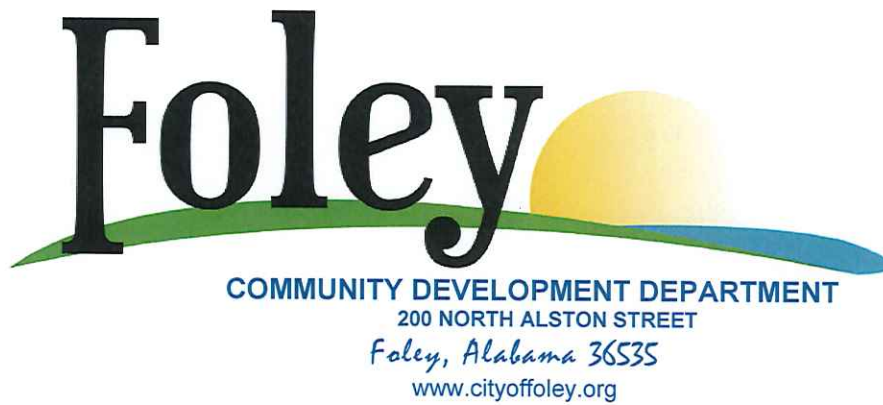




(251) 952-4011
FAX (251) 971 -3442

February 16, 2017

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

RE: Pre-Zoning Recommendation

Dear Mayor Koniar and City Council Members:

The City of Foley Planning Commission held a regular meeting on February 15, 2017 and the following action was taken:

Agenda Item: Cotton Bayou Development LLC- Request for Pre-Zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the pre zoning of 75+/- acres being annexed into the corporate limits. The proposed zoning is R-1D (Residential Single Family). Property is located east of County Rd. 65, north of County Rd. 12. Applicant is Cotton Bayou Development LLC.

Action Taken: Commissioner Hellmich made a motion to recommend to Mayor and Council the requested pre-zoning with a volunteered contingency by the developer to limit the density to 5 units per acre. Commissioner Rouzie seconded the motion. All Commissioners voted aye.

Motion to recommend to Mayor and Council the requested pre-zoning with a volunteered contingency by the developer to limit the density to 5 units per acre passes.

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

Respectfully,

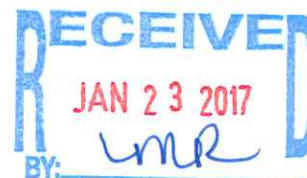
Melissa Ringler
Planning & Zoning Coordinator
mringler@cityoffoley.org

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



**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):
SEE ATTACHED
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
SEE ATTACHED
3. APPROXIMATE SIZE OF PROPERTY:
75 ACRES
4. PRESENT ZONING OF PROPERTY:
UNZONED
5. REQUESTED ZONING:
R1-D
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:
AGRICULTURE, NO STRUCTURES
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.)
SINGLE FAMILY SUBDIVISION, DENSITY less than 5 LOTS PER ACRE.

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

DATE: 1/20/17

Paul Chapman
PROPERTY OWNER/APPLICANT
10505-13 County Road 65 Foley, AL
PROPERTY OWNER ADDRESS
251-952-4769
PHONE NUMBER
PChapman@gcogrows.com
EMAIL ADDRESS

EXHIBIT A

TO PETITION FOR ANNEXATION

- 1) Baldwin County Revenue Commissioner Parcel 61-03-06-0-000-001.004 *pin# 201478*
Description: 15 AC (C) THE N1/2 OF NW1/4 SEC 6 LESS THE N 1/2 OF NW1/4 OF NW1/4 OF SW1/4 LESS RD R/W SEC 6-T8S-R4E (WD)
- 2) Baldwin County Revenue Commissioner Parcel 61-03-06-0-000-001.005 *pin# 201479*
Description: 5 AC THE N 5 AC OF NE1/4 OF SW 1/4 SEC 6-T8S-R4E (WD)
- 3) Baldwin County Revenue Commissioner Parcel 61-03-06-0-000-011.010 *pin# 218500*
Description: 10 AC(C) FM NE COF OF SW 1/4 RUN S 165'(S) TO S LN OF 5 AC TRACT FOR POB, TH S 330'(S), TH W 1340'(S), TH N 330'(S), TH E 1340'(S) TO BEG SEC 6-T8S-R4E (ST WD)
- 4) Baldwin County Revenue Commissioner Parcel 61-03-06-0-000-011.007 *pin# 214656*
Description: 10AC(C) FM NE COF OF SW1/4 RUNS S 165'(S) TO S LN OF 5 AC TRACT, TH S 330'(S) FOR POB, TH S 330'(S), TH W 1340'(S), TH N 330'(S), TH E 1340'(S) TO BE SEC 6-T8S-R4E (ST WD)
- 5) Baldwin County Revenue Commissioner Parcel 61-03-06-0-000-011.009 *pin# 214658*
Description: 15 AC(C) THE SOUTH 15 ACRES OF NW1/4 OF SW1/4 SEC 6-T8S-R4E (WD)
IN#525686 IN#525687 IN#525688
- 6) Baldwin County Revenue Commissioner Parcel 61-03-06-0-000-011.003 *pin# 201477*
Description: 20 AC S1/2 OF NW1/4 OF SW1/4 LESS RD R/W SEC 6-T8S-R4E (WD)



009	TARMS R/L	6	1		5
CR-6	CR-65				
	① 15 4/-			LUNA ⑥ 20 4/-	
LUNA	② 5 4/-	③ LUNA 10 4/-	④ LUNA 10 4/-	⑤ LUNA 15 4/-	

RECEIVED
JAN 23 2017
BY: 

EXHIBIT B-2



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

1574902

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 8th day of June, 2016.

ROBERT J. RICCIO
Organizer



16-14527

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 12/28/2016 9:40 AM
DEED TAX \$ 292.50
TOTAL \$ 310.50
4 Pages

1609990



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 (1/2) 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 (1/2) 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 (1/2) 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 North one-half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$), 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 ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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 $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Section 6, T8S, R4E. (comprising 15 acres, more or less).

PARCEL K:

The North one-half ($\frac{1}{2}$) 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 SECTION 6, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA.

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.
2. 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 4th day of Dec, 2016.

FOLEY FARM, LLC

Barbara K. Leavell

By: Barbara K. Leavell, Manager

STATE OF ALABAMA)

COUNTY OF BALDWIN)

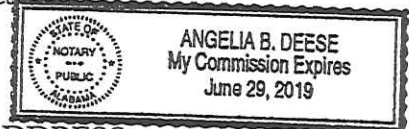
I, the undersigned Notary Public in and for said County, in said State, hereby certify Barbara K. Leavell, as Manager, of FOLEY FARM, LLC, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, and with full authority, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 4th day of December, 2016.

Angelia B. Deese

Notary Public

My Commission expires:



GRANTOR'S ADDRESS:

303 Whiting Court
Daphne, AL 36526

GRANTEE'S ADDRESS:

10505-B County Rd. 65
Foley AL 36535

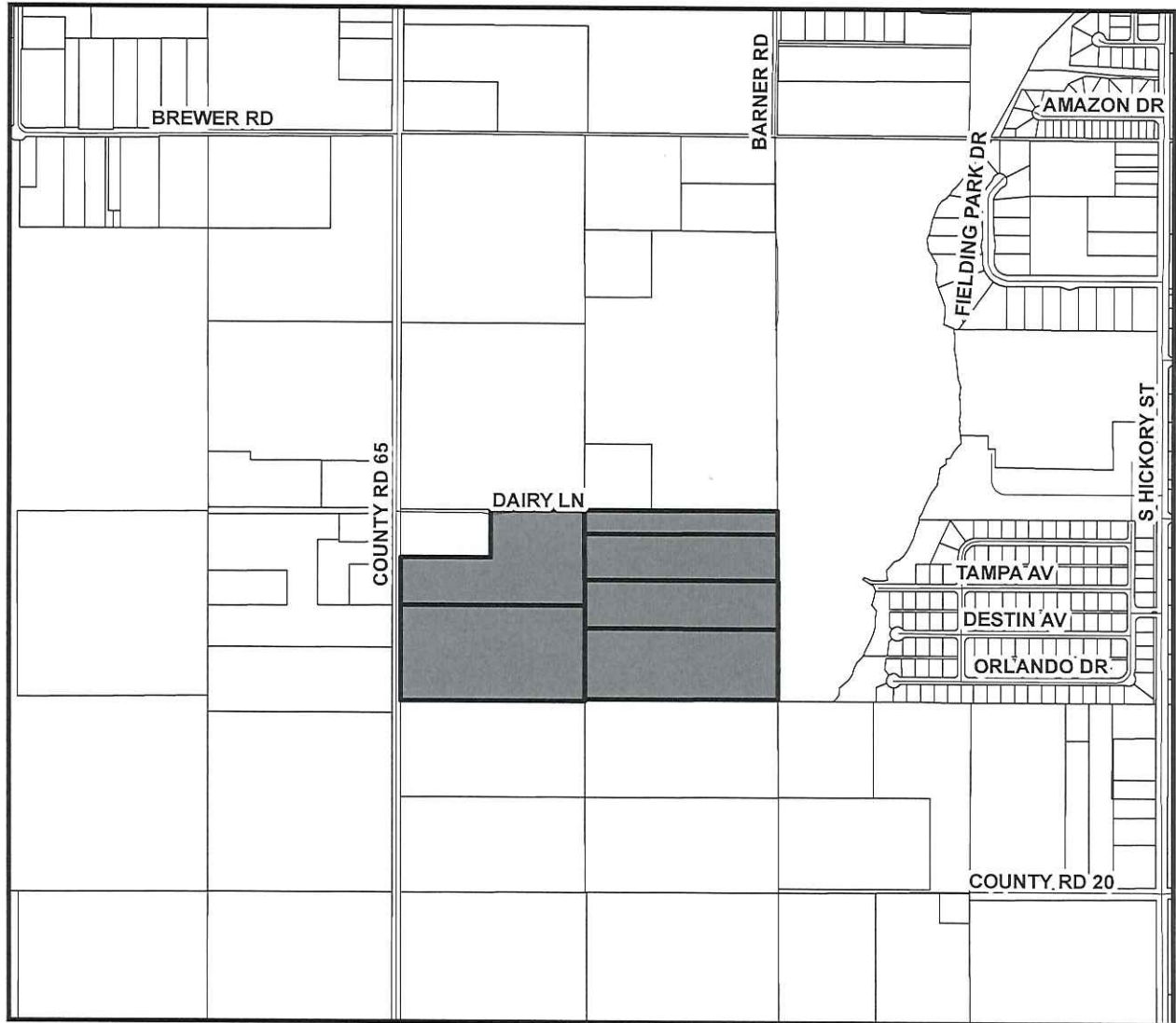
THIS INSTRUMENT WAS PREPARED BY:

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)

PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the pre-zoning of 75 +/- acres being annexed into the corporate limits. The proposed zoning is R-1D (Residential Single Family). Property is located East of County Rd. 65, North of County Road 12. Applicant is Cotton Bayou Development LLC.

Anyone interested in this pre-zoning request may be heard at a public hearing scheduled for February 15, 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

Guidry Land Development

PARCEL NO: 61-03-06-0-000-011.004

PPIN: 201478

15 AC(C) THE N ½ OF NW ¼ OF SW ¼ SEC 6 LESS THE N ½ OF NW ¼ OF NW ¼ OF SW ¼
LESS RD R/W SEC 6-T8S-R4E (WD)

PARCEL NO: 61-03-06-0-000-011.005

PPIN: 201479

5 AC THE N 5 AC OF NE ¼ OF SW ¼ SEC 6-T8S-R4E (WD)

PARCEL NO: 61-03-06-0-000-011.010

PPIN: 218500

10 AC(C) FM NE COF OF SW ¼ RUN S 165'(S) TO S LN OF 5 AC TR ACT FOR POB, TH S 33'(S),
TH N 330'(S), THE E 1340'(S) TO BEG SEC 6-T8S-R4E (ST WD)

PARCEL NO: 61-03-06-0-000-011.007

PPIN: 214656

10 AC(C) FM NE COF OF SW ¼ RUN S 165'(S) TO S LN OF 5 AC TRACT, TH 2 330'(S) FOR POB,
TH 2 330'(S), TH 2 1340'(S), TH N 330'(S), TH E 1340'(S) TO BEG SEC 6-T8S-R4E (ST WD)

PARCEL NO: 61-03-06-0-000-011.009

PPIN: 214658

15 AC(C) THE SOUTH 15 ACRES OF NE ¼ OF SW ¼ SEC 6-T8S-R4E (WD) IN#525685 IN#525686
IN#525687 IN#525688

PARCEL NO: 61-03-06-0-000-011.003

PPIN: 201477

20 AC S ½ OF NW ¼ OF SW ¼ LESS RD R/W SEC 6-T8S-R4E (WD)