

This Instrument

Prepared By

RECEIVED
Foley
JAN 27 2020

City of Foley, AL

Signature Copy

407 E. Laurel Avenue
Foley, AL 36535

BY: *BP*

Ordinance: 19-2027-ORD

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed/cert. 1/5/2020 10:01 AM
TOTAL \$ 49.00
13 Pages

1803981



File Number: 19-0656

Enactment Number: 19-2027-ORD

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY
INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY LARRY ENGLE

*4BCC
WD
RC*

WHEREAS, on the 9th day of December, 2019, **Larry Engle**, being the owner(s) of all the real property hereinafter described, did file with the City Clerk a petition asking that the said tract(s) or parcel(s) of land be annexed to and become a part of the City of Foley, and

WHEREAS, said petition did contain the signatures of all the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Foley, and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the City of Foley and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FOLEY, ALABAMA, AS FOLLOWS:

Section 1. The Council of the City of Foley, Alabama, finds and declares as the legislative body of the City that it is in the best interests of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Foley.

Section 2. The boundary lines of the City of Foley, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Foley, Alabama, and in addition thereto the following described territory, to-wit: Tax Map Parcel # 05-54-09-31-0-000-007.000 PPIN # 031028

Section 3. Petitioner requested zoning as A-O (Agriculture Open Space), which will go to the Planning Commission at a later date. Petitioner also requested the \$250 zoning fee be waived and Council approved the waiver.

Section 4. This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Baldwin County, Alabama.

Section 5. The territory described in this ordinance shall become a part of the corporate limits of Foley, Alabama, upon publication of this ordinance as required by law.

PASSED, APPROVED AND ADOPTED this 16th day of December 2019.



President's Signature

Date

12-16-19

Attest by City Clerk

Date

12-16-19

Mayor's Signature

Date

12/18/19

I certify that the foregoing Ordinance was published in The Baldwin Times, a newspaper of general circulation in the City of Foley, in its issue of Friday, January 3, 2020.

Kathryn Taylor, CMC
City Clerk



PETITION FOR ANNEXATION

We, the undersigned PETITIONERS, owners of the property described in the attached Exhibit A and as delineated on the map attached as Exhibit B, such property being outside the corporate limits of the City of Foley, Alabama, but which is now, or at the time this petition is acted upon will be, contiguous to the said corporate limits, and such property not lying within the corporate limits of any other municipality, do by these presents hereby petition the City of Foley, a municipal corporation, that said property be annexed into the City of Foley, Alabama pursuant to the authority of Section 11-42-21 of the Code of Alabama (1975).

We, the undersigned PETITIONERS further petition that the Honorable Mayor and City Council of the City of Foley, Alabama, set a date for the hearing of this petition and adopt an ordinance annexing such property.

We, the undersigned PETITIONERS also ask that the Honorable Mayor and City Council of the City of Foley, Alabama, do all things necessary and requisite to comply with the terms of Section 11-42-21 of the Code of Alabama (1975).

We, the undersigned PETITIONERS understand that we will have no right to vote in any elections which we would be entitled to vote in as a result of this proposed annexation until the annexation is pre-cleared by the United States Department of Justice pursuant to section 5 of the Voting Rights Act of 1965, as amended.

Dated this 6th day of DECEMBER 2019.

[Signature]
Petitioner's Signature

Petitioner's Signature

STATE OF ALABAMA
BALDWIN COUNTY

On this 6th day of December, 2019, before me personally appeared _____, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.

Brenda W. Shumbo
NOTARY PUBLIC
My Commission Expires: 4/04/2020



STATE OF ALABAMA
BALDWIN COUNTY

On this _____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be the person who executed the foregoing instrument, and who, sworn and under oath, acknowledged that he/she executed the same as his/her own free act and deed, with full knowledge of the contents thereof.

NOTARY PUBLIC
My Commission Expires: _____

ATTACHMENT TO PETITION

PETITIONER(S) REQUEST PROPERTY BE INITIALLY ZONED AS FOLLOWS:

- | | | |
|-------------------------------------|-------|---|
| <input type="checkbox"/> | R-1A | Residential Single Family |
| <input type="checkbox"/> | R-1B | Residential Single Family |
| <input type="checkbox"/> | R-1C | Residential Single Family |
| <input type="checkbox"/> | R-1D | Residential Single Family |
| <input type="checkbox"/> | R-1R | Restricted Residential Single Family |
| <input type="checkbox"/> | R-2 | Residential Single Family & Duplex |
| <input type="checkbox"/> | R-3 | Residential Multi Family |
| <input type="checkbox"/> | R-4 | Residential Single Family & Duplex |
| <input type="checkbox"/> | GPH-1 | Residential Garden-Patio Homes |
| <input type="checkbox"/> | TH-1 | Residential Townhouses |
| <input type="checkbox"/> | MH-1 | Residential Mobile Home Park/Subdivision |
| <input type="checkbox"/> | OSP | Open Space/Reservation District |
| <input type="checkbox"/> | PDD | Planned Development District |
| <input type="checkbox"/> | PUD | Planned Unit Development |
| <input type="checkbox"/> | PID | Planned Industrial District |
| <input type="checkbox"/> | B-1 | Central Business District |
| <input type="checkbox"/> | B-1A | Commercial Extended Business District |
| <input type="checkbox"/> | B-2 | Commercial Neighborhood Business District |
| <input type="checkbox"/> | B-3 | Commercial Local Business District |
| <input type="checkbox"/> | PO | Preferred Office District |
| <input type="checkbox"/> | M-1 | Light Industry |
| <input checked="" type="checkbox"/> | A-O | Agriculture Open Space |
| <input type="checkbox"/> | H | Overlying area of Historic District |

PLEASE SELECT ONE OF THE ABOVE. IF YOU HAVE ANY QUESTIONS REGARDING THE REQUESTED ZONING, PLEASE CALL THE ZONING OFFICE AT 251-943-4011.

Initial Zoning Fee \$250.00 - check payable to the City of Foley due at time of submission.

Number of homes currently located on the property being annexed 1

Number of occupants Adults 2 Race CAUCASIAN

Number of businesses currently located on the property being annexed _____

(If more than one business on property, print information on back.)

Name of business _____

Owner's Name _____

Mailing Address _____

If property is undeveloped, have plans been submitted to Planning Commission?

☐ Yes

If yes, state estimated date the development or subdivision will be completed _____

☐ No

Petitioner's Signature _____ Date _____

For Internal Use Only: Are infrastructure valuation forms for annexations and subdivision acceptance from the Engineering Department attached?

☐ Yes

☐ No

Address of Grantee:

Larry E. Engel
231 W. Laurel Ave.
Foley, AL 36536

Address of Grantors:

Edward W. and Eva E. Engel
P. O. Box 34
Foley, AL 36536

THIS DOCUMENT PREPARED BY:

Mylan R. Engel, Esquire
ENGEL, WALSH AND ASSOCIATES
917 Western America Circle, Suite 504 (36609)
P. O. Box 1045
Mobile, AL 36633-1045
(334) 340-6283
(334) 340-6285 - Fax

STATE OF ALABAMA
COUNTY OF BALDWIN

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:
2009 August ~ 1 11:12AM
Instrument Number: 556096
According to 9.00 Acres
Deed 52.00 Min Tax
Index 3.00
Archives 1.00
Karlson T. Johns, Judge of Probate

DEED

KNOW ALL MEN BY THESE PRESENTS, that EDWARD W. ENGEL and EVA E. ENGEL, husband and wife, the Grantors, for and in consideration of the sum of TEN and no/100 DOLLARS (\$10.00) and other good and valuable consideration, hereby acknowledged to have been paid to said Grantors by LARRY E. ENGEL, the Grantee, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said Grantee, all of their right, title and interest in and to that certain real property, situated, lying and being in the County of Baldwin, State of Alabama, more particularly described as follows, to-wit:

Beginning at the Southwest corner of the southeast quarter of Section 31, Township 7 South, Range 4 East, run N00°30'16"W along the west line of said southeast quarter and the east right of way line of Barner Road a distance of 409.22 feet to a point; thence run N88°50'46"E a distance of 1336.48 feet to a point; thence run S00°31'38"E a distance of 422.34 feet to a point on the south line of the aforementioned southeast quarter of Section 31, Township 7 South, Range 4 East; then run S89°24'27"W along said south line of the southeast quarter a distance of 1338.58 feet to the point of beginning. Containing 12.76 acres.

SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. Reservations of undivided one-half interest in and to all oil, gas and other minerals and rights and privileges thereto pertaining as contained in deed from R. L. Mussman and Doris L. Mussman to Edward W. Engel and Eva E. Engel dated November 14, 1984, and recorded in Real Property Book 186, page 725.
2. Right of way granted Baldwin County by Magnolia Springs Land Co. by instrument dated December 12, 1907, and recorded in Deed Book 22, page 314.
3. Reservation of roadway over West 20 feet of herein described property by The Magnolia Springs Land Co. by instrument dated September 23, 1912, and recorded in Deed Book 20, page 155.

TOGETHER WITH ALL AND SINGULAR the rights, members, privileges and appurtenances thereunto belonging or in anywise appertaining.

556096

TO HAVE AND TO HOLD the above-described property unto the said Grantee, and unto his heirs and assigns forever.

AND, except as to taxes hereafter falling due, which are assumed by the Grantee, the said Grantor, for himself and for his heirs, executors and administrators, hereby covenant with the Grantee, his heirs and assigns, that he is seized of an indefeasible estate in fee simple in and to said property, that said property is free and clear of all encumbrances, and that he does WARRANT and will forever DEFEND the title to and the possession of said property until the Grantee, heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals on this the 24th day of July, 2000.

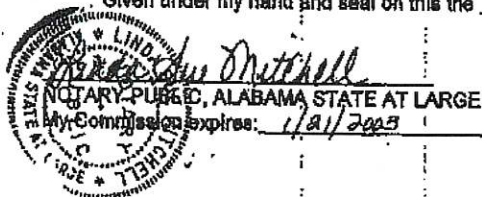
 (SEAL)
EDWARD W. ENGEL, GRANTOR

 (SEAL)
EVA E. ENGEL, GRANTOR

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public, in and for said State and County, hereby certify that EDWARD W. ENGEL AND EVA E. ENGEL, husband and wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 24th day of July, 2000.



Address of Grantee:

Larry E. Engel
231 W. Laurel Ave.
Foley, AL 36536

Address of Grantors:

Edward W. and Eva E. Engel
P. O. Box 34
Foley, AL 36536

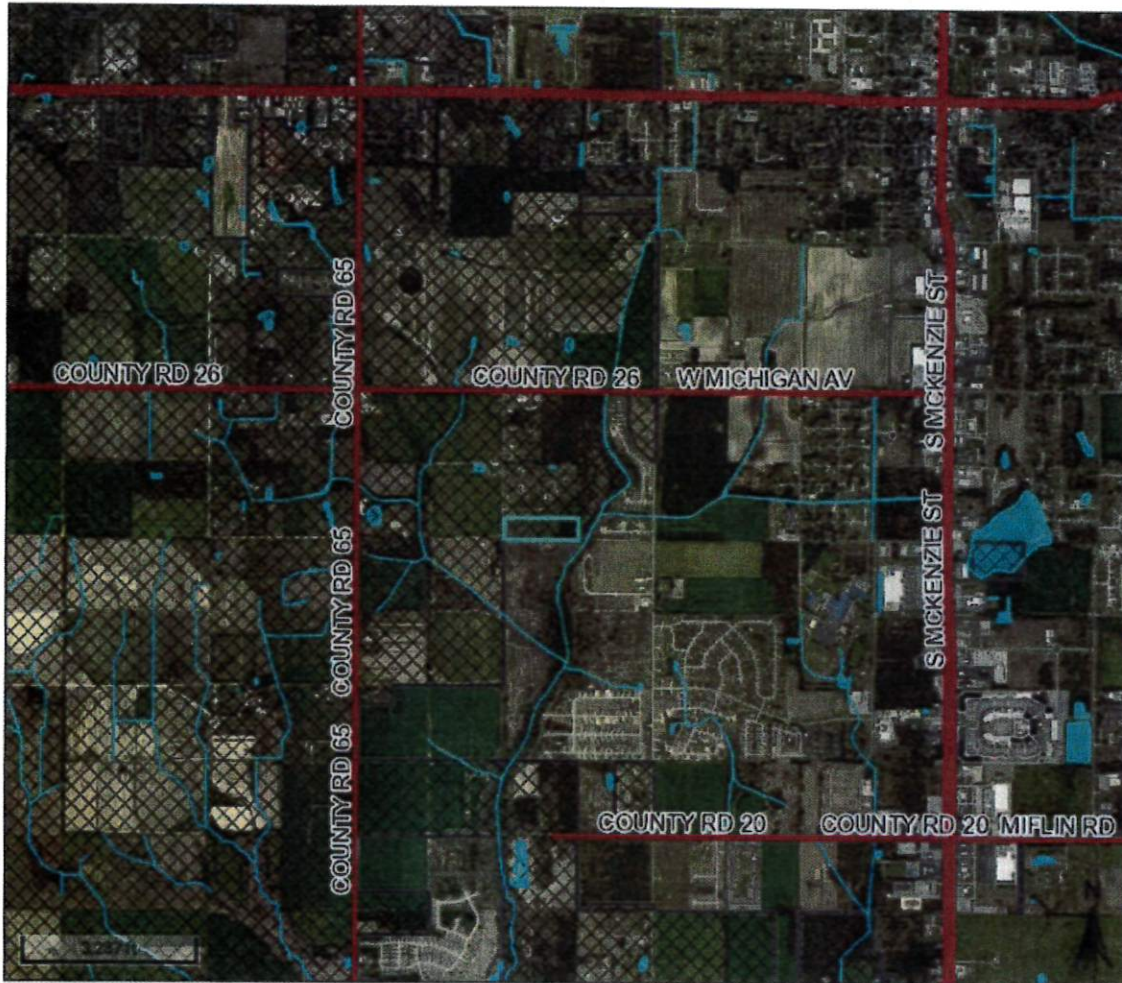
THIS DOCUMENT PREPARED BY:

Mylan R. Engel, Esquire
ENGEL, WALSH AND ASSOCIATES
917 Western America Circle, Suite 504 (36609)
P. O. Box 1045
Mobile, AL 36633-1045
(334) 340-6283
(334) 340-6285 - Fax

Annexation

Larry Engle Property PPIN# 31028

Created by: Katy Taylor



Overview



Legend

- Centerlines
- Foley City Limits
- County Mask
- Parcels
- Streams and Creeks
- Lakes and Bays

PIN - 31028
Par Num - 007.000
Acreage - 11.756
Subdivision -
Lot -
Street Name - BARNER RD
Street Number - 11074
Improvement - RES

Name - ENGEL, LARRY E
Address1 - P O BOX 2132
Address2 -
Address3 -
City - FOLEY
State - AL
Zip - 36536

The information contained in the digital data distributed by the Baldwin County Commission is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness, currency, thereof are not guaranteed. The Baldwin County Commission makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of information or data contained in or generated from the county geographic database. Additionally, the Baldwin County Commission or any agent, servant, or employee thereof assume no liability associated with the use of the data and assume no responsibility to maintain it in any matter or form.

Date created: 12/9/2019
Last Data Uploaded: 12/9/2019 5:03:53 AM

Developed by  **Schneider**
GEOSPATIAL

Annexation Report for Mayor & Council

By: Miriam Boutwell

December 9, 2019

Applicant: Larry Engle

Location: South of CR 26/Michigan Ave, east of Barner Road

Current Zoning: Unzoned Baldwin County

Requested Zoning: AO – Agricultural Open Space

Future Land Use: RL – Residential Low Density

Comments: This is a 12 acre parcel adjacent to R1C – Residential Single Family & GPH1 – Garden Patio Home city zoning. There is a small portion of flood zone along the eastern boundary of the parcel but appears to be well away from the residence.

Fiscal year ended 9/30/2020
**INFRASTRUCTURE ADDITIONS DUE TO
Annexation**

DATE ANNEXED/ACCEPTED: 16-Dec-19

Resolution, Ordinance Act# (etc): ?

ROW Acceptance Ordinance#

Data Collection by: Randy Kurtts Date: 12/9/2019

(Data obtained from as-builts, onsite inspection, GIS, etc.)

Accounting Valuation by: Date:

(See current year file for accounting valuation supporting detail)

ANNEXING PARTY AND/OR SUBDIVISION NAME/UNIT/PHASE:

PIN 31028 Larry Engel

Border County? Y N Quadrant: NW NE SW SE

BEGIN ROAD SEGMENT

Road Name: **Barner Road -**

Segment Observed: FROM: CL of Michigan Ave 2,276 Southward to NW property corner
TO: 409 LF south to SW property corner

TRAFFIC USE:	Light	TYPE:	Residential
	Moderate		Business
	Heavy		Industrial

SURFACE (RS):

Length: 409 ft Road Width: 18 ft Thickness: N/A

Estimated Life remaining (new=20 years): 10 Years Surface Condition: average

409 LF \$ - (1 LF @24ft wide road =\$40.82) (9 ft wide=\$15.31/LF) 15.31

Notes: Passed testing reg's, N/A Accounting Valuation\$ \$ 6,261.79

Fd: 80 Acct: 300 Dept: 82 Bldg: 0003 Prop: 0026 Class: 910 Cost Sre: E Funct: 431 Life if new: dirt-50, limestone-10
asphalt & rock-20 (if not new, see above)

BASE (RB): Material: Sand/Clay Clay Shell Limestone Compaction: N/A

Length Base width Base condition Notes: N/A

409 LF \$ - (1 LF @28ft wide road =\$39.10) (11 ft wide=\$15.36/LF) 15.36

Accounting Valuation\$ \$ 6,282.24

Fd: 80 Acct: 300 Dept: 81 Bldg: 0002 Prop: 0026 Class: 910 Cost Sre: E Funct: 431 Non-Depr

CURB & GUTTER AND MEDIAN ISLANDS (CG):Type: **None** C&G - Ribbon - valley gutter -

Present on both sides of street ?

Life remaining (new 25 years):25 years

Accounting Valuation\$

\$0.00

Fd: 80 Acct: 300 Dept: 88 Bldg: 0009 Prop: 0026 Class: 950 Cost Sre: E Funct: 431 Life New 25 (If not new, see above)

Concrete sidewalk : Y N

width: Length:

Accounting Valuation\$

\$0.00

Fd: 80 Acct: 001 Dept: 87 Bldg: 0008 Prop: 0026 Class: 945 Cost Sre: E Funct: 431 Life New:30 (If not new, see above)

RIGHTS OF WAY (RW)

road Length= 409 LF width=20ft (half of 40ft)

Acers 0.19

Accounting Valuation\$

\$950.00

Fd: 80 Acct: 001 Dept: 80 Bldg: PITO Prop: 0026 Class: 001 Cost Sre: E Funct: 431 Non-Depr.

Driveway Culvert

item	tag	length/qty	unit	description	unit price	amount	headwalls
1	1	24	LF	15"RCP	42.00	1,008.00	none

sub total \$1,008.00

TOTAL**\$1,008.00**

Fd: 80 Acct: 300 Dept: 84 Bldg: 0005 Prop: 0026 Class: 930 Cost Sre: E Funct: 431 Life New:25 (If not new, see above)

END OF ROAD SEGMENTDECORATIVE STREET LIGHT FIXTURES (SL):

Notation: The City is not currently capturing decorative light a as an asset. If the lights are damaged, The City will pay to have the lights replaced with current standard street lighting and will consider this a maintenance type expense. If the S/D homeowners wish to pay the difference, the same type of decorative light fixture will be installed.

NUMBER OF FIXTURES APPROXIMATE COST INSTALLED

IF OLDER FIXTURES, APPROXIMATE COST TO REPLACE \$