

PETITION TO THE COUNTY COMMISSION
OF BALDWIN COUNTY, ALABAMA
FOR ASSENT TO VACATION OF 20 FOOT UNOPENED RIGHT OF WAY (ROW)

STATE OF ALABAMA

COUNTY OF BALDWIN

COMES NOW

Michael J. Woerner AND
Caryn H. Woerner

(hereinafter the "Petitioners"), 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 20' unopened ROW described in this Petition. In support of this Petition, your Petitioner(s) shows as follows:

1. The Petitioner(s) owns property which abuts or touches that portion of 20' unopened ROW described as follows:

(insert Legal Description)

SEE PAGE 2 OF DEED - LESS AND EXCEPT
Inst. # 1977211 (ATTACHED)

2. The Petitioner(s), pursuant to Ala. Code 1975, Section 23-4-20, desire to vacate that portion of 20' unopened ROW 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 20' unopened ROW 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 20' unopened ROW described in paragraph 1 of this Petition.

3. The property described as that portion of 20' unopened ROW described in paragraph 1 of this Petition is located in Baldwin County, Alabama and is ~~not~~ located within the municipal limits of any municipality. CAN M

4. That portion of 20' unopened ROW described in paragraph 1 of this Petition is of no use to the public as a street.

5. That portion of 20' unopened ROW 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 20' unopened ROW described in paragraph 1 of this Petition be closed and vacated.

7. The vacation of that portion of 20' unopened ROW 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(s), constituting the owner(s) of property which abuts or touches that portion of 20' UNOPENED ROW described in paragraph 1 of this Petition, being desirous that that portion of 20' UNOPENED ROW 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 20' UNOPENED ROW described in paragraph 1 of this Petition.

RESPECTFULLY SUBMITTED on this the 24th day of June, 2022

Michael J. Woerner (Seal)
PETITIONER

(insert address of petitioner)

Caryn H. Woerner (Seal)
PETITIONER

STATE OF Alabama

COUNTY OF Baldwin

I, KARRI D. BOTTS, a Notary Public, in and for said County and State, hereby certify that Michael J. Woerner + Caryn H. Woerner whose name(s) is/are signed to the foregoing conveyance and who is/are known to me, acknowledged before me on this day, that being informed of the contents of this conveyance, has/have executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 24 day of June, 2022.

KARRI D. BOTTS
NOTARY PUBLIC

My Commission Expires: 02/04/2025

1977211

REAL ESTATE SALES VALIDATION FORM

The following information is provided pursuant to Code of Alabama §40-22-1 (1975).

The undersigned Grantor does attest, to the best of Grantor's knowledge and belief that the information in this document is true and accurate. The Grantor understands that any false statement claimed on this form may result in the imposition of the penalties indicated in Code of Alabama §40-22-1 (h) (1975).

Grantor's Name Albert Cowart
Mailing Address 353 General Jackson
Memorial Dr
Southridge, AL 36511
Property Address 311 Cedar St. S
Foley, AL 36535

Grantee's Name Michael J. Woerner, Caryn H. Woerner
Mailing Address 25214 James Woerner Lane
Elberta AL 36530
Date of Sale February 4, 2022
Total Purchase Price \$ \$71,900.00
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)
(Recording of documentary evidence is not required) _____ Bill of Sale; _____ Appraisal; _____ Sales Contract;
☒ Closing Statement; _____ Other _____

STATE OF ALABAMA :
COUNTY OF BALDWIN :

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **ALBERT COWART**, a(n) married man, and **KEITH COWART**, a(n) MARRIED man, (being the surviving Grantees in that certain deed recorded at Instrument #1701063, in the Office of the Judge of Probate of Baldwin County, Alabama, the other Grantee, MABEL E. THOMAS, having died on June 28, 2021), ("Grantors"), for and in consideration of the sum of TEN DOLLARS (\$10.00) in cash and other good and valuable consideration, in hand paid to the Grantors by **MICHAEL J. WOERNER** and **CARYN H. WOERNER**, ("Grantees"), the receipt and sufficiency of which is 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 Grantees, as tenants in common, and with equal rights and interests for the period or term that the said Grantees shall both survive and unto the survivor of the said Grantees, at the death of the other, 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:

BEGINNING AT A 1/2" OPEN TOP IRON PIPE AT THE SOUTHEAST CORNER OF LOT 3, PARKWOOD SUBDIVISION, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 1153-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°23'12" EAST ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 83.87 FEET TO 5/8" IRON REBAR WITH CAP (BABB); THENCE RUN SOUTH 89°47'45" EAST ALONG THE SOUTH LINE OF LOTS 4 THRU 6 OF SAID SUBDIVISION A DISTANCE OF 258.78 FEET TO A 1" CRIMPED TOP IRON PIPE; THENCE RUN NORTH 00°08'32" EAST ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 178.30 FEET TO A 1/2" IRON REBAR WITH CAP (LS#13402) AT THE SOUTHWEST CORNER OF LOT 5, CEDAR PLACE SUBDIVISION, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 1309-B IN SAID PROBATE OFFICE; THENCE RUN SOUTH 89°29'52" EAST ALONG THE SOUTH LINE OF LOT 5 OF SAID CEDAR PLACE A DISTANCE OF 308.91 FEET TO A 1/2" IRON REBAR WITH CAP (LS#13402) LYING ON THE WESTERLY RIGHT-OF-WAY OF CEDAR STREET (60' WIDE R.O.W.); THENCE LEAVING SAID SOUTH LINE RUN SOUTH 00°07'01" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 259.83 FEET TO A 1/2" IRON REBAR WITH CAP (LS#13402); THENCE LEAVING SAID RIGHT-OF-WAY RUN NORTH 89°52'14" WEST A DISTANCE OF 568.16 FEET TO A 1/2" OPEN TOP IRON PIPE AT THE POINT OF BEGINNING; SAID DESCRIBED PARCEL LYING WITHIN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA.

LESS AND EXCEPT A 20 FEET WIDE STRIP CONVEYED TO BALDWIN COUNTY FOR RIGHT-OF-WAY IN DEED BOOK 178, PAGE 370, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" CRIMPED TOP IRON PIPE AT THE SOUTHEAST CORNER OF LOT 6, PARKWOOD SUBDIVISION, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 1153-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°08'32" EAST ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 20.00 FEET TO A POINT; THENCE LEAVING SAID EAST LINE RUN SOUTH 89°57'24" EAST A DISTANCE OF 308.99 FEET TO A POINT THE WEST RIGHT-OF-WAY OF CEDAR STREET (60' WIDE R.O.W.); THENCE RUN SOUTH 00°07'01" WEST ALONG SAID WEST RIGHT-OF-WAY A DISTANCE OF 20.00 FEET TO A POINT; THENCE LEAVING SAID WEST RIGHT-OF-WAY RUN NORTH 89°57'24" WEST A DISTANCE OF 308.99 FEET TO THE POINT OF BEGINNING.

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.

Grantors, ALBERT COWART and KEITH COWART, if married, hereby state that the above described property does not constitute part of their homesteads nor does it constitute part of the homesteads of their spouses.

THIS CONVEYANCE AND THE WARRANTIES CONTAINED HEREIN ARE MADE SUBJECT TO THE FOLLOWING:

1. Right-of-way and easement granted the City of Foley by William L Cowart and Mabel E Cowart, dated June 23, 1970, and recorded in Deed Book 405 page 58.
2. Reservation for roadway appearing of record in Deed from Magnolia Springs Land Company to Nick Thielen and Peter Schumacher, dated February 18, 1901, and recorded in Deed Book 12 page 627.
3. Easement granted the Utilities Board of the Town of Foley by Nellie G Topp and Henry Topp, dated June 23, 1970, and recorded in Deed Book 405 page 57.
4. Terms, conditions, rules, regulations, subdivision regulations, ordinances, and other matters relating to the City of Foley, Alabama, including, but not limited to: (a) City of Foley, Alabama, Subdivision Regulations dated January 7, 2008, and recorded at Instrument 1098026, and all amendments thereto. (b) Tree and Natural Feature Preservation Ordinance Number 1009-07, recorded at Instrument 1079685, as the same may have been modified at Instrument 1556660, Heritage Tree Preservation Ordinance Number 15-1003 as recorded at Instrument 1508545, Ordinance Number 15-1003 Regulating Environmental Permits Related to Land Disturbance within the City of Foley recorded at Instrument 1508544, and Ordinance 16-2001-ORD, Rescinding Ordinance 1009-07 recorded at Instrument 1556660. (c) City of Foley Ordinance No. 986-07, adopting the 2006 International Building (ICC) codes and supplemental provisions to upgrade the various codes relating to the inspection activities of the City of Foley and enforcement of the building provisions and fire safety as provided in said codes, dated June 18, 2007, as amended at Instruments 1110234, 1118864, 1198497; Ordinance No. 1200-12 adopting the 2009 codes, dated July 2, 2012 and recorded at Instrument 1348178; Ordinance No. 13-1025 approving the amendments to the City of Foley Building Codes, dated January 7, 2013, and recorded at Instrument 1380798; Ordinance No. 13-1043 adopting and amending the 2009 codes, dated November 4, 2013 and recorded at Instrument 1429467, as amended in Ordinance 13:1054 at Instrument 1436249; Ordinance No. 15-1013 adopting the 2012 codes, dated June 1, 2015 and recorded at Instrument 1517983; Ordinance No. 16-2020-ORD adopting the 2012 codes, dated September 6, 2016 and recorded at Instrument 1594654; Ordinance 17-2028-ORD, Building Code & Fee Amendments recorded at Instrument 1646589; Ordinance 17-2029-ORD, Amendments to Manual for Design and Construction Standards, recorded at Instrument 1648524; Ordinance 17-2036-ORD rescinding Ordinance 17-2028 Building Codes and Fee Amendments recorded at Instrument 1655740; Ordinance 17-2037-ORD, Building Code & Fee Amendment recorded at Instrument 1655741;

Ordinance 17-2038-ORD rescinding Ordinance 17-2029, Amendments to the Manual for Design and Construction Standards Ordinance as recorded at Instrument 1655742; Ordinance 17-2039-ORD, Amendments to the Manual for Design and Construction Standards Ordinance, recorded at Instrument 1655743; Ordinance 18-2004-ORD Amending Building Code & Fee Amendments as recorded at Instrument 1685212; Resolution 2018-120, Ordinance 19-2023-ORD, An Ordinance to Amend the Manual for Design and Construction Standards recorded at Instrument 1786474; and Ordinance 20-2005-ORD, Adopting the 2018 International Building (ICC) Codes and Supplement Provisions recorded at Instrument 1827606.

5. Easements, notes, reservations, rights-of-way, fence encroachments, overhead electric lines, gas lines, sewer lines, discrepancies in actual and record distances and bearings, and all other matters shown on the plat of survey by Stuart L Smith, PLS, dated January 26, 2022.

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 Grantees, as tenants in common, and with equal rights and interests for the period or term that the said Grantees shall both survive and unto the survivor of the said Grantees, at the death of the other, in fee simple, together with every contingent remainder and right of reversion, and to their heirs and assigns, FOREVER.

And, except as to the above and taxes hereafter falling due which are assumed by the Grantees, Grantors do, for Grantors and for their heirs and assigns of Grantors, hereby covenant with the Grantees that Grantors are seized of an indefeasible estate in fee simple in said property, is in quiet and peaceable possession thereof, that said property is free and clear of all encumbrances, and that Grantors do hereby WARRANT AND WILL FOREVER DEFEND the title to said property and the quiet and peaceable possession thereof, unto the Grantees, and to the heirs and assigns of Grantees, against the lawful claims of all persons whomsoever.

It is the intention of the Grantees herein that the title be taken in their joint names as tenants in common with cross-contingent remainders to the survivor in fee, and that this estate be destructible only with the consent of all Grantees.


IN WITNESS WHEREOF, the Grantors have hereunto set their hand and seal on this the 4 day of Feb, 2022.


ALBERT COWART (SEAL)

KEITH COWART (SEAL)

STATE OF Al
COUNTY OF Baldwin

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that ALBERT COWART, 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 said conveyance, he has executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 4 day of Feb, 2022.


NOTARY PUBLIC
My Commission Expires:

STATE OF Alabama
COUNTY OF Talladega

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that KEITH COWART, 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 said conveyance, he has executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 2nd day of February, 2022.

Laura Businelle

NOTARY PUBLIC

My Commission Expires:

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

Laura Businelle
Notary Public
Alabama State at Large
Comm. Exp. 10/28/2024

THIS INSTRUMENT PREPARED BY:
G. DAVID CHAPMAN III, P.C.
Attorney at Law
Post Office Box 1508
Gulf Shores, Alabama 36547
File #22.0607