



December 14, 2023

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

RE: Initial Zoning

Dear Mayor Hellmich and City Council Members,

The City of Foley Planning Commission held a meeting on December 13, 2023 and the following action was taken:

Mills Park- Initial Zoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the initial zoning of 4 +/- acres. Proposed zoning is OSP (Open Space/Preservation District). Property is located E. of Mills Rd. and N. of Breckner Rd. Applicant is the City of Foley.

Planning Commission Action:

Commissioner Engel made a motion to recommend the requested initial zoning to the Mayor and Council. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to recommend the requested initial zoning to the Mayor and Council passes.

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

Respectfully,

Melissa Ringler
Planning & Zoning Coordinator
mringler@cityoffoley.org

MAYOR: Ralph Hellmich

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Kathryn Taylor

COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaites; Richard Dayton; Cecil R. Blackwell; Charles Ebert III



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).

Dated this 9th day of October, 2023

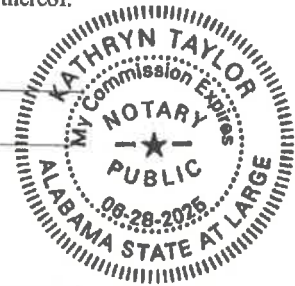

Petitioner's Signature

Petitioner's Signature

STATE OF ALABAMA
BALDWIN COUNTY

On this 9th day of October, 2023, before me personally appeared Mayor Ralph Hellmich, 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.


NOTARY PUBLIC
My Commission Expires: _____



STATE OF ALABAMA
BALDWIN COUNTY

On this _____ day of _____, 20____, before me personally appeared _____, 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.

NOTARY PUBLIC
My Commission Expires: _____

ATTACHMENT TO PETITION

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

- | | | |
|-------------------------------------|-------|---|
| <input type="checkbox"/> | R-1A | Residential Single Family |
| <input type="checkbox"/> | R-1B | Residential Single Family |
| <input type="checkbox"/> | R-1C | Residential Single Family |
| <input type="checkbox"/> | R-1D | Residential Single Family |
| <input type="checkbox"/> | R-1R | Restricted Residential Single Family |
| <input type="checkbox"/> | R-2 | Residential Single Family & Duplex |
| <input type="checkbox"/> | R-3 | Residential Multi Family |
| <input type="checkbox"/> | R-4 | Residential Single Family & Duplex |
| <input type="checkbox"/> | GPH-1 | Residential Garden-Patio Homes |
| <input type="checkbox"/> | TH-1 | Residential Townhouses |
| <input type="checkbox"/> | MH-1 | Residential Mobile Home Park/Subdivision |
| <input checked="" type="checkbox"/> | OSP | Open Space/Reservation District |
| <input type="checkbox"/> | PDD | Planned Development District |
| <input type="checkbox"/> | PUD | Planned Unit Development |
| <input type="checkbox"/> | PID | Planned Industrial District |
| <input type="checkbox"/> | B-1 | Central Business District |
| <input type="checkbox"/> | B-1A | Commercial Extended Business District |
| <input type="checkbox"/> | B-2 | Commercial Neighborhood Business District |
| <input type="checkbox"/> | B-3 | Commercial Local Business District |
| <input type="checkbox"/> | PO | Preferred Office District |
| <input type="checkbox"/> | M-1 | Light Industry |
| <input type="checkbox"/> | A-O | Agriculture Open Space |
| <input type="checkbox"/> | 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 251-943-4011.

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 0

Number of occupants Adults 0 Race N/A

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

Petitioner's Signature _____ Date _____

Petitioner's Signature _____ Date _____

For Internal Use Only: Are infrastructure valuation forms for annexations and subdivision acceptance from the Engineering Department attached?

☐ Yes

☐ No

The following information is furnished in accordance with Code of Alabama 1975, Section 40-22-1, and is verified by the signature of the Grantor below:

Grantor's name: ROBERT CARL BRECKNER
Mailing address: 1545 Gulf Shores Parkway PMB 150
Gulf Shores AL 36542

Grantee's name: CITY OF FOLEY
Mailing address: PO Box 400
Foley, AL 36536
Property address: 0 Mills Road, Foley, AL 36535
Tax map 05-55-06-24-0-000-066.000, PPIN: 4501
Date of Sale: 9/28/2023, 2023
Total Purchase Price: \$140,000.00
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:

73070
KNOW ALL MEN BY THESE PRESENTS, that ROBERT CARL BRECKNER, a married man, the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration hereby acknowledged to have been paid to the said GRANTOR by CITY OF FOLEY, 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:

Lot 1, Mills Community Park, according to the map or plat thereof recorded as Slide 2911-C in the records of the Office of the Judge of Probate of Baldwin County, Alabama.

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

1. Oil, gas, and mineral leases appearing of record in Deed Book 131, Page 299; Deed Book 231, Page 97; Deed Book 476, Page 744; Real Property Book 257, Page 1116; and Real Property Book 443, Page 1002, and all assignments thereto.
2. Easement granted the Utilities Board of the City of Foley by Ernest Breckner and Hilda Breckner, dated September 12, 1968, and recorded in Deed Book 399, Page 116.
3. Mineral deed for 50% interest from Carl E. Breckner and Sarah J. Taylor Breckner, dated May 13, 1986, and filed for record on June 25, 1986 at Real Property Book 253, Page 728.
4. Building setback lines, drainage and utility easements, and other matters appearing of record in plat of said Mills Community Park recorded at Slide 2911-C.
5. That portion of subject property which lies within the right-of-way of the public road.
6. Any inaccuracy in the area, square footage, or acreage of the Land, or attached plat, if any.

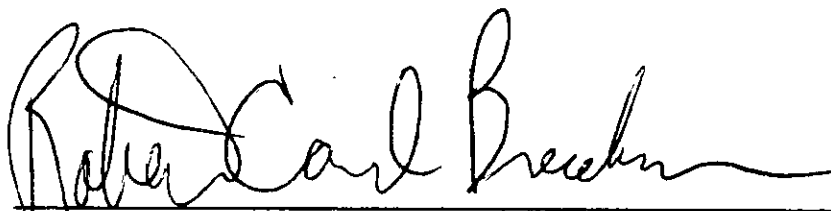
Grantor hereby certifies that the above described property does not constitute his homestead or the homestead of his spouse.

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 successors 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 heirs and assigns of GRANTOR, does hereby COVENANT AND WARRANT to and with the said GRANTEE, the successors 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 successors and assigns of said **GRANTEE**, against the lawful claims and demands of all persons whomsoever.


IN WITNESS WHEREOF, GRANTOR has set his hand and seal on this the 28th day of September, 2023.


ROBERT CARL BRECKNER

STATE OF Alabama :
COUNTY OF Baldwin :

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that **ROBERT CARL BRECKNER**, 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 on the same bears date.

Given under my hand and seal on this 28th day of September, 2023.


NOTARY PUBLIC
My Commission Expires: 3/18/2024

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

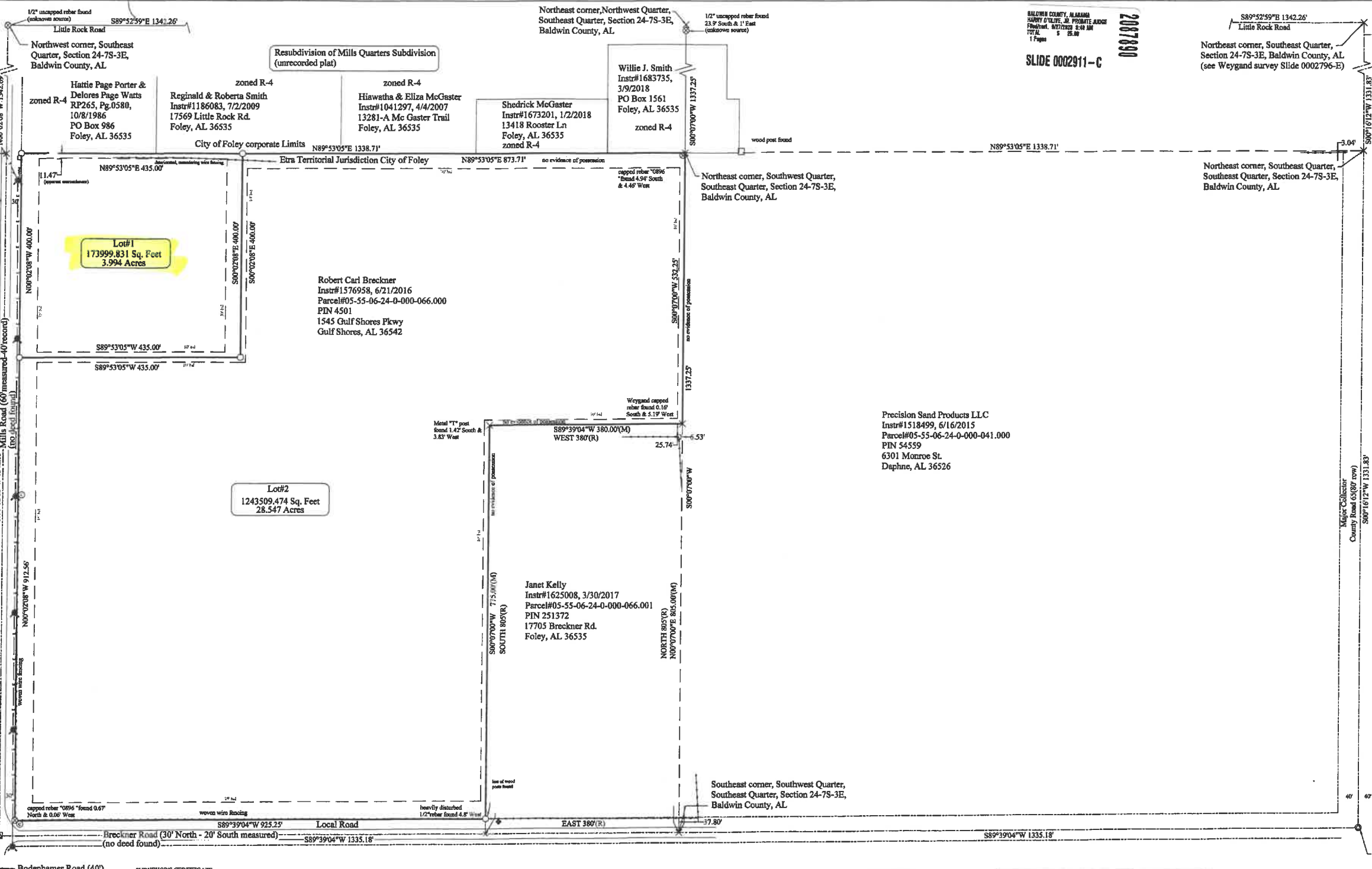
The scrivener of this instrument and Lori Cheney, P.C.
represents neither the Grantor(s) nor the Grantee(s).
Independent counsel should be consulted for legal advice,
if desired by either party.

Final Plat:
Mills Community Park

unassigned address Foley AL, 36535
Parcel#05-55-06-24-0-000-066.000
PIN 4501
Current Title Holder - Robert Carl Breckner
1545 Gulf Shores Pkwy
Gulf Shores AL, 36542

Site Data:
Zoning - Unzoned area of Baldwin County (Foley ETJ)
Planning District 18
Number of lots - 2
Site Area (measured) - 32.541 acres
Minimum Lot Area (measured) - 3.994 acres
Minimum Lot Area (RIR) - 30,000 sq.ft.
Maximum Building Area - 25%
Building Setbacks
Front - 35'
Rear - 30'
Side - 10'

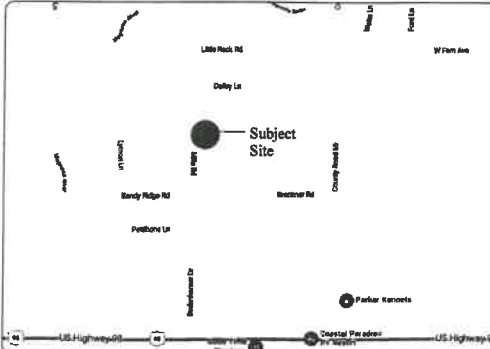
Utility Information:
Power - Riviera Utilities
Water - Riviera Utilities



GRAPHIC SCALE - FEET
100 0 100 200 300

LEGEND
○ = REBAR SETTING (CAPPED MARKED)
● = REBAR FOUND (see plat)
⊙ = MAGNETIC NAIL SET
⊞ = MAGNETIC NAIL FOUND
⊞ = WOOD/VINYL POST FOUND
X = SURVEY POINT, NO MOVEMENT
M = MEASURED DIMENSION
R = RECORD DIMENSION
○ = COMMUNICATIONS PEDESTAL
⊙ = FISH HYDRANT
⊙ = UTILITY POLE
--- = FENCE LINE FOUND (When wire)
--- = APPROXIMATE CENTERLINE
--- = APPARENT RIGHT-OF-WAY
--- = BUILDING SETBACK LINE
--- = APPARENT RIGHT-OF-WAY
--- = BOUNDARY LINE
--- = AERIAL ELECTRIC LINE

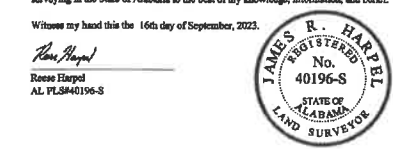
Surveyor's Notes:
- See Previous survey by Baskerville-Donovan Inc Slide 2097D for additional information
- See Previous survey by Weyand Instr#1741940, 2/5/2019 for additional information
- See Previous survey by Weyand Instr#2019144, 8/22/2022 for additional information
- See Previous survey by Weyand (unrecorded) for 17705 Breckner Road, 2/27/2017
- See Previous survey by Weyand Instr#1940694, 9/1/2021
- No Title Commitment, Title Search or any other documentation has been provided by others. There may be recorded or unrecorded documents which may have a direct affect upon the findings of this survey.
- No attempt was made to discover underground utilities. All utilities shown are based upon visible evidence and do not purport to represent a comprehensive mapping.
- Several areas on this site were discovered to possess trash and scrap. No discovery of any underground storage was observed.
- There were no improvements discovered upon the subject site.
- No evidence of cemeteries or burial sites were observed.
- Mills Road & Breckner Road are public rights of way. No deeds of record were discovered transferring ownership to Baldwin County. Subject tract has direct contiguity to said public right of way based upon the assumption location of wire fence lines and utility locations.
- No "Potential Wetlands" have been shown to exist on site based upon Baldwin Co. Parcel Viewer mapping and National Wetlands Inventory surface water and wetlands mapper. No wetlands determination has been performed or provided at the time of performance. There may be areas determined to contain wetlands should a determination be performed that may have a direct effect upon the future usage of this site.
- Road designations determined from ALDOT Highway Functional Classification mapping.
- The City of Foley & Baldwin County shall not be responsible for maintenance of common areas or drainage easements



The Basis of Bearings for this survey is Alabama State Plane Grid bearing (West Zone)
The centerlines and fence lines as depicted on this plat are shown graphically as straight lines. These lines may actually meander between these end points.

REVISION	DATE	DESCRIPTION
1	09/16/2023	Final Plat
2	09/16/2023	Final Plat
3	09/16/2023	Final Plat
4	09/16/2023	Final Plat
5	09/16/2023	Final Plat
6	09/16/2023	Final Plat
7	09/16/2023	Final Plat
8	09/16/2023	Final Plat
9	09/16/2023	Final Plat
10	09/16/2023	Final Plat

SURVEYOR'S CERTIFICATE:
I, Reese Harpel, a licensed surveyor of Baldwin County, Alabama, hereby certify that I have surveyed the property of Robert Carl Breckner, situated in Baldwin County, Alabama and described as follows:
The Southeast Quarter of the Southeast Quarter of Section 24, Township 7 South, Range 3 East, Baldwin County, Alabama.
LESS AND EXCEPT THE FOLLOWING:
Commencing at the Southeast corner of the Southeast Quarter of the Southeast Quarter of Section 24, Township 7 South, Range 3 East, run thence West 380 feet to a point; thence North 805 feet to a point; thence East 380 feet to a point; thence South 805 feet to the Point of Beginning. Subject to a right of way the public road over and across the South thirty (30) feet of said parcel.
and that the plat or map contained herein is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of each lot and easement and its number and showing the streets, alleys and public grounds and giving the bearings, length, width and nature of the streets, said map further shows the location of the land so planned to the Government Survey, and that permanent monuments have been placed at points marked (a) as herein shown. I further certify that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the practice of land surveying in the State of Alabama to the best of my knowledge, information, and belief.
Witness my hand this 16th day of September, 2023.
Reese Harpel
AL PLS#40196-S



OWNER'S CERTIFICATE OF ACCEPTANCE
State of Alabama
County of Baldwin
THIS IS TO CERTIFY THAT I, ROBERT CARL BRECKNER, THE UNDERSIGNED, AND WITH FULL AUTHORITY, HEREBY CERTIFY THAT I AM THE OWNER OF THE WITHIN PLATTED AND DESCRIBED LANDS AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DEED AND TITLE HEREON INDICATED.
BY: *Robert Carl Breckner* DATE: 9/12/23

NOTARY PUBLIC
I, *James R. Harpel*, Notary Public in and for said County, in said State, hereby certify that *Robert Carl Breckner*, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day in person and acknowledged that he signed, sealed and delivered said instrument at this free and voluntary act for uses and purpose herein set forth Given under my hand and official seal this 20th day of September, 2023.
James R. Harpel
Notary Public
WINNIE HARPER
Notary Public
Alabama State at Large
EXP. 08/04/2024

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER
THE UNDERSIGNED, AS ENGINEER OF THE CITY OF FOLEY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, THIS 26th DAY OF SEPTEMBER, 2023.
Michael P. Pelt
CITY ENGINEER

CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION CHAIRMAN
The within plat of Mills Community Park, Foley, Alabama, is hereby approved by the City of Foley Planning Commission, this 26th day of September, 2023.
Michael P. Pelt
City Planning Commission Chairman

DRAINAGE/UTILITY EASEMENTS
External Rear and Side Boundary Lot Lines: 15 feet
Interior Rear and Side Lot Lines: 7.5 feet

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY HEALTH DEPARTMENT
The undersigned, as authorized by the Baldwin County Health Department, hereby approves the within plat for the recording of same in the office of the Judge of Probate of Baldwin County, Alabama, this 20th day of September, 2023.
Michael P. Pelt
Baldwin County Health Department

FLOOD CERTIFICATE
THIS PROPERTY LIES WITHIN AN AREA OF MINIMAL FLOOD HAZARD FLOOD ZONE "X" AS SHOWN AND DESIGNATED ON FEMA FIRM, BALDWIN COUNTY, ALABAMA, UNINCORPORATED AREAS MAP#010030815M, COMMUNITY#01500, MAP EFFECTIVE DATE 01/02/019

WETLAND NOTICE
By approval of this plat, the Planning Commission of the City of Foley, the Developer, the Engineer, and the Surveyor makes no representation or warranty, either expressed or implied, that any lot delineated on this plat which may be encumbered by any wetlands is or will be suitable for improvement or other development. Purchasers are on notice that improvement of property encumbered by wetlands will require separate permitting by Federal and/or State authorities under such law and regulations governing wetlands as may be in effect from time to time.

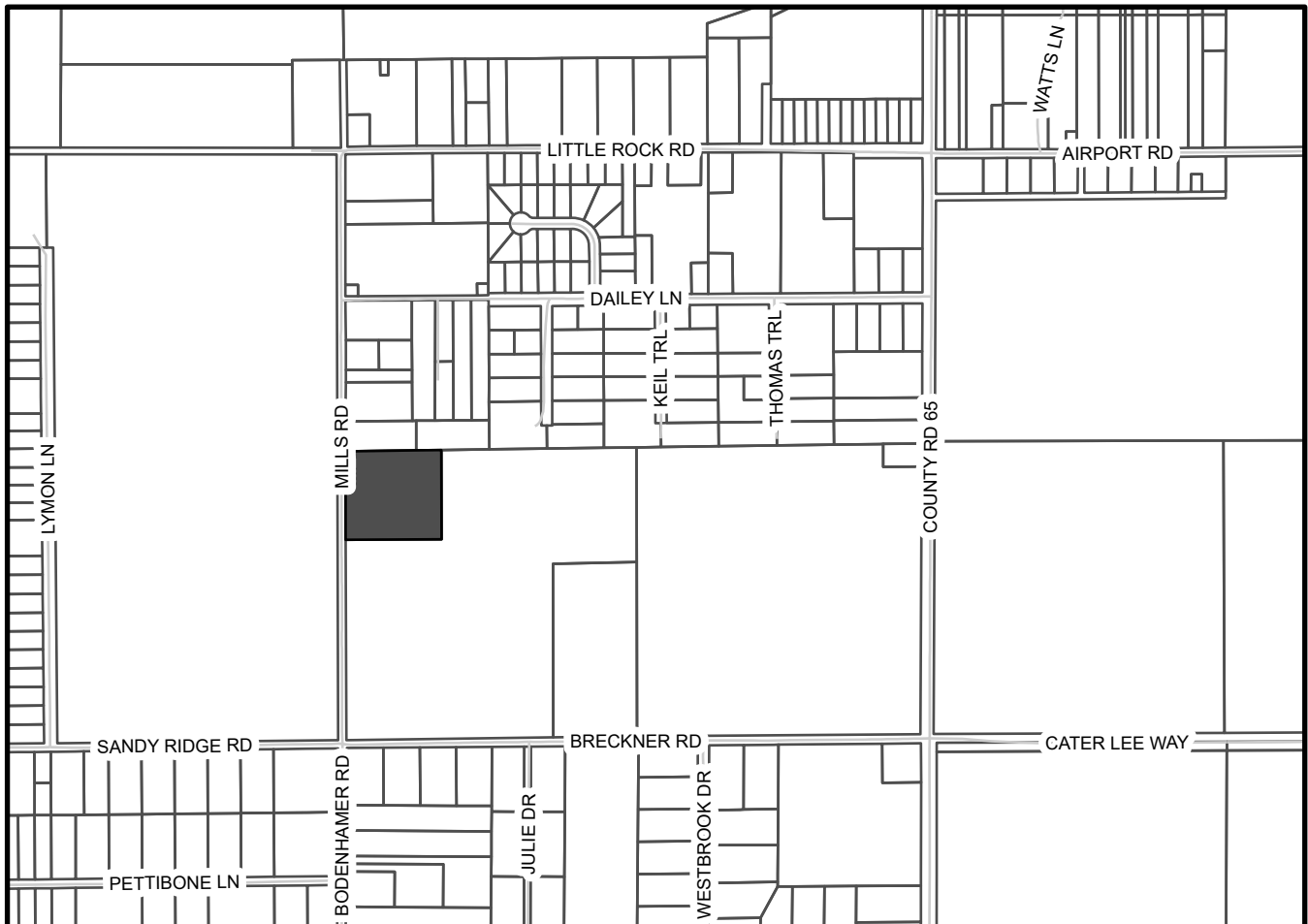
CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (ELECTRIC)
THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE ELECTRIC SERVICES AS INSTALLED AND REPRESENTED ON THIS PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA
THIS 20th DAY OF Sept, 2023
Michael P. Pelt
AUTHORIZED SIGNATURE

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (WATER)
THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WATER SERVICES AS INSTALLED AND REPRESENTED ON THIS PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA
THIS 19th DAY OF Sept, 2023
Michael P. Pelt
AUTHORIZED SIGNATURE

CERTIFICATE OF APPROVAL BY THE E-911 ADDRESSING SYSTEM
THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY E-911 ADDRESSING SYSTEM, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA
THIS DAY OF _____, 2023
Michael P. Pelt
AUTHORIZED SIGNATURE



PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the initial zoning of 4 +/- acres. Proposed zoning is OSP (Open Space/Preservation District). Property is located E. of Mills Rd. and N. of Breckner Rd. Applicant is the City of Foley.

Anyone interested in this initial zoning request may be heard at a public meeting scheduled for December 13, 2023 in the Council Chambers of City Hall located at 407 E. Laurel Ave., at 5:30 p.m. or may respond in writing to 120 S. McKenzie St., Foley, AL 36535.

Wes Abrams
Planning Commission Chairman

The Southwest Quarter of the Southeast Quarter of Section 24, Township 7 South, Range 3 East, Baldwin County, Alabama.

LESS AND EXCEPT THE FOLLOWING:

Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section 24, Township 7 South, Range 3 East, run thence West 380 feet to a point; thence run North 805 feet to a point; thence East 380 feet to a point; thence South 805 feet to the Point of Beginning. Subject to a right of way for public road over and across the South thirty (30) feet of said parcel.