

June 25, 2018

Ms. Miriam Boutwell City of Foley 200 N. Alston Street Foley, Alabama 36535

RE: Payne Property

Annexation Application

Dear Ms. Boutwell:

Please find enclosed a Rezoning Application for the Payne property (new entrance to Arbor Walk). The attached documents are summarized below:

- Check for Application Fee for \$250
- Annexation Petition
- Agent Authorization Form
- List of PPIN numbers for Subject Parcels
- Metes and Bounds Description
- Warranty Deeds (3)
- List of Adjacent Property Owners
- 18" by 24" Property Survey

With this submittal we request to be placed on the agenda for the next regularly scheduled Planning Commission Meeting. We look forward to meeting with you prior to that meeting date to discuss any comments the City may have.

Sincerely, **Dewberry**

Steven Pumphrey

Senior Planner

Cc: File (50104538)



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 <u>Code of Alabama</u> (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 <u>Code of Alabama</u> (I 975).

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 12 day of June	_, 20 <u>/8</u> .
	Oscar Hene Cagne Petitioner's Signature
	Kay J. Vaguel Petitionar's Signature
STATE OF ALABAMA BALDWIN COUNTY	
On this latt day of to me know executed the foregoing instrument, and-who, swe executed the same as his/her own free act and deep	yn and known to me to be the person who orn and under oath, acknowledged that he/she d, with full knowledge of the contents thereof.
KATHRYN MCALEER HUEY My Commission Expires May 23, 2022	Kathy Mella Gruz NOTARY PUBLIC My Commission Expires: May 23, 2027
STATE OF ALABAMA BALDWIN COUNTY	
On this 2th day of, to me know executed the foregoing instrument, and-who, swe executed the same as his/her own free act and deep	, 20 %, before me personally appeared on and known to me to be the person who orn and under oath, acknowledged that he/she d, with full knowledge of the contents thereof.

ATTACHMENT TO PETITION

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

	R-1A	Residential Single Family
	R-lB	Residential Single Family
	R-IC	Residential Single Family
\boxtimes	R-ID	Residential Single Family
	R-IR	Restricted Residential Single Family
	R-2	Residential Single Family & Duplex
	R-3	Residential Multi Family
	R-4	Residential Single Family & Duplex
	GPH-I	Residential Garden-Patio Homes
	TH-1	Residential Townhouses
	MH-1	Residential Mobile Home Park/Subdivision
	OSP	Open Space/Reservation District
	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-I	Light Industry
	A-O	Agriculture Open Space
	Н	Overlying area of Historic District
THE REQUESTE	D ZONING, PLE	ABOVE. IF YOU HAVE ANY QUESTIONS REGARDING EASE CALL THE ZONING OFFICE AT 251-943-4011.
Number of homes	currently located	on the property being annexed1_
Number of occupa	nts Adults	Race White
Number of busines	sses currently loc	rated on the property being annexed0_
(If	more than one b	ousiness on property, print information on back.)
Name of bu	usiness	
Owner's N	ame	
Mailing Ac	ldress	
If property is unde	veloped, have pla	ans been submitted to Planning Commission?
☐ Yes		
5.73	e estimated date t	he development or subdivision will be completed
X No		Petitioner's Signature Date Date
Annual Laboratoria	ww Undeted 02 /25 /201	Petitioner's Signature Date Date

Annexation: Individual Form Updated 03/25/2014

			Are infrastructure		for	annexations	and	subdivision
acce	ptance from th	e Engi	neering Department	attached?				
	Yes		No					

OSCAR GENE PAYNE and KAY T. PAYNE 18637 COUNTY ROAD 12 SOUTH FOLEY, AL 36535

To Whom It May Concern:

DEWBERRY is hereby authorized as our agent to represent us before the City of Foley Planning Commission and City Council on the annexation and zoning of the following parcels:

05-61-03-07-0-000-007.004 05-61-03-07-0-000-007.005 05-61-03-07-0-000-007.006

Sincerely,

Signature Pagne	6/12/3018 Date
Print Name SENT PAYNE	
Signature Signature	4/12/2018 Date
Print Name PayNE	

Property Information

05-61-03-07-0-000-007.005	05-61-03-07-0-000-007.004	05-61-03-07-0-000-007.006	Parcel Number
98766	90825	102610	Pin
05-61-03-07-0-000-007.005 98766 PAYNE, OSCAR GENE ETUX KAY T	05-61-03-07-0-000-007.004 90825 PAYNE, OSCAR GENE ETAL KAY T	05-61-03-07-0-000-007.006 102610 PAYNE, OSCAR GENE ETAL PAYNE, KAY T 18637	Owner Name
18637 CO RD 12 S	18637 CO RD 12 S	CO RD 12 S	Address
FOLEY	FOLEY	FOLEY	City
AL	AL	AL	State
36535	36535	36535	Zip

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that MICHAEL R. HARRIS, an unmarried man, hereinafter called the "Grantor", for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS in cash and other good and valuable considerations, all hereby acknowledged to have been paid to the Grantor by OSCAR GENE PAYNE and KAY T. PAYNE, hereinafter called the "Grantees", and 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 Grantees, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, all that real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Commencing at the Southeast corner of the South Half of the Southwest Quarter of the Southeast Quarter of Section 7, Township 8 South, Range 4 East; run thence North 00°48'11" East 40 feet to a point on the North right of way line of Baldwin County Road No. 12; run thence North 89°51'52" West along said right of way line for 311.99 feet to the Point of Beginning; thence continue along said line for 120.0 feet; run thence North 89°51'52" East for 200.0 feet; run thence South 89°51'52" East for 120.0 feet; run thence South 00°48'11" West for 200.0 feet to the Point of Beginning.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

- Right of way granted Baldwin County as recorded in Deed Book 278, page 525.
- Reservation of 1/2 oil, gas and other minerals, and all rights in connection therewith, as contained in deed from Harry R. Decker, et ux to Donald R. Nelson and Dana Jean Nelson, recorded in Deed Book 474, page 974.
- Existing right of way along the South property line of the property described above.

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 Grantees during the term of their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, and to the heirs and assigns of such survivor, forever, together with every contingent remainder and right of reversion.

And except as to taxes hereafter falling due which are assumed by the Grantees and except as to the encumbrances herein set out, the Grantor does for himself and his heirs

315 Fair 0894

: 315 Page 0895

and assigns, hereby covenant with the Grantees that he 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 he does hereby WARRANT AND WILL FOREVER DEFEND the title to said property and the peaceable possession thereof, unto the Grantees, and to the survivor of them, and to the heirs and assigns of such survivor, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on this the 2874 day of March 1988.

MICHAEL R. HARRIS (SEAL)

STATE OF <u>Alabama</u>

COUNTY OF Baldwin

I, Claudand h. handreth, the undersigned Notary Public in and for said State and County, hereby certify that MICHAEL R. HARRIS, 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 this conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal on this the day of March, 1988.

Motary Public

My Commission Expires:
My commission expires April 16, 1989

This Instrument Prepared by:

G. DAVID CHAPMAN III Attorney at Law Post Office Box 1558 Gulf Shores, Alabama 36542 File 88.165

Grantor's Address:

P. O. Box 1332 Foley, Alabama 36536

Grantees' Address:

3727 Gwynbrook Road Montgomery, Alabama 36116 STATE OF ALABAMA,
BALDWIN COUNTY
I certify that this instrument was filed
and the following tax collected on

Min. Tax \$ 1a-lox \$ Deed \$ 100 fort. \$ 1a-lox \$

Poge 894 Stany Disting Judge of Probate

ATTORNET AT LAW P. O. BOX 1808 GULF SHORES AL 18842 TELEPHONE (200) 969-2402

STATE OF ALABAMA)
COUNTY OF BALDWIN)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that MICHAEL R. HARRIS, an unmarried man, hereinafter called the "Grantor", for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS in cash and other good and valuable considerations, all hereby acknowledged to have been paid to the Grantor by OSCAR GENE PAYNE and KAY T. PAYNE, hereinafter called the "Grantees", and 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 Grantees, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, all that real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Commencing at the Southeast corner of the South Half of the Southwest Quarter of the Southeast Quarter of Section 7, Township 8 South, Range 4 East, Baldwin County, Alabama; run thence North 00°48'll" East 40 feet to a point on the North right of way line of Baldwin County Road No. 12; run thence North 89°51'52" West along said right of way line for 311.99 feet; run thence North 00°48'll" East for 318 feet to the Point of Beginning; run thence North 89°51'52" West for 120 feet; run thence North 00°48'll" East for 311.09 feet; run thence South 89°51'52" East for 120.0 feet; run thence South 00°48'll" West for 311.09 feet to the Point of Beginning.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

- Right of way granted Baldwin County as recorded in Deed Book 278, page 525.
- Reservation of 1/2 oil, gas and other minerals and all rights in connection therewith as contained in deed from Harry R. Decker, et ux to Donald R. Nelson and Dana Jean Nelson recorded in Deed Book 474, page 974.

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 Grantees during the term of their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, and to the heirs and assigns of such survivor, forever, together with every contingent remainder and right of reversion.

And except as to taxes hereafter falling due which are assumed by the Grantees and except as to the encumbrances herein set out, the Grantor does for himself and his heirs and assigns, hereby covenant with the Grantees that he is seized of an indefeasible estate in fee simple in said property, is in peaceable possession thereof, that said pro-

REAL 376 PAGE 0993

perty is free and clear of all encumbrances, and that he does hereby WARRANT AND WILL FOREVER DEFEND the title to said property and the peaceable possession thereof, unto the Grantees, and to the survivor of them, and to the heirs and assigns of such survivor, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on this the 1944 day of December 1989.

MICHAEL R. HARRIS (SEAL)

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, CLEVELAND, ANNEW, the undersigned Notary Public in and for said State and County, hereby certify that MICHAEL R. HARRIS, 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 this conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal on this the day of _______, 1989.

Mordon d. Randull

My Commission Expires:

Any Commission Expires 4/14/93

PUBL!

This Instrument Prepared by:

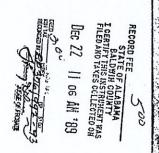
Attorney at Law Post Office Box 1508 Gulf Shores, Alabama 36542 File 89.1858

Grantor's Address:

18657 County Road 12 South Foley, AL 36535

Grantees' Address:

18637 COUNTY ROAD 12 SOUTH FOLEY, AL 36535



STATE OF ALABAMA)
COUNTY OF BALDWIN)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that MICHAEL R. HARRIS, an unmarried man, hereinafter called the "Grantor", for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS in cash and other good and valuable considerations, all hereby acknowledged to have been paid to the Grantor by OSCAR GENE PAYNE and RAY T. PAYNE, husband and wife, hereinafter called the "Grantees", and 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 Grantees, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, all that real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Commencing at the Southeast corner of the South Half of the Southwest Quarter of the Southeast Quarter of Section 7, Township 8 South, Range 4 East, Baldwin County, Alabama; run thence North 00° 48' 11" East 40 feet to a point on the North right of way line of Baldwin County Road No. 12; run thence North 89° 51' 52" West along said right of way line for 311.99 feet; run thence North 00° 48' 11" East for 200.0 feet to the Point of Beginning; run thence North 89° 51' 52" West for 120.0 feet; run thence North 00° 48' 11" East for 18.0 feet; run thence South 89° 51' 52" East for 120.0 feet; run thence South 00° 48' 11" West for 118.0 feet to the Point of Beginning.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

- Subject to right of way granted Baldwin County as recorded in Deed Book 278, Page 525.
- Reservation of 1/2 oil, gas and other minerals and all rights in connection therewith as contained in deed from Harry R. Decker, et ux, to Donald R. Nelson and Daha Jean Nelson, recorded in Deed Book 474, Page 974.

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 Grantees during the term of their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, and to the heirs and assigns of such survivor, forever, together with every contingent remainder and right of reversion.

And except as to taxes hereafter falling due which are assumed by the Grantees and except as to the encumbrances herein set out, the Grantor does for himself and his heirs and assigns, hereby covenant with the Grantees that he 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 he does hereby WARRANT AND WILL FOREVER DEFEND the title to said property and the peaceable possession thereof, unto the Grantees, and to the survivor of them, and to the heirs and assigns of such survivor, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on this the agaid day of May 1989.

MICHAEL R. HARRIS (SEAL)

STATE OF alabama COUNTY OF Baldwin

I, Cleveland L. Landneth, the undersigned Notary Public in and for said State and County, hereby certify that L. LINCHAEL R. HARRIS, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me TAPP this day that, being informed of the contents of this conveyance, he executed the same voluntarily on the day the UBL Given under my hand and notarial seal on this the 22 Ad 1989.

Michael & dandath

My Commission Expires:

My Contmission Expires 4/14/93

11.3

THIS INSTRUMENT PREPARED BY:

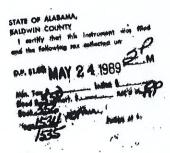
G. DAVID CHAPMAN III Attorney at Law Post Office Drawer 1508 Gulf Shores, Alabama 36542 File No. 89.1176

GRANTOR ADDRESS:

OUNTY RAIL SOUTH

GRANTEES' ADDRESS:

EACLE CIRCLE omery AL 36116



LEGAL DESCRIPTION FOR THE PAYNE PROPERTY

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 01°05'17" EAST, A DISTANCE OF 40.30 FEET TO AN OPEN END PIPE ON THE NORTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY ROAD NO. 12; THENCE RUN NORTH 89°39'26" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 311.88 FEET TO A 1/2" CAPPED REBAR (LINDSEY) FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°39'26" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 119.88 FEET TO A 1" CRIMP TOP IRON PIN; THENCE RUN NORTH 01°04'57" EAST, A DISTANCE OF 625.89 FEET TO A 1" CRIMP TOP IRON PIN; THENCE RUN SOUTH 89°35'57" EAST, A DISTANCE OF 119.69 FEET TO A 1/2" CAPPED REBAR (CA-17836-LS); THENCE RUN SOUTH 01°03'54" WEST, A DISTANCE OF 625.87 FEET TO THE POINT OF BEGINNING.

Adjacent Property Owners

Parcel Number	Owner Name	Address	City		State Zip	Zip
05-61-03-07-0-000-007.002	05-61-03-07-0-000-007.002 WARNER, DAN EVERETT ETAL LOCKETT, MARLEN	18651 CO RD 12 S	FOLEY	ΈY	AL	36535
05-61-03-07-0-000-007.004	05-61-03-07-0-000-007.004 PAYNE, OSCAR GENE ETAL KAY T	18637 CO RD 12 S	FOLEY	ΈY	AL	36535
05-61-03-07-0-000-007.005	05-61-03-07-0-000-007.005 PAYNE, OSCAR GENE ETUX KAY T	18637 CO RD 12 S	FOLEY	ΈY	AL	36535
05-61-03-07-0-000-007.003	05-61-03-07-0-000-007.003 EDSON, GILMORE L ETAL EDSON, SANDRA L	18657 CO RD 12 S	FOLEY	ΈY	AL	36535
05-61-03-07-0-000-007.006	05-61-03-07-0-000-007.006 PAYNE, OSCAR GENE ETAL PAYNE, KAY T	18637 CO RD 12 S	FOLEY	ΈY	AL	36535
05-61-03-07-0-000-007.008	05-61-03-07-0-000-007.008 HUNTER, LISA ANN HARRIS	18715 CO RD 12 S	FOLEY	ΈY	٩٢	36535
05-61-03-07-0-000-007.011 HARRIS, JOAN O	HARRIS, JOAN O	18715 CO RD 12 S	FOLEY	ΈY	AL	36535
05-61-03-07-0-000-007.007 GCOF ARBOR WALK L L C	GCOF ARBOR WALK L L C	160 GREENTREE DR STE 101		DOVER	DE	19904
05-61-04-18-0-000-003.006 DILL, JOE	DILL, JOE	18662 CO RD 12 S	FOLEY		AL	36535
05-61-04-18-0-000-003.007 HARRY, TIMOTHY WAYNE	HARRY, TIMOTHY WAYNE	18740 CO RD 12 S	FOLEY	EY.	٩٢	36535
05-61-04-18-0-000-003.002 DILL, AUDREY NELL	DILL, AUDREY NELL	314 PINE DR (MA)	JASI	JASPER	AL	35504



Annexation

Oscar and Kay Payne

Created by: Katy Taylor



PIN - 90825

Par Num - 007.004

Acreage - 0.551

Subdivision -

Lot-

Street Name - CO RD 12 S

Street Number - 18637

Improvement - RES

Name - PAYNE, OSCAR GENE ETAL KAY T

Address1 - 18637 CO RD 12 S

Address2 -

Address3-

City - FOLEY

City I OL

State - AL

Zip - 36535

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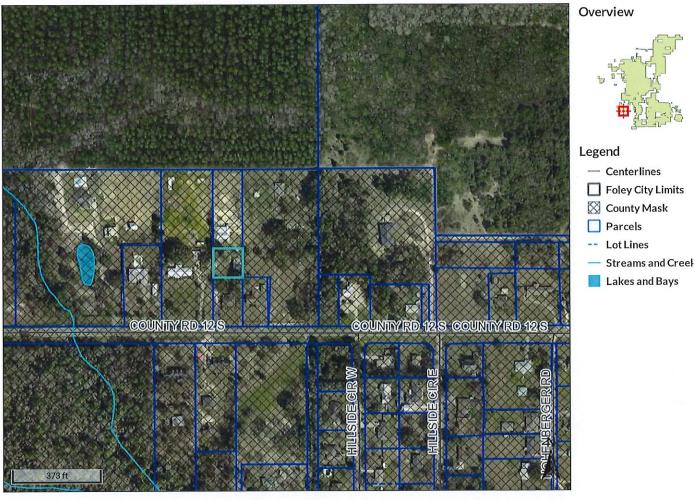




Annexation

Oscar and Kay Payne

Created by: Katy Taylor



PIN - 98766 Par Num - 007.005 Acreage - 0.325 Subdivision -Lot -

Street Name - FLOWERS RD Street Number - 0

Improvement - UTIL, BARN, UTIL

Name - PAYNE, OSCAR GENE ETUX KAY T

Address1 - 18637 CO RD 12 S

Address2 -Address3 -City - FOLEY State - AL Zip - 36535

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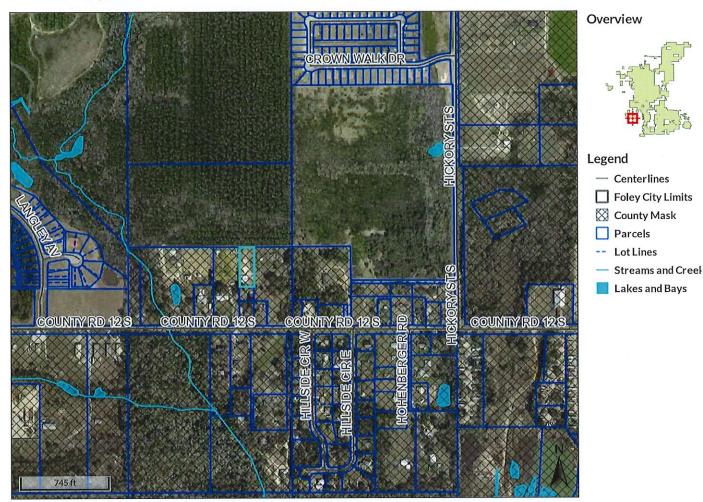




Annexation

Oscar and Kay Payne

Created by: Katy Taylor



PIN - 102610 Par Num - 007.006

Acreage - 0.875

Subdivision -Lot-

Street Name -

Street Number - 0

Improvement - 2 BARN, BARN

Name - PAYNE, OSCAR GENE ETAL PAYNE, KAY T

Address 1 - 18637 CO RD 12 S

Address2 -

Address3-

City - FOLEY

State - AL

Zip - 36535

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