

STATE OF ALABAMA

COUNTY OF BALDWIN

PETITION TO THE CITY OF FOLEY, ALABAMA
FOR ASSENT TO VACATION OF CERTAIN UNOPENED AND UNMAINTAINED
DEEDED RIGHTS-OF-WAY

FB EXPRESS, LLC, an Alabama limited liability company, CHARTER LANDING, INC., an Alabama corporation, and LEHMANN FAMILY LIMITED PARTNERSHIP, an Alabama limited partnership (hereinafter the “Petitioners”), respectfully request the City Council of the City of Foley, Alabama (the “City of Foley”), to adopt the attached ordinance in order to vacate certain deeded rights-of-way created by that certain deed from Magnolia Springs Land Company to the Highway Commissioners of Baldwin County, Alabama dated December 12, 1907 and recorded in Deed Book 22, page 314, et seq., and by that certain Right-of-Way Deed from Jerry Resmondo to Baldwin County dated April 19, 1956 and recorded in Real Property Book 386, pages 1363, et. seq. as more specifically described in this Petition. In support of this Petition, your Petitioners show as follows:

A. Petitioners own property which abuts or touches the rights-of way described as follows:

The following described rights-of-way having been created by that certain deed from Magnolia Springs Land Company to the Highway Commissioners of Baldwin County, Alabama by deed dated December 12, 1907 and recorded in Deed Book 22, page 314, et seq.:

A PORTION OF UNOPENED RIGHTS-OF-WAY LYING WITHIN
SECTION 1, TOWNSHIP 7 SOUTH, RANGE 4 EAST, AS
FOLLOWS:

1. A 20' WIDE STRIP OF LAND RUNNING EAST AND WEST ADJACENT TO AND NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 1.
2. A 20' WIDE STRIP OF LAND RUNNING NORTH AND SOUTH ADJACENT TO AND EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 1.
3. A 15' WIDE STRIP OF LAND RUNNING EAST AND WEST ADJACENT TO AND SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1.

A PORTION OF UNOPENED RIGHTS-OF-WAY LYING WITHIN SECTION 2, TOWNSHIP 7 SOUTH, RANGE 4 EAST, AS FOLLOWS:

4. A 20' WIDE STRIP OF LAND RUNNING NORTH AND SOUTH ADJACENT TO AND WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 2.

5. A 20' WIDE STRIP OF LAND RUNNING EAST AND WEST ADJACENT TO AND NORTH OF THE SOUTH LINE OF SECTION 2.

6. A 30' WIDE STRIP OF LAND RUNNING NORTH AND SOUTH ALONG THE HALF- SECTION LINE THROUGH THE NORTH HALF OF SECTION 2.

7. A 30' WIDE STRIP OF LAND RUNNING NORTH AND SOUTH, ALONG THE HALF SECTION LINE OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 2.

8. A 30' WIDE STRIP OF LAND RUNNING EAST AND WEST, ALONG THE HALF SECTION LINE OF THE WEST HALF OF THE WEST HALF OF SECTION 2.

8A. THE NORTH 15 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2.

8B. THE SOUTH 15 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2.

8C. THE NORTH 15 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2.

8D. THE SOUTH 15 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2.

8E. THE EAST 15 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2.

8F. THE WEST 15 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2.

A PORTION OF UNOPENED RIGHTS-OF-WAY LYING WITHIN SECTION 10, TOWNSHIP 7 SOUTH, RANGE 4 EAST, AS FOLLOWS:

9. A 20' WIDE STRIP OF LAND RUNNING NORTH AND SOUTH ADJACENT TO AND WEST OF THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 10.

10. A 15-FOOT WIDE STRIP OF LAND RUNNING EAST AND WEST OFF THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 10.

A PORTION OF UNOPENED RIGHTS-OF-WAY LYING WITHIN SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, AS FOLLOWS:

11. A 15' WIDE STRIP OF LAND RUNNING NORTH AND SOUTH ADJACENT TO AND WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 11.

12. A 20' WIDE STRIP OF LAND RUNNING EAST AND WEST ADJACENT TO AND SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11.

13. A 15' WIDE STRIP OF LAND RUNNING NORTH AND SOUTH, ADJACENT TO AND EAST OF THE WEST LINE OF THE NORTH 865.26 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11.

14. A 20' WIDE STRIP OF LAND RUNNING NORTH AND SOUTH ADJACENT TO AND EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11.

15. A 20' WIDE STRIP OF LAND RUNNING EAST AND WEST ADJACENT AND TO THE NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11.

A PORTION OF UNOPENED RIGHTS-OF-WAY LYING WITHIN SECTION 14, TOWNSHIP 7 SOUTH, RANGE 4 EAST, AS FOLLOWS:

16. A 20' WIDE STRIP OF LAND RUNNING EAST AND WEST ADJACENT AND TO THE SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14.

The following described rights-of-way having been created by that certain Right-of-Way Deed from Jerry Resmondo to Baldwin County dated April 19, 1956 and recorded in Real Property Book 386, pages 1363, et. seq.:

17. A 20' WIDE STRIP OF LAND RUNNING NORTH AND SOUTH ADJACENT TO AND EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 4 EAST.

B. The Petitioners, pursuant to Ala. Code 1975, Section 23-4-2 and Section 23-4-20, desire to vacate those portions of the unopened rights-of-way described in Paragraph A. of this Petition, and, pursuant to applicable law, destroy the force and effect of all public rights which may have accrued in those portions of the rights-of-way described in Paragraph A. of this Petition and to divest all public rights, including any and all rights which may have been acquired by prescription in and to those portion of the right-of-way described in Paragraph A. of this Petition.

C. The roadways described in Paragraph A. of this Petition are located within the corporate limits of the City of Foley, Baldwin County, Alabama.

D. Those rights-of-way described in Paragraph A. of this Petition are of no use to the public as a public right-of-way, and the vacation of said rights-of-way is a public necessity.

E. Those rights-of-way described in Paragraph A. of this Petition will not be maintained by the City of Foley or Baldwin County, Alabama.

F. It is in the interest of the public that the portion of those rights-of-way described in Paragraph A. of this Petition be closed and vacated.

G. The vacation of those rights-of-way described in Paragraph A. of this Petition shall not deprive other property owners of such rights as they may have to convenient and reasonable means of ingress and egress to and from their property.

H. The owners of properties abutting the rights-of-way sought to be vacated who are not named as Petitioners herein are, on information and belief, the following:

- a. Woerner Foley Farm North, LLC
818 N. McKenzie Street
Foley, AL 36585
- b. Alabama Sheriff's Boys & Girls Ranches
c/o Nick Rauccio
P. O. Box 240009
Montgomery, AL 36124

- c. Gopoca Holdings, LLC
7 Sugar Bowl Lane
Pensacola, FL 32561
- d. Jerry Dugger
818 N. Juniper
Foley, AL 36535
- e. Calloway RV & Campground, LLC
1708 Fox Croft Blvd.
Baton Rouge, LA 70815
- f. Upper City Limits Farm, Inc.
P. O. Box 904
Gulf Shores, AL 36547
- g. John D'Aversa
and Judy Faye D'Aversa
3800 Cotton Way
Orange Beach, AL 36561
- h. 256, LLC
110 Azalea Ave. E.
Foley, AL 36535
- i. Fred Kichler
14591 Kichler Circle W
Elberta, AL 36530

Each person or entity named in this Paragraph H. has been served with a copy of this Petition as required by law.

I. Prior to the consideration of the proposed vacation as requested in this Petition, Petitioners shall publish notice of the proposed vacation once a week for three (3) consecutive weeks in *The Onlooker*, a newspaper of general circulation published in the City of Foley, Alabama pursuant to Act No. 73-386 of the Alabama Legislature.

NOW THEREFORE, the Petitioners, constituting the owners of property which abuts or touches that portion of those rights-of-way described in Paragraph A. of this Petition, being desirous that the portion of those rights-of-way described in Paragraph A. of this Petition be vacated and annulled pursuant to the provisions and requirements of Ala. Code 1975, Section 23-4-2 and Section 23-4-20, do, by execution of this Petition, respectfully request the City Council of the City of Foley, Alabama, to consent to the vacation of that portion of those rights-of-way described in Paragraph A. of this Petition.

RESPECTFULLY SUBMITTED on this the 5th day of March, 2020.

FB EXPRESS, LLC,
an Alabama limited liability company

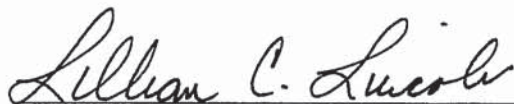
By: 
JANICE D. REED
Its Manager

STATE OF ALABAMA

COUNTY OF BALDWIN

I, LILLIAN C. LINCOLN, a Notary Public, in and for said County in said State, hereby certify that JANICE D. REED, whose name as Manager of FB EXPRESS, 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 the instrument, she, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal this 5th day of March, 2020.


Notary Public, Baldwin County, Alabama
My Commission Expires: 06/09/2021



CHARTER LANDING, INC.,
an Alabama corporation

By: Deena Montgomery
DEENA MONTGOMERY
Its President

STATE OF ALABAMA

COUNTY OF BALDWIN

I, Rachel Lee Doan, a Notary Public, in and for said County in said State, hereby certify that DEENA MONTGOMERY, whose name as President of CHARTER LANDING, INC., an Alabama corporation, 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 the instrument, she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this 20th day of March, 2020.

Rachel Lee Doan
Notary Public, Alabama State At Large
My Commission Expires June 28, 2023

Rachel Lee Doan
Notary Public, Baldwin County, Alabama
My Commission Expires: 6/28/2023

LEHMANN FAMILY LIMITED PARTNERSHIP,
an Alabama limited partnership

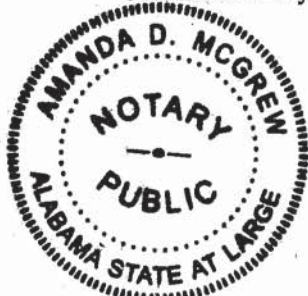
By: *Catherine A. Lehmann*
CATHERINE A. LEHMANN
Its General Partner

STATE OF ALABAMA

COUNTY OF BALDWIN

I, *Amanda D. McGrew*, a Notary Public, in and for said County in said State, hereby certify that CATHERINE A. LEHMANN, whose name as General Partner of LEHMANN FAMILY LIMITED PARTNERSHIP, an Alabama limited partnership, 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 the instrument, she, as such officer and with full authority, executed the same voluntarily for and as the act of said limited partnership.

Given under my hand and seal this *9th* day of *April*, 2020.



Amanda D. McGrew
Notary Public, Baldwin County, Alabama
My Commission Expires: _____

Notary Public - Alabama State At Large
My Commission Expires
April 2, 2021

This instrument prepared by:

DANIEL G. BLACKBURN of
BLACKBURN & CONNER, P.C.
Attorneys at Law
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