

STATE OF ALABAMA

COUNTY OF BALDWIN

PETITION TO THE COUNTY COMMISSION
OF BALDWIN COUNTY, ALABAMA
FOR ASSENT TO VACATION OF UNOPENED RIGHT OF WAY OFF KOIER ROAD

COMES NOW Koier Family LLC (hereinafter the "Petitioner"), to respectfully request the County Commission of Baldwin County, Alabama (the "County Commission"), to adopt the attached resolution in order to vacate a portion of unopened right of way described in this Petition. In support of this Petition, your Petitioner shows as follows:

1. The Petitioner owns property which abuts or touches that portion of unopened right of way described as follows:

Commencing at the southeast corner of the Southeast Quarter of the Northeast Quarter of Section 3, Township 6 South, Range 5 East; thence run westerly 60', more or less, to the point of beginning of the right of way herein to be vacated; thence run southwesterly and parallel to Koier Road a distance of 150', more or less, to a point on the south right of way line; thence run westerly along the south right of way line a distance 1130', more or less, to the west right of way line; thence run northwesterly a distance of 60', more or less, to the north right of way line; thence run easterly along the north right of way line a distance of 1265', more or less, to the point of beginning.

Meaning and intending to describe right of way lying in the Southeast Quarter of the Northeast Quarter and Northeast Quarter of the Southeast Quarter. Also intending to describe portion of right of way deeded to Baldwin County in Real Property Book 576, page 1695 and Real Property Book 758, page 1146, recorded in Baldwin County Probate, Baldwin County, Alabama.

2. The Petitioner, pursuant to Ala. Code 1975, Section 23-4-20, desire to vacate that portion of unopened right of way described in paragraph 1 of this Petition, and, pursuant to applicable law, destroy the force and effect of the prescriptive rights which may have accrued to Baldwin County on that portion of unopened right of way described in paragraph 1 of this Petition and to divest all public rights, including any and all rights which may have been acquired by prescription in and to that portion of unopened right of way described in paragraph 1 of this Petition.

3. The property described as that portion of unopened right of way described in paragraph 1 of this Petition is located in Baldwin County, Alabama.

4. That portion of unopened right of way described in paragraph 1 of this Petition is of no use to the public as a street.

5. That portion of unopened right of way described in paragraph 1 of this Petition will not be maintained by Baldwin County, Alabama and will be maintained by the Owners.

6. It is in the interest of the public that the portion of unopened right of way described in paragraph 1 of this Petition be closed and vacated.

7. The vacation of that portion of unopened right of way described in paragraph 1 of this Petition shall not deprive other property owners of such rights as they may have to convenient and reasonable means of ingress and egress to and from their property.

NOW THEREFORE, the Petitioner, constituting the owner of property which abuts or touches that portion of unopened right of way described in paragraph 1 of this Petition, being desirous that that portion of unopened right of way described in paragraph 1 of this Petition be vacated and annulled pursuant to the provisions and requirements of Ala. Code 1975, Section 23-4-20, do, by execution of this Petition respectfully request the County Commission of the County of Baldwin, Alabama, to consent to the vacation of that portion of unopened right of way described in paragraph 1 of this Petition.

RESPECTFULLY SUBMITTED on this the 11 day of January, 2021.

Daniel L. Koier (Seal)
PETITIONER

Koier Family, LLC
Daniel L. Koier, acting in his capacity as a
Managing Member
22329 Koier Road
Robertsdale, AL 36567

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared Daniel L. Koier, whose name as Managing Member of Koier Family, 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, being informed of the contents of this conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said company.

Sworn to and subscribed before me on this the 11 day of January, 2021.

Tammy B. Davis
NOTARY PUBLIC
My Commission Expires: _____

