



City of Foley, AL

Signature Copy

Ordinance: 13-1050-ORD

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 12/ 4/2013 3:13 PM
TOTAL \$ 39.00
11 Pages

1431965



File Number: 13-1148

Enactment Number: 13-1050-ORD

An Ordinance approving Petition for Annexation and Bringing Property into the Corporate Limits of The City of Foley owned by Charles & Joyce Ann Roberts

WHEREAS, on the 15th day of May, 2013, a portion of tracts or parcels of land along U.S. Highway 98 were annexed to and became a part of the City of Foley under Legislative Act 2013-230, and

WHEREAS, Charles and Joyce Ann Roberts were out of town during the process and now wish to be annexed, and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the City of Foley and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FOLEY, ALABAMA AS FOLLOWS:

Section 1. The Council of the City of Foley, Alabama, finds and declares as the legislative body of the City that it is in the best interests of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Foley.

Section 2. The boundary lines of the City of Foley, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretobefore encompassed by the corporate limits of the City of Foley, Alabama, and in addition thereto the following described territory, to-wit:

TAX MAP PARCEL NUMBER: 54-07-26-0-000-022.000

Lots 39, 40 and 41, Block 1 of the Fernwood Heights Subdivision according to the plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 4, page 225.

Section 3. Petitioners requested zoning is B-3 (Commercial Local Business District) for 0.852 ± acres, upon adoption of this ordinance.

Section 4. This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Baldwin County, Alabama.



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Signature Copy

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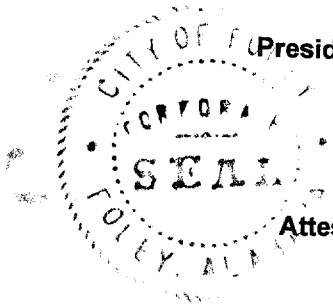
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Section 4. This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Baldwin County, Alabama.

Section 5. The territory described in this ordinance shall become a part of the corporate limits of Foley, Alabama, upon publication of this ordinance as required by law.

Section 6. The Council of the City of Foley, Alabama, waives the zoning fees due to Charles and Joyce Ann Roberts were out of town during the annexation process.

PASSED, APPROVED AND ADOPTED this 18th day of November, 2013.



President's Signature

J. W. Gravel

Date

11-19-13

Attest by City Clerk

Victoria Southern

Date

11-19-13

Mayor's Signature

[Signature]

Date

11/20/2013

Annexation Report for Mayor & Council
By: Miriam Boutwell
For: November 4, 2013 Meeting

Applicant: Charles E & Joyce Ann Roberts

Location: South side of US Highway 98, East of Barln Field Road

Size: .852+/- Acres

Current Zoning: Unzoned Baldwin County

Future Land Use: RM, Residential Medium Density (1 Lot over from Mixed Use)

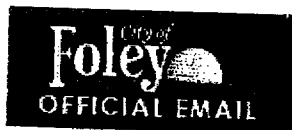
Requested Zoning: B3, Local Business District

Flood Zone: X

Comments: This parcel is surrounded by city limits due to our Legislative Annexation. The B3 zoning is appropriate in this area.

10/31/13

Cityoffoley.org Mail - Roberts Proposed Annexation



Katy Taylor <ktaylor@cityoffoley.org>

Roberts Proposed Annexation

Randy Kurtts <rkurtts@cityoffoley.org>

Thu, Oct 31, 2013 at 11:29 AM

To: Katy Taylor <ktaylor@cityoffoley.org>, Sue Steigerwald <ssteigerwald@cityoffoley.org>

Katy,

There is no valuation with this annexation because the road frontage is US Hwy 98 and is owned by the state.

Please call if you have any questions.

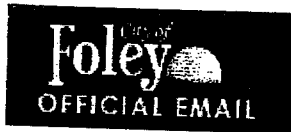
Randy Kurtts

On Thu, Oct 31, 2013 at 10:31 AM, Randy Kurtts <rkurtts@cityoffoley.org> wrote:
Have you got anything on this?

[Quoted text hidden]

10/31/13

Cityoffoley.org Mail - Roberts Proposed Annexation



Katy Taylor <ktaylor@cityoffoley.org>

Roberts Proposed Annexation

Leslie Gahagan <lgahagan@cityoffoley.org>

Thu, Oct 31, 2013 at 1:41 PM

To: Katy Taylor <ktaylor@cityoffoley.org>, Miriam Boutwell <mboutwell@cityoffoley.org>, David Wilson <dwilson@foleypolice.org>

Looking at the property from Hwy 98, I see no environmental concerns. However, we should inform the Roberts that the rear yard accumulation of vehicles that appear "junk" may fall under our public nuisance ordinance. That would require removal unless they are deemed a junk yard.

Leslie Lassitter Gahagan

Environmental Manager

City of Foley

251-971-1471

[Quoted text hidden]



Katy Taylor <ktaylor@cityoffoley.org>

Roberts Proposed Annexation

Miriam Boutwell <mboutwell@cityoffoley.org>

Thu, Oct 31, 2013 at 2:09 PM

To: Leslie Gahagan <lgahagan@cityoffoley.org>, Katy Taylor <ktaylor@cityoffoley.org>, David Wilson <dwilson@foleypolice.org>

Mr. Roberts spoke to me after one of the work sessions & asked about his antique cars. I asked if they all were tagged but am not sure we were ever clear on that matter. He also mentioned building a barn to house his vehicles. I advised that he speak with Darryl at PD but you'd have to check with him.

Miriam Boutwell, AICP

Community Development Director

City of Foley

200 North Alston Street

Foley, AL 36535

251-952-4011 (Phone)

251-971-3442 (Fax)

mboutwell@cityoffoley.org

From: Leslie Gahagan [mailto:lgahagan@cityoffoley.org]

Sent: Thursday, October 31, 2013 1:41 PM

To: Katy Taylor; Miriam Boutwell; David Wilson

Subject: Re: Roberts Proposed Annexation

Looking at the property from Hwy 98, I see no environmental concerns. However, we should inform the Roberts that the rear yard accumulation of vehicles that appear "junk" may fall under our public nuisance ordinance. That would require removal unless they are deemed a junk yard.

[Quoted text hidden]

10/31/13

Cityoffoley.org Mail - Proposed Annexation

PH: 251-943-1545

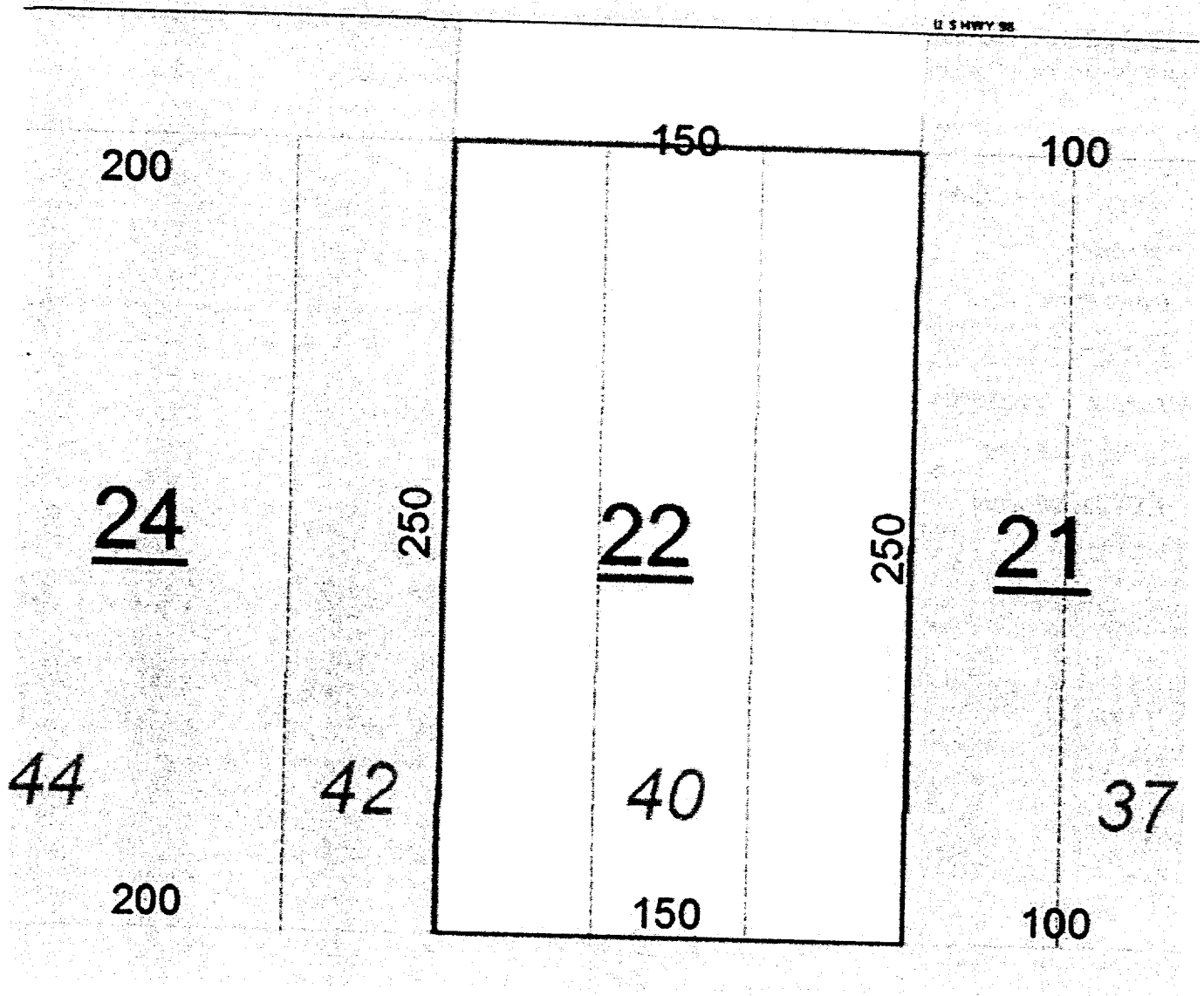
FAX: 251-952-4014

 **Annexation Report for Mayor and Council Roberts.doc**
25K

Karen Cowan <kcowan@cityoffoley.org>
To: Vickey Southern <vsouthern@cityoffoley.org>

Thu, Oct 31, 2013 at 8:43 AM

There was nothing to COGO on this, but the lot numbers look right according to the parcel annotation from the county.



Thanks,

Karen, GIS Specialist

<https://mail.google.com/mail/?ui=2&ik=a59b9ceca8&view=pt&search=inbox&th=141db80c44b4514b&dsqt=1>



PETITION FOR ANNEXATION

We, the undersigned PETITIONERS, owners of the property described in the attached Exhibit A and as delineated on the map attached as Exhibit B, such property being outside the corporate limits of the City of Foley, Alabama, but which is now, or at the time this petition is acted upon will be, contiguous to the said corporate limits, and such property not lying within the corporate limits of any other municipality, do by these presents hereby petition the City of Foley, a municipal corporation, that said property be annexed into the City of Foley, Alabama pursuant to the authority of Section 11-42-21 of the Code of Alabama (1975).

We, the undersigned PETITIONERS further petition that the Honorable Mayor and City Council of the City of Foley, Alabama, set a date for the hearing of this petition and adopt an ordinance annexing such property.

We, the undersigned PETITIONERS also ask that the Honorable Mayor and City Council of the City of Foley, Alabama, do all things necessary and requisite to comply with the terms of Section 11-42-21 of the Code of Alabama (1975).

We, the undersigned PETITIONERS understand that we will have no right to vote in any elections which we would be entitled to vote in as a result of this proposed annexation until the annexation is pre-cleared by the United States Department of Justice pursuant to section 5 of the Voting Rights Act of 1965, as amended.

Dated this 17 day of Oct., 2013

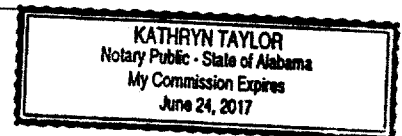
Charles E Roberts SR
Petitioner's Signature

Joyce Ann Roberts
Petitioner's Signature

STATE OF ALABAMA
BALDWIN COUNTY

On this 17th day of October, 2013, before me personally appeared Charles E Roberts, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.

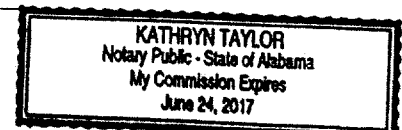
Kathryn Taylor
NOTARY PUBLIC
My Commission Expires: _____



STATE OF ALABAMA
BALDWIN COUNTY

On this 17th day of October, 2013, before me personally appeared Joyce Ann Roberts, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.

Kathryn Taylor
NOTARY PUBLIC
My Commission Expires: _____



ATTACHMENT TO PETITION

PETITIONER(S) REQUEST PROPERTY BE INITIALLY ZONED AS FOLLOWS:

- | | | |
|-------------------------------------|-------|---|
| ☐ | R-1A | Residential Single Family |
| ☐ | R-1B | Residential Single Family |
| ☐ | R-1C | Residential Single Family |
| ☐ | R-1D | Residential Single Family |
| ☐ | R-1R | Restricted Residential Single Family |
| ☐ | R-2 | Residential Single Family & Duplex |
| ☐ | R-3 | Residential Multi Family |
| ☐ | R-3P | Residential Multi Family Planned |
| ☐ | R-4 | Residential Single Family & Duplex |
| ☐ | GPH-1 | Residential Garden-Patio Homes |
| ☐ | TH-1 | Residential Townhouses |
| ☐ | MH-1 | Residential Mobile Home Park/Subdivision |
| ☐ | PDD | Planned Development District |
| ☐ | PUD | Planned Unit Development |
| ☐ | PID | Planned Industrial District |
| ☐ | B-1 | Central Business District |
| ☐ | B-1A | Commercial Extended Business District |
| ☐ | B-2 | Commercial Neighborhood Business District |
| ☒ | B-3 | Commercial Local Business District |
| ☐ | PO | Preferred Office District |
| ☐ | M-1 | Light Industry |
| ☐ | A-O | Agriculture Open Space |
| ☐ | FH | Flood Hazard Zone/Flood Prone Area |
| ☐ | H | Overlying area of Historic District |

PLEASE SELECT ONE OF THE ABOVE. IF YOU HAVE ANY QUESTIONS REGARDING THE REQUESTED ZONING, PLEASE CALL THE ZONING OFFICE AT 251-952-4011.

Initial Zoning Fee \$250.00 - check payable to the City of Foley due at time of submission.

Number of homes currently located on the property being annexed _____

Total number of occupants: Under 18 _____ Adults 2 Race white

Number of businesses currently located on the property being annexed 0

(If more than one business on property, print information on back.)

Name of business _____

Owner's Name _____

Mailing Address _____

If property is undeveloped, have plans been submitted to Planning Commission?

☐ Yes

If yes, state estimated date the development or subdivision will be completed _____

☒ No

Charles E. Roberts 5/10/17/13
Petitioner's Signature Date

Joyce Ann Roberts 10/17/13
Petitioner's Signature Date



Baldwin County Revenue Commissioner

Property Appraisal Link BALDWIN COUNTY, AL

Current Date 8/22/2013

Tax Year 2013

Valuation Date October 1, 2012

OWNER INFORMATION

PARCEL 54-07-26-0-000-022.000 **PPIN** 036325 **TAX DIST** 02
NAME ROBERTS, CHARLES E & JOYCE ANN
ADDRESS 22688 U S HWY 98
 FOLEY, AL 36535
DEED TYPE BOOK 0081 **PAGE** 0001932
PREVIOUS OWNER
LAST DEED DATE //0000

DESCRIPTION

150' X 250' LOTS 39, 40 & 41 BLK 1 FERNWOOD HEIGHTS SUB & 3/
 60 INT IN PARKS LYING BETWEEN THE N 20' OF PARK PAR 42.001 A
 ND LOT 8 PAR 4 AND LOTS 15 & 19 PAR 51 SEC 25-T7S-R4E

PROPERTY INFORMATION

PROPERTY ADDRESS 22688 US HWY 98
NEIGHBORHOOD FOLEY **FOLEY AREA**
PROPERTY CLASS **FOLEY AREA**
SUBDIVISION 01FH **SUB DESC** FERNWOOD HEIGHTS SUBD
LOT 39-41 BLOCK 1
SECTION/TOWNSHIP/RANGE 00-00 -00
LOT DIMENSION 150X250 **ZONING**

PROPERTY VALUES

LAND: 22500 **CLASS 1:** **TOTAL ACRES:**
BUILDING: 34500 **CLASS 2:** **TIMBER ACRES:**
TOTAL PARCEL VALUE: 57000 **CLASS 3:** 57000
ESTIMATED TAX: \$103.98

DETAIL INFORMATION

CODE	TYPE	REF	METHOD	DESCRIPTION	LAND USE	TC	Hs	Pn	MARKET USE	
									VALUE VALUE	
M	LAND	1	BV	BS-18000	X	1110-RESIDENTIAL	3	Y	N	22500
	BLDG	3	O	24 WFSMN	GARAGE, WD. FR. SHT MTL, -		3	Y	N	1300
	BLDG	4	B	B21	BARN, SHED, B-21		3	Y	N	1700
	BLDG	5	M	M200530X70	MANUFACTURED HOUSING -		3	Y	N	31500

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STATE OF ALABAMA
BALDWIN COUNTY

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That FOLEY DAIRY, INC., a corporation, hereinafter called the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash and other good and valuable considerations to said Grantor in hand paid by CHARLES E. ROBERTS and JOYCE ANN ROBERTS, husband and wife, hereinafter called the Grantees, receipt of which is hereby acknowledged, does hereby (subject to the matters hereinafter set out) GRANT, BARGAIN, SELL and CONVEY unto said Grantees during their joint lives and upon the death of either of them, to the survivor of them and to the heirs and assigns of such survivor, in fee simple, forever, all that real property in Baldwin County, Alabama, described as follows, to-wit:

Lots 39, 40 and 41, Block 1 of the Fernwood Heights Subdivision according to the plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 4, page 225.

TOGETHER WITH all and singular the rights, members, privileges, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the said Grantees during their joint lives and, upon the death of either of them to the survivor of them and to the heirs and assigns of such survivor, in fee simple, FOREVER.

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. Lien of taxes hereafter falling due.
2. Restrictions appearing of record in Map Book 4, page 225.
3. Reservation of oil, gas and other minerals on, in or under said property, together with mining rights and other rights, privileges and immunities relating thereto as shown in instrument recorded in Deed Book 359, page 447, Baldwin County Probate Records.

And, except as provided above, the Grantor, for Grantor and Grantor's successors and assigns, hereby covenants to and with the Grantees and Grantees' heirs and assigns that the Grantor is seized of an indefeasible estate in fee simple in and to said property; that Grantor is in peaceful possession thereof and has a perfect right to sell and convey the same; that the same is free from all encumbrances and that Grantor will forever warrant and defend title to and possession of said property unto the Grantees and their heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has caused its corporate name and seal to be hereunto signed and affixed on this the 6TH day of February, 1980.

FOLEY DAIRY, INC., a corporation

ATTEST:

Edging Wilson
its Attorney President

BY: Keith Dillen
its Atty.

STATE OF ALABAMA,
BALDWIN COUNTY

I certify that this instrument was filed
and the following tax collected on

DEC 17 1980 10:30A

Min. Tax \$ M.H. \$1.00 Index \$
Deed \$ 500 Mort. \$ Recorded in PP
Book 81
Page 1932 Amey Deline
By -33 Judge of Probate

REAL 81 PAGE 1932

STATE OF ALABAMA
BALDWIN COUNTY

I, Marilyn Dillon, a notary public in and for said county and state, hereby certify that Keith Dillon and Clara Dillon whose names as President and Vice-President, respectively of FOLEY DAIRY, INC., a corporation, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that being informed of the contents of the said instrument, they, acting in their official capacity and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 6th day of Dec., 1980.



Marilyn Dillon
NOTARY PUBLIC

My Commission Expires May 11, 1982

This instrument prepared by:
JULIAN B. BRACKIN
Foster, Brackin & Bolton, P.A.
Attorneys at Law
Post Office Box 340
Foley, AL 36536

REAL 81 PAGE 1933

City of Foley, AL

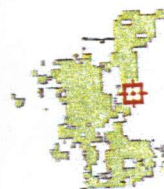


Created By: VSouthern
Date Created: 8/22/2013

Proposed Annexation

22688 Hwy 98

Overview



Legend

- Main Highways
- County Roads
- Centerlines
- Foley City Limits
- County Mask
- Foley City Limit Background
- Parcels
- Downtown Historic District
- Streams and Creeks
- Lakes and Bays

PIN - 36325
Par Num - 022.000
Acreage - 0.852
Subdivision - 01FH
Lot -
Street Name - US HWY 98
Street Number - 22688
Improvement - GARA,BARN,MH

Name - ROBERTS, CHARLES E & JOYCE ANN
Address1 - 22688 U S HWY 98
Address2 -
Address3 -
City - FOLEY
State - AL
Zip - 36535

Last Data Upload: 8/22/2013 2:13:53 AM

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