



COMMUNITY DEVELOPMENT DEPARTMENT

200 NORTH ALSTON STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

FAX (251) 971 -3442

October 19, 2017

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

RE: Re-zoning Recommendation

Dear Mayor Koniar and City Council Members:

The City of Foley Planning Commission held a regular meeting on October 18, 2017 and the following action was taken:

Agenda Item: Wyld Palms- Request for Re-zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 20.28 +/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is PUD (Planned Unit Development). Property is located west of State Hwy. 59, north of County Rd. 12 S. Applicant is David Shumer as agent.

Action Taken: Commissioner Hellmich made a motion to recommend the requested re-zoning to Mayor and Council. Commissioner Wilters seconded the motion. All other Commissioners voted aye.

Motion to recommend the requested re-zoning to 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: 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, ALABAMA
APPLICATION FOR
RE ZONING OF PROPERTY

1. LOCATION OF PROPERTY (ADDRESS, PIN #, LEGAL DESCRIPTION, MAP/SURVEY, DEED, AND CORPORATION OWNERSHIP INFORMATION):
*PIN: 54452, 344298, 344299, 284689,
WYLD PALMS DR, FOLEY, AL 36535*
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
ATTACHED
3. APPROXIMATE SIZE OF PROPERTY:
20.28 AC
4. PRESENT ZONING OF PROPERTY:
PUD
5. REQUESTED ZONING:
PUD
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:
SEE PROJECT NARRATIVE
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.)
SEE PROJECT NARRATIVE
8. PROCESSING FEE OF \$500.00 FOR 20 ACRES OR LESS, PLUS \$15.00 PER ADDITIONAL ACRE OVER 20.

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

DATE: *9/25/17*

APPLICANT: *DAVID SHUMER
BARTON & SHUMER
ENGINEERING, LLC
3213 MIDTOWN PK S
MOBILE, AL 36606
251.689.3915
davi.debartoneng.com*

PROPERTY OWNER/APPLICANT
*4041 SHOREWOOD DR, PENSACOLA, FL
32507*
PROPERTY OWNER ADDRESS
PHONE NUMBER
EMAIL ADDRESS

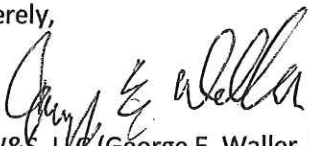
Date: September 20, 2017

To: City of Foley

From: WLW&S, LLC (George E. Waller, Manager)

This letter is to give David Shumer with Barton & Shumer Engineering authorization to act on my behalf to revise the approved PUD regarding the property referenced in PPIN numbers 284689, 104120 & 016429.

Sincerely,



WLW&S, LLC (George E. Waller, Manager)

PROJECT NARRATIVE
WYLD PALMS PUD REVISION

Existing Condition:

The property was originally approved as a planned unit development (PUD). The proposed development consisted of 25 quad-plex units for a total of 100 units of which six (6) buildings (24 units) were constructed and four (4) additional buildings (16 units) are planned. The plan also included a clubhouse with a pool that was developed as part of the initial phases.

The approved development has a density of almost five (5) units per acre (based on record information from the original development site plan).

There is limited infrastructure and storm water control beyond the developed units. The site appears to discharge south toward a retention pond that was constructed as part of the initial phases. Current access to the existing units is directly to SR-59 with a right-in/right-out configuration due to the median in the roadway.

Proposed Development:

The proposed modification will change the currently approved fifteen (15) structures (60 units) and substitute with 99 multi-plex townhouse units to be placed on the property. There are nineteen (19) buildings proposed that range from three (3) to eight (8) units per each.

The proposed modification would result in a density of 6.4 units per acre.

The foot print of the proposed units will provide for a similar level of impervious area when compared to the previously approved development. The storm water drainage will utilize the existing infrastructure to the greatest extent while being designed to meet the current storm water runoff and treatment requirements of the City of Foley.

Additional property is proposed to be included in the development that will have to be annexed into the City. The additional property includes an 80 foot wide parcel that will provide access to County Road 12.

WYLD PALMS LEGALS

FROM PHASE 1 AND PHASE 2 AS-BUILT DRAWINGS RECORDED 11/13/12

54452, 344298

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE WESTWARDLY 50.00' TO AN IRON PIN ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY 59 (A 220' R/W) AND A POINT OF BEGINNING, THENCE N89°48'20"W, 300.07' TO AN IRON PIN; THENCE N89°49'49"W, 318.02' TO AN IRON PIN; HENCE N89°24'06"W, 202.54' TO A POINT; THENCE N89°24'06"W, 463.76' TO AN IRON PIN; THENCE N00°14'30"E, 220.95' TO AN IRON PIN; THENCE S89°28'12"E, 459.76' TO A POINT; THENCE S89°28'12"E, 206.86' TO AN IRON PIN; THENCE S00°18'45"W, 55.36' TO AN IRON PIN; THENCE S89°46'31"E, 616.53' TO AN IRON PIN ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY 59; THENCE S00°12'24"E, 165.92' TO THE POINT OF BEGINNING.

FROM DEED RECORDED 8/25/2017

344299

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 8, TOWNSHIP 8 SOUTH, RANGE 4 EAST, THENCE RUN WEST 650' FOR THE POINT OF BEGINNING, THENCE RUN SOUTH 154', THENCE RUN WEST 668', THENCE RUN NORTH 200', THENCE RUN EAST 180', THENCE RUN SOUTH 48', THENCE RUN EAST 489' TO THE POINT OF BEGINNING.

Our File No. 11-101
Judge of Probate \$56.00
Secretary of State \$100.00

ARTICLES OF ORGANIZATION

OF

WLW&S, LLC

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 3/22/2011 10:18 AM
TOTAL \$ 56.00
5 Pages

1270881



Pursuant to the Provisions of the "Alabama Limited Liability Company Act," Section 10-12-1, et seq., *Code of Alabama* (1975), the undersigned hereby adopt the following Limited Liability Company Articles of Organization:

ARTICLE I

NAME

WLW&S, LLC

ARTICLE II

DURATION

The period of duration is perpetual or until dissolved under the terms of the Operating Agreement entered into by the Members of the Limited Liability Company. No dissolution shall take place upon the termination of the membership of a Member if there is at least one (1) remaining Member, and the business of the Limited Liability Company is continued by the consent of the remaining Member.

ARTICLE III

PURPOSES

The Limited Liability Company has been organized for the following purposes:

To develop real estate in Baldwin County, Alabama, and all lawful business for which Limited Liability Companies may be organized under the Limited Liability Act of the State of Alabama.

ARTICLE IV

REGISTERED AGENT/OFFICE

The location and street address of the initial registered office shall be 28107 Perdido

Beach Blvd., Building D, PH 13, Orange Beach AL 36561. Its registered agent at such address shall be George E. Waller.

ARTICLE V

INITIAL MEMBERS

The names and addresses of the initial Members are as follows:

1. George E. & Cynthia C. Waller
28107 Perdido Beach Blvd.
Bldg. D - PH 13
Orange Beach, AL 36561
2. J. Cleve Lovelace
9234 Bayview Drive
Lillian, AL 36549
3. Charles C. Waller
9258 Bayou Road
Lillian, AL 36549
4. Thomas R. Schlinkert
8401 Osprey Drive
Elberta, AL 36530
5. Stephen C. Augustin
8905 Tilbury Drive
Wilmington, N.C. 28411
6. Theodore B. Pearson
532 North Station Drive
Fairhope, AL
7. Solarmar, LLC
P.O. Box 321
Beaver Dam, WI 53916
8. Robert G. Schmidt
2837 Meadow Lane
Hartland, WI 53029

9. Russ Henke
808 Scott Street
Beaver Dam, WI 53916

Members listed above who are named on the same line and are receiving their membership interests as joint tenants with right of survivorship as set out in the operating agreement.

ARTICLE VI

ADDITIONAL MEMBERS

Admission to Membership. From the date of the filing of these Articles in the Office of the Judge of Probate of Baldwin County, Alabama, any person or entity acceptable to the Members by their unanimous vote may become a member in this Company either by the issuance by the Company of membership interests for such consideration as the Members by their unanimous votes shall determine, or as a transferee of a Member's membership interest or any portion thereof, subject to the terms and conditions of any Operating Agreement adopted by the Members.

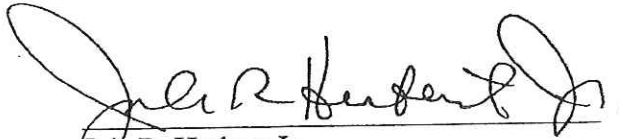
Financial Adjustments. No new members shall be entitled to any retroactive allocation of losses, income or expense deductions incurred by the Company. The managers may, at their option, at the time a member is admitted, close the Company's books (as though the Company's tax year had ended) or make **pro rata** allocations of loss, income, and expense deductions to a new member for that portion of the Company's tax year in which a member was admitted in accordance with the provisions of §706(d) of the Internal Revenue Code of 1986 and the U. S. Department of Treasury Regulations promulgated thereunder.

ARTICLE VII

The LLC is to be managed by its manager(s), and the name and address of the manager who is serve or until his successor is elected and qualified:

George E. Waller
28107 Perdido Beach Blvd.
Bldg. D - PH 13
Orange Beach, AL 36561

IN WITNESS THEREOF, the undersigned organizer has executed these Articles of Organization, on this, the 21st day of March, 2011.



Jule R. Herbert Jr.
Organizer

STATE OF ALABAMA)

COUNTY OF BALDWIN)

On this the 21st day of March, 2011, before me, Veronica L. DeLoach, a Notary Public in and for said County, personally appeared Jule R. Herbert, Jr., known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that he has executed the same as her own free act and deed.



Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 22, 2014
BONDED THRU NOTARY PUBLIC UNDERWRITERS



THIS INSTRUMENT PREPARED BY:

Jule R. Herbert Jr.
Herbert Law Firm LLC
Attorney at Law
224 W 19th Ave Professional Court Bldg F
P. O. Drawer 3889
Gulf Shores, AL 36547
(251) 968-4764

Beth Chapman
Secretary of State

P.O. Box 5616
Montgomery, AL 36103-5616

STATE OF ALABAMA

I, Beth Chapman, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

Pursuant to the provisions of Title 10A, Chapter 1, Article 5, Code of Alabama 1975, and upon an examination of the entity records on file in this office, the following entity name is reserved as available:

WLW&S, LLC

This domestic limited liability company name is proposed to be formed in Baldwin County and is for the exclusive use of Jule R Herbert Jr, PO Drawer 3889, Gulf Shores, AL 36547 for a period of one hundred twenty days beginning March 11, 2011 and expiring July 10, 2011

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.



March 11, 2011

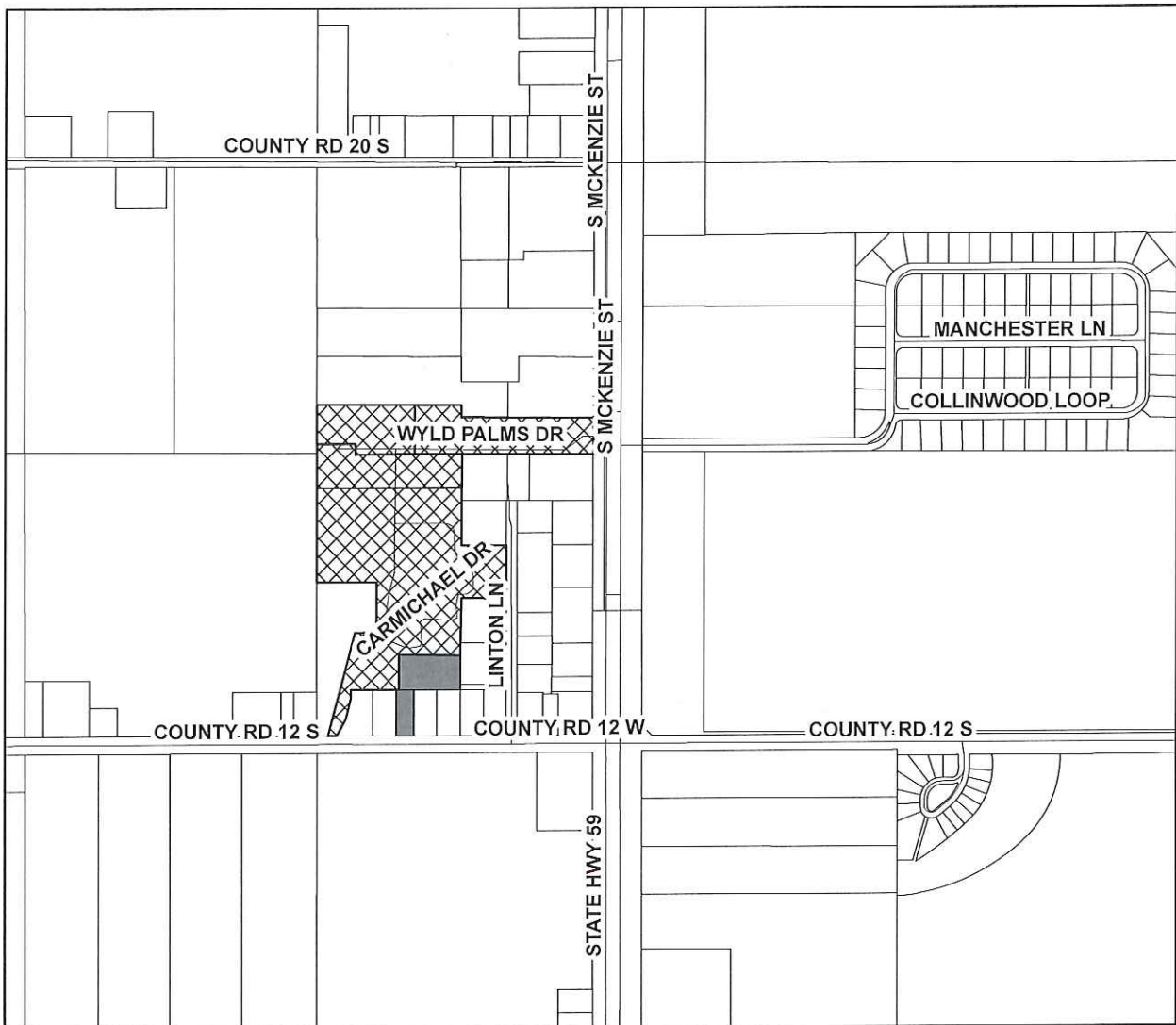
Date

Beth Chapman

Beth Chapman

Secretary of State

PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the initial zoning of 1.41+/- acres being annexed into the corporate limits and the rezoning of 20.28 +/- acres.

Property to be rezoned is currently zoned PUD (Planned Unit Development) and proposed zoning is PUD (Planned Unit Development.), proposed initial zoning is PUD (Planned Unit Development). Property is located west of State Hwy.59, north of County Rd. 12S. Applicant is David Shumer as agent.

Anyone interested in this request may be heard at a public hearing scheduled for October 18, 2017 in City Hall Council Chambers located at 407 E. Laurel Ave., or may respond in writing to 200 N. Alston St. , Foley, AL 36535.

Legend

-  Rezoning
-  Initial Zoning

Roderick Burkle
Planning Commission Chairman

THIS INSTRUMENT
PREPARED BY:
Jule R. Herbert Jr.
Herbert Law Firm, LLC
Attorney at Law
P.O. Drawer 3889
Gulf Shores, AL 36547
(251) 968-4764

STATE OF ALABAMA)
COUNTY OF BALDWIN)

REAL ESTATE
MORTGAGE
FORECLOSURE DEED

BALDWIN COUNTY, ALABAMA
TIM RUSSELL, PROBATE JUDGE
Filed/cert. 5/24/2011 1:21 PM
TOTAL \$ 21.00
5 Pages

1287838



KNOW ALL MEN BY THESE PRESENTS, that, whereas, heretofore, that certain Mortgage dated the 11th day of February, 2005 and recorded in the Office of the Judge of Probate Court of Baldwin County, Alabama, as Instrument Number 871927, assumed by Wyld Palms of Foley, LLC, in Instrument Number 1085669, and later assumed by Colonial Wyld Palms of Foley, LLC, a Maryland limited liability company, in Instrument Number 1117962, and also by a Mortgage dated the 11th day of February, 2005 and recorded in the Office of the Judge of Probate Court of Baldwin County, Alabama, as Instrument Number 871928, assumed by Wyld Palms of Foley, LLC, in Instrument Number 1085670, modified in Instrument Number 1085671, and later assumed by Colonial Wyld Palms of Foley, LLC, a Maryland limited liability company, in Instrument Number 1117963, granted and conveyed to Bank of Pensacola n/k/a Coastal Bank and Trust, and thereafter assigned and transferred to WLW&S, LLC, an Alabama limited liability company; and

WHEREAS, in and by said Real Estate Mortgage, the mortgagee, WLW&S, LLC, an Alabama limited liability company, and assigns, or any person conducting said sale for mortgagee, was authorized and empowered in case of default in the payment of the indebtedness thereby secured, according to the terms thereof, to sell said property before the Courthouse door in the city of Bay Minette, Baldwin County, Alabama, after giving notice of the time, place, and terms of said sale in some newspaper published in said County by publication once a week for three (3) consecutive weeks and giving a notice of a rescheduled date after a postponement for one (1) week prior to said sale at public outcry for cash, to the highest bidder, and said Real Estate Mortgage provided that in case of sale under the power and authority contained in same, the mortgagee or any person conducting said sale for the mortgagee was authorized to make proper conveyance to the purchaser at said sale; and the auctioneer conducting the sale or the mortgagee was authorized and empowered to execute a deed to the purchaser in the name of the mortgagors. It was further provided in said Real Estate Mortgage that the proceeds of said sale were to be applied, first, to the payment of the costs of said sale and conveyance, including reasonable attorney's fees; second, to the payment of the principal balance of said indebtedness then remaining unpaid, whether due or not, with the unpaid interest thereon to the date of the sale, and any amount that may be due the mortgagee by virtue of any of the special liens therein declared; and third, the balance, if any, to be paid over to the said mortgagors; and

WHEREAS, default was made in the payment of the indebtedness secured by said Real Estate Mortgage, and the said WLW&S, LLC, an Alabama limited liability company, for itself and its assigns and transferees, did declare all of the indebtedness secured by said Real Estate Mortgage due and payable and subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said Real Estate Mortgage by publication in *THE ISLANDER*, a newspaper published in Baldwin County, Alabama, in its issues of April 1, 2011, April 8, 2011, and April 15, 2011, and a notice of the rescheduled date after being postponed was published in *THE ISLANDER* in its issue of May 20, 2011; and

WHEREAS, on May 24, 2011, the day on which the foreclosure was due to be held under the terms of said rescheduled notice, during the legal hours of sale, said foreclosure was duly and properly conducted, and WLW&S, LLC, an Alabama limited liability company did offer for sale and sell at public outcry in front of the door of the Courthouse in Baldwin County, Alabama, the property hereinafter described; and

WHEREAS, JULE R. HERBERT, JR. was the Auctioneer who conducted said sale for the said WLW&S, LLC, an Alabama limited liability company; and

WHEREAS, the highest and best bid for the property described in the aforementioned Real Estate Mortgage was the bid of WLW&S, LLC, an Alabama limited liability company, in the amount of THREE HUNDRED THOUSAND AND NO/100THS (\$300,000.00) which sum of money WLW&S, LLC, an Alabama limited liability company offered to apply to the indebtedness secured by said Real Estate Mortgage and said property was thereupon sold to WLW&S, LLC, an Alabama limited liability company.

NOW, THEREFORE, in consideration of the premises and of a credit in the amount of THREE HUNDRED THOUSAND AND NO/100THS (\$300,000.00) on the indebtedness secured by said Real Estate Mortgage, the said mortgagor, Wyld Palms of Foley, LLC, acting by and through the said WLW&S, LLC, an Alabama limited liability company, by JULE R. HERBERT, JR., as Auctioneer and person conducting said sale for WLW&S, LLC, an Alabama limited liability company, and the said WLW&S, LLC, an Alabama limited liability company by JULE R. HERBERT, JR., as said Auctioneer and the person conducting said sale for WLW&S, LLC, an Alabama limited liability company, does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the said WLW&S, LLC, an Alabama limited liability company, the following described property situated in Baldwin County, Alabama, to-wit:

SEE EXHIBIT "A".

LESS AND EXCEPT such oil, gas, and other mineral interests and all rights and privileges in connection therewith as may have been reserved or conveyed by prior owners, if any.

Further, it does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the said WLW&S, LLC, an Alabama limited liability company the Special Declarant Rights Reserved for the benefit of the declarant found in that Declaration of Condominium of Wyld Palms Ranch Condominium, recorded in the Office of the Judge of Probate of Baldwin County, Alabama as Instrument Number 1003542, namely: (i) to complete improvements indicated on plats and plans filed with the declaration; (ii) to exercise any development right; (iii) to maintain sales offices, management offices, signs advertising the condominium, and models; (iv) to use easements through the common elements for the purpose of making improvements within the condominium or within real estate which may be added to the condominium; (v) to make the condominium subject to a master association; (vi) to appoint or remove any officer of the association or any master association or any board member during any period of declarant control. (vii) to exercise any other right reserved to the declarant as may be set out in said declaration.

TO HAVE AND TO HOLD the above described property unto WLW&S, LLC, an Alabama limited liability company, and to its successors and assigns, forever.

IN WITNESS WHEREOF, WLW&S, LLC, an Alabama limited liability company has caused this instrument to be executed by JULE R. HERBERT, JR., as Auctioneer conducting said sale, for the mortgagee, and in witness whereof, the said JULE R. HERBERT, JR., has executed this instrument in his capacity as such auctioneer on this the 24th day of May, 2011.

Wyld Palms of Foley, LLC

By: WLW&S, LLC, an Alabama limited liability company, Assignee of Bank of Pensacola n/k/a Coastal Bank and Trust, Mortgagee

By: Jule R. Herbert Jr.
JULE R. HERBERT, JR., as Auctioneer
and the person conducting said sale for the
Mortgagee Assignee

WLW&S, LLC, an Alabama limited liability company

By: Jule R. Herbert Jr.
JULE R. HERBERT, JR., as Auctioneer
and the person conducting said sale for the
Mortgagee Assignee

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, VERONICA L. DELOACH, the undersigned, a Notary Public in and for said County in said State, do hereby certify that JULE R. HERBERT JR., whose name as Auctioneer and Attorney in Fact for WLW&S, LLC, an Alabama limited liability company, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, he, in his capacity as such Auctioneer and Attorney in Fact, with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 24th day of May, 2011.

Veronica DeLoach
Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 28, 2014
BONDED THRU NOTARY PUBLIC UNDERWRITERS



EXHIBIT "A"

PARCEL A:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN WESTWARDLY FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°48'20" WEST FOR A DISTANCE OF 1283.69 FEET TO AN IRON PIN; THENCE RUN NORTH 00°00'45" EAST FOR A DISTANCE OF 220.56 FEET TO AN IRON PIN; THENCE RUN SOUTH 89°40'56" EAST FOR A DISTANCE OF 666.79 FEET TO AN IRON PIN; THENCE RUN SOUTH 00°20'51" EAST FOR A DISTANCE OF 53.82 FEET TO AN IRON PIN; THENCE RUN SOUTH 89°48'04" EAST FOR A DISTANCE OF 616.22 FEET TO AN IRON PIN; THENCE RUN SOUTH 00°06'22" EAST FOR A DISTANCE OF 165.61 FEET TO THE POINT OF BEGINNING.

PARCEL B:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN WESTWARDLY FOR A DISTANCE OF 50.00 FEET TO A POINT; THENCE RUN NORTH 89°48'20" WEST FOR A DISTANCE OF 617.51 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 00°25'36" EAST FOR A DISTANCE OF 415.05 FEET TO A POINT; THENCE RUN NORTH 89°36'44" EAST FOR A DISTANCE OF 210 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF LINTON LANE, A FIFTY-FOOT (50') DIRT ROAD; THENCE RUN SOUTH WITH THE WEST RIGHT-OF-WAY OF SAID ROAD FOR A DISTANCE OF 20 FEET TO A POINT; THENCE RUN SOUTH 89°36'44" WEST FOR A DISTANCE OF 210 FEET, MORE OR LESS, TO AN IRON PIN FOUND; THENCE RUN SOUTH 00°49'00" EAST FOR A DISTANCE OF 425.47 FEET TO AN IRON PIN FOUND; THENCE RUN SOUTH 00°22'47" EAST FOR A DISTANCE OF 54.70 FEET TO A POINT; THENCE RUN NORTH 88°52'09" WEST FOR A DISTANCE OF 287.86 FEET TO AN IRON PIN FOUND; THENCE RUN SOUTH 00°14'49" EAST FOR A DISTANCE OF 161.57 FEET TO A POINT; THENCE RUN SOUTH 89°47'40" WEST FOR A DISTANCE OF 217.13 FEET TO AN IRON PIN FOUND; THENCE RUN SOUTH 00°12'32" EAST FOR A DISTANCE OF 210.33 FEET TO A POINT; THENCE RUN SOUTH 89°43'23" WEST FOR A DISTANCE OF 101.91 FEET TO A POINT; THENCE RUN NORTH 13°33'17" EAST FOR A DISTANCE OF 474.36 FEET TO A POINT; THENCE RUN NORTH 89°31'28" EAST FOR A DISTANCE OF 99.79 FEET TO A POINT; THENCE RUN NORTH 00°28'32" WEST FOR A DISTANCE OF 236.59 FEET TO A POST; THENCE RUN SOUTH 89°31'28" WEST FOR A DISTANCE OF 274.79 FEET TO A POINT; THENCE RUN NORTH 00°28'32" WEST FOR A DISTANCE OF 588.66 FEET TO AN IRON PIPE FOUND; THENCE RUN SOUTH 89°48'20" EAST FOR A DISTANCE OF 666.38 FEET TO THE POINT OF BEGINNING.

PARCEL C:

FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 4 EAST; THENCE RUN NORTH 40 FEET TO ALLOW FOR A PUBLIC ROAD; THENCE RUN NORTH 630 TO THE POINT OF BEGINNING; THENCE EAST 210 FEET; THENCE RUN NORTH 210 FEET; THENCE RUN WEST 210 FEET TO A POINT; THENCE RUN SOUTH 210 FEET TO THE POINT OF BEGINNING.

NOW KNOWN AS

Wyld Palms Ranch Condominium, a condominium, according to condominium documents of record, as follows (all recording references being to the Official Records on file in the Office of the Judge of Probate, Baldwin County, Alabama); Declaration of Condominium and BY-Laws of Wyld Palms Ranch Condominium, a condominium, dated September 20, 2006, and recorded as

Instrument Number 1003542, in the Office of the Judge of Probate, Baldwin County, Alabama; as such condominium is further described and defined by the Certification Drawings of Wyld Palms Ranch Condominium, a condominium, filed in Apartment Book 24, page 265, et seq.; Together with an undivided interest in the common elements of Wyld Palms Ranch Condominium, a Condominium; Subject to the Articles of Incorporation of Wyld Palms Ranch Condominium Association, Inc, dated September 20, 2006, and recorded as Instrument Number 1003539, and all rules and regulation promulgated either pursuant thereto or pursuant to the Declaration of Condominium or By-Laws of Wyld Palms Ranch Condominium, a Condominium.

LESS AND EXCEPT:

Units 201, 202, 203, 204, 301, 302, 303, 304, 401, 403, of the Wyld Palms Ranch Condominium, a condominium, according to condominium documents of record, as follows (all recording references being to the Official Records on file in the Office of the Judge of Probate, Baldwin County, Alabama); Declaration of Condominium and BY-Laws of Wyld Palms Ranch Condominium, a condominium, dated September 20, 2006, and recorded as Instrument Number 1003542, in the Office of the Judge of Probate, Baldwin County, Alabama; as such condominium is further described and defined by the Certification Drawings of Wyld Palms Ranch Condominium, a condominium, filed in Apartment Book 24, page 265, et seq.; Together with an undivided interest in the common elements of Wyld Palms Ranch Condominium, a Condominium; Subject to the Articles of Incorporation of Wyld Palms Ranch Condominium Association, Inc, dated September 20, 2006, and recorded as Instrument Number 1003539, and all rules and regulation promulgated either pursuant thereto or pursuant to the Declaration of Condominium or By-Laws of Wyld Palms Ranch Condominium, a Condominium.

14-11649

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 4/21/2014 9:15 AM
DEED TAX \$ 63.00
TOTAL \$ 66.00
2 Pages

1452199

STATE OF ALABAMA * SPACE ABOVE THIS LINE FOR RECORDING D/

COUNTY OF BALDWIN *

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that in consideration of TEN AND NO/100 (\$10.00) DOLLARS in cash and other good and valuable considerations, to the undersigned GRANTOR, in hand paid by the GRANTEE, herein the receipt whereof is acknowledged, CLAUDIA JANE BULLOCK, as Personal Representative of THE ESTATE OF FLORA LUVERN PHELPS, A/K/A LUVERN F. PHELPS, deceased, BALDWIN COUNTY PROBATE CASE NUMBER 30893 (herein referred to as GRANTOR), does hereby GRANT, BARGAIN, SELL AND CONVEY unto WLW&S, LLC, an Alabama limited liability company (herein referred to as GRANTEE), in fee simple, together with every contingent remainder and right of reversion, all that real property situated in Baldwin County, Alabama, described as follows, to-wit:

PARCEL 1:

Commence at the Southeast corner of Section 8, Township 8 South, Range 4 East, Baldwin County, Alabama run thence West along the South line of said Section 8, a distance of 960 feet; thence North 40 feet to a point on the North right of way line of County Road 12, said point being the Point of Beginning; thence run North a distance of 210 feet; thence run East, a distance of 80 feet; thence run South, a distance of 210 feet, to a point on the North right of way line of said County Road 12; thence run West along said right of way, a distance of 80 feet to the Point of Beginning. Said parcel of land contains 0.5 acres, more or less.

Our Parcel III

PARCEL 2:

From the Southeast corner of Section 8, Township 8 South, Range 4 East, Baldwin County, Alabama, run West along the South line of said Section 8, a distance of 948 feet to a point; thence run North, a distance of 250 feet to an iron pin being the Point of Beginning; thence continue North, a distance of 161.58 feet to an iron pin; thence run South 88°40' East, a distance of 287.69 feet to an iron pin, thence run South a distance of 155.33 feet to a point; thence run West, a distance of 287.69 feet to the Point of Beginning. Said parcel of land contains 1 acre, more or less.

Our Parcel II

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. All covenants, easements, reservations and restrictions of record, zoning ordinances, taxes and assessments for the year 2013 and thereafter.
2. Oil, gas and mineral lease from R.J. Lee Linton and Laura Linton to Resources International, Inc. dated May 25, 1976 and recorded in Deed Book 490, Page 931.
3. Oil, gas and mineral lease from R. J. Lee Linton and Laura Linton to Resources International, Inc. dated May 25, 1976 and recorded in Deed Book 505, Page 338.
4. Subject to any portion of subject property lying within road rights of way.
5. Zoning, if any, planning, subdivision regulations and other ordinances, laws, restrictions or regulations upon the use or division of the Subdivision as may be legally imposed by the County of Baldwin, Alabama, City of Foley, Alabama or State of Alabama or any other governmental authorities having jurisdiction over the Subdivision.

The recording references refer to the records in the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

TOGETHER WITH ALL AND SINGULAR, the rights, members, privileges and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said above described property unto the said GRANTEE, in fee simple, forever, together with every contingent remainder and right of reversion.

GRANTOR, does for herself and for her successors and assigns covenant with the said GRANTEE, its successors and assigns, that she is lawfully seized in fee simple of said premises; that said premises are free from all encumbrances unless otherwise noted above; that she has a good right to sell and convey the same aforesaid; that she will and her successors and assigns, WARRANT AND WILL FOREVER DEFEND the same to the said GRANTEE, its successors and assigns forever, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, CLAUDIA JANE BULLOCK, as Personal Representative of THE ESTATE OF FLORA LUVERN PHELPS, A/K/A LUVERN F. PHELPS, has hereunto set her hand and seal this 15th day of April, 2014.

THE ESTATE OF FLORA LUVERN PHELPS, A/K/A
LUVERN F. PHELPS

Claudia Jane Bullock
CLAUDIA JANE BULLOCK, Personal Representative

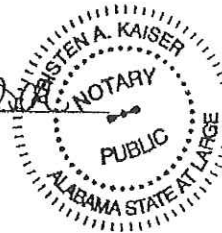
STATE OF ALABAMA *

COUNTY OF BALDWIN *

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that CLAUDIA JANE BULLOCK, as Personal Representative of THE ESTATE OF FLORA LUVERN PHELPS, A/K/A LUVERN F. PHELPS, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, she as personal representative and with full authority executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 15th day of April, 2014.

Kristen A. Kaiser
Notary Public
My Commission expires:



GRANTOR'S ADDRESS:

1013 South Juniper Avenue
Foley, AL 36535

GRANTEE'S ADDRESS:

P.O. Box 817
Orange Beach, AL 36561

THIS INSTRUMENT WAS PREPARED BY:

J. Randle McKinney
McKINNEY & ASSOCIATES, P.C.
Post Office Box 2999
Gulf Shores, AL 36547
(251) 967-2166

C:\MYDOCUMENTS\KRISTENDEEDS\DI424

Prepared from Title Commitment of Professional Land Title, Inc. (Fidelity National Title Insurance Company) File No 14-11654

17-15204

STATE OF ALABAMA)
COUNTY OF BALDWIN)

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 8/25/2017 4:11 PM
DEED TAX \$ 145.00
TOTAL \$ 164.00
3 Pages

1652503



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that WLW&S, LLC, an Alabama limited liability company, hereinafter called the "Grantor," for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00) in cash and other good and valuable consideration, in hand paid to the Grantor by DILWORTH DEVELOPMENT, INC., an Alabama corporation, hereinafter called the "Grantee," the receipt and sufficiency of which are hereby acknowledged, subject to all matters and things hereinafter set forth, has this day bargained and sold and by these presents does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the said Grantee, all that real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Commence at the Southeast corner of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4, Section 8, Township 8 South, Range 4 East, thence run West 650 feet for the Point of Beginning, thence run South 154 feet, thence run West 668 feet, thence run North 200 feet, thence run East 180 feet, thence run South 48 feet, thence run East 489 feet to the Point of Beginning.

TOGETHER WITH all Developer Rights retained, expressly or implied, in the Declaration of Condominium of Wyld Palms Ranch Condominium, now known as Wyld Palms Condominiums, a Condominium, recorded September 25, 2006, in Instrument 1003542, and subsequently amended in Instruments 1327690, 1345343, 1354016, 1368017, 1380317, 1430325, 1434066, 1443309, 1452718, 1459718, 1481778, 1489584, 1489586, 1504465, and 1508590, which are hereby conveyed and assigned to the Grantee.

LESS AND EXCEPT such oil, gas, and other mineral interests and all rights and privileges in connection therewith as may have been reserved or conveyed by prior owners, if any.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

1. Easement granted Baldwin County Electric Membership Corporation, dated May 31, 2006, and recorded in Instrument 990156.
2. Reservation of oil, gas and other minerals and rights in connection therewith as recorded in Real Property Book 150, Page 1357.
3. Reservation of oil, gas and other minerals and rights in connection therewith as recorded in Real Property Book 648, page 142, as re-recorded in Real Property Book 652, page 441.
4. Reservation of oil, gas and other minerals and rights in connection therewith as recorded in Real Property Book 273, page 132.
5. Oil, gas and mineral lease and all rights in connection therewith, granted Resources International by instrument recorded in Deed Book 505, page 338, as assigned in Real Property Book 73, page 955.

6. Oil, gas and mineral lease and all rights in connection therewith, granted Resources International by instrument recorded in Deed Book 505, page 731, as assigned in Real Property Book 73, page 955.

The recording references refer to the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

TOGETHER WITH ALL AND SINGULAR, the rights, members, privileges and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said above described property unto the said Grantee, its successors and assigns in fee simple, forever.

And except as to taxes hereafter falling due which are assumed by the Grantee, and except as to the above mentioned encumbrances, the Grantor does, for itself and its successors and assigns, hereby covenant with the Grantee that it is seized of an indefeasible estate in fee simple in said property, is in peaceable possession thereof, that said property is free and clear of all encumbrances, and that it does hereby **WARRANT AND WILL FOREVER DEFEND** the title to said property and the peaceable possession thereof, unto the Grantee, and to its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto caused this instrument to be properly executed, on this the 23 day of August, 2017.

WLW&S, LLC
An Alabama limited liability company

By: George E. Waller
Its: Manager (Name)

STATE OF Alabama

COUNTY OF Baldwin

I, Clarissa S. McKinney, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that George E. Waller, whose name as Manager of WLW&S, LLC, an Alabama limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that he is informed of the contents of said instrument, he, as such Manager, and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears date.

Given under my hand and seal this the 23 day of August, 2017.



Clarissa S.
Notary Public
My Commission Expires: 8/12/19

The following information is provided pursuant to Alabama Code §40-22-1:

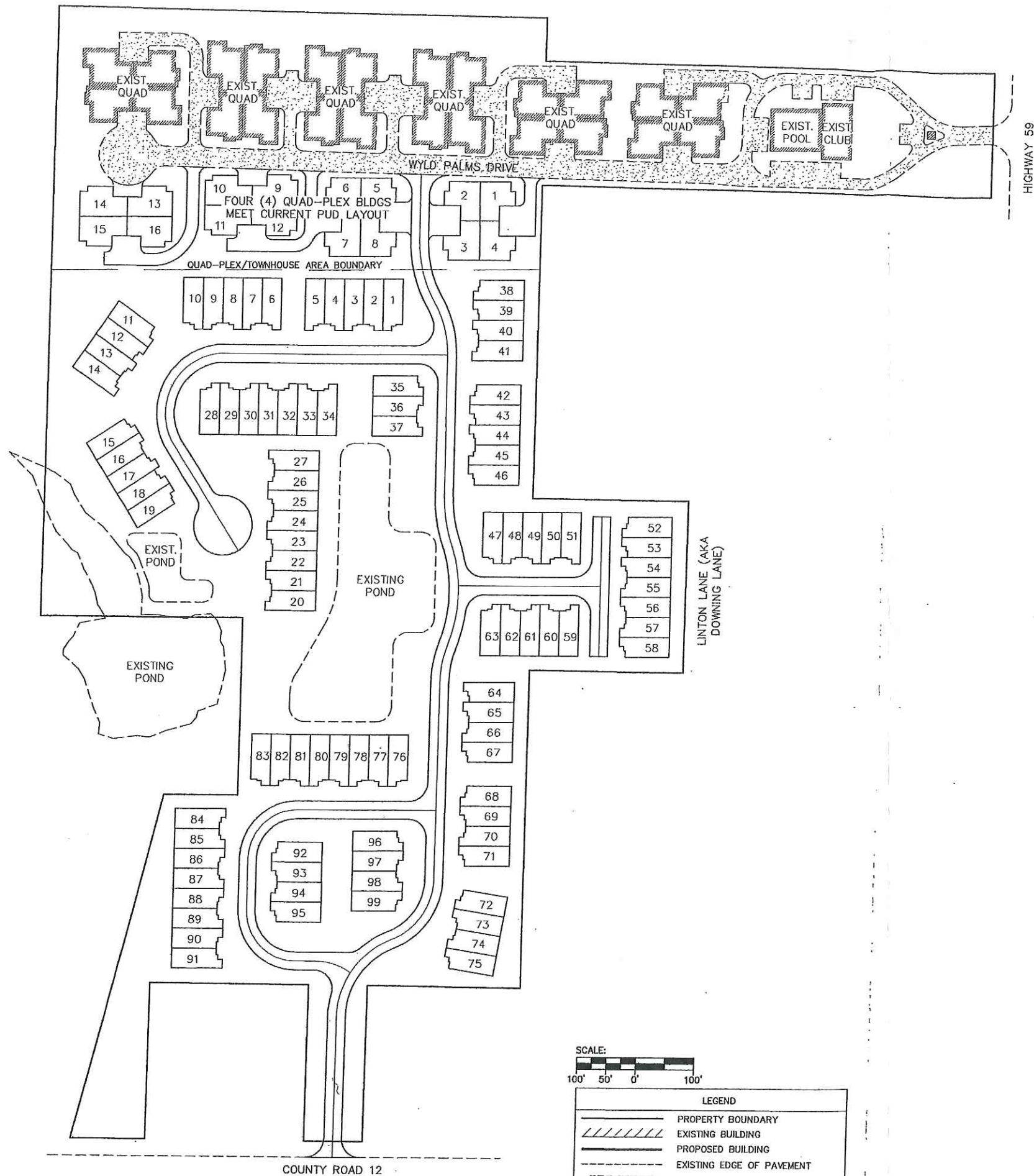
Grantor's Name: WLW&S, LLC
Mailing Address: PO BOX 817, Orange Beach AL 36561
Grantee's Name: Dilworth Development, Inc.
Mailing Address: 2124 Morris Mill Rd Ste 130A, Auburn AL 36830
Property Address: Wylde Palms Drive, Foley, AL 36535
Date of Sale 8/23/17
Total Purchase Price \$ 145,000.00
or
Actual Value \$ _____
or
Assessor's Market Value \$ _____

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required).

THE SCRIVENER OF THIS DEED REPRESENTS NEITHER
GRANTOR NOR GRANTEE AND RECOMMENDS EACH
PARTY RETAIN INDEPENDENT LEGAL COUNSEL TO
REVIEW SAID DOCUMENT.

THIS INSTRUMENT PREPARED BY:
Jule R. Herbert Jr.
Herbert Law Firm, LLC
P.O. Drawer 3889
Gulf Shores, AL 36547
(251) 968-4764

D:\BARTON ENGINEERING\PROJECTS\17273 - Wyld Palms\17273 - PUDSITE (Wyld).dwg Sep 25, 2017 - 8:32am



SITE DATA:

ZONING = PUD

AREA:

TOTAL PROPERTY = 21.7 AC
EXISTING QUAD-PLEX AREA = 7.5 AC
PROPOSED MULTI-FAMILY (TOWNHOMES) = 14.2 AC

PARKING:

QUAD-PLEX:
GARAGE = 80 (2/UNIT)
STREET = 20
TOWNHOUSE:
GARAGE = 99 (1/UNIT)
STREET = 99 (1/UNIT)
POND AREA = 59,000± SQ FT

PROPOSED LOTS/UNITS:

QUAD-PLEX = 40 UNITS TOTAL
EXISTING QUAD-PLEX = 24 UNITS
PROPOSED QUAD-PLEX = 16 UNITS
TOWNHOUSE = 99 UNITS TOTAL
TOTAL PROPOSED = 139 UNITS (6.4 UNITS/ACRE)

EXISTING APPROVAL:

QUAD-PLEX:
100 UNITS/20.27 ACRES = 4.93 UNITS/ACRE

TOWNHOUSE AREA:

AREA = 14.2± AC

BUILDING DATA:

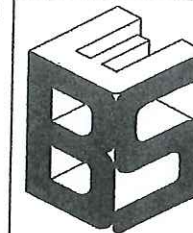
UNIT FOOTPRINT = 1,730 SF
UNIT WIDTH = 25 FT
UNIT SF = 2,400 SF

TOWNHOUSE DEVELOPMENT AREA:

BUILDINGS = 171,270 SF (28%)
PAVEMENT = 130,200 SF (21%)
PONDS = 59,000 SF (10%)
OPEN/LANDSCAPE = 256,250 SF (41%)

GENERAL NOTES:

- BOUNDARY AND IMPROVEMENTS ARE BASED ON EXISTING DRAWINGS AND AERIAL PHOTOGRAPHY AND SHOULD BE CONSIDERED APPROXIMATE.
- PROPOSED DEVELOPMENT OF THE PROPERTY WILL REQUIRE DESIGN THAT MEETS THE CURRENT REQUIREMENTS OF THE CITY OF FOLEY PRIOR TO RECEIVING A LAND DISTURBANCE AND/OR BUILDING PERMIT.
- PROPOSED QUAD-PLEX UNITS ARE TO BE THE SMALLER FOOTPRINT DESIGN BASED ON ORIGINAL PUD LAYOUT.
- A PERMIT FROM THE BALDWIN COUNTY HIGHWAY DEPARTMENT WILL BE REQUIRED FOR WORK WITHIN THE CR-12 RIGHT-OF-WAY.



**BARTON & SHUMER
ENGINEERING, LLC**

3213 MIDTOWN PARK SOUTH
MOBILE, ALABAMA 36606
251-219-4942

PUD SITE PLAN

WYLD PALMS

FOLEY, ALABAMA

LOCATION:

REVISIONS:

DRAWN BY: DMS

DESIGNED BY: DMS

DATE:
25 SEPT 2017

PROJECT#:
17273

SHEET
1 OF 1