

**RESOLUTION #2019-072 OF THE COUNTY COMMISSION OF
BALDWIN COUNTY, ALABAMA, FOR THE ABANDONMENT OF
THE RICE FAMILY CEMETERY**

KNOW ALL MEN BY THESE PRESENTS: That, WHEREAS, on the 3rd day of February, 2015, there was filed with the Baldwin County Commission and the Honorable Tim Russell, Judge of Probate of Baldwin County, Alabama, an Application for Establishment of Private Cemetery, pursuant to Code of Alabama, §22-20-4 (1975), for the location and establishment of a private cemetery to be known as the **RICE FAMILY CEMETERY**; and

WHEREAS, by resolution adopted on 18th day of February, 2015, the Baldwin County Commission approved said application, as is set forth in the minutes of that same day in the records of the Baldwin County Commission; and

WHEREAS, the Baldwin County Commission, on March 17, 2015, approved an instrument entitled Order Granting License to Establish a Private Cemetery with regard to the RICE FAMILY CEMETERY issued by the Honorable Tim Russell, Judge of Probate of Baldwin County, Alabama, on March 4, 2015, and recorded as Instrument number 1502417 as is set forth in the Minutes of the March 17, 2015, Baldwin County Commission Regularly Scheduled Meeting, in the records of the Baldwin County Commission; and

WHEREAS, A Warranty Deed was executed by all the heirs at law of **CHARLES H. RICE** and **SAMMIE W. RICE**; **CHARLOTTE R. PETTIS**, f/k/a **CHARLOTTE R. LEMASTER**, **BONITA RICE CRIST**, and **MARY ELIZABETH SPEARS** dated September 1, 2017, and recorded as instrument No.1653795, conveying all of the real property described herein above to **CHARLOTTE R. PETTIS**, f/k/a **CHARLOTTE R. LEMASTER** is recorded in the office of the Judge of Probate, Baldwin County, Alabama; and,

WHEREAS, the Deed dated the 1st day of September, 2017, in Instrument No. 1653795 conveyed the below described property to **CHARLOTTE RICE PETTIS** a/k/a **CHARLOTTE RICE LEMASTER**, (see Property Sketch and Legal Description of Property as Exhibit "A") which land was described the **RICE FAMILY CEMETERY** by Order of the Honorable Tim Russell Judge of Probate in his Order dated 4th day of March 2015, and recorded as Instrument No. 1502417 in which deed real property upon which the cemetery is licensed is described as follows, to-wit:

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 89E 59' 45" West a distance of 40 feet to a point of the on the West Right of Way Line of Baldwin County Road No. 73; run thence North 00E 08' 35" East, along said West Right of Way Line of Baldwin County Road No. 73 a distance of 15 feet to a point, run thence South 89E 59' 45" West a distance of 330.44 feet to a point; thence run North 00E 08' 35" East a distance of 50 feet to a point; run thence South 89E 59' 45" West a distance of 50 feet for the point of beginning of the property herein described; continue thence south 89E 59' 45" West a distance of 25 feet to a point; run thence North 00E 08' 35" East a distance of 65 feet to a point; run thence North 89E 59' 45" East of 25

feet to a point; run thence South 00E 08' 35" West a distance of 65 feet to the Point of Beginning containing 1625 square feet.

DESCRIPTION OF A 50-FOOT BUFFER

Commencing at 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 89E 59' 45" West a distance of 40 feet to a point of the West Right of Way line of Baldwin County 73, thence run North 00E 08' 35" East along said Right of Way of Baldwin County 73 a distance of 15 feet to a point; run thence South 89E 59' 45" West a distance of 330.44 feet to the point of beginning of the property herein described; continue thence South 89E 59' 45" West a distance of 125 .00 feet to a point; thence South 00E 08' 35" West a distance of 165 feet to a point; thence South 89E 59' 45" East 125.00 to a point; thence North 00E 08' 35" South 165 feet to the point of beginning; containing 19,000 square feet.

WHEREAS, the above described property is outside the corporate limits of any municipality and **CHARLOTTE RICE PETTIS** a/k/a **CHARLOTTE RICE LEMASTER**, who is the sole owner of all of the real property upon which the **RICE FAMILY CEMETERY** and the fifty-foot buffer around said Cemetery together with any easement thereto, represents to the Baldwin County Commission by and through an instrument entitled Declaration of Abandonment of Rice Family Cemetery, a Private Cemetery, as dated the 10th day of April, 2019, that no lots or parcels in said cemetery have been sold or conveyed by the said owners to any person, firm, or corporation, that no human remains have been buried in said cemetery and that the undersigned sole owner of the **RICE FAMILY CEMETERY** has determined to declare for the abandonment in whole of such cemetery as burial place for the human dead, the fifty-foot buffer surrounding said cemetery and of any easement of ingress and egress thereto; and

WHEREAS, based upon the aforesaid representations by **CHARLOTTE RICE PETTIS** a/k/a **CHARLOTTE RICE LEMASTER**, as sole owner of the **RICE FAMILY CEMETERY** and said fifty-foot buffer surrounding said cemetery, together with any easement thereto, because no human remains have been interred in the **RICE FAMILY CEMETERY**, either before or after its establishment, that no provision is necessary to be made for the removal of any human remains therefrom; and

WHEREAS, pursuant to the authority of Code of Alabama, §11-47-60 (1992 Repl. Vol.) **CHARLOTTE RICE PETTIS** a/k/a **CHARLOTTE RICE LEMASTER**, as sole owner of the **RICE FAMILY CEMETERY** together with the fifty-foot buffer and the easement thereof did declare for the abandonment in whole of the **RICE FAMILY CEMETERY** hereinabove described and did request the consent of the Baldwin County Commission to the abandonment of said cemetery.

NOW, THEREFORE, BE IT RESOLVED BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, that, pursuant to the authority provided at Code of Alabama, §11-47-60 (1992 Repl. Vol.), we hereby grant said request and CONSENT to the abandonment, in whole, of the **RICE FAMILY CEMETERY** and the fifty-

foot buffer surrounding said cemetery described within this Resolution #2019-072.

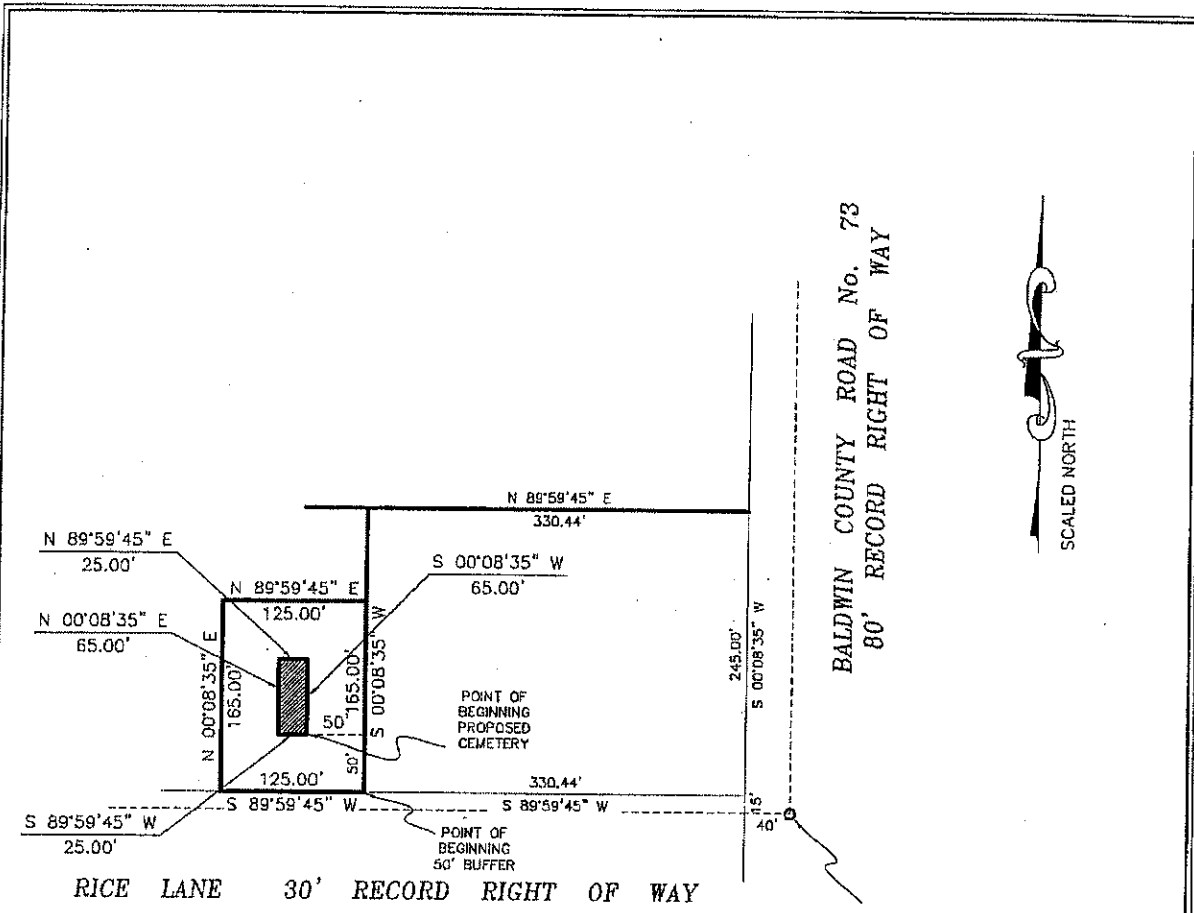
DONE, under the Seal of the Baldwin County Commission as affixed at the County Seat in Bay Minette, Alabama, on this the ____ day of _____, 20__.

CHARLES F. GRUBER, Chairman
Baldwin County Commission

I, Wayne A. Dyess, the Clerk/County Administrator of the County Commission of Baldwin County, Alabama, certify that the above and foregoing is a true and correct transcript of the Resolution #2019-072 duly adopted by the County Commission of Baldwin County, Alabama, during its regular meeting held on the ____ day of _____, 20__.

Given under my hand and official seal on this the ____ day of _____, 20__.

WAYNE A. DYESS
Clerk of the County Commission and
County Administrator
Baldwin County, Alabama



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 65.00 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: (205) 878-7225
FAX: (205) 878-3653
email: fw@raber.com
QUALITY ~ INTEGRITY

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