

1 HB799
2 119361-1
3 By Representative McMillan (N & P)
4 RFD: Baldwin County Legislation
5 First Read: 30-MAR-10

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to Baldwin County, Alabama, and the City of
14 Foley, Alabama; to alter, rearrange, and extend the boundary
15 lines and corporate limits of the City of Foley in Baldwin
16 County, Alabama, by annexing certain property into the city;
17 to make certain findings in regard to the public necessity for
18 the annexation; to provide that the existence of other
19 municipalities' police jurisdiction limits shall not affect
20 the validity of the annexation; to provide that the City of
21 Foley shall exercise full municipal authority over the annexed
22 territory; and to provide for the tax status of certain
23 property under certain conditions.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The Legislature hereby finds and
26 determines that it is expedient, wise, necessary, proper, and
27 in the best interests of the citizens of the State of Alabama,

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

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

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

13 Area 1

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

1 minutes 39 seconds West 125 feet, more or less, to a point on
2 the western right of way boundary of the Foley Beach Express.
3 Continue northerly, and along said western boundary of the
4 Foley Beach Express a distance of 2,653 feet, more or less, to
5 a point; thence, westerly 290 feet, more or less, to a point;
6 thence, northerly 406 feet, more or less. Continue easterly a
7 distance of 298 feet, more or less, to a point on the western
8 boundary of the Foley Beach Express. Thence, continue
9 approximately South 70 degrees 54 minutes 16 seconds East a
10 distance of 74 feet, more or less to a point. Thence, easterly
11 146 feet, more or less. Continue southerly 381 feet, more or
12 less, to a point; thence, run easterly a distance of 1,443
13 feet, more or less, to the Point of Beginning of the parcel
14 herein described. Said parcel contains 107.4 acres, more or
15 less.

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

- 19 61-05-22-0-000-001.001
- 20 61-05-22-0-000-001.002
- 21 61-05-22-0-000-001.003
- 22 61-05-22-0-000-001.004
- 23 61-05-22-0-000-001.005
- 24 61-05-22-0-000-002.003
- 25 61-05-22-0-000-002.005
- 26 61-05-22-0-000-002.006
- 27 61-05-22-0-000-002.007

1 61-05-22-0-000-002.008

2 61-05-15-0-000-008.001

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

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

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

9 AND

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

12 Area 2

13 Commence at the Northeast corner of Section 15,
14 Township 8 South, Range 4 East, Baldwin County, Alabama;
15 thence, south 40 feet, more or less, to a point on the south
16 right of way boundary of County Road 12 and the Point of
17 Beginning for the property herein described. From the Point of
18 Beginning continue southerly a distance of 2,625 feet, more or
19 less, to a point; thence turn westerly and continue a distance
20 of 423 feet, more or less, to a point; thence, south 768 feet,
21 more or less; thence east 434 feet, more or less, to a point
22 on the eastern boundary of Section 15, Township 8 South, Range
23 4 East. Thence, continue south and along said eastern boundary
24 of said Section 15 for 539 feet, more or less, to a point.
25 Thence west 1,392 feet, more or less, to a point on the
26 eastern right of way boundary of the Foley Beach Express.
27 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

25 LESS and EXCEPT the following: Less approximately
26 23.9 acres, more or less, of right of way for the Foley Beach
27 Express

1 Area 3

2 All of the property of the East half of the
3 Southeast Quarter of the Southeast Quarter of Section 34,
4 Township 7 South, Range 4 East, Baldwin County, Alabama. Said
5 parcel contains 19.5 acres, more or less.

6 AND

7 Commence at the Northwest corner of the Southwest
8 Quarter of the Southwest Quarter of Section 35, Township 7
9 South, Range 4 East; thence, run south a distance of 30 feet,
10 more or less, to a point of the south margin of Doc McDuffie
11 Road. Thence, run east, and along said right of way, a
12 distance of 20 feet, more or less, to the Point of Beginning
13 of the parcel herein described. Continue east and along said
14 south right of way boundary a distance of 448 feet, more or
15 less; thence, south a distance of 343 feet, more or less to a
16 point on the west right of way of the Foley Beach Express.
17 Thence, run southwesterly a distance of 112 feet, more or less
18 to a point; thence west a distance of 425 feet, more or less,
19 to a point on the east margin of a 40 foot right of way
20 previously deeded to Baldwin County. Thence, north a distance
21 of 456 feet, more or less, to the Point of Beginning of the
22 parcel herein described. Said parcel contains 4.6 acres, more
23 or less.

24 LESS and EXCEPT: a 50 foot x 60 foot easement deeded
25 to Lands South LLC by Instrument 517987, Probate Records,
26 Baldwin County, Alabama

27 AND

1 Commencing at the Northwest corner of Section 2,
2 Township 8 South, Range 4 East. Thence, south and along the
3 western boundary of Section 2 a distance of 1,272 feet, more
4 or less to a point. Thence easterly, and along the meander
5 line of a creek known as Wolf Creek 1,120 feet, more or less.
6 Said meander line is bounded on the south by Wolf Creek
7 Estates, as recorded in the Office of the Judge of Probate,
8 Baldwin County, Alabama in Map Book 11 Page 134, Deed Page
9 0000981 A. Thence, north a distance of 1,620 feet to a point
10 on the North Boundary of Section 2, Township 8 South, Range 4
11 East. Thence, west and along said North Boundary of Section 2
12 a distance of 842 feet, to the Point of Beginning of the
13 parcel herein described. Said parcel contains 25.6 acres, more
14 or less.

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

18 54-08-34-0-000-002.007

19 61-01-02-0-000-001.058

20 54-07-35-0-000-005.016

21 LESS and EXCEPT: 1.2 acres, more or less, which
22 consists of property held by the City of Foley for the Foley
23 Beach Express, more specifically defined as the following
24 Parcel Numbers as recorded in the Baldwin County, Alabama
25 Judge of Probate Office

26 61-01-02-0-000-001.072

27 Area 4

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

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

7 54-07-26-0-000-025.068

8 54-07-26-0-000-025.064

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

14 54-07-26-0-000-025.067

15 Area 5

16 Commence at a rebar found at the southeast corner of
17 Lot 2 of the Resubdivision of Lots 1 and 2 of GWS Industrial
18 Park; thence, run approximately North 00 degrees, 03 minutes,
19 38 seconds West along the east boundary of said Lot 2 a
20 distance of 987 feet, more or less, to a rebar at the
21 southeast corner of said Lot 1, said point being the Point of
22 Beginning of the property herein described; thence, run
23 approximately North 89 degrees, 56 minutes, 21 seconds West
24 along the south boundary of said Lot 1 a distance of 246 feet,
25 more or less, to a rebar at the southwest corner of said Lot
26 1; said point lying on the east right of way of the Foley
27 Beach Express (148-foot right of way); thence, run

1 approximately North 00 degrees, 03 minutes, 38 seconds West
2 along the west boundary of said Lot 1, and along the eastern
3 right of way boundary of the Foley Beach Express a distance of
4 286 feet, more or less, to a 1/2 inch rebar and cap at a point
5 of right of way change; thence, run approximately South 89
6 degrees, 56 minutes, 21 seconds East along the boundary of
7 said Lot 1, and along said right of way change, a distance of
8 2 feet, more or less, to a 1/2 inch rebar and cap set at a
9 point of right of way transition; thence, run approximately
10 North 46 degrees, 43 minutes 55 seconds East along the
11 boundary of said Lot 1, and along said right of way
12 transition, a distance of 35 feet, more or less to a point on
13 the south right of way of U. S. Highway 98 East; thence,
14 approximately South 89 degrees, 46 minutes, 15 seconds East
15 along said north boundary of said Lot 1 and along the south
16 right of way of said U. S. Highway 98, a distance of 219 feet,
17 more or less, to a 1/2 inch rebar and cap set at the northeast
18 corner of said Lot 1; thence, depart said right of way, and
19 run approximately South 00 degrees, 03 minutes, 38 seconds
20 East along the east boundary of said Lot 1 a distance of 309
21 feet, more or less, to the Point of beginning. Said described
22 parcel contains 1.7 acres, more or less.

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

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

27 Area 6

1 As a Point of Beginning, begin at the Northwest
2 corner of the East half of the Southwest quarter of the
3 Northwest quarter of Section 26, Township 7 South, Range 4
4 East; thence, run south, and along the eastern right of way
5 boundary of the Foley Beach Express, a distance of 1,295 feet,
6 more or less, to a point. Said point being the points of
7 intersection of the eastern right of way boundary of the Foley
8 Beach Express and the northern right of way boundary for U. S.
9 Highway 98. Continue easterly, and along said U. S. Highway 98
10 right of way boundary a distance of 295 feet, more or less.
11 Thence, run north a distance of 835 feet, more or less;
12 thence, run west a distance of 268 feet, more or less.
13 Continue northerly a distance of 164 feet, more or less;
14 thence east a distance of 268 feet, more or less; thence
15 northerly 295 feet, more or less to a point. Thence, run
16 easterly a distance of 1,660 feet, more or less; thence,
17 northerly 1,355 feet, more or less; thence, run easterly 2,683
18 feet, more or less, to a point. Continue, northerly a distance
19 of 9,297 feet, more or less; thence, run westerly a distance
20 of 7,973 feet, more or less. Thence, southerly 3,961 feet,
21 more or less, to a point. Thence, run easterly a distance of
22 2,687 feet, more or less, to a point; thence, run southerly
23 along the west boundary of said Section 26 a distance of 6,676
24 feet, more or less, to a point; thence east a distance of 646
25 feet, more or less, to the Point of Beginning of the parcel
26 herein described. Said parcel contains 1,461 acres, more or
27 less.

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

4 54-07-26-0-000-004.002

5 54-07-26-0-000-004.011

6 54-07-26-0-000-005.000

7 54-07-26-0-000-004.008

8 54-07-26-0-000-004.003

9 54-06-23-0-000-001.000

10 54-06-23-0-000-001.003

11 54-07-26-0-000-002.020

12 54-07-26-0-000-002.018

13 54-06-14-0-000-004.000

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

15 54-06-23-0-000-001.001

16 54-06-23-0-000-001.005

17 54-05-15-0-000-006.000

18 54-05-15-0-000-006.002

19 LESS and EXCEPT: 47.8 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 54-05-15-0-000-006.001

25 54-06-14-0-000-004.001

26 54-06-23-0-000-001.002

27 54-06-23-0-000-001.004

1 54-07-26-0-000-002.019

2 AND

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

5 Area 7

6 Commence at the Northwest Corner of Section 10,
7 Township 7 South, Range 4 East. Continue easterly and along
8 said northern boundary of said Section 10 a distance of 170
9 feet, more or less; thence south 20 feet, more or less, to the
10 Point of Beginning of the property herein described. Continue
11 east a distance of 3,831 feet, more or less, to a point.
12 Thence, south 3,969 feet, more or less; thence west 665 feet,
13 more or less; thence south 996 feet, more or less. Thence,
14 west 2,000 feet to a point. Thence, north 1,353 feet, more or
15 less; thence west 1,286 feet, more or less. Thence, north 89
16 feet, more or less; thence east 570 feet, more or less; thence
17 north 281 feet, more or less; thence west 570 feet, more or
18 less. Continue north 149 feet, more or less; thence,
19 northeasterly 105 feet, more or less; thence north 232 feet,
20 more or less. Thence, northeast 69 feet, more or less. Thence,
21 north 200 feet, more or less. Continue northwesterly a
22 distance of 46 feet, more or less; thence, north 138 feet,
23 more or less. Thence, southeasterly a distance of 44 feet,
24 more or less. Thence, north 35 feet, more or less; thence
25 northwest 44 feet, more or less. Thence, north 1,976 feet to a
26 point. Thence, approximately South 82 degrees 01 minutes 22
27 seconds East a distance of 110 feet, more or less, to a point.

1 Thence, approximately South 16 degrees 34 minutes 58 seconds
2 East 31 feet, more or less; thence, approximately North 74
3 degrees 05 minutes 52 seconds East 21 feet, more or less.
4 Thence, North 16 degrees 34 minutes 55 seconds West a distance
5 of 55 feet, more or less. Thence, North 82 degrees 01 minutes
6 21 seconds West a distance of 128 feet, more or less. Thence,
7 continue north 283 feet, more or less; thence, northeast 56
8 feet, more or less, to the Point of Beginning of the parcel
9 herein described. Said parcel contains 385.4 acres, more or
10 less.

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

14 54-02-10-0-000-006.000

15 54-02-10-0-000-006.003

16 54-02-10-0-000-005.000

17 54-02-10-0-000-002.000

18 54-02-10-0-000-002.002

19 54-02-10-0-000-002.006

20 54-02-10-0-000-002.007

21 54-02-10-0-000-002.005

22 LESS and EXCEPT: 18.79 acres, more or less, which
23 consists of any and all rights of way for the Foley Beach
24 Express, more specifically defined as the following Parcel
25 Numbers as recorded in the Baldwin County, Alabama Judge of
26 Probate Office:

27 54-02-10-0-000-002.004

1 54-02-10-0-000-006.002

2 AND

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

5 Area 8

6 Commencing at the Northeast corner of the Southeast
7 Quarter of the Northeast Quarter of Section 9, Township 7
8 South, Range 4 East; thence west 40 feet to a point on the
9 western right of way of the Foley Beach Express; said point
10 also being the Point of Beginning of the parcel herein
11 described. Thence continue west a distance of 2,578 feet, more
12 or less; thence south 474 feet, more or less; thence west 512
13 feet, more or less; thence north 475 feet, more or less;
14 thence west 843 feet, more or less; thence south 713 feet,
15 more or less; thence west 1,369 feet, more or less to a point
16 on the western boundary of County Road 73. Thence, north a
17 distance of 79 feet, more or less. Thence, west 599 feet, more
18 or less to a point on the eastern right of way boundary of
19 State Highway 59. Continue Southeast, along said right of way,
20 making a concave arc 843 feet, more or less. Thence, easterly
21 a distance of 126 feet, more or less. Continue north 213 feet,
22 more or less. Thence, east 707 feet, more or less; thence,
23 south 203 feet, more or less, to a point on the north right of
24 way of Woerner Road; thence east, and along said northern
25 right of way a distance of 454 feet, more or less, to a point.
26 Thence north a distance of 205 feet, more or less; thence east
27 210 feet, more or less; thence south 208 feet, more or less.

1 Continue east a distance of 3,942 feet, more or less. Thence,
2 north 80 feet, more less; thence, west 25 feet, more or less;
3 thence northeasterly a distance of 56 feet, more or less;
4 thence north a distance of 1,189 feet, more or less to the
5 Point of Beginning of the parcel herein described. Said parcel
6 contains 134.4 acres, more or less.

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

- 10 54-02-09-0-000-005.004
- 11 54-02-09-0-000-005.000
- 12 54-02-09-0-000-017.000
- 13 54-02-09-0-000-017.001
- 14 54-02-09-0-000-017.004
- 15 54-02-09-0-000-016.001
- 16 54-02-09-0-000-015.001-701
- 17 54-02-09-0-000-015.002-701
- 18 54-02-09-0-000-015.001-702
- 19 54-02-09-0-000-015.002-702
- 20 54-02-09-0-000-015.003
- 21 54-02-09-0-000-010.001
- 22 54-02-09-0-000-011.000
- 23 54-03-08-0-000-022.003
- 24 54-03-08-0-000-020.001
- 25 54-03-08-0-000-022.000
- 26 54-03-08-0-000-031.002

1 LESS and EXCEPT: 21.5 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 54-02-09-0-000-005.003

7 54-02-09-0-000-011.001

8 54-02-09-0-000-015.000

9 54-02-09-0-000-016.000

10 54-02-09-0-000-017.002

11 54-02-09-0-000-017.003

12 54-02-08-0-000-022.002

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

19 Section 5. All unimproved real property brought
20 within the corporate limits of the City of Foley under this
21 bill shall be exempt from the City of Foley's portion of ad
22 valorem taxes or from the payment of City of Foley ad valorem
23 taxes for a period of three (3) years from the effective date
24 of the annexation or until the date the real property is
25 issued a Certificate of Occupancy for the first improvement,
26 whichever occurs first, which will be the date that most City
27 of Foley municipal services are first made available to the

1 property. All improved real property that is brought within
2 the corporate limits of the City of Foley under this bill
3 shall be subject to paying all City of Foley and other ad
4 valorem taxes from the date municipal services are first made
5 available which shall be the effective date of this act.

6 Section 6. The provisions of this act are severable.
7 If any part of this act is declared invalid or
8 unconstitutional, that declaration shall not affect the part
9 which remains.

10 Section 7. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.