

2041563

COUNTY OF BALDWIN

STATE OF ALABAMA

RESOLUTION NO. 2023-026

RESOLUTION OF THE COUNTY COMMISSION OF
BALDWIN COUNTY, ALABAMA
FOR THE VACATION OF AN UNOPENED, UNIMPROVED 20 FOOT RIGHT OF WAY
WEST OF S. CEDAR STREET

RECITALS:

1. Michael J. Woerner and Caryn H. Woerner are the owners and holders of interest of the lands abutting a 20' unopened, unimproved Right of Way west of S. Cedar Street, 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 feet to a point; thence leaving said east line run South 89°57'24" East a distance of 308.99 feet to a point on 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 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, lying in the Northeast Quarter of the Southwest Quarter of Section 29, Township 7 South, Range 4 East, Baldwin County, Alabama.

2. Daniel L. Kittrell is the owner of the land at the terminus of the above described Right of Way. Together, Daniel L. Kittrell, Michael J. Woerner, and Caryn H. Woerner are referred to herein as "**Petitioners**".
3. The **Petitioners** have filed a **Petition** with the **County Commission of Baldwin County, Alabama** (the "**County Commission**") requesting that the **County Commission** adopt a resolution to vacate the Right of Way.
4. The **Petitioners**, pursuant to **Section 23-4-2, et. seq., Code of Alabama 1975**, desire to destroy the force and effect of the dedication of the Right of Way and divest all public rights, including any and all rights which may have been acquired by prescription in and to the Right of Way.
5. The Right of Way is located within the City of Foley, Alabama, but is owned by **Baldwin County, Alabama**. The City of Foley has not accepted, improved, or maintained the Right of Way and has no claim or interest therein. The City of Foley's letter disclaiming any interest in the Right of Way is attached hereto as Exhibit "A".

6. It is in the interest of the public that the Right of Way be closed and vacated.
7. The vacation of the Right of Way does 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, BE IT RESOLVED BY THE COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA, that the **County Commission** does assent to the vacation of the Right of Way described in **Paragraph 1** of this **Resolution** and, as such, the Right of Way is hereby vacated and annulled and all public rights and easements therein are divested.

The foregoing resolution was adopted and approved on the 3rd day of January 2023, by the Baldwin County Commission.



Approved:

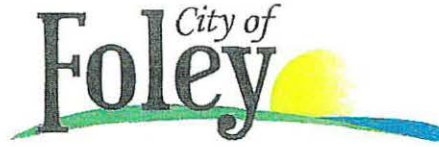
Charles F. Gruber
Charles F. Gruber, Chairman
BALDWIN COUNTY COMMISSION

Attest:

Ronald J. Cink
RONALD J. CINK, BUDGET DIRECTOR
BALDWIN COUNTY COMMISSION

407 E. Laurel Ave.
Foley, AL 36535

251-943-1545
Fax (251) 952-4014
www.cityoffoley.org



Michael L. Thompson
City Administrator

March 23, 2022

Caryn Woerner
25276 James Woerner Lane
Elberta, AL. 36530

RE: 20' Right-of-Way

Dear Ms. Woerner,

You have inquired about the 20' right-of-way associated with Tax Parcel: 05-54-09-29-3-000-051.000, and recorded in Deed Book 178, Page 370 in the Baldwin County Probate records. The City of Foley has not accepted, improved, nor maintained this unopened 20' right-of-way. The City has no claim or interests in this existing right-of-way that has been deeded to Baldwin County.

Sincerely,

Michael Thompson
City Administrator