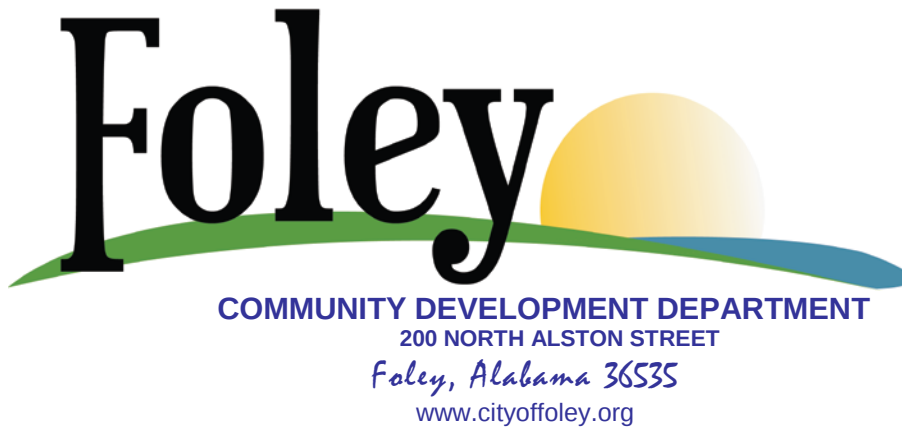




(251) 952-4011
FAX (251) 971 -3442

July 21, 2016

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

RE: Request for Rezoning

Dear Mayor Koniar and City Council Members:

The City of Foley Planning Commission held a regular meeting on July 20, 2016 and the following action was taken:

Agenda Item:

Gulf Coast Elks Lodge No. 2782- Request for Re-zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the re-zoning of 4.8 +/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is B-1A (Extended Business District). Property is located at 2621 S. Juniper St. Applicant is Gulf Coast Elks Lodge No. 2782 Benevolent and Protective Order of Elks of the United States of America.

Action Taken:

Commissioner DeBell made a motion to recommend the requested rezoning of B-1A to Mayor and Council. Commissioner Hare seconded the motion. Vice-Chairman Hinesley voted nay. All other Commissioners voted aye.

Motion to recommend the requested rezoning of B-1A to Mayor and Council passes.

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

Respectfully,

Melissa Ringler
Planning & Zoning Coordinator
mringle@cityoffoley.org

MAYOR: John E. Koniar

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Vickey Southern

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

CITY OF FOLEY ALABAMA
ADDENDUM
APPLICATION FOR ZONING OF PROPERTY

ELKS LODGE
2621 SOUTH JUNIPER STREET
FOLEY, ALABAMA 36535

JUNE 28, 2016

1. Location of property (address, pin number, legal description, map/survey, deed, and corporation ownership information):

Location: 2621 South Juniper Street – Foley, Alabama 36535

Pin Number: 119543

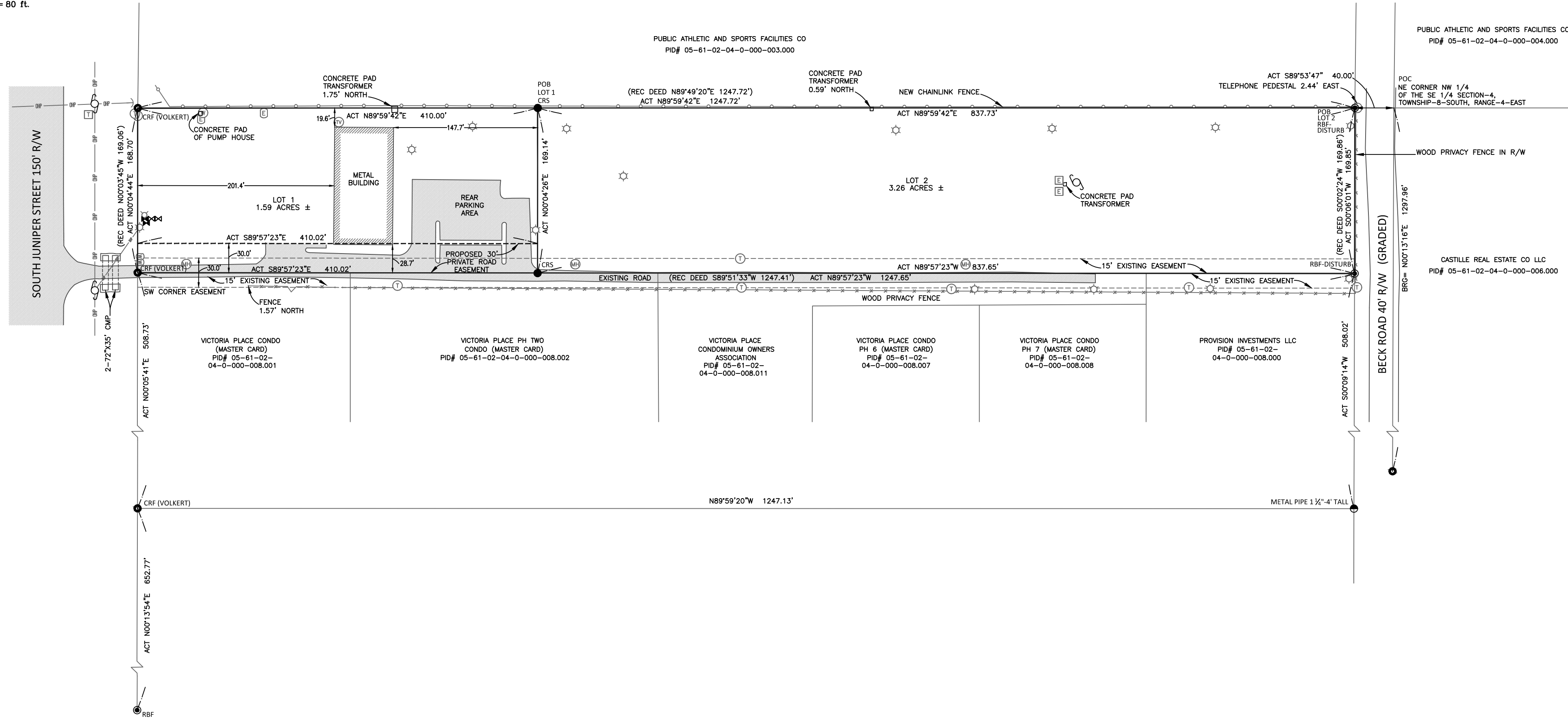
Description: See attachment (also Real Property Book 686, Page 1974, Probate Records, Baldwin County, Alabama.

Corporation Ownership information: Gulf Coast Elks Lodge No. 2782

Benevolent and Protective Order of Elks of the United States of America

2. Attach separate list of adjacent property owners: see attachment
3. Approximate size of property: 4.8 acres, more or less
4. Present zoning of property: PUD
5. Requested zoning: B1A
6. Brief description of current use and structures located on the property:

A 7300 square foot metal building, used for the purpose of Elks meetings and activities. Four storage buildings(u-store), and a RV park.
7. Briefly describe the contemplated use of the property if re-zoned (type of development, density, etc.). A proposed hotel and restaurant.
8. Processing fee of \$500.00 for 20 acres or less, plus \$15.00 per additional acre over 20.



- ⊖ = METAL PIPE 1 1/2" x 4' TALL
- ⊖ = REBAR FULCRUM
- ⊖ = CAPPED REBAR SET AC 934
- POB = POINT OF BEGINNING
- POT = POINT OF COMMENCEMENT
- ⊖ = ACTUAL BEARING AND DISTANCE
- REC = RECORD DIMENSION
- CONSTR = CONSTRUCTION (526/57)
- ⊖ = CORRUGATED METAL PIPE
- ⊖ = UNDERGROUND CABLE
- ⊖ = TELEPHONE PEDESTAL
- ⊖ = GUY WIRE
- ⊖ = UTILITY POLE
- ⊖ = ELECTRIC METER
- ⊖ = TELEPHONE BOX
- ⊖ = LAMP POST
- ⊖ = FIRE HYDRANT
- ⊖ = ELECTRIC PLUG
- ⊖ = GATE VALVE
- ⊖ = WATER VALVE
- ⊖ = WATER FAUCET
- ⊖ = EASEMENT LINE
- CHP = OVERHEAD POWER
- ⊖ = CHAIN LINK FENCE
- ⊖ = WOOD FENCE

	ASPHALT
--	---------

PROJECT NAME		J. MARSHALL SMITH SURVEYING, LLC <i>jmarshallsmith@live.com</i> P.O. BOX 1845 FOLEY, AL 36536 PHONE: 251-928-5081 DATE: 07/11/2016 CELL: 251-752-2987	NO. _____ DATE _____ APPR. _____ NOT VALID UNLESS SEALED WITH AN EMBOSSED SEAL
ELKS LODGE			
TYPE OF SURVEY			
MINOR SUBDIVISION			
CLIENT			
BHAVIS REAL ESTATE HOLDINGS LLC			
PROJECT NUMBER			
BS129			
SHEET 1 OF 1			



PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the re-zoning of 4.8 +/- acres.

Property is currently zoned PUD (Planned Unit Development) proposed zoning is B-1A (Extended Business District). Property is located at 2621 S. Juniper St. Applicant is Gulf Coast Elks Lodge No. 2782 Benevolent and Protective Order of Elks of the United States of America.

Anyone interested in the re-zoning request may be heard at a public hearing scheduled for Wednesday, July 20, 2016 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

STATE OF ALABAMA)
COUNTY OF BALDWIN)

25-357

WARRANTY DEED

Mortgage Recorded Simultaneously

KNOW ALL MEN BY THESE PRESENTS that CHARLES RENFROE, a married man (hereinafter called "Grantor"), in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid to Grantor by GULF COAST ELKS LODGE NO. 2782, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA (hereinafter called "Grantee"), the receipt whereof is hereby acknowledged, does, subject to all matters and exceptions hereinafter mentioned, hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Grantee and the successors and assigns of Grantee, the following described real property situate in the County of Baldwin, State of Alabama, to-wit:

Commencing at the Northeast Corner of the Northwest Quarter of the Southeast Quarter of Section 4, Township 8 South, Range 4 East, Baldwin County, Alabama, thence South 89° 53' 47" West 40.0 feet to the Point of Beginning, said point lying on the west side of a paved road; thence along said road South 00° 02' 24" West 169.86 feet; thence South 89° 51' 33" West 1247.41 feet to the east side of a paved road; thence along said road North 00° 03' 45" West 169.06 feet; thence North 89° 49' 20" East 1247.72 feet to the point of beginning and lying in the Northwest Quarter of the Southeast Quarter of said Section 4.

TOGETHER WITH AN APPURTENANT EASEMENT FOR INGRESS AND EGRESS DESCRIBED AS FOLLOWS: A fifteen foot easement running East and West along the North side of the following described property:

Commencing at the Northeast Corner of the Northwest Quarter of the Southeast Quarter of Section 4, Township 8 South, Range 4 East, Baldwin County, Alabama, thence South 89° 53' 47" West 40.0 feet to the West side of an unpaved road; thence along said road South 00° 02' 24" West 169.86 feet to the Point of Beginning; thence continue along said road South 00° 02' 24" West 169.50 feet; thence South 89° 51' 33" West 1247.41 feet to the East side of a paved road; thence along said road North 00° 03' 45" West 169.50 feet; thence North 89° 51' 33" East 1247.41 feet to the Point of Beginning, lying in the Northwest Quarter of the Southeast Quarter of said Section 4.

LESS AND EXCEPT such oil, gas, and other minerals and all rights in connection therewith as are not owned by Grantor.

TO HAVE AND TO HOLD said property, together with all and singular, the rights, members, privileges, tenements, improvements, hereditaments, easements and appurtenances thereunto belonging or in anywise appertaining; subject, however, to the matters and exceptions to which reference is hereinabove made, unto the said Grantee and the heirs and assigns of Grantee, forever.

The property is conveyed subject to such utility and drainage easements, rights of way and restrictive covenants as may be applicable to the property and of record, to zoning restrictions, to setback lines, to such matters as are shown on the recorded plat of the subdivision and to any outstanding oil, gas and other mineral interests and all rights in connection therewith, as well as to the lien for current ad valorem taxes, which taxes Grantee assumes and agrees to pay when due, and to the following:

REC-686
MAY 1974

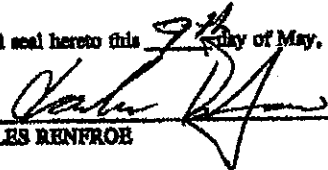
1. Reservation of 7/8th interest in and to all oil, gas and minerals and rights in connection therewith as contained in Deed Book 372, Page 839.
2. Encroachment of ditch and overhead power line as shown on plat of survey by David M. Givens, dated September 18, 1986, project #86-920.
3. A fifteen (15) foot easement along the south side of the property herein described as reserved in deed from Riviera Centre, Inc. to Charles A. Renfro and Michael D. Werneth, Sr., dated January 14, 1994 and recorded in Real Property Book 333, Page 839, and re-recorded in Real Property Book 334, Page 363.
4. Rights of other parties in and to that certain easement described herein.

Grantor covenants to and with Grantee that, except as to the matters and exceptions to which reference is made herein, Grantor is lawfully seized of an indefeasible estate in fee simple in and to said property, same is free from other encumbrances and liens, Grantor has a good and lawful right to sell and convey same, Grantor is in quiet and peaceable possession of same, and Grantor shall, and the heirs and assigns of Grantor shall, forever warrant and defend the title to said property as herein conveyed, unto Grantee, and the successors and assigns of Grantee, against the lawful claims of all persons whomsoever.

All recordings mentioned herein refer to the records in the office of the Judge of Probate Court of Baldwin County, Alabama.

GRANTOR CERTIFIES THAT NO PART OF THE PROPERTY CONVEYED HEREIN CONSTITUTES ANY PART OF THE HOMESTEAD OF GRANTOR OR HIS SPOUSE.

IN WITNESS WHEREOF, Grantor has placed his hand and seal hereto this 9th day of May, 1996.


CHARLES RENFROE

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that CHARLES RENFROE, 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 the instrument, he executed the same voluntarily for on the day same bears date.

GIVEN under my hand this the 9th day of May, 1996.


NOTARY PUBLIC

My Commission Expires: 2/29/2000



GRANTEE'S ADDRESS:
8850 Highway 180
Gulf Shores, AL 36542

THIS INSTRUMENT PREPARED BY:
RICHARD B. DAVIS, ESQUIRE
HELMESING, LYONS, SIMS & LEACH, P.C.
Post Office Box 2767
Mobile, Alabama 36652
(334) 432-5521

W:\LDMONT\74444\CR\Renfro.RD

REN 686 Pmt 1975

RECORDED FILE 50
MAY 16 2 50 PM '96
BALDWIN COUNTY
STATE OF ALABAMA
I CERTIFY THIS INSTRUMENT WAS
FILED AND INDEXED IN ALABAMA

STATE OF ALABAMA)
COUNTY OF BALDWIN)

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 10/1/2012 8:46 AM
TOTAL \$ 9.00
1 Page

1361316

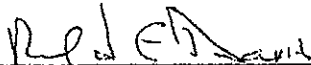
SCRIVENER'S AFFIDAVIT

Comes now the undersigned affiant, Richard E. Davis, Esq., after being first duly sworn according to law, and says as follows:

I am an Attorney at Law, having a license to practice law within the State of Alabama. On or about May 9, 1996, I prepared a WARRANTY DEED to be executed by CHARLES RENFROE, a married man, conveying real property located in Baldwin County, Alabama to GULF COAST ELKS LODGE NO. 2782, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA. Said Warranty Deed was dated May 9, 1996 and recorded in the Office of the Judge of Probate of Baldwin County, Alabama on May 16, 1996 at Book 686, Page 1974. The Warranty Deed contained an error in the Grantee's name. It is my understanding that the correct name of the Grantee is GULF COAST LODGE NO. 2782, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA.

Affiant gives this Affidavit for the purpose of correcting and perfecting title by evidencing and showing the scrivener's error appearing in above described deed of conveyance.

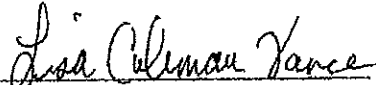
FURTHER AFFIANT SAYETH NAUGHT.


RICHARD E. DAVIS, ESQ.

STATE OF ALABAMA)
BALDWIN COUNTY)

I, Lisa Coleman Vance, a Notary Public, in and for said State and County, do hereby certify that RICHARD E. DAVIS, ESQ., who is known by me, executed the foregoing Affidavit in my presence and acknowledged that he did so of his own free will with full understanding of its contents.

Given under my hand and official seal of office on this the 4th day of June, 2012.


Notary Public (SEAL)

My Commission Expires: 3-13-2013

This Instrument Prepared By:
Craig D. Olmstead, Esq.
OLMSTEAD & OLMSTEAD, L.L.C.
234 Office Park Drive
Gulf Shores, Alabama 36542
Phone: (251) 943-4000

