



COMMUNITY DEVELOPMENT DEPARTMENT

200 NORTH ALSTON STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

FAX (251) 971 -3442

July 18, 2014

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 18, 2014 and the following action was taken:

Agenda Item : Byrd Property- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 143.67+/- acres in the corporate limits. Property is currently zoned B-1A (Extended Business District), proposed zoning is PUD (Planned Unit Development). Property is located at the southwest corner of County Rd. 20 (aka Mifflin Rd.) and the Foley Beach Express. Applicant is Jonathan Byrd.

Action Taken:

Commissioner Hellmich made a motion to recommend to Mayor and Council the requested rezoning of PUD (Planned Unit Development). Commissioner Caudill seconded the motion. All Commissioners voted aye.

Motion to recommend to Mayor and Council the requested rezoning of PUD carries.

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

Application for Zoning of Property

1. Location of Property

The Property is located at the Southwest corner of County Road 20 and the Foley Beach Express. A vicinity map and Location map is provided in Appendix A. The Property consists of two parcels including PPIN 347678, PID# 05-61-02-10-0-000-002.003 and PPIN 12967 with the PID# 05-61-02-10-0-000-002.000. A copy of the deed and survey is provided in Appendix B.

2. Adjacent Property Owners

61-02-10-0-000-006.001
ORANGE BEACH WATER SEWER AND FIRE PROTC
PO BOX 247
ORANGE BEACH, AL 36561

61-02-10-0-000-001.000
TURF PROPERTIES LLC
21833 CO RD 12 E
FOLEY, AL 36535

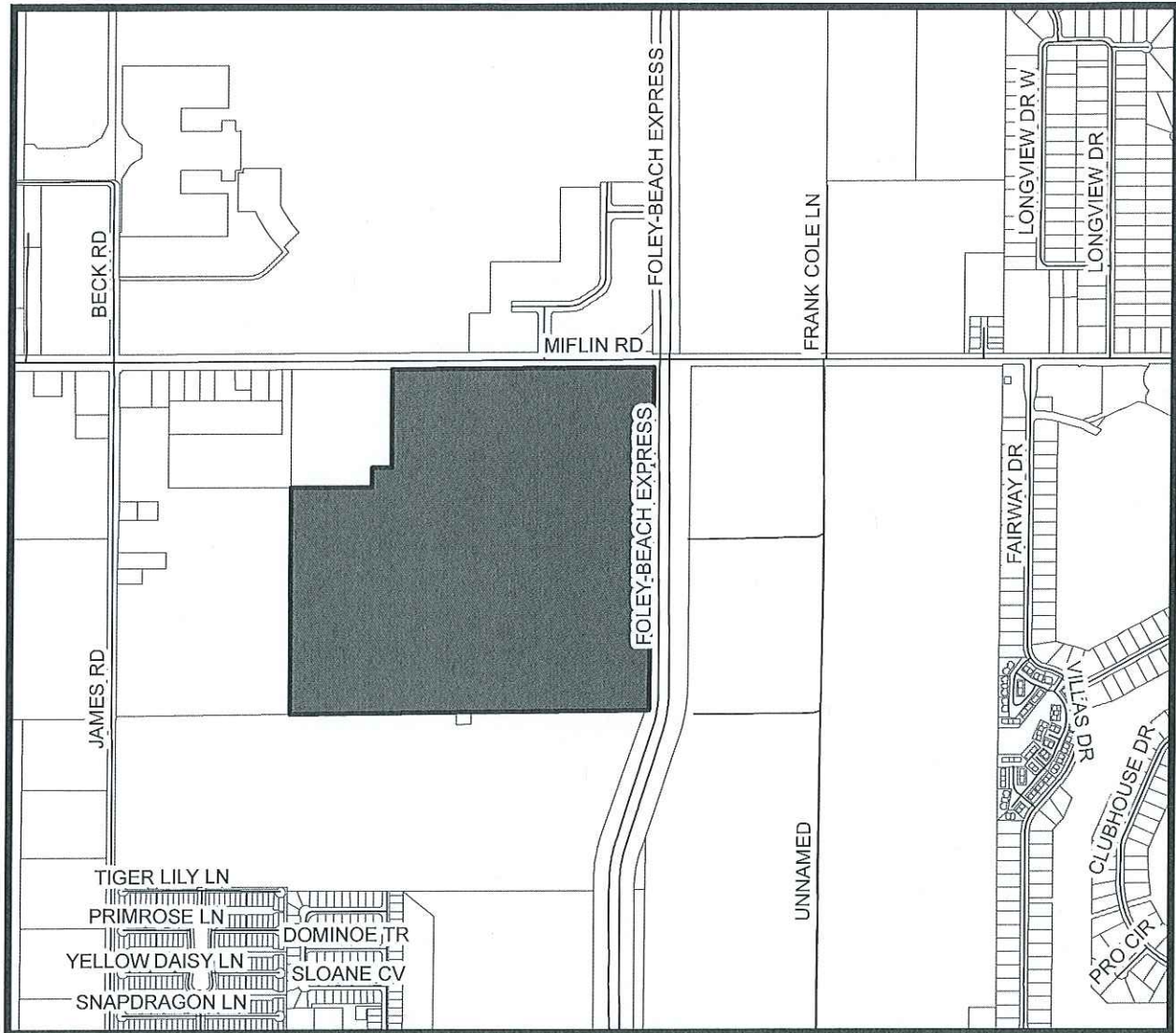
61-02-03-0-000-001.000
WOERNER GULF BEACH EXPRESS INC
PO BOX 820
FOLEY, AL 36536

61-02-03-0-000-001.004
61-02-03-0-000-001.007
61-02-03-0-000-001.008
G W SOD I LLC
26250 BRUHN RD
ELBERTA, AL 36530

61-02-03-0-000-010.000
BC FOLEY LLC
2664 E KEARNEY
SPRINGFIELD, MO 65803

61-02-10-0-000-004.008
ACE MINI WAREHOUSE LLC
1299 GREYSTONE CRES

Public Notice



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the re-zoning of 143.67+/- acres.

The parcel is currently zoned B-1A (Extended Business District) proposed zoning is PUD (Planned Unit Development). Property is located at the southwest corner of County Road 20 (aka Miflin Rd) and the Foley Beach Express. Applicant Jonathan Byrd.

Anyone interested in this re-zoning request may be heard at a public hearing scheduled for Wednesday, July 16, 2014 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

4B

1407045

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 7/3/2013 8:31 AM
DEED TAX \$ 4168.50
TOTAL \$ 4186.50
4 Pages

The following information is furnished in accordance
with Code of Alabama 1975, Section 40-22-1:

Grantor's name: Unicorp Foley LLC

Mailing address: 4655 Lakeview - 7505 Sand Lake Rd.
Orlando, FL 32819

Grantee's name: Jonathan Byrd

Mailing address: 14849 Ridge Rd.
Summersdale, AL
36580

Property address: TW CORNER of Co. Rd 20
and Foley Bank Express

Date of Sale: 6/25/13

Total Purchase Price: \$4,168,750

or Actual Value: _____

or Assessor's Market Value: _____

The purchase price or actual value claimed can be verified in the following documentary evidence: (check one)

____ Bill of Sale, ☒ Sales Contract, ____ Closing Statement, ____ Appraisal, ____ other

WARRANTY DEED

STATE OF ALABAMA:

COUNTY OF BALDWIN:

60119

KNOW ALL MEN BY THESE PRESENTS, that UNICORP FOLEY, LLC, a Florida limited liability company, the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration hereby acknowledge to have been paid to the said GRANTOR by to JONATHAN BYRD, the GRANTEE, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said GRANTEE, in fee simple, subject to the provisions hereinafter contained, all that real property in said County, State of Alabama described as follows, to-wit:

PARCEL A: LOT 1-B OF THE RESUBDIVISION OF LOT 1 FOLEY CROSSROADS SUBDIVISION, AS RECORDED ON SLIDE 2483C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LESS & EXCEPT ANY PORTION OF PARCEL A WHICH LIES WITHIN THE FOLLOWING:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE SOUTH FOR 40.00 FEET TO THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NO. 20 (AKA MIPLIN ROAD) FOR THE POINT OF BEGINNING; RUN THENCE NORTH 89° 41' 04" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BALDWIN COUNTY ROAD NO. 20 FOR 1349.31 FEET RUN THENCE SOUTH 00° 34' 31" WEST FOR 20.00 FEET; RUN THENCE SOUTH 89° 41' 04" SECONDS WEST FOR 1349.38 FEET; RUN THENCE NORTH 00° 47' 16" EAST FOR 20.00 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY ROAD NO 20 AND THE POINT OF BEGINNING,

LESS & EXCEPT ANY PORTION OF PARCEL A WHICH LIES WITHIN THE FOLLOWING:

COMMENCE AT THE NORTHWEST CORNER OF THE EAST ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE SOUTH FOR 40.00 FEET TO THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NO. 20 (AKA MIPLIN ROAD) FOR THE POINT OF BEGINNING; RUN THENCE NORTH 89° 44' 09" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BALDWIN COUNTY ROAD NO. 20 FOR 1366.59 FEET; RUN THENCE SOUTH 00° 47' 16" WEST FOR 20.00 FEET; RUN THENCE SOUTH

89° 44' 09" WEST FOR 1366.29 FEET; RUN THENCE NORTH 00° 05' 20" WEST FOR 20.00 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY ROAD NO. 20 AND THE POINT OF BEGINNING.

LESS & EXCEPT ANY PORTION OF PARCEL A WHICH LIES WITHIN THE FOLLOWING:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER SECTION 10, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE SOUTH 00° 06' 23" WEST FOR 40.00 FEET TO THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NO. 20, (AKA MIFLIN ROAD) FOR THE POINT OF BEGINNING; RUN THENCE SOUTH 90° 00' 00" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BALDWIN COUNTY ROAD NO. 20 FOR 5.00 FEET; RUN THENCE SOUTH 00° 31' 53" WEST FOR 21.48 FEET; RUN THENCE SOUTH 89° 32' 58" WEST FOR 5.02 FEET; RUN THENCE NORTH 00° 34' 31" EAST FOR 21.52 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY ROAD NO. 20 AND THE POINT OF BEGINNING.

PARCEL B: LOT 2 FOLEY CROSSROADS SUBDIVISION, AS RECORDED ON SLIDE 2326D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

THIS CONVEYANCE AND THE WARRANTIES HEREUNDER ARE SUBJECT TO THE FOLLOWING:

1. Power poles, gas sign, water valve, fire hydrant and dirt drive as shown on the plat of survey by Phillip H. Lindsey, PHILLIP H. LINDSEY AND ASSOCIATES, INC., dated January 3, 2000, Job #99-588.
2. Any restriction on use or development arising out of a determination that any part of the land described may constitute wetlands or tidelands, or some portion thereof, may be subject to provisions of Alabama Coastal Preservation statutes.
3. Oil, gas and mineral lease from Robert B. Grantham, Maureen Grantham and Maureen Grantham as Guardian of Pamela Joyce Grantham and Cynthia Lee Grantham, minors to Amerada Hess Corporation, dated August 19, 1976 and recorded in Deed Book 501, page 785. (Applies to approximately the eastern most 5 feet more or less.)
4. Easement from John L. Vinke to Alabama Electric Cooperative, Inc., dated June 29, 1989 and recorded in Real Property Book 317, page 1977. (Applies to approximately the eastern most 5 feet more or less.)
5. Possible drainage easement as stated in that certain easement from Craft Farms to The Baldwin County Bridge Company, L.L.C., dated September 4, 1997 and recorded in Real Property Book 822, page 1140. (Applies to approximately the eastern most 5 feet more or less.)
6. Reservation of 1/2 interest in and to all oil, gas and minerals and rights in connection therewith as contained in deed from The Merchants National Bank of Mobile, as Trustee for William Downey, III, et al to Donald R. Norris, dated February 22, 1973 and recorded in Deed Book 441, page 537. (Applies to approximately the eastern most 5 feet more or less.)
7. Reservation of 1/2 interest in and to all oil, gas and minerals and rights in connection therewith as contained in deed from Lowell King and Harry J. Wilters, Jr. as Executors of the Last Will and Testament of Donald R. Norris, deceased to Gerald A. Brown, dated March 11, 1980 and recorded in Real Property Book 66, page 334. (Applies to approximately the eastern most 5 feet more or less.)
8. Reservation of 1/2 interest in and to all oil, gas and minerals and rights in connection therewith as contained in deed from Lowell King and Harry J. Wilters, Jr. as Executors of the Last Will and Testament of Donald R. Norris, deceased to Roger M. Baer, dated March 11, 1980 and recorded in Real Property Book 66, page 337. (Applies to approximately the eastern most 5 feet more or less.)
9. Reservation of 1/2 interest in and to all oil, gas and minerals and rights in connection therewith as contained in deed from John L. Vinke, Sr. a/k/a John L. Vinke to Craft Farms, dated November 6, 1992 and recorded in Real Property Book 486, page 40. (Applies to approximately the eastern most 5 feet more or less.)
10. Covenants, conditions and restrictions appearing of record in Real Property Book 822, page 1275. (Applies to approximately the eastern most 5 feet more or less.)
11. Mineral Deed from Bobby L. Faust and Bertie S. Faust to Taney A. Brazeal, dated April 11, 1978 and recorded in Real Property Book 15, page 945. (NE 1/4 of NW 1/4)
12. Mineral Deed from Bobby L. Faust and Bertie S. Faust to Taney A. Brazeal, dated April 11, 1978 and recorded in Real Property Book 15, page 941. (SE 1/4 of NW 1/4)
13. Reservation of 1/2 interest in and to all oil, gas and minerals and rights in connection therewith as contained in deed from Bobby L. Faust and Bertie S. Faust to Gulf Farms, Inc., dated February 6, 1978 and recorded in Real Property Book 5, page 8. (E 1/2 of NW 1/4)
14. Reservation of 1/2 interest in and to all oil, gas and minerals and rights in connection therewith as contained in deed from Annie Cook to Hoyt James and Dorothy James, dated January 8, 1952 and recorded in Deed Book 173, page 327. (N 1/2 of NW 1/4 and NW 1/4 of NE 1/4)
15. Reservation of 1/2 interest in and to all oil, gas and minerals and rights in connection therewith as contained in deed from Annie Cook to Robert D. James and Flossy James, dated January 8, 1952 and recorded in Deed Book 173, page 328. (N 1/2 of NW 1/4 and NW 1/4 of NE 1/4)

16. Oil, gas and mineral lease from Hoyt James, Robert D. James and Flossie James to Joe D. Edwards, dated November 7, 1968 and recorded in Deed Book 380, page 775. (N 1/2 of NW 1/4, NW 1/4 of NE 1/4 and SE 1/4 of NW 1/4)
17. Reservation of 1/2 interest in and to all oil, gas and minerals and rights in connection therewith as contained in deed from The Merchants National Bank of Mobile, as Trustee for William Downey, III, et al, under and pursuant to that certain Trust Agreement, dated December 30, 1970 to Donald R. Norris, dated September 26, 1974 and recorded in Deed Book 469, page 681. (NW 1/4 of NE 1/4 and SW 1/4 of NE 1/4)
18. Reservation of 1/16th interest in and to all oil, gas and minerals and rights in connection therewith as contained in deed from William H. James to Bobby L. Faust and Bertie S. Faust, dated June 5, 1976 and recorded in Deed Book 495, Page 78. (NE 1/4 of NW 1/4 and SE 1/4 of NW 1/4)
19. Rights of way for public roads or public utilities now of record or visible on the surface of said property.
20. Rights of the United States of America, State of Alabama, or other parties in and to the bed, shore and water of the creek.
21. Oil, gas and mineral lease from Bobby L. Faust and Bertie Faust to Amerada Hess Corporation, dated June 21, 1976 and recorded in Deed Book 501, page 253. (SW 1/4 of NE 1/4)
22. Oil, gas and mineral lease from Bobby L. Faust and Bertie S. Faust to Clayton W. Williams, Jr., dated June 6, 1981 and recorded in Real Property Book 94, page 1341. (E 1/2 of NW 1/4)
23. Oil, gas and mineral lease from Bobby L. Faust and Bertie S. Faust to Clayton W. Williams, Jr., dated June 6, 1981 and recorded in Real Property Book 95, page 682. (W 1/2 of NE 1/4)
24. Judgment of Condemnation styled Alabama Electric Cooperative, Inc. vs. Brook G. Holmes, et al., dated March 8, 1990, Case Number CV-88-345. NOTE: The Notice of Lis Pendens, dated February 15, 1988 was recorded in Real Property Book 312, page 25, Case 12,709.
25. Declaration of Covenants by Billboards, LLC, G. Cabel Outlaw III and Richard L. Edwards, dated November 13, 2000 and recorded at Instrument 592265.
26. Terms, conditions, covenants, restrictions, rights, obligations and easements as contained in the License Agreement by and between Alabama Electric Cooperative and Foley Threesome, LLC, dated November 3, 2006, and recorded at Instrument 1045910.
27. Encroachment of power lines and power poles as shown on plat of Foley Crossroads Subdivision recorded on Slide 2326-D, as the same may have been modified by Vacation of Plat Affidavit executed by Dan Savage as the owner's representative for Foley Threesome, LLC, recorded at Instrument 1108095.
28. Barbed wire fence, utility easements, landscaping buffer, and all other matters as shown on plat of Foley Crossroads Subdivision, as recorded on Slide 2326-D, as the same may have been modified by Vacation of Plat Affidavit executed by Dan Savage as the owner's representative for Foley Threesome, LLC, recorded at Instrument 1108095.
29. Utility easements, building setback lines, landscaping buffer, and all other matters shown on the subdivision plat of the Resubdivision of Lot 1 Foley Crossroads Subdivision, as recorded on Slide 2483C.
30. City of Foley, Alabama, Subdivision Regulations dated January 7, 2008, and recorded at Instrument 1098026.
31. Ordinance No. 1009-07 City of Foley, Alabama, Tree and Natural Feature Preservation and Restoration Ordinance, filed October 12, 2007 at Instrument 1079685.

TOGETHER WITH ALL AND SINGULAR the rights, privileges, tenements, hereditaments and appurtenances hereunto belonging, or in anywise appertaining; TO HAVE AND TO HOLD unto the said GRANTEE, and to the heirs and assigns of said GRANTEE, in fee simple, FOREVER.

And, except as to the above and taxes hereafter falling due, which are assumed by the GRANTEE, the GRANTOR, for GRANTOR and for the successors and assigns of GRANTOR, does hereby COVENANT AND WARRANT to and with the said GRANTEE, the heirs and assigns of said GRANTEE, that GRANTOR is seized of an indefeasible estate in fee simple in and to said real property, and has a good and lawful right to sell and convey the same; that GRANTOR is in quiet and peaceable possession thereof; and that said real property is, except as is recited above, free and clear of all liens and encumbrances of every kind and nature whatsoever; and GRANTOR does hereby WARRANT AND WILL FOREVER DEFEND the title to said real property, and the possession thereof, unto the said GRANTEE, and the heirs and assigns of said GRANTEE, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has set its hand and seal on this the 24 day of

June, 2013.

UNICORP FOLEY, LLC, a Florida limited liability company

By

for

MONK MENTSE

STATE OF CALIFORNIA :

COUNTY OF ORANGE :

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared LEE JOHN MAHER as MANAGING MEMBER of UNICORP FOLEY, LLC, a Florida limited liability company, whose name as Grantor is signed to the foregoing instrument, and who is known to me, who after by me first being duly sworn on oath did depose and say that being informed of the contents of said instrument, (s)he executed the same voluntarily and with full power and authority to act on behalf of said limited liability company, on the day the same bears date.

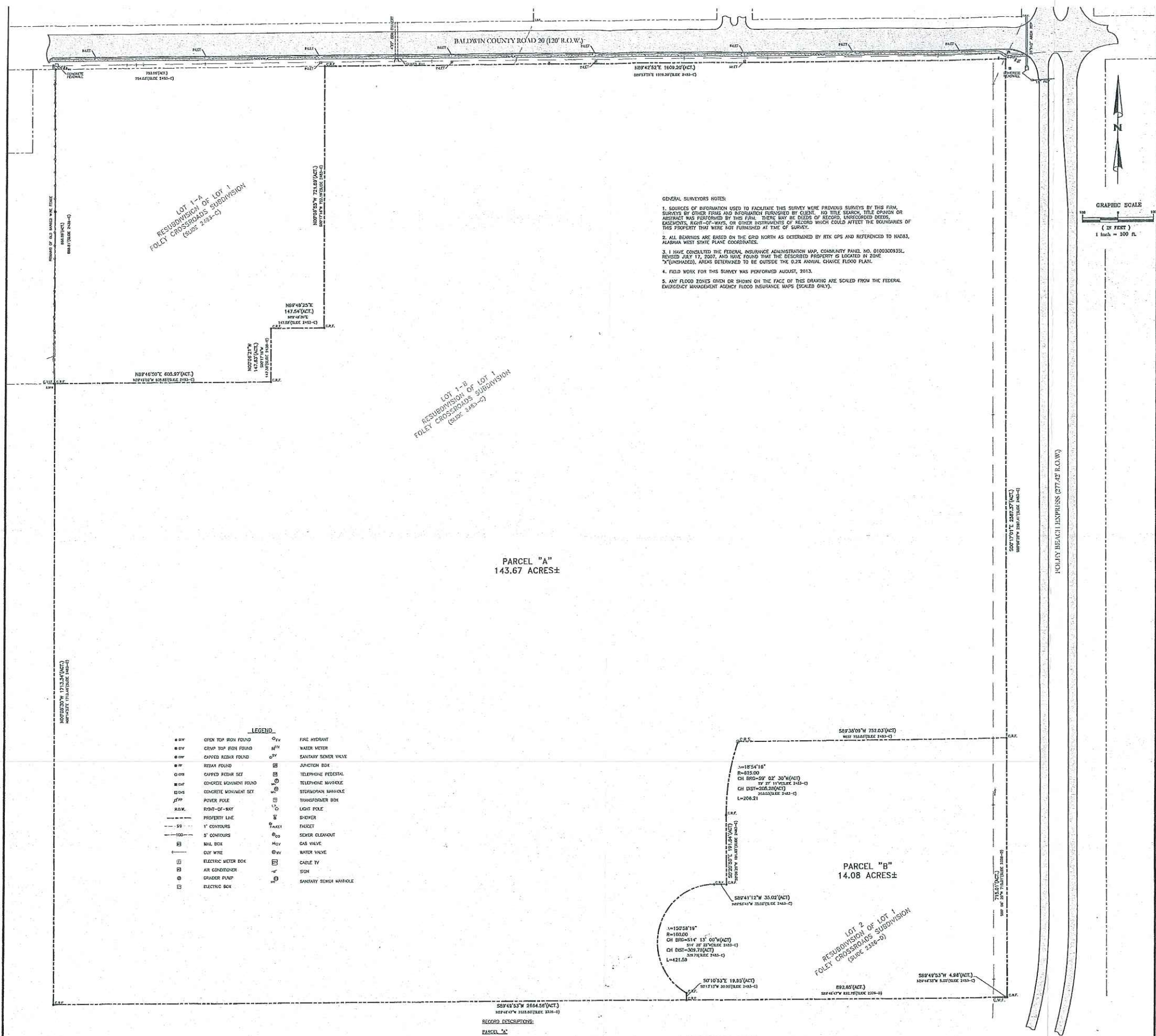
Given under my hand and seal on this 24 day of JUNE, 2013.

[Signature]
NOTARY PUBLIC

My Commission Expires:

This instrument prepared by:
Lori Meadows, P.C.
24407 Lauder Place
Orange Beach, AL 36561
(251) 942-5541





GENERAL SURVEYOR'S NOTES:

1. SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS FIRM, SURVEYS BY OTHER FIRMS AND INFORMATION FURNISHED BY CLIENT. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT TIME OF SURVEY.
2. ALL BEARINGS ARE BASED ON THE GRID NORTH AS DETERMINED BY RTK GPS AND REFERENCED TO NAD83, ALABAMA WEST STATE PLANE COORDINATES.
3. I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION MAP, COMMUNITY PANEL NO. 0100300935L, REVISED JULY 17, 2007, AND HAVE FOUND THAT THE DESCRIBED PROPERTY IS LOCATED IN ZONE 1 (UNSHADED). AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
4. FIELD WORK FOR THIS SURVEY WAS PERFORMED AUGUST, 2013.
5. ANY FLOOD ZONES GIVEN OR SHOWN ON THE FACE OF THIS DRAWING ARE SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAPS (SCALED ONLY).

LEGEND			
●	OPEN TOP IRON FOUND	○	FIRE HYDRANT
●	CORNER TOP IRON FOUND	○	WATER METER
●	CAPPED REBAR FOUND	○	SAVATRY SEWER VENT
●	REBAR FOUND	○	SEWER BOX
●	CAPPED REBAR SET	○	TELEPHONE PEDSTAL
●	CONCRETE MONUMENT FOUND	○	TELEPHONE MANHOLE
●	CONCRETE MONUMENT SET	○	STORMSEWER MANHOLE
●	POWER POLE	○	TRANSFORMER BOX
●	RIGHT-OF-WAY	○	LIGHT POLE
---	PROPERTY LINE	○	SEWER
---	1' CONTOURS	○	TARGET
---	5' CONTOURS	○	SEWER CLEANOUT
○	MAIL BOX	○	GAS VALVE
○	CITY WIRE	○	WATER VALVE
○	ELECTRIC METER BOX	○	CABLE TV
○	AIR CONDITIONER	○	SIGN
○	CRADLER PUMP	○	SAVATRY SEWER MANHOLE
○	ELECTRIC BOX		

PARCEL "A"
143.67 ACRES±

PARCEL "B"
14.08 ACRES±

RECORD DESCRIPTIONS:
PARCEL "A"
LOT 1-B OF THE RESUBDIVISION OF LOT 1 FOLEY CROSSROADS SUBDIVISION, AS RECORDED ON SLIDE 2483-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.
PARCEL "B"
2 FOLEY CROSSROADS SUBDIVISION, AS RECORDED ON SLIDE 2326-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

I CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

ERIC E. GOUDIN, PLS
ALABAMA LICENSE NUMBER 26621

DATE