



Byrd Property Rezoning

B1-A to PUD



9430 Business Parkway, Theodore, AL 36682
818 N. McKenzie Street, Foley, AL 36535

Phone: (251) 544-7800
Phone: (251) 970-7500

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

61-02-10-0-000-004.009
TOTSCH, VIRGINA ETAL MOORE, BEVERLY J
7060 HURRICANE ROAD LOT 10
BAY MINETTE, AL 36507

61-02-10-0-000-004.006
ALICE CRUZ
21230 MIFLIN RD

3. Approximate Size of the Property

The Property consists of 143.67 acres.

4. Present Zoning

The Property is currently zoned B1-A

5. Requested Zoning

The requested zoning is Planned Unit Development (PUD)

6. Current Use

The property is currently used for agricultural purposes. There are no structures located on the property.

7. Contemplated Use

The proposed concept is to develop a PUD with mixed use including residential, retail, restaurant/bar, commercial, Hotels, and Professional Office Space. The residential community will be separated from the rest of the PUD by landscape buffering and the density will not exceed the City's zoning Ordinance of 11 units per acre. The amount of retail and commercial development will be market driven and proceed in phases of logical progression.

8. Processing Fee

An Application processing fee of \$2,360 is included with this Application. This fee is based on the City's requirement of \$500 for the first 20 acres and \$15/acre for each acre over 20 acres.

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

DATE: 23 Jun 2014

Jonathan Byrd
dotloop verified
06/23/14 6:28PM CDT
S6CO-PKHH-WJPU-ETOU

PROPERTY OWNER/APPLICANT

14849 Ridge Road

Summerdale, Alabama 36580

PROPERTY OWNER ADDRESS

251.259.7135

PHONE NUMBER

PjAtTheBeach@me.com

EMAIL ADDRESS

The following information is provided in response to Section 8.6.4(B), (C) and (D) of the City of Foley Zoning Ordinance (November 2013) and supplements the Application for Rezoning. Please refer to the Conceptual Development Plan in Appendix D for a conceptual rendering of the proposed uses and overall layout of the Byrd Planned Unit Development (PUD).

Section 8.6.4 (B)

The purpose of this rezoning request is to allow for a flexible design and development of a strategic property facilitating efficient diversification of use, control of appearance, and promote the overall vision of the City of Foley. This area is specifically included in the City's 2008 Comprehensive Plan as an area "Raising the Bar" with regard to Development Standards. Section 2.2 indicates that "...Citizens and City Leaders have expressed a vision for innovative design standards for development along the Foley Beach Express. The Plan should include recommendations in support of mixed use development and other leading-edge development typologies as a methodology for attracting desirable residential population and enhancing the quality of life for all residents of the City of Foley."

The Byrd PUD is currently in a conceptual planning process in an effort to determine the most effective, marketable, and aesthetically pleasing layout of uses. The goal is to establish a moderate to high end residential "Village" complete with recreational amenities for use by the residents, as well as a diverse layout of "Big Box" type anchor stores accompanied by other retail shops, services, restaurants, and bars. An area of the property is being reserved for a Professional Office Park marketed towards Doctors, Lawyers, Engineers, Architects, etc.. Common Areas of "Green" space will be provided throughout the PUD for use by Residents and patrons alike. These areas may be used for outdoor recreation, outdoor dining, and provide a feeling of space and openness. Landscaping will be required for all aspects of the Development with a variety of plantings including trees, shrubbery, flower beds, and lawn areas, etc. Buffer zones of plantings will be provided to separate different type uses within the Development for a natural transition from one area to another. Although conceptual at this point, each phase of development will be presented to the city for review and approval through the site plan process as required prior to construction.

Four strategic points of ingress/egress to the adjoining arterials are proposed. A signalized entrance on County Road 20 aligned with the access to the Blue Collar Comedy Planned Development District (PDD) will be the main access point. An additional right-in/right-out on County Road 20 is planned approximately 900 feet west of the intersection of County Road 20 and the Foley Beach Express. Two additional right-in/right-out entrances are planned along the Foley Beach Express (FBE) and will be constructed in accordance with the FBE Access Management Plan (AMP).

The roads serving the PUD will vary in relation to the area(s) of the Development being served. Divided Boulevards with Landscaped medians are proposed at the entrances to the PUD which will transition to undivided roadways with turn lanes provided for various turning movements. Streets within the restaurant/bar/ shop area may be designed with widths capable of supporting on-street parking for more direct access to visitors' destinations. Roundabouts are being considered to allow for more efficient and safe movements of vehicles at intersecting streets.

Sidewalks will be provided throughout the entire PUD to encourage safe and efficient pedestrian movements within each use as well as connectivity between different uses of the PUD.

A key component of the Development will be the "Walkability" aspect promoting efficient movements for both residents and visitors.

Mass transportation to and from the Development for residents, shoppers and patrons will be encouraged with logical placement of bus/trolley pick-up and drop-off locations throughout the PUD.

Parking will be provided in accordance with the City of Foley's parking requirements for both the commercial and residential areas. The larger retailers will have minimum parking requirements which most likely govern the number of parking spaces provided for each facility. On-Street parking around a central square of commercial retailers and restaurants is anticipated for more direct access to each facility.

Overall architectural and landscaping standards will govern the development of the PUD and all of its facilities. Strict adherence to aesthetically pleasing standards will promote a unique "Village" concept for resident and visitors and enhance the City's goal of High end Mixed use Developments in this area.

Relaxations Requested

This Submittal respectfully requests the following Uses, which are not specifically prohibited, be allowed for development within this PUD: Hotel, Motel, Conference Center, Theater, Gas Stations, and Shopping Center. Further, Section 7.1.1 excludes water/wastewater pumping stations as permitted structures in all Zoning Districts. We are requesting permission to locate wastewater pumping stations within the PUD to accommodate sewage conveyance to the Public wastewater collection and conveyance system operated by Riviera Utilities.

Section 8.6.4 (C)

1.0 Property

The Subject Property consists of approximately 144 acres of existing agricultural property located at the southwest corner of County Road 20 (CR 20) and the Foley Beach Express (FBE). A Vicinity map and Location map are included in Appendix A along with the deed and Boundary Survey provided in Appendix B.

2.0 Ownership Interests

The Property is owned entirely by Mr. Jonathan Byrd with no liens or encumbrances. The PUD is being developed for both residential and commercial interests under the direction of Mr. Byrd.

3.0 Site Relationship

As shown on the Site Relationship Plan in Appendix C, the site is bordered on the north by CR 20, a five-lane minor arterial, and on the east by the FBE, a divided four-lane highway also designated a minor arterial. Directly across CR 20 to the north lies the proposed Planned Development District (PDD) consisting of the Blue Collar Comedy Development as well as the City of Foley's Sports Tourism Complex.

These Facilities combined include the Sports and Entertainment Complex, restaurants, an indoor water park, shopping, amusement rides, hotels and an RV Resort, as well as numerous multi-use athletic fields and a championship level field for large sporting events.

The properties to the east, west and south and immediately adjacent to this proposed PUD are largely undeveloped with the exception of a few single family "farm" type residential homes to the immediate west of the property. A small commercial strip center is located to the west along CR 20. On a larger scale, Highway 59, a Major Arterial and Commercial corridor, is located approximately 1.5 miles to the west. Approximately 1.3 miles to the east along CR 20 is the main entrance to the Glen Lakes Subdivision, a large single family residential community with golf course facilities.

The objective of this PUD is to develop a high quality residential, retail, and commercial community which will compliment and provide additional hotel space for the Blue Collar Comedy/Foley Sports Complex Development and enhance the smart growth desired by the City in this area. The public will share in the benefits of this PUD as it will strive to protect existing natural features, provide recreational facilities, offer a potential of mixed residential housing, and provide a pedestrian network for residents and patrons.

3.1 Streets

The proposed streets serving within the PUD will access both CR 20 and the FBE at strategic locations to coincide with access to the Blue Collar Development as well as positioned for safe and effective access to both arterials. The main access point to the PUD on CR 20 will align with the proposed signalized entrance for the Blue Collar PDD approximately 2,100 feet west of the CR20/FBE intersection. A second access on CR 20 is proposed as a Right-in/Right-out (RI/RO) located approximately 900 feet west of the intersection of CR20 and the FBE.

Access to the FBE will be in accordance with the Access Management Plan (AMP) of the FBE. Two Typical Access Unit "T" Intersection RI/RO points are proposed. The northern most access is positioned approximately 900 feet south of the CR 20/FBE intersection with the second access positioned approximately 1,200 feet south of the first. The streets within the PUD are proposed to consist of both landscaped boulevards, undivided two-lane and three-lane streets, as well as streets with on-street parking, depending on the position and use within the PUD. All streets will be provided with adequate Right-of-Way (ROW) to accommodate the travel- way, landscaping, sidewalks, and utilities.

3.2 Utilities

Representatives of the PUD have contacted Riviera Utilities and Baldwin EMC with regard to providing water, sewer, electrical and gas services. Detailed utility plans will be developed at the time of Preliminary Plan Submittal for each Phase of Development. Engineered Plans will be in accordance with the requirements of the Utility provider(s) and the City of Foley.

The Proposed PUD will access potable water from an existing 12" diameter water main located within the ROW of CR 20 on the north side of the property. The proposed PUD will access this line and extend water lines throughout the property for potable water service as well as for fire protection.

Sanitary Sewer generated within the PUD will be collected and conveyed via a gravity sewer system to pumping stations located within the PUD. The number and location of the pumping stations will be determined during the design process. A force main will be constructed to convey the collected sewerage to tie to Riviera's existing sewage collection system. The actual tie-in point will be coordinated with Riviera with consideration of the Blue Collar Development's Sanitary sewer design, as new connection points may be available in the future which do not exist at this time.

Electrical and gas service is accessible to the site and the physical tie-in points will be coordinated with Baldwin EMC and Riviera Utilities respectively once the usage demand and more specific layout of facilities is determined .

Storm water run-off within the PUD will be collected and conveyed to detention ponds where control structures will be designed to control the rate of run-off discharged from the site in accordance with the City of Foley Regulations. The location and size of the detention ponds will be determined during the design process. A combination of "dry" and "wet" ponds may be used to control the rate of discharges of storm water run-off. "Dry" ponds are those designed to detain run-off during an event and immediately thereafter. During periods of dry weather, "Dry" ponds should remain dry. "Wet" ponds are designed to contain water at all times with adequate space and freeboard to accommodate the necessary storage of storm water following a storm event. The location and type of detention pond will be designed and submitted for review during each stage of the Development. Ponds may be oversized during initial design Phases to accommodate future Phases.

3.3 Physical Features

The topography of the existing property is relatively flat with a "ridge" extending east-west nearly through the middle portion of the property. There are at least four locations where storm water run-off currently appears to collect for discharge from the property. A northern discharge point is located near the northwest corner of the property where storm water is conveyed northward under CR 20 via an existing Box Culvert. The northeast corner of the Property discharges storm water to the north under County Road 20 for release along the west side of the FBE northward. The majority of Storm water which drains southward from the center "ridge" appears to discharge to the south through two natural "drains". The PUD will be designed to take advantage of the natural topography of the site and utilize the same discharge points as this will be the most efficient design.

4.0 Land Use Density/Intensity

The Conceptual Development Plan of the PUD shown in Appendix D proposes to contain a diverse use of retail, office, commercial and residential developments to complement one another. Table 4.1 displays the proposed land uses, *estimated acreages*, and their *estimated* percentage of the total.

Table 4.1

PROPOSED LAND USE	ACRES	% of TOTAL
Commercial	30	21
Residential	38	26
Professional Office	5	3
Open Space	36	25
Road ROWs	20	14
Detention	15	11
Total	144	100

Due to market conditions, as well as the close proximity to other large scale Developments, this PUD is requesting flexibility in the final location and gross percentages of uses (excluding Open Space) included in Table 4.1. The Conceptual Development Plan presents potential locations and boundaries of the various uses and road layout, however the final orientation and location of these uses may vary based on site conditions, environmental concerns, market conditions, and design parameters. Open-Space, Roads, and Detention requirements will meet the City's requirements for PUD Development regardless of the percentage split of Residential, Office, and Commercial use.

5.0 Common Areas

The Conceptual Development Plan depicts the proposed overall layout of the Byrd PUD and the various land uses. Common Areas include Open Green Space, and landscaped areas around the "wet" detention ponds. Each Common Area serves a different function and will have different guidelines for operation and maintenance. Recreational Facilities will be provided as part of the amenities specific to the Residential Development for use primarily by its residents. Common areas including open "Green" spaces will be incorporated throughout the retail, commercial, and professional office for use by the general public.

5.1 Open Space/Common Areas

The Byrd PUD proposes to allocate at least the minimum required Open Space equal to 25% of the overall property within the PUD. As shown on the Rezoning Plan, large Open "Green" space areas are proposed to be functionally integral to the overall development for both the residents within the PUD as well visitors to the retail and Commercial areas. In addition to the designated "Open" areas, sidewalks are planned within the Road way ROW's for encouraging safe and efficient pedestrian movement throughout the PUD. Ownership and Maintenance responsibilities of the designated Common Areas will reside with the PUD Master Property Owners Association.

5.2 Roadway Rights-of-Ways (ROWs)

The ROWs provided for the roadways serving the PUD will provide the corridors for vehicular movement, pedestrian movement (sidewalks), and utilities. Design and construction of all infrastructure will be in accordance with the City of Foley, Riviera Utilities and Baldwin EMC's respective Regulations/Requirements. It is the intent to request this infrastructure be accepted for maintenance by the respective entities of the City, Riviera Utilities, and Baldwin EMC following accepted construction.

5.3 Landscaped Areas near "Wet" Storm Water Detention Facilities

Storm water detention facilities will be designed and constructed in accordance with the City of Foley's Regulations. It is anticipated that several detention ponds will be constructed making use of the natural topography of the land for efficiency and located near the existing discharge points where storm water currently exits the property. A combination of "dry" and "wet" ponds are proposed with the wet ponds maintaining a water level at all times designed with additional free board for storm water detention as required. It is proposed that areas around the "wet" detention ponds will be landscaped and presented as open "Green" space for visitor use and enjoyment. Ownership and Maintenance responsibilities of the storm water detention facilities will reside with the PUD Master Property Owners Association. The design of these detention facilities will be based on assumed post-development conditions for the purpose of sizing the ponds and design of the release structures. Should a proposed Development within the PUD present a Site Plan(s) and drainage calculations which exceed the rate of storm water run-off from that particular area of the PUD, that specific site plan will be required to provide detention and release control structure(s) to reduce the rate of storm water run-off to the "assumed" post-development run-off rates. Maintenance of individual storm water detention facilities for specific Developments will be the responsibility of the site specific owner/tenant requiring the facility.

6.0 Building Types (Residential)

The residential portion of the PUD may consist of a high density multi-family product, duplex and/or triplex units, and/or single family homes. Amenities serving the residential areas may include recreational facilities such as a pool, tennis courts, as well as a club house for community gatherings and functions. Actual Developments and associated facilities will be presented as part of each Phase of Development through the Site Plan Submittal process for each specific Development.

7.0 Engineering Feasibility

It is proposed to develop the Byrd PUD in phases to meet the demand for residential and commercial opportunities. As described earlier, this PUD has access to two Minor Arterials and accesses to these roadways will be constructed to match the phased Development. Water Service for both potable water and fire protection is provided immediately adjacent to the Development and will be accessed to service the PUD. Sewerage will be collected on-site and facilities constructed to convey to Riviera Utilities' existing collection system. Storm drainage collection, conveyance, and detention facilities will be constructed on site to maximize the use of the natural topography of the land and existing discharge points where storm water exits the property.

All street and drainage facilities will be designed and constructed in accordance with the City of Foley Subdivision Regulations with all Utilities designed and installed in accordance with Regulations set forth by Riviera Utilities and Baldwin EMC.

No development will commence until adequate infrastructure is in-place to support each phase being developed.

8.0 Covenants

Easements will be provided for Utility placement and maintenance where utilities are placed outside of Road Rights-of-Ways. The Developer will coordinate with the Utility providers during the design Phase regarding their needs for placement and maintenance requirements. Restrictive Covenants will be written to incorporate specific site planning, building architecture, building materials, landscaping, infrastructure, etc. into the overall Master Plan. The maintenance of the PUD will be the responsibility of the POA created in the interest of the Development.

9.0 Parking

Vehicular parking facilities will be provided in accordance with the needs of each aspect of the PUD in order to provide sufficient parking in coordination with efficient pedestrian movements. Commercial properties have parking requirements particular to their tenancy, facilities and their patronage. The number of parking spaces for each establishment will be based on the size and type of Facility and will meet or exceed the number of spaces required by the City's Zoning Ordinance. The number and location of handicap parking spaces will, at a minimum, be in accordance with The American with Disabilities Act (ADA) requirements. The proximity of open spaces to the residential and commercial facilities will account for parking with safe and efficient pedestrian flow. Sidewalks and designated crosswalks will safely direct pedestrian traffic throughout the Development while providing access to and between the various facilities. Streets serving portions of the Commercial areas may be designed with on-street parking allowing for convenient, more direct access to facilities.

10.0 Open Space

Open Space areas will be provided to enhance the overall character of the PUD, encourage pedestrian movement, and be aesthetically pleasing to visitors and residents. The residential area will provide open space and recreational facilities for use by the residents within the PUD. Outside of the residential section, open spaces will be provided for visitors and staff within the Commercial areas. Sidewalks are proposed along roadways and within the open spaces to promote safe pedestrian traffic and encourage a more "Walkable" park-like atmosphere. Where "Wet-pond" detention facilities are utilized, landscaped open space will be provided around these ponds as these facilities will be treated as aesthetic "water features" to enhance the appearance of the PUD. Designated areas within the open spaces will be provided with facilities to encourage outdoor dining, benches for sitting areas, and/or areas for outdoor entertainment.

11.0 Development Schedule

An overall Development Schedule for a PUD of this magnitude is speculative at this point, however it is anticipated that the overall development will be over a period of several years. If Market conditions allow, the residential portion will proceed first, followed closely or even simultaneously with the development of the northern Commercial area bordering County Road 20. The development of the Blue Collar PDD and Foley Sports Complex will influence the schedule of potential hotel sites within this PUD as it is anticipated there will be a demand for additional rooms as those Facilities enter into service. Subsequent Phases and Commercial Development will be determined by Market conditions.

12.0 Additional Data

We have provided data in accordance with the requirements of the City Zoning Ordinance and at this time, until rezoning is granted and more definite development plans honed, we have no additional data to present. Should the City request additional information to supplement this Application, we will provide to the best of our knowledge and ability at the time of the request.

13.0 Application and Fee

The Application and Application Fee is included with this Submittal.

Section 8.6.4 (D)

The Applicant/Owner respectfully requests favorable consideration be given and approval granted for this PUD for the following reasons:

The Applicant/Owner intends to develop this PUD for a first class mixed use Development including residential, shopping, dining, and professional office facilities. As the City of Foley expands to the east with the advent of the City's Sports Complex and the Blue Collar Entertainment and Commercial venues, the location of this property provides an opportunity for a host of facilities to compliment these neighboring Developments. The intent is to create a "Village" like atmosphere for the residents who choose to call this PUD their home. This "Village" concept will also be an attraction to visitors who stop to shop, dine, socialize at the many shops, restaurants, and bars planned. The PUD will be pedestrian friendly to promote linkage between the different uses further promoting a feeling of community for visitors and residents alike.

Traffic circulation to and from the Development is served by two, multi-lane minor arterials. County Road 20, a five lane undivided facility connects to Highway 59 to the west, and continues eastward from the Development as a two lane road. The Foley Beach Express is a divided four lane minor arterial providing a direct connection between Pleasure Island and Interstate 10, (I-10 connection anticipated Summer of 2014). Although currently classified as a Minor Arterial, upon completion and connection to I-10, it is anticipated that the Foley Beach Express will be reclassified as a major arterial. This convergence of major highways along popular routes for both permanent residents of and visitors to Baldwin County, is a logical location for an upscale mixed-use Development with a variety of Commercial opportunities to offer the public.

Architectural, Landscape, and Development restrictions will be in place to control and maintain the overall aesthetic presentation of the Properties, ensuring upscale, appropriate, and complimentary Development. The Development will provide the City of Foley with another tax resource generating revenues for the City as well as a wide variety of job opportunities for residents.



APPENDIX A

Vicinity Map

Location Map

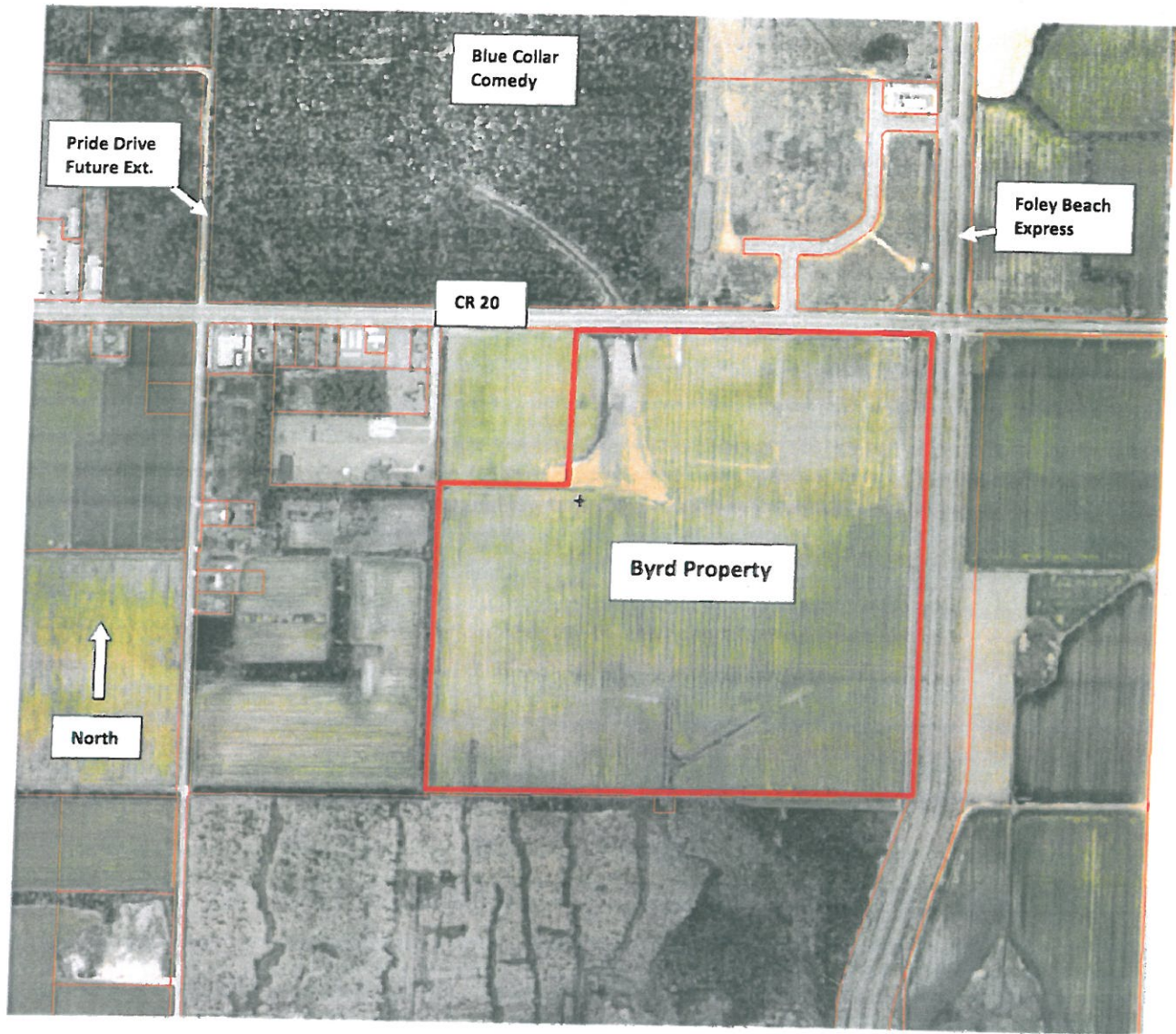


Byrd Property Rezoning Vicinity Map



5533 Business Parkway, The Woodlands, AL 35562
619 N. McKenzie Street, Foley, AL 36530

Phone (251) 544-7900
Phone (251) 970-7900



Byrd Property Rezoning Location Map



APPENDIX B

Property Deed

Boundary Survey

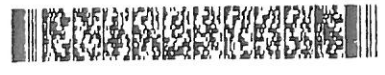
4B

1407045

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 7/3/2013 8:31 AM
DEED TAX \$ 4168.50
TOTAL \$ 4168.50
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: 6050 McBride - 7505 Sand Lake Rd.
Orlando, FL 32819



Grantee's name: JONATHAN BYRD
Mailing address: 17849 Ridge Rd
Summerville, AL
36580

Property address: TWO CORNER OF C. 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, X 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 557. (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. Willets, 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. Willets, 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 Flossey 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 Amerenda 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 POLEY, LLC, a Florida limited liability company

By

for

MONK MEMBER

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 POLEY, 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.

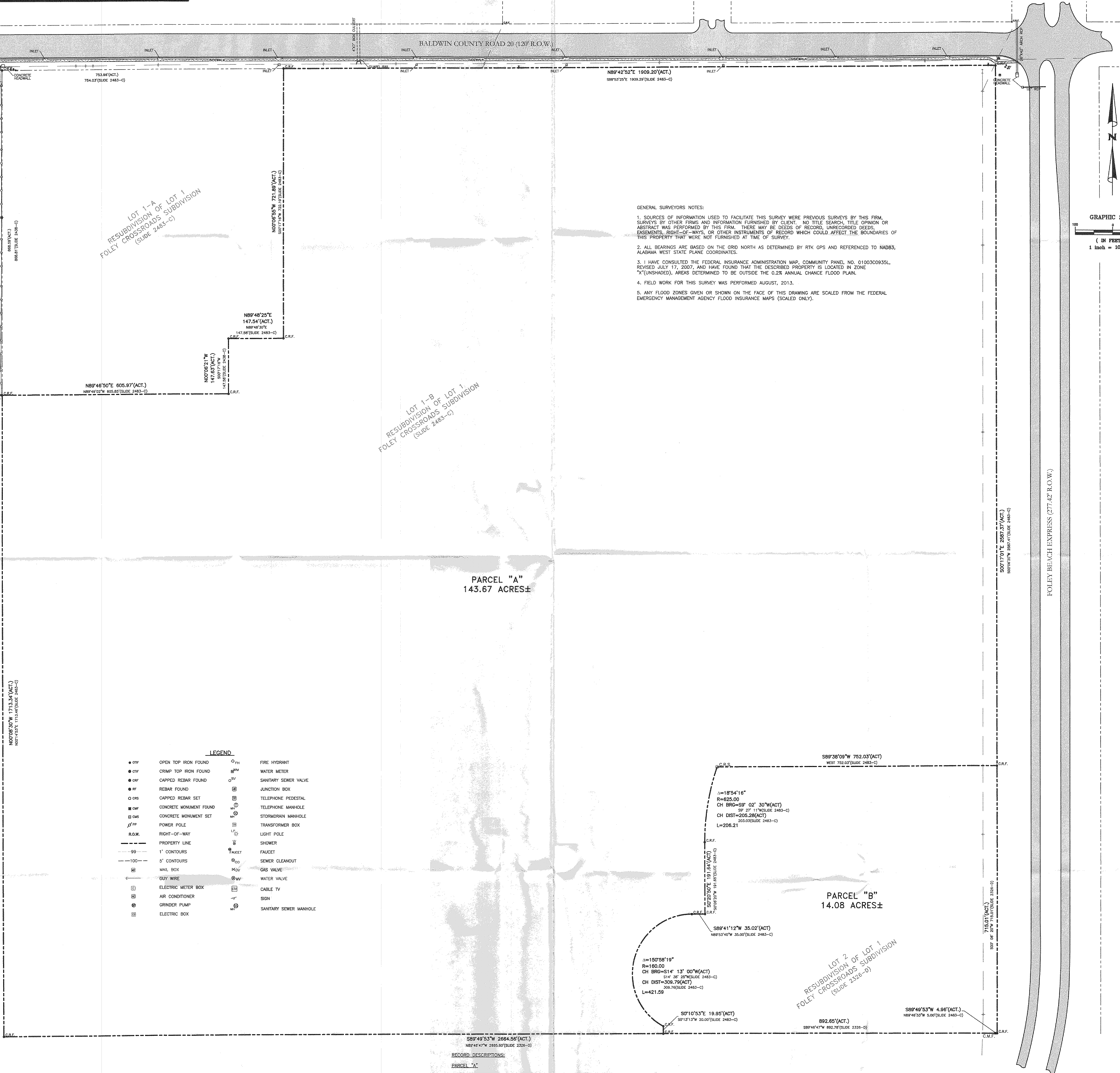
[Signature]
NOTARY PUBLIC

My Commission Expires:

This instrument prepared by:
Lori Meadows, P.C.
24407 Lander Place
Orange Beach, AL 36561
(251) 942-3541



REVISION	DATE



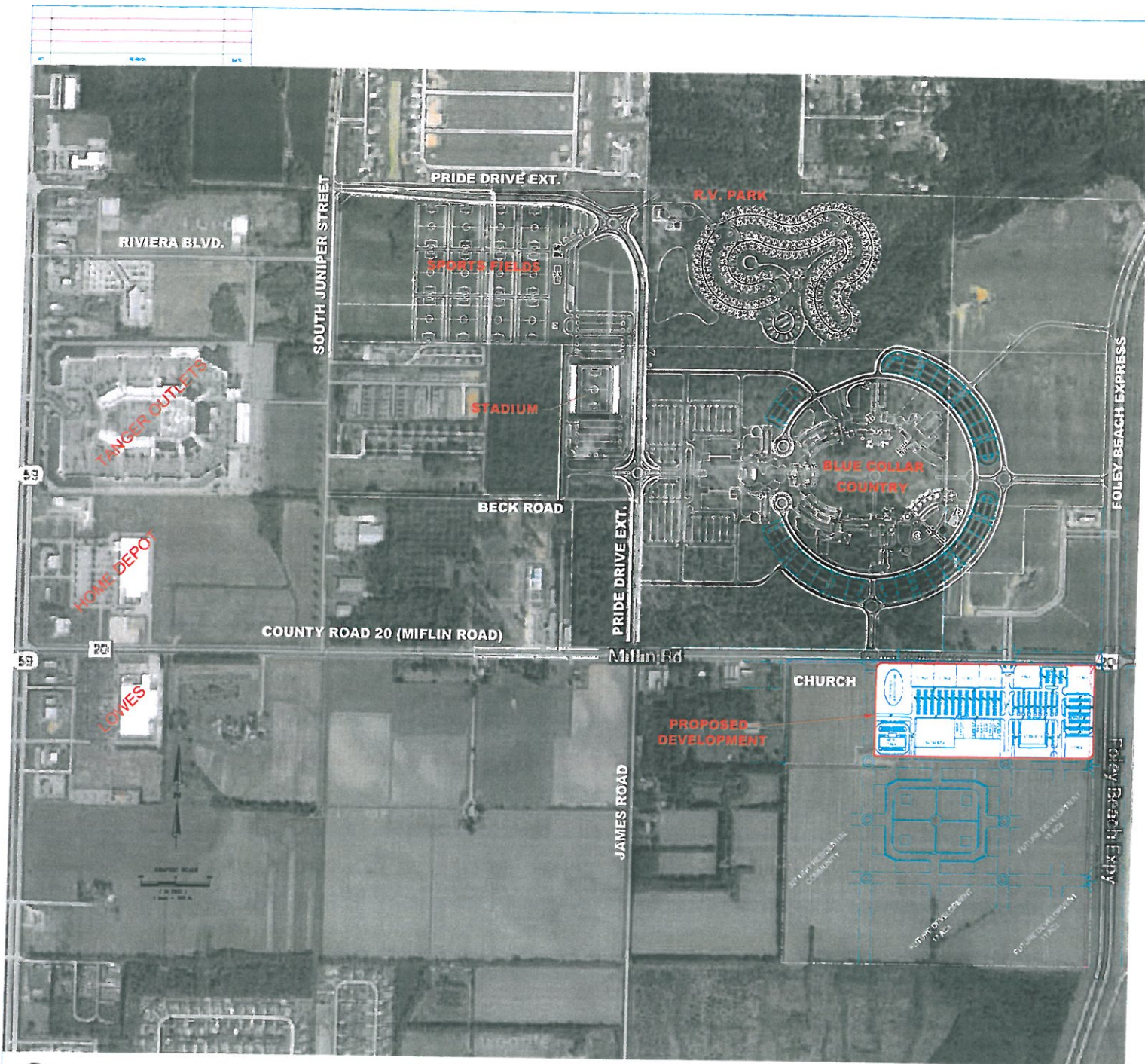
RECORD DESCRIPTIONS:
PARCEL "A"
LOT 1-B OF THE RESUBDIVISION OF LOT 1, FOLEY CROSSROADS SUBDIVISION, AS RECORDED ON SLIDE 2483-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.
PARCEL "B"
2 FOLEY CROSSROADS SUBDIVISION, AS RECORDED ON SLIDE 2326-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.
I CERTIFY THAT 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.
EROL E. GODWIN, PLS
ALABAMA LICENSE NUMBER 26621
DATE

FOLEY CROSSROADS 2013-007.00	BOUNDARY SURVEY FOLEY CROSSROADS SUBDIVISION, FOLEY, ALABAMA				
	JONATHAN BYRD				
	SCALE	DATE	DRAWN BY	CHECKED BY	SHEET
	1"=100'	JUNE 24, 2014	QLM		1 OF



APPENDIX C

Site Relationship Plan



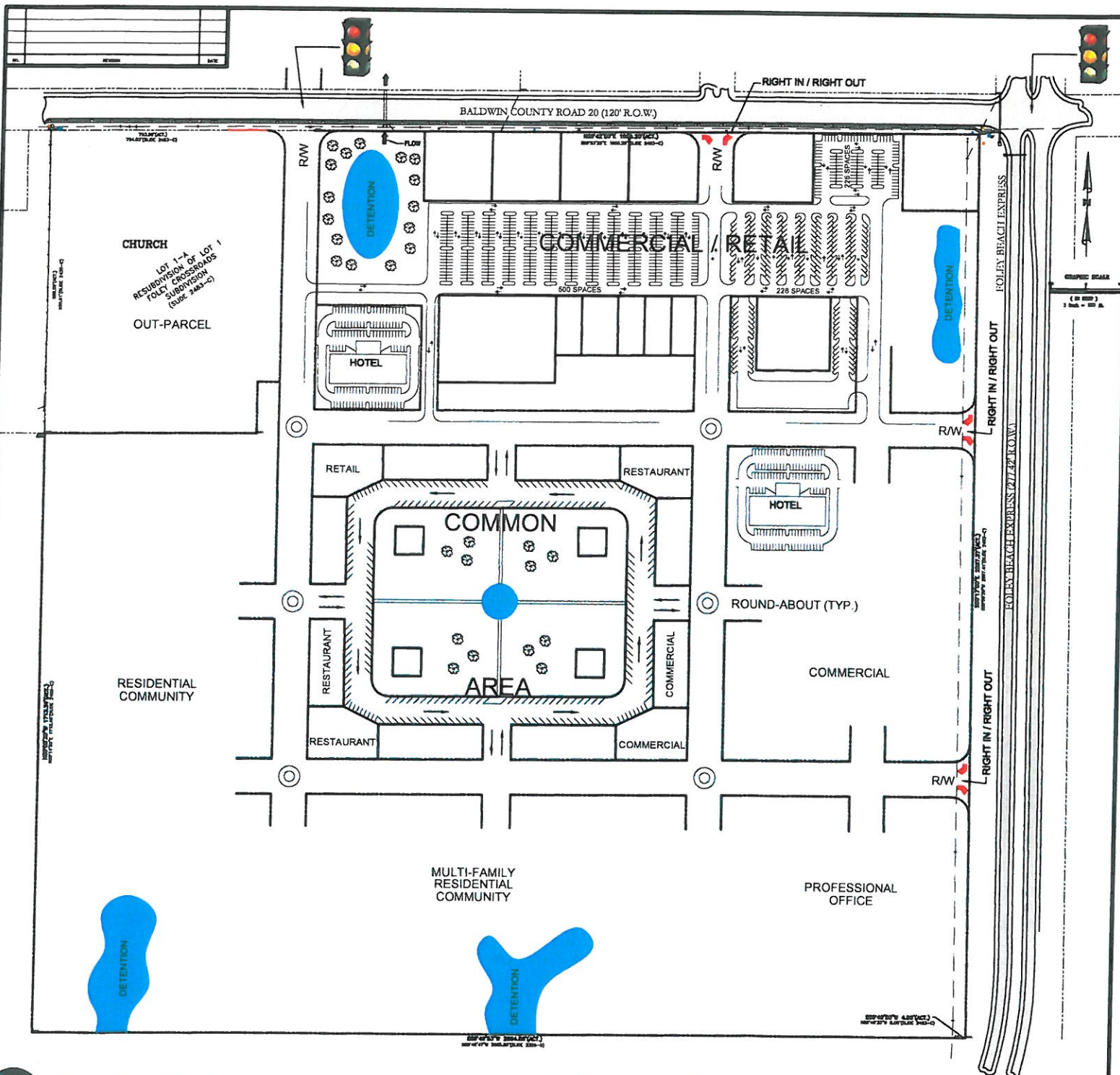
NEED NOT BE BUILT

PRELIMINARY SKETCH PLAN				
FOLEY BEACH EXPRESS & COUNTY ROAD 20				
BYRD				
DATE	DWG	DATE	DESIGN BY	SHEET
11-20-2014	APRIL 2014			1 OF 1



APPENDIX D

Conceptual Development Plan



ALL UTILITY LOCATIONS SHOWN ARE APPROXIMATE.
CONTRACTOR IS RESPONSIBLE FOR ALL LOCATING.
PRIOR TO ANY WORK PERFORMED.
CONTACT SOUTHERN LIGHT: 251-662-1170

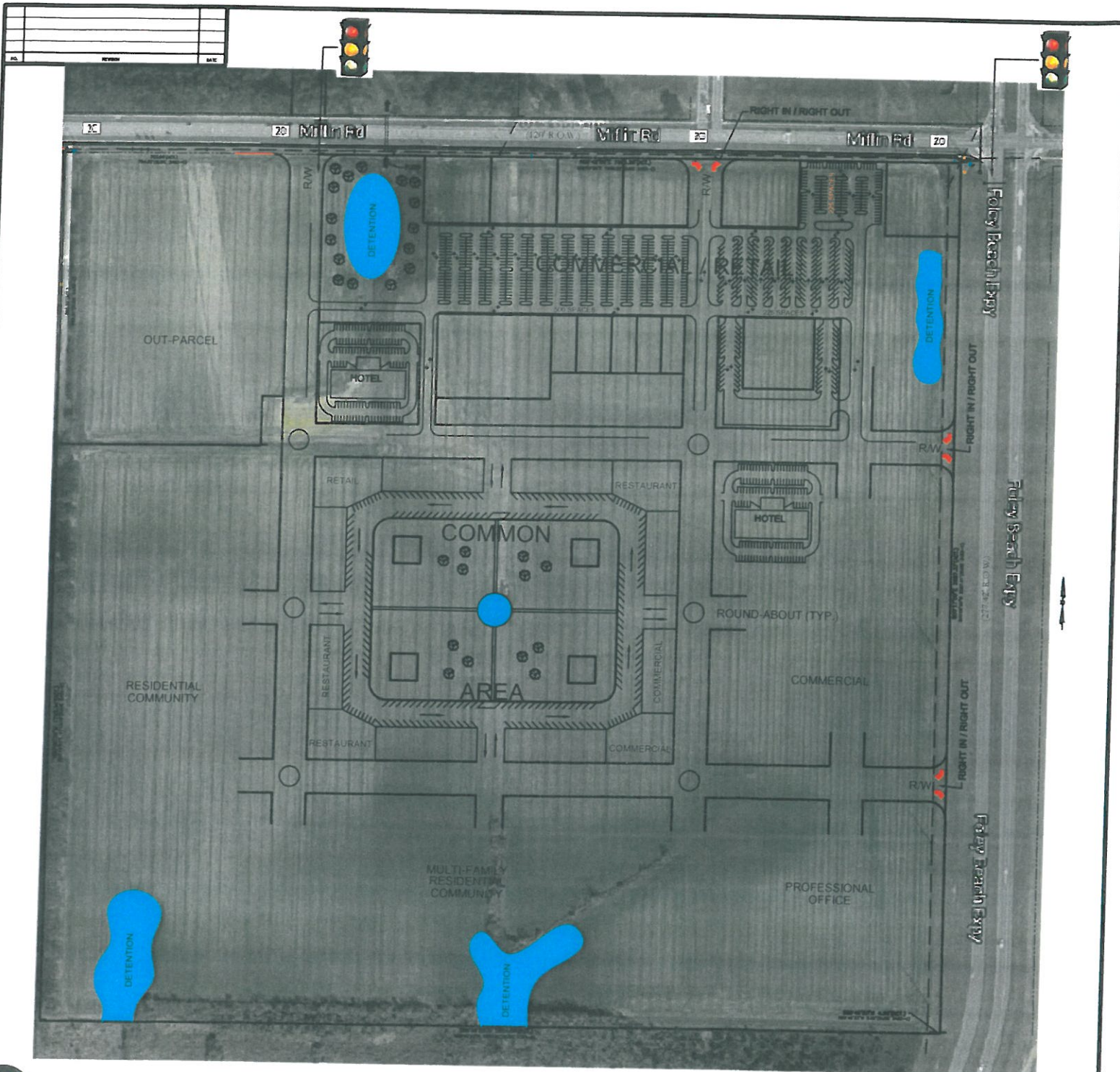
DATE	REVISIONS



APPENDIX D
CONCEPTUAL DEVELOPMENT PLAN

SCALE:	NTS	PROJ. NO.:	N/A	DATE:	08/2014
INDEX REF.:	N/A	DWG. NO.:	ENGINEER	DRAWN BY:	CD
ROUTE SCHEM.:	N/A	SHEET NO.:	N/A	SHT. NO.:	SHT.

25210 U.S. HWY. 90
FAIRHOPE, AL 36532



NEED NOT BE BUILT