

BALDWIN COUNTY COMMISSION AGENDA ACTION FORM	
Meeting Type:	Baldwin County Commission – Regular
Meeting Date:	03/17/2015
Placement of Item on the Agenda:	CONSENT AGENDA: - ADMINISTRATION
Item Status:	New
Submitted By:	Anu Gary
From:	Ronald J. Cink, Interim County Administrator Anu Gary, Records Manager
ITEM TITLE	
Order Granting License to Establish Private Cemetery - Rice Family Cemetery, Summerdale, Baldwin County, Alabama	
STAFF RECOMMENDATION	
Memorialize for the record, the Order Granting License to Establish Private Cemetery (Case No.31876) from the Baldwin County Judge of Probate, dated March 4, 2015, granting a license to Charles H. Rice and Sammie W. Rice, owners of the real property upon which the proposed cemetery will be situated, to establish a private cemetery on the property of Charles H. Rice and Sammie W. Rice, in Summerdale, Baldwin County, Alabama, said family cemetery to be located at 16641 County Road 73, Summerdale (Baldwin County), Alabama, and to be known as "Rice Family Cemetery."	
BACKGROUND INFORMATION	
Previous Commission Action/Background Information:	No
During the February 18, 2015, Baldwin County Commission regular meeting, the Commission approved as follows: 1) Waive Baldwin County Commission Policy #2.7 - Licensing of Cemeteries, pursuant to an email from the Alabama Department of Public Health, dated December 30, 2011, which recognizes that a family burial plot on an individual's private property is not to be considered a cemetery for the purpose of regulation under Section 22-20-4, Code of Alabama 1975, unless the County or municipality	

has promulgated an ordinance that may include family burial plots within the definition of a cemetery; and

2) Pursuant to the request from the Judge of Probate Office to consider a Petition for Establishment of Rice Family Cemetery (Petition), submitted by Charles H. Rice and Sammie W. Rice, owners of the real property upon which the proposed cemetery will be situated, approve the establishment of a family cemetery on the property of Charles H. Rice and Sammie W. Rice, in Summerdale, Baldwin County, Alabama, said family cemetery to be located consistent with said Petition. The property is located at 16641 County Road 73, Summerdale, Alabama; and

3) Authorize the Chairman to execute any and all necessary documents and/or orders related to the Baldwin County Commission's approval to establish the Rice Family Cemetery.

Background Information:

On February 6, 2015, Administration Department received a Petition for the Establishment of Rice Family Cemetery in Summerdale, Baldwin County, Alabama. The petition was filed at the Judge of Probate Office on February 3, 2015, by Charles H. Rice and Sammie W. Rice. The property is located at 16641 County Road 73 in Summerdale (Baldwin County), Alabama.

Commissioner Tucker Dorsey (District 3), visited the proposed cemetery site and recommends approval of the petition.

According to the Alabama Department of Public Health, the Health Department allows a family burial plot on an individual's private property not to be considered to be a cemetery for the purpose of regulation under Section 20-20-4, Code of Alabama 1975, unless the County or municipality has promulgated an ordinance that may include family burial plots within the definition of cemetery. (Staff notes that the proper Alabama Code Section is 22-20-4.)

County Policy #2.7 - Licensing of Cemeteries, requires the Health Department to inspect and give the Commission a recommendation as to the approval/disapproval of the proposed cemetery. In order for the Commission to approve the request for the establishment of this family cemetery, Policy #2.7 was waived.

The Judge of Probate issued the Order Granting License to Establish Private Cemetery for the Rice Family Cemetery on March 4, 2015, and today's action will make the Order part of the record.

FINANCIAL IMPACT	
Does the recommendation have a financial impact?	No
LEGAL IMPACT	
Are there any legal documents required to be	Yes

<ITEM_OUTLINE>

executed if this recommendation is approved?	
Does this documentation require County Attorney's review and approval?	Yes
Has the documentation been reviewed and approved by the County Attorney?	Yes
Is this routine documentation reviewed and approved by Department Head?	No
ADVERTISING REQUIREMENTS	
Is advertising required for this recommendation?	No
CONSISTENCY WITH B.C. STRATEGIC PLAN - 2006-2016	
Is the recommendation applicable to the goals set forth in the Strategic Plan?	Yes
POLICY IMPACT	
Is the recommendation consistent with Commission Policy?	Yes
Which Commission policy is applicable to this recommendation?	BCC Policy 2.7 (See comments in background section.)
PERSONNEL IMPACT	
Does the recommendation have personnel impact?	No
IMPLEMENTATION	
Is implementation for this item time sensitive?	No
Department(s)/Individual(s) responsible for follow up activities and specific actions required:	Administration - Make Order a part of the March 17, 2015, BCC Meeting record.
ATTACHMENTS	
1. Order Granting License to Establish Private Cemetery - Rice Family Cemetery.pdf 2. Petition for Establishment of Rice Family Cemetery, dated February 3, 2015.pdf	
APPROVALS	
Budget	
Personnel	
Administration	Keri Green 3/11/2015 9:39:26 AM
Chairman and County Administrator	Keri Green 3/13/2015 9:16:45 AM

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA

IN RE:

RICE FAMILY CEMETERY,

CASE NO. 31876

A PRIVATE CEMETERY

ORDER GRANTING LICENSE TO ESTABLISH PRIVATE CEMETERY

The undersigned having reviewed the application for establishment of a private cemetery submitted by CHARLES H. RICE and SAMMIE W. RICE in the above cause and having received a certified copy of minutes from the Baldwin County Commission, to hereby grant the application as submitted. The undersigned do, therefore,

ORDER, ADJUDGE and DECREE that a license is hereby granted to CHARLES H. RICE and SAMMIE W. RICE to establish a private cemetery on the following described real property situated in Baldwin County, Alabama, to-wit:

SEE ATTACHED EXHIBIT "A"

DONE this 4th day of March, 2015.



Tom Russell

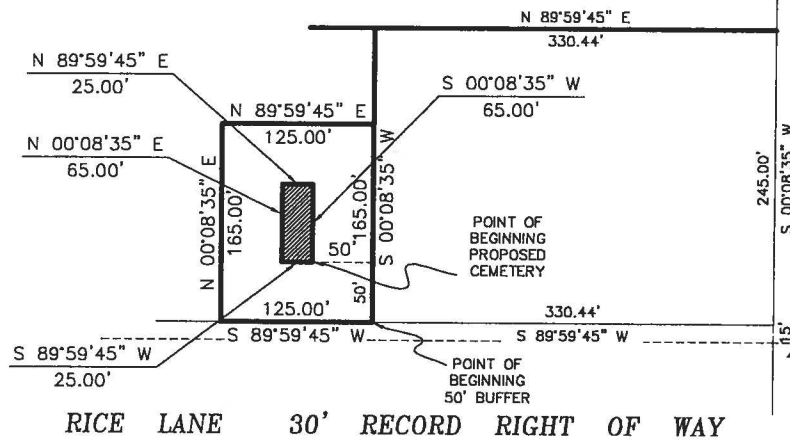
JUDGE OF PROBATE

COUNTY COMMISSION OF BALDWIN
COUNTY, ALABAMA

By:

Charles H. Rice

As Its Chairman



BALDWIN COUNTY ROAD No. 73
80' RECORD RIGHT OF WAY



RICE LANE 30' RECORD RIGHT OF WAY

POINT OF COMMENCEMENT
RAILROAD SPIKE FOUND
SOUTHEAST CORNER OF THE SOUTHEAST
QUARTER OF THE NORTHEAST QUARTER
OF SECTION 5, TOWNSHIP 7 SOUTH,
RANGE 4 EAST

DESCRIPTION FOR PROPOSED FAMILY CEMETERY:

COMMENCING AT A RAILROAD SPIKE FOUND AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, RUN SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST A DISTANCE OF 40 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST, ALONG SAID WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73 A DISTANCE OF 15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF RICE LANE; RUN THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 330.44 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST A DISTANCE OF 50.00 FEET TO A POINT; RUN THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; CONTINUE THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 25.00 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST A DISTANCE OF 65.00 FEET TO A POINT; RUN THENCE NORTH 89 DEGREES 59 MINUTES 45 SECONDS EAST A DISTANCE OF 25.00 FEET TO A POINT; RUN THENCE SOUTH 00 DEGREES 08 MINUTES 35 SECONDS WEST A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1625 SQUARE FEET.

DESCRIPTION FOR 50-FOOT BUFFER:

COMMENCING AT A RAILROAD SPIKE FOUND AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, RUN SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST A DISTANCE OF 40 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST, ALONG SAID WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73 A DISTANCE OF 15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF RICE LANE; RUN THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 330.44 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; CONTINUE THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 125.00 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST A DISTANCE OF 165.00 FEET TO A POINT; RUN THENCE NORTH 89 DEGREES 59 MINUTES 45 SECONDS EAST A DISTANCE OF 125.00 FEET TO A POINT; RUN THENCE SOUTH 00 DEGREES 08 MINUTES 35 SECONDS WEST A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING; CONTAINING 19,000 SQUARE FEET.

NOTES:

THIS SKETCH IS BASED ON SURVEYS PERFORMED BY THIS FIRM AND INFORMATION AVAILABLE FROM THE BALDWIN COUNTY PROBATE RECORDS OFFICE.

EXHIBIT A

THIS IS NOT A BOUNDARY SURVEY

© COPYRIGHT 2013 RABER SURVEYING NO PART OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESS WRITTEN CONSENT OF F. WILLIAM RABER		
SECTION	5	T- 7 -S, R- 4 -E
BALDWIN COUNTY, ALABAMA		
SCALE:	DRAWN BY:	DATE:
1" = 100'	FWR	01/26/2015



RABER SURVEYING

14613-A RABER ROAD
SUMMERDALE, ALABAMA 36580
PHONE: (251) 875-7525
FAX: (251) 815-3853
email: fwraber@gmail.com

QUALITY ~ INTEGRITY

PROPERTY SKETCH FOR:

CHARLES RICE

PROJ NUMBER:	REF NUMBER:	DWG NUMBER:
130809	060904	130908-H.DWG

Anu,

Please send me certified
Minutes and approval letter
once complete. Cemeteries
Usually go on consent agenda.
Call me if you have any
questions.

Thank you.

RECEIVED

FEB 06 2015

BY: als

Jammy

Ext. 2399

#31876

PETITION FOR ESTABLISHMENT
OF RICE FAMILY CEMETERY

Come now, Charles H. Rice and Sammie W. Rice, pursuant to Code of Alabama, § 22-20-4 (1975) and Baldwin County Commission Policy No. 2.7, and make this application to establish a proposed family burial plot, and in support thereof would show unto this Honorable Court as follows, to wit:

1. That your Petitioners are the owners of that certain real property upon which the proposed cemetery will be situated in Summerdale, Baldwin County, Alabama, the approximate street address for which is 16641 County Road 73.

2. That the 25 foot by 65 foot proposed cemetery is described with particularity in that certain drawing attached hereto as Exhibit A. That the buffer also described in the survey is included merely to evidence compliance with zoning ordinances.

3. That the proposed cemetery will serve as a family burial plot.

4. That your Petitioners propose to name the burial site "Rice Family Cemetery."

WHEREFORE, your Petitioners request that this Honorable Court grant this application for establishment of the Rice Family Cemetery and issue a license to establish the same.

WITNESS our hands and seals this 3rd day of February, 2015.

Charles H. Rice (SEAL)
Charles H. Rice

Sammie W. Rice (SEAL)
Sammie W. Rice

STATE OF ALABAMA

COUNTY OF BALDWIN

I, Kayle Ann Howard, a Notary Public, in and for said County in said State, hereby certify that CHARLES H. RICE and SAMMIE W. RICE, whose names 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 instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 3rd day of February, 2015.

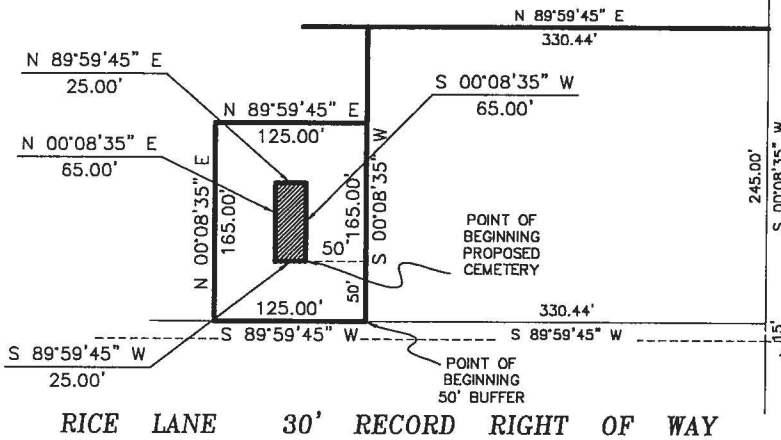
Kayle Ann Howard
NOTARY PUBLIC, Baldwin County,
Alabama
My Commission Expires: 4/14/2018

COUNSEL FOR
CHARLES H. and SAMMIE W. RICE:

Joseph D. Thetford, Jr.
CHASON & CHASON, P.C.
P. O. Box 100
Bay Minette, Alabama 36507

00023864.WPD

STATE OF ALABAMA
BALDWIN COUNTY
2015 FEB 3 PM 3 04
JUDGE OF PROBATE



BALDWIN COUNTY ROAD No. 73
80' RECORD RIGHT OF WAY



DESCRIPTION FOR PROPOSED FAMILY CEMETERY:

COMMENCING AT A RAILROAD SPIKE FOUND AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, RUN SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST A DISTANCE OF 40 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST, ALONG SAID WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73 A DISTANCE OF 15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF RICE LANE; RUN THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 330.44 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST A DISTANCE OF 50.00 FEET TO A POINT; RUN THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; CONTINUE THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 25.00 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST A DISTANCE OF 65.00 FEET TO A POINT; RUN THENCE NORTH 89 DEGREES 59 MINUTES 45 SECONDS EAST A DISTANCE OF 25.00 FEET TO A POINT; RUN THENCE SOUTH 00 DEGREES 08 MINUTES 35 SECONDS WEST A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1625 SQUARE FEET.

DESCRIPTION FOR 50-FOOT BUFFER:

COMMENCING AT A RAILROAD SPIKE FOUND AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, RUN SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST A DISTANCE OF 40 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST, ALONG SAID WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD No. 73 A DISTANCE OF 15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF RICE LANE; RUN THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 330.44 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; CONTINUE THENCE SOUTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF RICE LANE, A DISTANCE OF 125.00 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST A DISTANCE OF 165.00 FEET TO A POINT; RUN THENCE NORTH 89 DEGREES 59 MINUTES 45 SECONDS EAST A DISTANCE OF 125.00 FEET TO A POINT; RUN THENCE SOUTH 00 DEGREES 08 MINUTES 35 SECONDS WEST A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING; CONTAINING 19,000 SQUARE FEET.

POINT OF COMMENCEMENT
RAILROAD SPIKE FOUND
SOUTHEAST CORNER OF THE SOUTHEAST
QUARTER OF THE NORTHEAST QUARTER
OF SECTION 5, TOWNSHIP 7 SOUTH,
RANGE 4 EAST

EXHIBIT A

NOTES:

THIS SKETCH IS BASED ON SURVEYS PERFORMED BY THIS FIRM AND INFORMATION AVAILABLE FROM THE BALDWIN COUNTY PROBATE RECORDS OFFICE.

THIS IS NOT A BOUNDARY SURVEY

© COPYRIGHT 2013 RABER SURVEYING NO PART OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESS WRITTEN CONSENT OF F. WILLIAM RABER		
SECTION 5, T- 7 -S, R- 4 -E		
BALDWIN COUNTY, ALABAMA		
SCALE:	DRAWN BY:	DATE:
1" = 100'	FWR	01/26/2015



RABER SURVEYING
 14613-A RABER ROAD
 SUMMERDALE, ALABAMA 36580
 PHONE: (251) 975-7525
 FAX: (800) 615-3653
 email: fwr@rbsr@gmail.com
 QUALITY ~ INTEGRITY

PROPERTY SKETCH FOR:		
CHARLES RICE		
PROJ NUMBER:	REF NUMBER:	DWG NUMBER:
130809	060904	130908-H.DWG