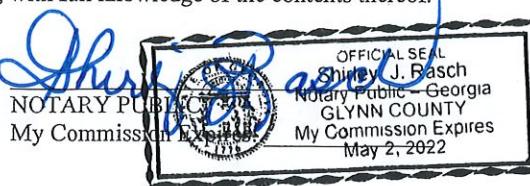
Downey Family Limited Partnership  
Petitioner's Signature

A handwritten signature in black ink, appearing to read "Shirley J. Rasch".

Petitioner's Signature

STATE OF ALABAMA STATE OF GEORGIA  
BALDWIN COUNTY GLYNN COUNTY

On this 8<sup>th</sup> day of June, 20 18, before me personally appeared to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.



STATE OF ALABAMA  
BALDWIN COUNTY

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

## ATTACHMENT TO PETITION

PETITIONER(S) REQUEST PROPERTY BE INITIALLY ZONED AS FOLLOWS:

<input type="checkbox"/>	R-IA	Residential Single Family
<input type="checkbox"/>	R-IB	Residential Single Family
<input type="checkbox"/>	R-IC	Residential Single Family
<input type="checkbox"/>	R-ID	Residential Single Family
<input type="checkbox"/>	R-IR	Restricted Residential Single Family
<input type="checkbox"/>	R-2	Residential Single Family & Duplex
<input type="checkbox"/>	R-3	Residential Multi Family
<input type="checkbox"/>	R-4	Residential Single Family & Duplex
<input type="checkbox"/>	GPH-I	Residential Garden-Patio Homes
<input type="checkbox"/>	TH-1	Residential Townhouses
<input type="checkbox"/>	MH-1	Residential Mobile Home Park/Subdivision
<input type="checkbox"/>	OSP	Open Space/Reservation District
<input type="checkbox"/>	PDD	Planned Development District
<input type="checkbox"/>	PUD	Planned Unit Development
<input type="checkbox"/>	PID	Planned Industrial District
<input type="checkbox"/>	B-1	Central Business District
<input type="checkbox"/>	B-1A	Commercial Extended Business District
<input type="checkbox"/>	B-2	Commercial Neighborhood Business District
<input type="checkbox"/>	B-3	Commercial Local Business District
<input type="checkbox"/>	PO	Preferred Office District
<input type="checkbox"/>	M-I	Light Industry
<input checked="" type="checkbox"/>	A-O	Agriculture Open Space
<input type="checkbox"/>	H	Overlying area of Historic District

PLEASE SELECT ONE OF THE ABOVE. IF YOU HAVE ANY QUESTIONS REGARDING THE REQUESTED ZONING, PLEASE CALL THE ZONING OFFICE AT 251-943-4011.

Initial Zoning Fee \$250.00 - check payable to the City of Foley due at time of submission.

Number of homes currently located on the property being annexed \_\_\_\_\_

Number of occupants Adults \_\_\_\_\_ Race \_\_\_\_\_

Number of businesses currently located on the property being annexed \_\_\_\_\_

(If more than one business on property, print information on back.)

Name of business \_\_\_\_\_

Owner's Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

If property is undeveloped, have plans been submitted to Planning Commission?

Yes

If yes, state estimated date the development or subdivision will be completed \_\_\_\_\_

No

Petitioner's Signature

Date

Petitioner's Signature

Date

For Internal Use Only: Are infrastructure valuation forms for annexations and subdivision acceptance from the Engineering Department attached?

Yes       No

STATE OF ALABAMA  
BALDWIN COUNTY

State of Alabama, Baldwin County  
I certify this instrument was filed  
and taxes collected on:  
2886 February - 2 1:15PM  
Instrument Number 953614 Pages 3  
Recording 9.00 Mortgage  
Deed 79.00 Min Tax  
Index 100 5.00  
Archive 5.00  
Merian T. Johns, Judge of Probate

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that WILLIAM DOWNEY, a/k/a WILLIAM DOWNEY, III, a married man, hereinafter called the "Grantor," for and in consideration of the sum of TEN DOLLARS (\$10.00) cash and other good and valuable considerations to said Grantor in hand paid by the DOWNEY FAMILY LIMITED PARTNERSHIP, hereinafter called the "Grantee," receipt of which is hereby acknowledged, do hereby (subject to the matters hereinafter set out) GRANT, BARGAIN, SELL and CONVEY unto said Grantee, in fee simple, forever that real property in Baldwin County, Alabama, described as follows, to-wit:

PARCEL A

Lots 66 - 74, inclusive, Wolf Bay Estates, Unit Four, according to plat thereof recorded in Map Book 6, Page 84, Probate Court Records, Baldwin County, Alabama.

PARCEL B

All of the Northeast Quarter of Section 13 Township 8 South Range 4 East, Baldwin County, Alabama, lying North of Owens Creek, except the right-of-way of Satsuma Beach Road.

PARCEL C

The West one-half (1/2) of the Southeast Quarter and the West one-half (1/2) of the East one-half (1/2) of the Southeast Quarter lying North of Graham Bayou and all of the East one-half of the Southeast quarter lying South of Graham Bayou, Section 13, Township 8 South, Range 4 East, and the Southwest Quarter of the Southwest Quarter lying South of Graham Bayou, Section 18, Township 8 South, Range 5 East, containing approximately 138 acres.

EXCEPTING AND RESERVING, as to Parcels A and B, hereinabove described, thereout and therefrom unto the Grantor, its successors and assigns, forever, an undivided one-half (1/2) of all the oil, gas and other minerals owned by the Grantor in, on, under and that may be produced from the lands hereinabove described, together with all rights of ingress and egress over and across said lands for the purpose of exploring for, finding, mining, developing, marketing, storing or producing any and all such minerals.

TOGETHER WITH ALL AND SINGULAR, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD unto the said Grantee, all of the right, title and interest to the hereinabove described property, in fee simple, FOREVER.

Conveyance of the above described property and all covenants and warranties of the Grantor hereunder (whether express, implied or statutory) is made subject to the following:

1. Lien for taxes hereafter falling due.

4193590

2. Previous reservations, conveyances, and leases of oil, gas and other minerals and rights incidental thereto now of record, if any.
3. The terms of existing farm leases, pertaining to Parcels A and B.
4. Any and all existing easements and/or rights of way for road, power lines and/or telephone lines, pertaining to Parcels A and B.
5. Rights of the other parties, the United States of America or State of Alabama, in and to the shore, littoral or riparian rights to the property lying adjacent to Wolf Creek, pertaining to Parcel A.
6. A 10 foot draining and utility easement along the West line of Lot 66 and 10 foot drainage and utility easement along the East line of Lot 74, pertaining to Parcel A.
7. A 35 foot building setback line along the South line of the property, pertaining to Parcel A.
8. Rights of other parties, the United States of America or State of Alabama, in and to the above, littoral or riparian rights to the property lying adjacent to Owens Creek, pertaining to Parcel B.
9. Conveyance of 1/2 oil, gas and other minerals, and all rights in connection therewith, by The Merchants National Bank, as Trustee to The Merchants National Bank as Trustee for William Downey et al by instrument dated March 11, 1976 and recorded in Deed Book 491 page 553, pertaining to Parcel C.
10. Oil, gas and mineral lease and all rights in connection therewith, by The Merchants National Bank as Trustee to Amoco Production Company dated April 1, 1976 and recorded in Deed Book 490, Page 355, pertaining to Parcel C.
11. Oil, gas and mineral lease and all rights in connection therewith by, The Merchants National bank of Mobile as Trustee to Amoco Production Company dated April 1, 1976 and recorded in Deed Book 490 Page 351, pertaining to Parcel C.
12. Easement granted by The Merchants National Bank of Mobile, as Trustee for William Downey, III, et al, dated September 13, 1978 and recorded in Real Property Book 30, Page 334, pertaining to Parcel C.

(All recording references refer to the records in the office of the Judge of Probate of Baldwin County, Alabama.)

And except as provided above, the Grantor, for Grantor and Grantor's heirs and assigns, hereby covenant to and with the Grantee, and the successors and assigns of the Grantee, that the Grantor is seized of an indefeasible estate in fee simple in and to said property; that Grantor is in peaceable possession thereof and have a perfect right to sell and convey the same; that the same is free from all encumbrances and that Grantor will forever warrant and defend title to and possession of said property unto the Grantee, and the successors and assigns of the Grantee, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on this 30<sup>th</sup> day of December, 2005.



WILLIAM DOWNEY

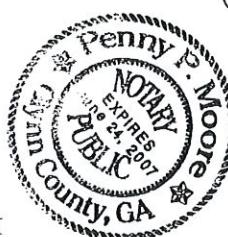
Instrument 953614 Page 3 of 3

STATE OF GEORGIA

COUNTY OF GLYNN

Personally appeared before me, the undersigned, a Notary Public, in and for said State and County, do hereby certify that WILLIAM DOWNEY, 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 on this 30<sup>th</sup> day of December, 2005.



Penny P. Moore  
NOTARY PUBLIC

Grantor's Address:

William Downey, III  
330 Mallory Street  
St. Simons Island, GA 31522

Grantee's Address:

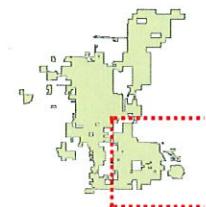
Downey Family Limited Partnership  
330 Mallory Street  
St. Simons Island, GA 31522

THIS INSTRUMENT PREPARED BY

JULIAN B. BRACKIN  
BRACKIN, McGRIFF & JOHNSON, P.C.  
POST OFFICE BOX 998  
FOLEY, ALABAMA 36536  
251/943-4040



Overview



Legend

- Main Highways
- County Roads
- Foley City Limits
- ▨ County Mask

PIN - 11219  
Par Num - 002.000  
Acreage - 37.866  
Subdivision -  
Lot -  
Street Name - CO RD 12S  
Street Number - 23624  
Improvement -

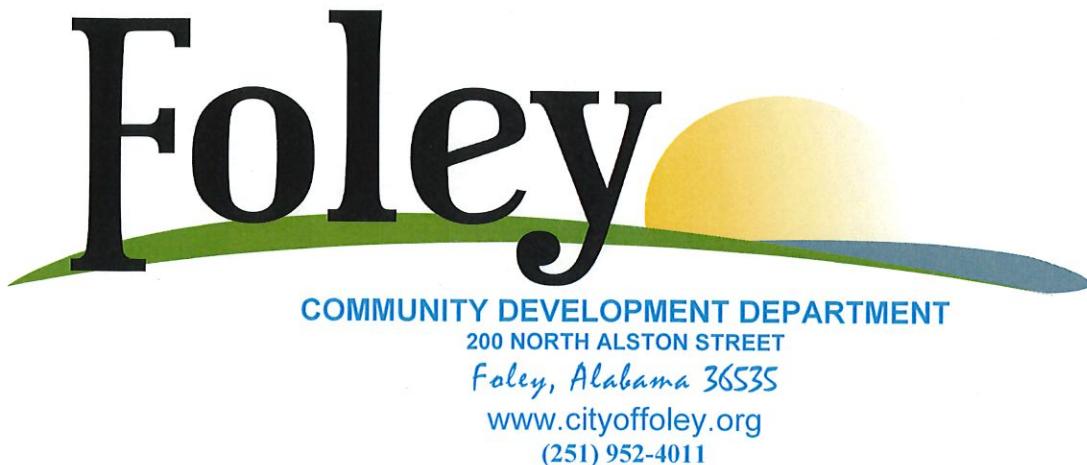
Name - DOWNEY FAMILY LIMITED PARTNERSHIP  
Address1 - 330 MALLORY STREET  
Address2 -  
Address3 -  
City - ST SIMONS ISLAND  
State - GA  
Zip - 31522

The information contained in the digital data distributed by the Baldwin County Commission is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness, currency, thereof are not guaranteed. The Baldwin County Commission makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of information or data contained in or generated from the county geographic database. Additionally, the Baldwin County Commission or any agent, servant, or employee thereof assume no liability associated with the use of the data and assume no responsibility to maintain it in any matter or form.

Date created: 6/21/2018  
Last Data Uploaded: 6/20/2018 8:56:30 PM

Developed by





June 21, 2018

Mayor and City Council  
City of Foley  
407 East Laurel Avenue  
Foley, AL 36535

Re: Prezoning Recommendation

Dear Mayor Koniar and City Council Members:

The City of Foley Planning Commission held a regular meeting on April 8, 2018 and recommended pin # 11219 be prezoned as AO (Agricultural Open Space).

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

Respectfully,

Melissa Ringler  
Planning & Zoning Coordinator  
[mringle@cityoffoley.org](mailto:mringle@cityoffoley.org)

**MAYOR:** John E. Koniar

**CITY ADMINISTRATOR:** Michael L. Thompson

**CITY CLERK:** Kathryn Taylor

**COUNCIL MEMBERS:** J. Wayne Trawick; Vera Quaites; Ralph G. Hellmich; Cecil R. Blackwell; Charles Ebert III



### PETITION FOR ANNEXATION

We, the undersigned PETITIONERS, owners of the property described in the attached Exhibit A and as delineated on the map attached as Exhibit B, such property being outside the corporate limits of the City of Foley, Alabama, but which is now, or at the time this petition is acted upon will be, contiguous to the said corporate limits, and such property not lying within the corporate limits of any other municipality, do by these presents hereby petition the City of Foley, a municipal corporation, that said property be annexed into the City of Foley, Alabama pursuant to the authority of Section 11-42-21 of the Code of Alabama (1975).

We, the undersigned PETITIONERS further petition that the Honorable Mayor and City Council of the City of Foley, Alabama, set a date for the hearing of this petition and adopt an ordinance annexing such property.

We, the undersigned PETITIONERS also ask that the Honorable Mayor and City Council of the City of Foley, Alabama, do all things necessary and requisite to comply with the terms of Section 11-42-21 of the Code of Alabama (I 975).

We, the undersigned PETITIONERS understand that we will have no right to vote in any elections which we would be entitled to vote in as a result of this proposed annexation until the annexation is pre-cleared by the United States Department of Justice pursuant to section 5 of the Voting Rights Act of 1965, as amended.

Dated this 08 day of JUNE, 2018

RE: PIN #29245

Downey Family Limited Partnership  
Petitioner's Signature

  
Petitioner's Signature

STATE OF ALABAMA STATE OF GEORGIA  
BALDWIN COUNTY GLYNN COUNTY

On this 8<sup>th</sup> day of June, 2018, before me personally appeared William Downey, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.



STATE OF ALABAMA  
BALDWIN COUNTY

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.

NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

### ATTACHMENT TO PETITION

PETITIONER(S) REQUEST PROPERTY BE INITIALLY ZONED AS FOLLOWS:

<input type="checkbox"/>	R-1A	Residential Single Family
<input type="checkbox"/>	R-1B	Residential Single Family
<input type="checkbox"/>	R-1C	Residential Single Family
<input type="checkbox"/>	R-1D	Residential Single Family
<input type="checkbox"/>	R-1R	Restricted Residential Single Family
<input type="checkbox"/>	R-2	Residential Single Family & Duplex
<input type="checkbox"/>	R-3	Residential Multi Family
<input type="checkbox"/>	R-4	Residential Single Family & Duplex
<input type="checkbox"/>	GPH-I	Residential Garden-Patio Homes
<input type="checkbox"/>	TH-1	Residential Townhouses
<input type="checkbox"/>	MH-1	Residential Mobile Home Park/Subdivision
<input type="checkbox"/>	OSP	Open Space/Reservation District
<input type="checkbox"/>	PDD	Planned Development District
<input type="checkbox"/>	PUD	Planned Unit Development
<input type="checkbox"/>	PID	Planned Industrial District
<input type="checkbox"/>	B-1	Central Business District
<input type="checkbox"/>	B-1A	Commercial Extended Business District
<input type="checkbox"/>	B-2	Commercial Neighborhood Business District
<input type="checkbox"/>	B-3	Commercial Local Business District
<input type="checkbox"/>	PO	Preferred Office District
<input type="checkbox"/>	M-I	Light Industry
<input checked="" type="checkbox"/>	A-O	Agriculture Open Space
<input type="checkbox"/>	H	Overlying area of Historic District

PLEASE SELECT ONE OF THE ABOVE. IF YOU HAVE ANY QUESTIONS REGARDING THE REQUESTED ZONING, PLEASE CALL THE ZONING OFFICE AT 251-943-4011.

**Initial Zoning Fee \$250.00 - check payable to the City of Foley due at time of submission.**

Number of homes currently located on the property being annexed \_\_\_\_\_

Number of occupants Adults \_\_\_\_\_ Race \_\_\_\_\_

Number of businesses currently located on the property being annexed \_\_\_\_\_

(If more than one business on property, print information on back.)

Name of business \_\_\_\_\_

Owner's Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

If property is undeveloped, have plans been submitted to Planning Commission?

Yes

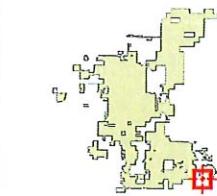
If yes, state estimated date the development or subdivision will be completed \_\_\_\_\_

No

\_\_\_\_\_  
Petitioner's Signature Date

\_\_\_\_\_  
Petitioner's Signature Date

For Internal Use Only: Are infrastructure valuation forms for annexations and subdivision acceptance from the Engineering Department attached?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No


**Overview**

**Legend**

- Centerlines
- Foley City Limits
- ☒ County Mask
- Parcels
- Lot Lines

PIN - 29245  
 Par Num - 005.007  
 Acreage - 2.247  
 Subdivision -  
 Lot -  
 Street Name -  
 Street Number - 0  
 Improvement -

Name - DOWNEY FAMILY LIMITED PARTNERSHIP  
 Address1 - 330 MALLORY STREET  
 Address2 -  
 Address3 -  
 City - ST SIMONS ISLAND  
 State - GA  
 Zip - 31522

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Developed by



STATE OF ALABAMA  
BALDWIN COUNTY

State of Alabama, Baldwin County  
I certify this instrument was filed  
and taxes collected on:  
2886 February - 2 11:57AM  
Instrument Number 553614 Pages 3  
Recording 9:00 Mortgage  
Deed 79.00 Min Tax  
Index 5p  
Archive 5.00  
Harrison T. Johns, Judge of Probate

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that WILLIAM DOWNEY, a/k/a WILLIAM DOWNEY, III, a married man, hereinafter called the "Grantor," for and in consideration of the sum of TEN DOLLARS (\$10.00) cash and other good and valuable considerations to said Grantor in hand paid by the DOWNEY FAMILY LIMITED PARTNERSHIP, hereinafter called the "Grantee," receipt of which is hereby acknowledged, do hereby (subject to the matters hereinafter set out) GRANT, BARGAIN, SELL and CONVEY unto said Grantee, in fee simple, forever that real property in Baldwin County, Alabama, described as follows, to-wit:

PARCEL A

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PARCEL B

All of the Northeast Quarter of Section 13 Township 8 South Range 4 East, Baldwin County, Alabama, lying North of Owens Creek, except the right-of-way of Satsuma Beach Road.

PARCEL C

The West one-half (1/2) of the Southeast Quarter and the West one-half (1/2) of the East one-half (1/2) of the Southeast Quarter lying North of Graham Bayou and all of the East one-half of the Southeast quarter lying South of Graham Bayou, Section 13, Township 8 South, Range 4 East, and the Southwest Quarter of the Southwest Quarter lying South of Graham Bayou, Section 18, Township 8 South, Range 5 East, containing approximately 138 acres.

EXCEPTING AND RESERVING, as to Parcels A and B, hereinabove described, thereout and therefrom unto the Grantor, its successors and assigns, forever, an undivided one-half (1/2) of all the oil, gas and other minerals owned by the Grantor in, on, under and that may be produced from the lands hereinabove described, together with all rights of ingress and egress over and across said lands for the purpose of exploring for, finding, mining, developing, marketing, storing or producing any and all such minerals.

TOGETHER WITH ALL AND SINGULAR, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD unto the said Grantee, all of the right, title and interest to the hereinabove described property, in fee simple, FOREVER.

Conveyance of the above described property and all covenants and warranties of the Grantor hereunder (whether express, implied or statutory) is made subject to the following:

1. Lien for taxes hereafter falling due.

119E5b

2. Previous reservations, conveyances, and leases of oil, gas and other minerals and rights incidental thereto now of record, if any.
3. The terms of existing farm leases, pertaining to Parcels A and B.
4. Any and all existing easements and/or rights of way for road, power lines and/or telephone lines, pertaining to Parcels A and B.
5. Rights of the other parties, the United States of America or State of Alabama, in and to the shore, littoral or riparian rights to the property lying adjacent to Wolf Creek, pertaining to Parcel A.
6. A 10 foot draining and utility easement along the West line of Lot 66 and 10 foot drainage and utility easement along the East line of Lot 74, pertaining to Parcel A.
7. A 35 foot building setback line along the South line of the property, pertaining to Parcel A.
8. Rights of other parties, the United States of America or State of Alabama, in and to the above, littoral or riparian rights to the property lying adjacent to Owens Creek, pertaining to Parcel B.
9. Conveyance of 1/2 oil, gas and other minerals, and all rights in connection therewith, by The Merchants National Bank, as Trustee to The Merchants National Bank as Trustee for William Downey et al by instrument dated March 11, 1976 and recorded in Deed Book 491 page 553, pertaining to Parcel C.
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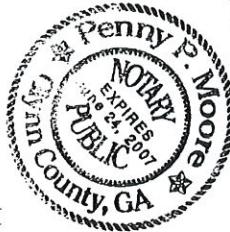
WILLIAM DOWNEY

STATE OF GEORGIA

COUNTY OF GLYNN

Personally appeared before me, the undersigned, a Notary Public, in and for said State and County, do hereby certify that WILLIAM DOWNEY, 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 on this 30<sup>th</sup> day of December, 2005.



Penny P. Moore

Grantor's Address:

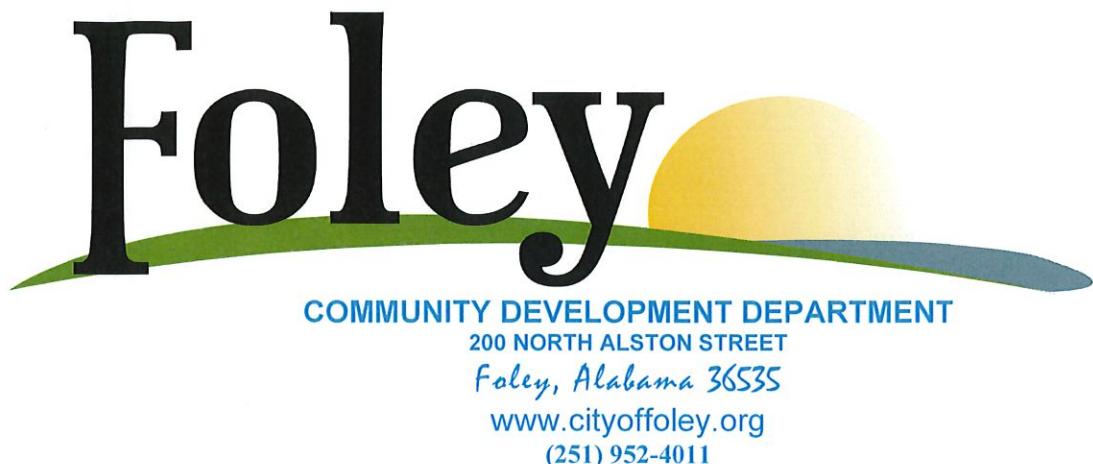
William Downey, III  
330 Mallory Street  
St. Simons Island, GA 31522

Grantee's Address:

Downey Family Limited Partnership  
330 Mallory Street  
St. Simons Island, GA 31522

THIS INSTRUMENT PREPARED BY

JULIAN B. BRACKIN  
BRACKIN, McGRIFF & JOHNSON, P.C.  
POST OFFICE BOX 998  
FOLEY, ALABAMA 36536  
251/943-4040



June 21, 2018

Mayor and City Council  
City of Foley  
407 East Laurel Avenue  
Foley, AL 36535

Re: Prezoning Recommendation

Dear Mayor Koniar and City Council Members:

The City of Foley Planning Commission held a regular meeting on April 8, 2018 and recommended pin # 29245 be prezoned as AO (Agricultural Open Space).

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

Respectfully,

Melissa Ringler  
Planning & Zoning Coordinator  
[mringler@cityoffoley.org](mailto:mringler@cityoffoley.org)

**MAYOR:** John E. Koniar

**CITY ADMINISTRATOR:** Michael L. Thompson

**CITY CLERK:** Kathryn Taylor

**COUNCIL MEMBERS:** J. Wayne Trawick; Vera Quaites; Ralph G. Hellmich; Cecil R. Blackwell; Charles Ebert III