

August 27, 2018

Ms. Miriam Boutwell City of Foley 200 N. Alston Street Foley, Alabama 36535

RE: FOLEY FARM'S PARCELS A, B, & C Annexation Application

Dear Ms. Boutwell:

Please find enclosed a Petition for Annexation for Foley Farm's Parcels A, B, and C. The attached documents are summarized below:

- Check for Application Fee for \$250
- Annexation Petition
- Agent Authorization Form
- List of PPIN numbers for Subject Parcels
- Metes and Bounds Description
- Warranty Deed
- Articles of Incorporation
- List of Adjacent Property Owners
- 36" by 24" Property Survey

With this submittal we request to be placed on the agenda for the next regularly scheduled Planning Commission Meeting. We look forward to meeting with you prior to that meeting date to discuss any comments the City may have.

Sincerely, **Dewberry** 

Steven Pumphrey

Senior Planner

Cc: Rosewood Subdivision

File (50106121)



### 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 <u>Code of Alabama</u> (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 <u>Code of Alabama</u> (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.

Voting Rights Act of 1965, as amended.	
Dated this 14th day of August	, 20 <u>/8</u> .
	Petiligner's Signature (managhy
	Petitioner's Signature
STATE OF ALABAMA BALDWIN COUNTY  On this Haday of August  executed the foregoing instrument, and-who, swore executed the same as his/her own free act and deed,	n and under oath, acknowledged that he/she
STATE OF ALABAMA BALDWIN COUNTY	
On this day of, to me known executed the foregoing instrument, and-who, swor executed the same as his/her own free act and deed,	
	NOTADY DUBLIC

My Commission Expires:

### ATTACHMENT TO PETITION

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

[		R-IA	Residential Single Family
[		R-IB	Residential Single Family
[		R-IC	Residential Single Family
(	X	R-ID	Residential Single Family
[		R-IR	Restricted Residential Single Family
[		R-2	Residential Single Family & Duplex
[		R-3	Residential Multi Family
[		R-4	Residential Single Family & Duplex
[		GPH-I	Residential Garden-Patio Homes
1		TH-1	Residential Townhouses
		MH-1	Residential Mobile Home Park/Subdivision
		OSP	Open Space/Reservation District
		PDD	Planned Development District
		PUD	Planned Unit Development
		PID	Planned Industrial District
		B-l	Central Business District
		B-IA	Commercial Extended Business District
		B-2	Commercial Neighborhood Business District
		B-3	Commercial Local Business District
		PO	Preferred Office District
		M-I	Light Industry
		A-O	Agriculture Open Space
		Н	Overlying area of Historic District
THE RI	EQUESTED 2	ZONING, PLEASE CA	IF YOU HAVE ANY QUESTIONS REGARDING ALL THE ZONING OFFICE AT 251-943-4011.
Initial 2	Zoning Fee \$	250.00 - check payabl	e to the City of Foley due at time of submission.
Numbe	r of homes cu	rrently located on the p	property being annexed0
Numbe	r of occupants	s Adults0	Race0
Numbe	r of businesse	s currently located on t	the property being annexed0
	(If mo	ore than one business	on property, print information on back.)
	Name of busi	ness	
	Owner's Nan	ne	
	Mailing Addı	·ess	
If prope	erty is undeve	loped, have plans been	submitted to Planning Commission?
	☐ Yes	•	
		stimated date the devel	opment or subdivision will be completed
	X No		
			No take (hopm 8/4/18
			Petitioner's Signature Date

Petitioner's Signature

Date

Attachment to Petition				Pa	age 2 of 2
	Are infrastructure valuation neering Department attached	for	annexations	and	subdivision

☐ No

☐ Yes

### COTTON BAYOU DEVELOPMENT, LLC 10505-B COUNTY ROAD 65 FOLEY, AL 36535

To whom it may concern,

DEWBERRY is hereby authorized as our agent to represent us before the City of Foley Planning Commission and City Council on the Annexation of Foley Farm's Parcels A, B, & C.

Signature

Date

J. Patrick Chapman (Managing Member)

Print Name

## Foley Farm's Parcels A, B, and C Subject Parcel Numbers

05-61-03-07-0-000-003.000 05-61-03-07-0-000-003.149 05-61-03-07-0-000-003.150



# Cotton Bayou Development LLC/Foley Farm's South Annexation

Created by: Katy Taylor

Parcel A: 05-61-03-07-0-000-003.000



PIN - 66267 Par Num - 003.000 Acreage - 9.836 Subdivision - 01FOLFS

Lot - PAR A Street Name -Street Number - 0 Improvement - Name - FOLEY FARM L L C Address 1 - 303 WHITING CT

Address2 -Address3 -City - DAPHNE State - AL Zip - 36526

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: 9/6/2018 Last Data Uploaded: 9/5/2018 8:47:10 PM





# Cotton Bayou Development LLC/Foley Farm's South Annexation

Created by: Katy Taylor

Parcel B: 05-61-03-07-0-000-003.149



PIN - 378444
Par Num - 003.149
Acreage - 9.847
Subdivision - 01FOLFS
Lot - PAR B
Street Name Street Number -

Improvement -

Name -Address 1 -Address 2 -Address 3 -City -State -

Zip-

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Date created: 9/6/2018 Last Data Uploaded: 9/5/2018 8:47:10 PM

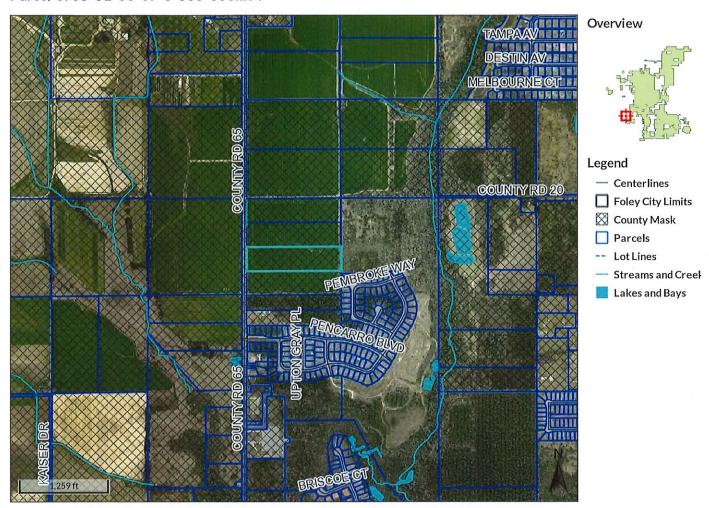




# Cotton Bayou Development LLC/Foley Farm's South Annexation

Created by: Katy Taylor

Parcel C: 05-61-03-07-0-000-003.150



PIN - 378445

Par Num - 003.150

Acreage - 9.857

 ${\bf Subdivision-01} FOLFS$ 

Lot - PAR C

Street Name -

Street Number -

Improvement -

Name -

Address1-

Address2-

Address3-

City -

State -

Zip-

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Date created: 9/6/2018 Last Data Uploaded: 9/5/2018 8:47:10 PM



### LEGAL DESCRIPTION

### PARCEL A:

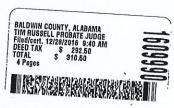
PARCEL A OF FOLEY FARM'S SOUTH 4 PARCELS AS SHOWN BY A MAP OR PLAT THEREOF, RECORDED AT SLIDE 2642-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

### PARCEL B:

PARCEL B OF FOLEY FARM'S SOUTH 4 PARCELS AS SHOWN BY A MAP OR PLAT THEREOF, RECORDED AT SLIDE 2642-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

### PARCEL C:

PARCEL C OF FOLEY FARM'S SOUTH 4 PARCELS AS SHOWN BY A MAP OR PLAT THEREOF, RECORDED AT SLIDE 2642-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.



SPACE ABOVE THIS LINE FOR RECORDING DATA

STATE OF ALABAMA) COUNTY OF BALDWIN

)

### WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that in consideration of TEN AND NO/100 (\$10.00) DOLLARS in cash and other good and valuable consideration, to the undersigned GRANTOR, in hand paid by the GRANTEE, herein the receipt whereof is acknowledged, FOLEY FARM, LLC, an Alabama Limited liability company (herein referred to as GRANTOR), does hereby GRANT, BARGAIN, SELL AND CONVEY unto COTTON BAYOU DEVELOPMENT, LLC, an Alabama limited liability company, (herein referred to as GRANTEE), in fee simple, together with every contingent remainder and right of reversion, all that real property situated in Baldwin County, Alabama, described as follows, to-wit:

### PARCEL A:

The South one-half (1/2)of the Northwest Quarter of the Northwest Quarter of Section 7, Township 8 South, Range 4 East in Baldwin County, Alabama. Subject to road right of way for Baldwin County Road 65 along the West side.

### PARCEL B:

The North one-half (½) of the Northwest Quarter of the Northwest Quarter of Section 7, Township 8 South, Range 4 East in Baldwin County, Alabama, containing 20 acres more or less. Subject to right of way for Baldwin County 65 along the West side.

### PARCEL C:

The South One-Half (½) of the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section 6, Township 8 South, Range 4 East, Baldwin County, Alabama. Subject to right of way for Baldwin County 65 along the West side.

### PARCEL D:

The North One-Half (½) of the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section 6, Township 8 South, Range 4 East, Baldwin County, Alabama. Subject to right of way for Baldwin County 65 along the West side;

### PARCEL E:

The South one-half (½) of the Northwest Quarter (1/4) of the Southwest Quarter (1/4), Section 6, Township 8 South, Range 4 East, containing 20 acres more or less. Subject to right of way for Baldwin County 65 along the West side.

### PARCEL F:

The North one-half (½) of the Northwest Quarter (1/4) of the Southwest Quarter (1/4), Section 6, Township 8 South, Range 4 East, less and except a five (5) acre tract in the Northwest corner of said twenty (20) acre tract measuring 660 feet from West to East and 330 feet from North to South; Subject to right of way for Baldwin County 65 along the West side.

### PARCEL G:

The North five (5) acres of the Northeast Quarter of the Southwest Quarter of Section 6, Township 8 South, Range 4 East.

### PARCEL H:

The North one-half (½) of the following described tract: Northeast Quarter of the Southwest Quarter of Section 6, Township 8 South, Range 4 East, less and except the North five (5) acres and the South 15 acres of said 40 acre tract.

### PARCEL I:

The South one-half (½) of the following described tract: Northeast Quarter of the Southwest Quarter of Section 6, Township 8 South, Range 4 East, less and except the North 5 (5) acres and the South 15 acres of said 40 acre tract.

### PARCEL J:

Northeast 1/4 of Southwest 1/4 of Section 6, T8S, R4E. (comprising 15 acres, more or less).

### PARCEL K:

The North one-half (1/2) of the Southeast Quarter of the Southwest Quarter of Section 6, Township 8 South, Range 4 East in Baldwin County, Alabama.

### PARCEL L:

South  $\frac{1}{2}$  of Southeast  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$  of Section 6, T8S, R4E. (comprising 20 acres, more or less).

### BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 4 EAST, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, RUN NORTH 89 DEGREES 59 MINUTES 43 SECONDS EAST, ALONG THE SOUTH BOUNDARY OF SAID SECTION 6 AND THE NORTH BOUNDARY OF SAID SECTION 7, A DISTANCE OF 28.38 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 65 AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; RUN THENCE NORTH 00 DEGREES 02 MINUTES 45 SECONDS EAST, ALONG SAID EAST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 65, A DISTANCE OF 2,324.40 FEET TO A POINT; RUN THENCE SOUTH 89 DEGREES 50 MINUTES 51 SECONDS EAST A DISTANCE OF 629.17 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 03 MINUTES 17 SECONDS WEST A DISTANCE OF 329.73 FEET TO A POINT ON THE NORTH BOUNDARY OF THE SOUTHWEST QUARTER OF THE AFOREMENTIONED SECTION 6; RUN THENCE SOUTH 89 DEGREES 51 MINUTES 07 SECONDS EAST, ALONG SAID NORTH BOUNDARY OF THE SOUTHWEST QUARTER OF SECTION 6, A DISTANCE OF 2,009.76 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6; RUN THENCE SOUTH 00 DEGREES 03 MINUTES 34 SECONDS EAST, ALONG THE EAST BOUNDARY OF SAID SOUTHWEST QUARTER OF SECTION 6, A DISTANCE OF 2,647.04 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6; RUN THENCE SOUTH 89 DEGREES 59 MINUTES 43 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, A DISTANCE OF 1,335.80 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OR THE NORTHWEST QUARTER OF THE AFOREMENTIONED SECTION 7, TOWNSHIP 8 SOUTH, RANGE 4 EAST; RUN THENCE SOUTH 00 DEGREES 06 MINUTES 19 SECONDS WEST, ALONG THE EAST BOUNDARY OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, A DISTANCE OF 1,324.99 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7; RUN THENCE NORTH 89 DEGREES 59 MINUTES 29 SECONDS WEST, ALONG THE SOUTH BOUNDARY OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, A DISTANCE OF 1,305.39 FEET TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 65; RUN THENCE NORTH 00 DEGREES 01 MINUTE 03 SECONDS EAST, ALONG SAID EAST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 65, A DISTANCE OF 1,324.69 FEET TO THE POINT OF BEGINNING; CONTAINING 195.66 ACRES, MORE OR LESS.

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. Taxes for the year 2017, and subsequent years, which are not yet due and payable.
- Reservations, restrictions, rights of way, easements, building setback lines and drainage and utility lines easements as noted on survey from Raber Surveying dated 12/2/16, project number 161107.
- 3. Any prior reservation of interest in and to the oil, gas, and other minerals and rights in connection therewith.

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 GRANTEE, in fee simple, forever, together with every contingent remainder and right of reversion.

And Grantor does for itself and for its successors and assigns covenant with the said GRANTEE, it's successors and assigns, that it is lawfully seized in fee simple of said premises; that said premises are free from all encumbrances unless otherwise noted above; that it has a good right to sell and convey the same aforesaid; that Grantor, its successors and assigns, WARRANT AND WILL FOREVER DEFEND the same to the said GRANTEE, its successors and assigns forever, against the lawful claims of all persons whomsoever.

IN WITNESS, WHEREOF, Barbara K. Leavell, as Manager of FOLEY FARM, LLC, and with full authority, has hereunto set her hand and seal this \_\_\_\_\_ day of Dre\_ 2016.

### FOLEY FARM, LLC

By: Barbara K. Leavell, Manager

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said County, in said State, hereby certify Barbara K. Leavell, as Manager, of FOLEY FARM, LLC, 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, and with full authority, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 94h day of December 2016.

My Commission expires

ANGELIA B. DEESE My Commission Expires June 29, 2019

THIS INSTRUMENT WAS PREPARED BY:

McKinney & Associates, P.C., PO Box 2999, Gulf Shores, Alabama 36547, (251) 967-2166

Pltscans/Angel/Deeds/File 16-14527

Prepared from Title Commitment of Professional Land Title, Inc., (Fidelity National Title Insurance Company)

> PLEASE RETURN TO: PROFESSIONAL LAND TITLE INC. PO BOX 2999 GULF SHORES, AL 335-LY

THIS INSTRUMENT PREPARED BY: Robert J. Riccio, Esq. HAND ARENDALL LLC Post Office Box 123 Mobile, Alabama 36601 (251) 432-5511

BALDWIN COUNTY, ALABAMA TIM RUSSELL PROBATE JUDGE Filed/cert. 6/ 8/2016 1:53 PM Total \$ 56.00 2 Pages



### **CERTIFICATE OF FORMATION**

OF

### COTTON BAYOU DEVELOPMENT, LLC

The undersigned organizer does hereby sign and adopt this Certificate of Formation pursuant to the Alabama Limited Liability Company Law of 2014, as amended from time to time, for the purpose of forming a domestic limited liability company.

### ARTICLE ONE - NAME

The name of the limited liability company (the "Company") shall be as follows:

Cotton Bayou Development, LLC

### ARTICLE TWO - INITIAL REGISTERED OFFICE AND AGENT

The location and mailing address of the Company's initial registered office, and the name of its initial registered agent at such address, are as follows:

Registered Agent:

John Patrick Chapman

Street & Mailing Address:

10505-B County Road 65 Foley, Alabama 36535

### ARTICLE THREE - MEMBERSHIP

Upon the filing for record of this Certificate of Formation in the Office of the Judge of Probate of Baldwin County, Alabama, there will be at least one member of the Company and the existence of a limited liability company under the name set forth in Article One hereof, shall commence.

IN WITNESS WHEREOF, the undersigned organizer has executed this Certificate of Formation on the 8<sup>th</sup> day of June, 2016.

ROBERT J. RICCIO

Organizer

John H. Merrill Secretary of State P.O. Box 5616 Montgomery, AL 36103-5616

# STATE OF ALABAMA

I, John H. Merrill, Secretary of State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

pursuant to the provisions of Title 10A, Chapter 1, Article 5, Code of Alabama 1975, and upon an examination of the entity records on file in this office, the following entity name is reserved as available:

Cotton Bayou Development, LLC

This name reservation is for the exclusive use of Hand Arendall LLC, PO Box 123, Mobile, AL 36601 for a period of one year beginning April 28, 2016 and expiring April 28, 2017



RES722466

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the city of Montgomery, on this day.

April 28, 2016

Date

X 74. Merill

John H. Merrill

**Secretary of State** 

# Adjacent Properties to Foley Farm's South 4 Parcels

Parcel Number	Owner Name	Address	City	State	Zip
05-61-03-06-0-000-011.002	05-61-03-06-0-000-011.002 COTTON BAYOU DEVELOPMENT L L C	10505-B CO RD 65	FOLEY	AL	36535
05-61-03-06-0-000-011.000	05-61-03-06-0-000-011.000 COTTON BAYOU DEVELOPMENT L L C	10505-B CO RD 65	FOLEY	AL	36535
05-61-03-07-0-000-003.000	05-61-03-07-0-000-003.000 COTTON BAYOU DEVELOPMENT L L C	10505-B CO RD 65	FOLEY	AL	36535
05-61-03-07-0-000-006.014	EBERLY, DEREK ETAL LOGAN-GAFF, ASHLEY	1235 PEMBROKE WAY	FOLEY	AL	36535
05-61-03-07-0-000-006.012 WELLS, JAMES A	WELLS, JAMES A	1243 PEMBROKE WAY	FOLEY	AL	36535
05-61-03-07-0-000-006.012	05-61-03-07-0-000-006.012 OTT, LINDA L ETAL DAVIDSON, SANDRA L	1243 PEMBROKE WAY	FOLEY	AL	36535
05-61-03-07-0-000-003.006	05-61-03-07-0-000-003.006 CAMPBELL, GREGORY ALLEN ETUX AMY LEIGH	17167 CO RD 16	FOLEY	AL	36535
05-61-03-07-0-000-006.013	05-61-03-07-0-000-006.013 BREEDEN, ROBERT GENE JR ETAL BREEDEN, CH	1239 PEMBROKE WAY	FOLEY	AL	36535
05-61-03-07-0-000-006.016	05-61-03-07-0-000-006.016 BENCHMARK HOMES GROUP L L C	1290 MAIN ST STE E	DAPHNE	AL	32526
05-61-03-07-0-000-006.015 SMITH, CORBIN D	SMITH, CORBIN D	1231 PEMBROKE WAY	FOLEY	AL	36535
05-61-03-07-0-000-006.000 GCOF ARBOR WALK L L C	GCOF ARBOR WALK L L C	160 GREENTREE DR STE 101	DOVER	DE	19904
05-60-01-01-0-000-006.007	05-60-01-01-0-000-006.007 CHAPMAN HOLDINGS L L C	198 PLISKA ST	FAIRHOPE	AL	36532
05-60-01-12-0-000-005.000 NEILL, BENNY	NEILL, BENNY	P O BOX 786	SAVANNAH	N	38372
05-60-01-12-0-000-005.000	05-60-01-12-0-000-005.000 CHARTER LANDING INC ATTN: DEENA C MONTGOMERY	101 SHALLOW SPRINGS CV	<b>FAIRHOPE</b>	AL	36532
05-60-01-12-0-000-001.000	05-60-01-12-0-000-001.000 CHAPMAN HOLDINGS L L C	198 PLISKA ST	FAIRHOPE	AL	36532