

1 HB799
2 121236-2
3 By Representative McMillan (N & P)
4 RFD: Baldwin County Legislation
5 First Read: 30-MAR-10

1 Baldwin County, and the City of Foley and specifically, but
2 not limited to, the initial purpose of facilitating the City
3 of Foley in providing certain services to the areas to be
4 annexed. Provided, however, the foregoing shall not be
5 construed to limit in any manner or otherwise curtail the
6 exercise of any municipal powers and authorities by the City
7 of Foley nor prohibit future or subsequent annexations in
8 accordance with the provisions hereof and the laws of the
9 state. The Legislature hereby further finds that the required
10 procedure for the introduction of this local bill has been
11 complied with, and the costs of publishing the notice of the
12 local bill have been paid by the City of Foley.

13 Section 2. Jurisdiction: All territory brought
14 within the corporate limits of the City of Foley under the
15 provisions of this act shall be subject to the laws and
16 ordinances of the City of Foley, and the City of Foley shall
17 have and exercise the same jurisdiction over such territory as
18 is exercised over any other territory within the corporate
19 limits of the City of Foley, and the City of Foley shall have
20 and exercise the same police, permitting, planning, and other
21 jurisdictions over such territory surrounding the
22 below-described territory as is allowed and provided for under
23 state law.

24 Section 3. Legal Description: The boundary lines and
25 corporate limits of the City of Foley in Baldwin County,
26 Alabama, are hereby altered, rearranged, and extended so as to

1 include within the corporate limits of the municipality, in
2 addition to the lands now included, all of the following
3 tracts or territories, to-wit: Those certain parcels of
4 property described below which are located in Baldwin County,
5 Alabama, and which are situated, in whole or in part, within
6 200 feet of either side of the right-of-way of the Foley Beach
7 Express and which are located between State Highway 59 and an
8 approximate line extending between Russian Road and County
9 Road 10, to-wit:

10 Area 1

11 Commence at a 5/8" iron rod located at the northeast
12 corner of Section 22, Township 8 South, Range 4 East, Baldwin
13 County, Alabama; thence west along the North line of said
14 Section 22 for a distance of 34 feet, more or less, to a point
15 on western right of way boundary of Roscoe Road (a Baldwin
16 County roadway with a right of way of 70 feet) and the Point
17 of Beginning. Thence, south and along said western right of
18 way boundary of Roscoe Road a distance of 2,690 feet, more or
19 less, to a point. Thence, westerly a distance of 1,335 feet,
20 more or less, to a point on the eastern right of way boundary
21 of the Foley Beach Express. Thence, approximately South 54
22 degrees 04 minutes 23 seconds West a distance of 108 feet,
23 more or less. Thence, westerly a distance of 146 feet, more or
24 less; thence continue approximately North 38 degrees 18
25 minutes 39 seconds West 125 feet, more or less, to a point on
26 the western right of way boundary of the Foley Beach Express.

1 Continue northerly, and along said western boundary of the
2 Foley Beach Express a distance of 2,653 feet, more or less, to
3 a point; thence, westerly 290 feet, more or less, to a point;
4 thence, northerly 406 feet, more or less. Continue easterly a
5 distance of 298 feet, more or less, to a point on the western
6 boundary of the Foley Beach Express. Thence, continue
7 approximately South 70 degrees 54 minutes 16 seconds East a
8 distance of 74 feet, more or less to a point. Thence, easterly
9 146 feet, more or less. Continue southerly 381 feet, more or
10 less, to a point; thence, run easterly a distance of 1,443
11 feet, more or less, to the Point of Beginning of the parcel
12 herein described. Said parcel contains 107.4 acres, more or
13 less.

14 It is the intent of the above description to
15 describe the following Tax Parcel Numbers as recorded in the
16 Baldwin County, Alabama Judge of Probate Office:

17 61-05-22-0-000-001.001
18 61-05-22-0-000-001.002
19 61-05-22-0-000-001.003
20 61-05-22-0-000-001.004
21 61-05-22-0-000-001.005
22 61-05-22-0-000-002.003
23 61-05-22-0-000-002.005
24 61-05-22-0-000-002.006
25 61-05-22-0-000-002.007
26 61-05-22-0-000-002.008

1 61-05-15-0-000-008.001

2 A portion of Parcel 61-05-22-0-000-002.001

3 LESS and EXCEPT the following Tax Parcel Numbers as
4 recorded in the Baldwin County, Alabama Judge of Probate
5 Office:

6 61-05-22-0-000-001.000, consisting of 5 acres, more
7 or less

8 AND

9 Excluding 10.9 acres, more or less, for the Foley
10 Beach Express right of way

11 Area 2

12 Commence at the Northeast corner of Section 15,
13 Township 8 South, Range 4 East, Baldwin County, Alabama;
14 thence, south 40 feet, more or less, to a point on the south
15 right of way boundary of County Road 12 and the Point of
16 Beginning for the property herein described. From the Point of
17 Beginning continue southerly a distance of 2,625 feet, more or
18 less, to a point; thence turn westerly and continue a distance
19 of 423 feet, more or less, to a point; thence, south 768 feet,
20 more or less; thence east 434 feet, more or less, to a point
21 on the eastern boundary of Section 15, Township 8 South, Range
22 4 East. Thence, continue south and along said eastern boundary
23 of said Section 15 for 539 feet, more or less, to a point.
24 Thence west 1,392 feet, more or less, to a point on the
25 eastern right of way boundary of the Foley Beach Express.
26 Thence, continue approximately South 11 degrees 14 minutes 53

1 seconds West, a distance of 427 feet, more or less. Thence,
2 continue westerly 143 feet, more or less, to a point. Continue
3 approximately North 9 degrees 13 minutes 14 seconds west, a
4 distance of 423 feet, more or less to a point on the western
5 right of way boundary of the Foley Beach Express. Continue
6 northerly and along said western right of way boundary 3,953
7 feet, more or less, to a point on the northern boundary line
8 of said Section 15, Township 8 South, Range 4 East. Continue
9 easterly and along said northern boundary of said Section 15,
10 Township 8 South, Range 4 East a distance of 1,680 feet, more
11 or less, to the Point of Beginning of the property herein
12 described. Said parcel contains 146.54 acres, more or less.

13 It is the intent of the above description to
14 describe the following Tax Parcel Numbers as recorded in the
15 Baldwin County, Alabama Judge of Probate Office:

- 16 61-05-15-0-000-002.002
- 17 61-05-15-0-000-002.005
- 18 61-05-15-0-000-002.006
- 19 61-05-15-0-000-002.007
- 20 61-05-15-0-000-002.008
- 21 61-05-15-0-000-002.004
- 22 61-05-15-0-000-007.001
- 23 61-05-15-0-000-007.000
- 24 61-05-15-0-000-001.000

1 LESS and EXCEPT the following: Less approximately
2 23.9 acres, more or less, of right of way for the Foley Beach
3 Express

4 Area 3

5 The Southwest Quarter of the Southwest Quarter of
6 Section 26, Township 7 South, Range 4 East, Baldwin County,
7 Alabama. Said parcel contains 40 acres, more or less.

8 It is the intent of the above description to
9 describe the following Tax Parcel Numbers as recorded in the
10 Baldwin County, Alabama Judge of Probate Office:

11 54-07-26-0-000-025.068

12 54-07-26-0-000-025.064

13 LESS and EXCEPT: 4.54 acres, more or less, which
14 consists of property held by the City of Foley for the Foley
15 Beach Express, more specifically defined as the following
16 Parcel Numbers as recorded in the Baldwin County, Alabama
17 Judge of Probate Office:

18 54-07-26-0-000-025.067

19 Area 4

20 Commence at a rebar found at the southeast corner of
21 Lot 2 of the Resubdivision of Lots 1 and 2 of GWS Industrial
22 Park; thence, run approximately North 00 degrees, 03 minutes,
23 38 seconds West along the east boundary of said Lot 2 a
24 distance of 987 feet, more or less, to a rebar at the
25 southeast corner of said Lot 1, said point being the Point of
26 Beginning of the property herein described; thence, run

1 approximately North 89 degrees, 56 minutes, 21 seconds West
2 along the south boundary of said Lot 1 a distance of 246 feet,
3 more or less, to a rebar at the southwest corner of said Lot
4 1; said point lying on the east right of way of the Foley
5 Beach Express (148-foot right of way); thence, run
6 approximately North 00 degrees, 03 minutes, 38 seconds West
7 along the west boundary of said Lot 1, and along the eastern
8 right of way boundary of the Foley Beach Express a distance of
9 286 feet, more or less, to a 1/2 inch rebar and cap at a point
10 of right of way change; thence, run approximately South 89
11 degrees, 56 minutes, 21 seconds East along the boundary of
12 said Lot 1, and along said right of way change, a distance of
13 2 feet, more or less, to a 1/2 inch rebar and cap set at a
14 point of right of way transition; thence, run approximately
15 North 46 degrees, 43 minutes 55 seconds East along the
16 boundary of said Lot 1, and along said right of way
17 transition, a distance of 35 feet, more or less to a point on
18 the south right of way of U. S. Highway 98 East; thence,
19 approximately South 89 degrees, 46 minutes, 15 seconds East
20 along said north boundary of said Lot 1 and along the south
21 right of way of said U. S. Highway 98, a distance of 219 feet,
22 more or less, to a 1/2 inch rebar and cap set at the northeast
23 corner of said Lot 1; thence, depart said right of way, and
24 run approximately South 00 degrees, 03 minutes, 38 seconds
25 East along the east boundary of said Lot 1 a distance of 309

1 feet, more or less, to the Point of beginning. Said described
2 parcel contains 1.7 acres, more or less.

3 It is the intent of the above description to
4 describe the following Tax Parcel Numbers as recorded in the
5 Baldwin County, Alabama Judge of Probate Office:

6 54-07-26-0-000-027.014

7 Area 5

8 As a Point of Beginning, begin at the Northwest
9 corner of the East half of the Southwest quarter of the
10 Northwest quarter of Section 26, Township 7 South, Range 4
11 East; thence, run south, and along the eastern right of way
12 boundary of the Foley Beach Express, a distance of 1,295 feet,
13 more or less, to a point. Said point being the points of
14 intersection of the eastern right of way boundary of the Foley
15 Beach Express and the northern right of way boundary for U. S.
16 Highway 98. Continue easterly, and along said U. S. Highway 98
17 right of way boundary a distance of 295 feet, more or less.
18 Thence, run north a distance of 835 feet, more or less;
19 thence, run west a distance of 268 feet, more or less.
20 Continue northerly a distance of 164 feet, more or less;
21 thence east a distance of 268 feet, more or less; thence
22 northerly 295 feet, more or less to a point. Thence, run
23 easterly a distance of 1,660 feet, more or less; thence,
24 northerly 1,355 feet, more or less; thence, run easterly 2,683
25 feet, more or less, to a point. Continue, northerly a distance
26 of 9,297 feet, more or less; thence, run westerly a distance

1 of 7,973 feet, more or less. Thence, southerly 3,961 feet,
2 more or less, to a point. Thence, run easterly a distance of
3 2,687 feet, more or less, to a point; thence, run southerly
4 along the west boundary of said Section 26 a distance of 6,676
5 feet, more or less, to a point; thence east a distance of 646
6 feet, more or less, to the Point of Beginning of the parcel
7 herein described. Said parcel contains 1,461 acres, more or
8 less.

9 It is the intent of the above description to
10 describe the following Tax Parcel Numbers as recorded in the
11 Baldwin County, Alabama Judge of Probate Office:

12 54-07-26-0-000-004.002
13 54-07-26-0-000-004.011
14 54-07-26-0-000-005.000
15 54-07-26-0-000-004.008
16 54-07-26-0-000-004.003
17 54-06-23-0-000-001.000
18 54-06-23-0-000-001.003
19 54-07-26-0-000-002.020
20 54-07-26-0-000-002.018
21 54-06-14-0-000-004.000
22 54-06-14-0-000-004.002
23 54-06-23-0-000-001.001
24 54-06-23-0-000-001.005
25 54-05-15-0-000-006.000
26 54-05-15-0-000-006.002

1 LESS and EXCEPT: 47.8 acres, more or less, which
2 consists of any and all rights of way for the Foley Beach
3 Express, more specifically defined as the following Parcel
4 Numbers as recorded in the Baldwin County, Alabama Judge of
5 Probate Office:

6 54-05-15-0-000-006.001

7 54-06-14-0-000-004.001

8 54-06-23-0-000-001.002

9 54-06-23-0-000-001.004

10 54-07-26-0-000-002.019

11 AND

12 LESS and EXCEPT: 26.5 acres, more or less, which
13 consists of any and all other existing right of ways.

14 Area 6

15 Commence at the Northwest Corner of Section 10,
16 Township 7 South, Range 4 East. Continue easterly and along
17 said northern boundary of said Section 10 a distance of 170
18 feet, more or less; thence south 20 feet, more or less, to the
19 Point of Beginning of the property herein described. Continue
20 east a distance of 3,831 feet, more or less, to a point.
21 Thence, south 3,969 feet, more or less; thence west 665 feet,
22 more or less; thence south 996 feet, more or less. Thence,
23 west 2,000 feet to a point. Thence, north 1,353 feet, more or
24 less; thence west 1,286 feet, more or less. Thence, north 89
25 feet, more or less; thence east 570 feet, more or less; thence
26 north 281 feet, more or less; thence west 570 feet, more or

1 less. Continue north 149 feet, more or less; thence,
2 northeasterly 105 feet, more or less; thence north 232 feet,
3 more or less. Thence, northeast 69 feet, more or less. Thence,
4 north 200 feet, more or less. Continue northwesterly a
5 distance of 46 feet, more or less; thence, north 138 feet,
6 more or less. Thence, southeasterly a distance of 44 feet,
7 more or less. Thence, north 35 feet, more or less; thence
8 northwest 44 feet, more or less. Thence, north 1,976 feet to a
9 point. Thence, approximately South 82 degrees 01 minutes 22
10 seconds East a distance of 110 feet, more or less, to a point.
11 Thence, approximately South 16 degrees 34 minutes 58 seconds
12 East 31 feet, more or less; thence, approximately North 74
13 degrees 05 minutes 52 seconds East 21 feet, more or less.
14 Thence, North 16 degrees 34 minutes 55 seconds West a distance
15 of 55 feet, more or less. Thence, North 82 degrees 01 minutes
16 21 seconds West a distance of 128 feet, more or less. Thence,
17 continue north 283 feet, more or less; thence, northeast 56
18 feet, more or less, to the Point of Beginning of the parcel
19 herein described. Said parcel contains 385.4 acres, more or
20 less.

21 LESS AND EXCEPT: The following parcels as identified
22 by Tax Parcel Numbers as recorded in the Baldwin County,
23 Alabama, Judge of Probate Office:

24 54-02-10-0-000-006.000

25 54-02-10-0-000-006.003

26 54-02-10-0-000-005.000

1 54-02-10-0-000-002.000

2 54-02-10-0-000-002.002

3 54-02-10-0-000-002.006

4 54-02-10-0-000-002.007

5 It is the intent of the above description to
6 describe the following Tax Parcel Number as recorded in the
7 Baldwin County, Alabama Judge of Probate Office:

8 54-02-10-0-000-002.005

9 LESS and EXCEPT: 18.79 acres, more or less, which
10 consists of any and all rights of way for the Foley Beach
11 Express, more specifically defined as the following Parcel
12 Numbers as recorded in the Baldwin County, Alabama Judge of
13 Probate Office:

14 54-02-10-0-000-002.004

15 54-02-10-0-000-006.002

16 AND

17 LESS and EXCEPT: 2.9 acres, more or less, consisting
18 of any and all other existing right of ways.

19 Area 7

20 Commencing at the Northeast corner of the Southeast
21 Quarter of the Northeast Quarter of Section 9, Township 7
22 South, Range 4 East; thence west 40 feet to a point on the
23 western right of way of the Foley Beach Express; said point
24 also being the Point of Beginning of the parcel herein
25 described. Thence continue west a distance of 2,578 feet, more
26 or less; thence south 474 feet, more or less; thence west 512

1 feet, more or less; thence north 475 feet, more or less;
2 thence west 843 feet, more or less; thence south 713 feet,
3 more or less; thence west 1,369 feet, more or less to a point
4 on the western boundary of County Road 73. Thence, north a
5 distance of 79 feet, more or less. Thence, west 599 feet, more
6 or less to a point on the eastern right of way boundary of
7 State Highway 59. Continue Southeast, along said right of way,
8 making a concave arc 843 feet, more or less. Thence, easterly
9 a distance of 126 feet, more or less. Continue north 213 feet,
10 more or less. Thence, east 707 feet, more or less; thence,
11 south 203 feet, more or less, to a point on the north right of
12 way of Woerner Road; thence east, and along said northern
13 right of way a distance of 454 feet, more or less, to a point.
14 Thence north a distance of 205 feet, more or less; thence east
15 210 feet, more or less; thence south 208 feet, more or less.
16 Continue east a distance of 3,942 feet, more or less. Thence,
17 north 80 feet, more less; thence, west 25 feet, more or less;
18 thence northeasterly a distance of 56 feet, more or less;
19 thence north a distance of 1,189 feet, more or less to the
20 Point of Beginning of the parcel herein described. Said parcel
21 contains 134.4 acres, more or less.

22 LESS AND EXCEPT: The following parcels as identified
23 by tax parcel numbers recorded in the Baldwin County, Alabama,
24 Judge of Probate Office:

25 54-02-09-0-000-005.000

26 54-02-09-0-000-017.001

1 54-02-09-0-000-017.004
2 54-03-08-0-000-020.001
3 54-03-08-0-000-022.000
4 54-03-08-0-000-031.002
5 54-02-09-0-000-011.000

6 It is the intent of the above description to
7 describe the following Tax Parcel Numbers as recorded in the
8 Baldwin County, Alabama Judge of Probate Office:

9 54-02-09-0-000-005.004
10 54-02-09-0-000-017.000
11 54-02-09-0-000-016.001
12 54-02-09-0-000-015.001-701
13 54-02-09-0-000-015.002-701
14 54-02-09-0-000-015.001-702
15 54-02-09-0-000-015.002-702
16 54-02-09-0-000-015.003
17 54-02-09-0-000-010.001
18 54-03-08-0-000-022.003

19 LESS and EXCEPT: 21.5 acres, more or less, which
20 consists of any and all rights of way for the Foley Beach
21 Express, more specifically defined as the following Parcel
22 Numbers as recorded in the Baldwin County, Alabama Judge of
23 Probate Office:

24 54-02-09-0-000-005.003
25 54-02-09-0-000-011.001
26 54-02-09-0-000-015.000

1 54-02-09-0-000-016.000

2 54-02-09-0-000-017.002

3 54-02-09-0-000-017.003

4 54-03-08-0-000-022.002

5 Section 4. Map: A map showing the above-described
6 territory sought to be annexed into the City of Foley by the
7 provisions of this Act in relation to a part of the previous
8 corporate limits is on file in the office of the Judge of
9 Probate, Baldwin County, Alabama, and at City Hall in the City
10 of Foley, and it is open to inspection by the public.

11 Section 5. All unimproved real property brought
12 within the corporate limits of the City of Foley under this
13 bill shall be exempt from the City of Foley's portion of ad
14 valorem taxes or from the payment of City of Foley ad valorem
15 taxes for a period of five (5) years from the effective date
16 of the annexation or until the date the real property is
17 issued a Certificate of Occupancy for the first improvement,
18 whichever occurs first, which will be the date that most City
19 of Foley municipal services are first made available to the
20 property. All improved real property that is brought within
21 the corporate limits of the City of Foley under this bill
22 shall be subject to paying all City of Foley and other ad
23 valorem taxes from the date municipal services are first made
24 available which shall be the effective date of this act.

25 Section 6. Notwithstanding any other provision of
26 this act, all of the following parcels as identified by tax

1 parcel numbers recorded in the Baldwin County, Alabama, Judge
2 of Probate Office shall be automatically deannexed from the
3 City of Foley unless the parcels have been rezoned by the City
4 of Foley by mutual agreement acceptable to the owner or owners
5 of the parcels within 24 months of the effective date of this
6 act:

7 54-06-23-0-000-001.000

8 54-06-23-0-000-001.003

9 54-07-26-0-000-002.020

10 54-07-26-0-000-002.018

11 54-06-14-0-000-004.000

12 54-06-14-0-000-004.002

13 54-06-23-0-000-001.001

14 54-06-23-0-000-001.005

15 54-05-15-0-000-006.000

16 54-05-15-0-000-006.002

17 54-02-09-0-000-005.004

18 54-02-09-0-000-017.000

19 Section 7. The provisions of this act are severable.
20 If any part of this act is declared invalid or
21 unconstitutional, that declaration shall not affect the part
22 which remains.

23 Section 8. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Baldwin County
Legislation 30-MAR-10

Read for the second time and placed
on the calendar with 1 substitute
and 01-APR-10

Read for the third time and passed
as amended 06-APR-10

Yeas 52, Nays 0, Abstains 0

Greg Pappas
Clerk