

This instrument prepared by:
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After recording, return to:
City Clerk
City of Foley
407 East Laurel Avenue
Foley, Alabama 36535

Space above this line reserved for the Judge of Probate.

**STATE OF ALABAMA
COUNTY OF BALDWIN**

RIGHT-OF-WAY DEDICATION

This Right-of-Way Dedication (this "Dedication") is made and given this ____ day of _____, 20____, by the CITY OF FOLEY, ALABAMA, an Alabama municipal corporation, whose address is 407 East Laurel Avenue, Foley, Alabama 36535 (the "City"), as the fee simple owner of the underlying property and as the dedicating party, for the use and benefit of the public as a public right-of-way located within the corporate limits of the City of Foley.

WHEREAS, the City is the owner in fee simple of certain real property situated in the City of Foley, Baldwin County, Alabama, described as follows:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK "A" OF REIMER SUBDIVISION, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, ON SLIDE 128-B; THENCE S-89°46'00"-W, A DISTANCE OF 120.00 FEET, TO A POINT LOCATED ON THE EAST RIGHT-OF-WAY LINE OF STATE HWY 59 (N. MCKENZIE ST); THENCE RUN N-00°14'00"-W, A DISTANCE OF 30.00 FEET, ALONG SAID EAST RIGHT-OF-WAY LINE, TO A POINT, SAID

POINT ALSO BEING THE POINT OF BEGINNING; THENCE RUN N-00°00'00"-E ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 166.42 FEET, TO A POINT; THENCE RUN N-89°54'21"-E, LEAVING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 675.79 FEET, TO A POINT, THENCE RUN S-00°08'25"-W, A DISTANCE OF 164.73 FEET, TO A POINT; THENCE RUN S-89°46'00"-W, A DISTANCE OF 676.78 FEET TO THE POINT OF BEGINNING.

(the "Subject Property"); and

WHEREAS, the City is undertaking a capital improvement project designated GMC Project No. CMOB240064 (Right-of-Way Acquisitions, Mid-North Foley), and in connection therewith the City desires to dedicate a thirty-foot (30') wide strip of the Subject Property as public right-of-way as is more particularly described in the legal description attached hereto and incorporated herein as Exhibit "A" and is depicted on Exhibit "B" thereto (the "Right-of-Way"); and

WHEREAS, the dedication of the Right-of-Way will serve a valid public purpose and confer a substantial public benefit by providing for the establishment, construction, use, and maintenance of public right-of-way, roadway, drainage, and related public infrastructure, and by promoting the public health, safety, convenience, and welfare of the citizens of the City of Foley; and

WHEREAS, the City Council of the City of Foley, Alabama, has determined that the dedication of the Right-of-Way is in the best interest of the City and the public, and by resolution duly adopted on the ____ day of _____, 20____ (Resolution No. _____), has authorized and directed the Mayor and City Clerk to execute and deliver this Dedication on behalf of the City;

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS, that the City of Foley, Alabama, for and in consideration of the premises and the public benefits described above, and pursuant to the authority granted to it by law, does hereby **GRANT, DEDICATE, and CONVEY** to the public, for use as a public right-of-way, the real property situated in Baldwin County, Alabama described on Exhibit "A" hereto and depicted on Exhibit "B" hereto (the "Right-of-Way").

TO HAVE AND TO HOLD the Right-of-Way unto the public for public right-of-way purposes forever, together with all rights, privileges, and appurtenances thereto belonging or in anywise appertaining, including the right to construct, install, use, maintain, repair, and replace public roadway, drainage, utility, and related public improvements within the Right-of-Way.

This Dedication is made subject to all restrictive covenants, easements of record or visible on the surface of the property, rights-of-way, and building setback lines, if any, applicable to the Subject Property of record in the Office of the Judge of Probate of Baldwin County, Alabama.

The City hereby reserves unto itself, its successors and assigns, all right, title, and interest in and to the remainder of the Subject Property not included within the Right-of-Way. Nothing herein shall be construed to constitute a vacation or abandonment of any existing easement or right-of-way except as expressly stated. This Dedication shall be binding upon and inure to the benefit of the City and its successors and assigns and shall run with the land. If any provision of this Dedication is held invalid, the remaining provisions shall continue in full force and effect.

IN WITNESS WHEREOF, the City of Foley, Alabama, acting by and through its Mayor, and pursuant to the authorization of its City Council, has caused this Right-of-Way Dedication to be executed and its municipal seal to be affixed hereto, all as of the day and year first above written.

**CITY OF FOLEY, ALABAMA,
an Alabama municipal corporation**

By: _____
Name: _____
Mayor

ATTEST:

By: _____
Name: _____
City Clerk
[Affix City Seal]

ACKNOWLEDGMENT

STATE OF ALABAMA COUNTY OF BALDWIN

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that _____, whose name as Mayor of the City of Foley, Alabama, an Alabama municipal 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 said instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said municipal corporation.

Given under my hand and official seal this the ____ day of _____, 20____.

Notary Public
My Commission Expires: _____
(Notarial Seal)

ACKNOWLEDGMENT

STATE OF ALABAMA COUNTY OF BALDWIN

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that _____, whose name as City Clerk of the City of Foley, Alabama, an Alabama municipal 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 said instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said municipal corporation.

Given under my hand and official seal this the ____ day of _____, 20____.

Notary Public
My Commission Expires: _____
(Notarial Seal)

Attachments: Exhibit "A"
Exhibit "B"

EXHIBIT "A"

LEGAL DESCRIPTION OF 30-FOOT-WIDE RIGHT-OF-WAY

Commencing from a 5/8" iron rebar with cap (CA#085) at the Northeast Corner of Block "A" of Reimer Subdivision, recorded in Map Book 3, Page 58 (Slide 128-B), in the Office of the Judge of Probate, Baldwin County, Alabama; thence run S 89°28'46" W, a distance of 319.78 feet, to the Northwest corner of said Subdivision; thence run S 89°29'46" W, a distance of 119.99 feet, to a 5/8" capped rebar found (SECIVIL) on the East right-of-way line of North McKenzie Street; thence run N 00°14'00" W, along said East right-of-way line, a distance of 30.00 feet, to the POINT OF BEGINNING;

Thence run N 00°00'00" E, along said East right-of-way line of North McKenzie Street (125' R.O.W.), a distance of 30.00 feet, to a point;

Thence run N 89°29'03" E, leaving said East right-of-way line, a distance of 473.32 feet, to a point of curvature;

Thence run along a curve to the right having a radius of 220.00 feet, an arc length of 69.22 feet, a chord bearing of S 81°30'10" E, and a chord distance of 68.93 feet, to a point;

Thence run S 72°29'22" E, a distance of 71.62 feet, to a point on the North right-of-way line of an un-opened street (Reimer Subdivision);

Thence run S 89°45'45" W, along said North right-of-way line, a distance of 609.78 feet, to the POINT OF BEGINNING.

Said parcel contains 0.40 acres (17,460 square feet), more or less, and lies in Section 21, Township 7 South, Range 4 East, Baldwin County, Alabama.

EXHIBIT “B”

