

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

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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature hereby finds and determines that it is expedient, wise, necessary, proper, and in the best interests of the citizens of the State of Alabama, Baldwin County, and the City of Foley to alter, rearrange, and extend the corporate limits of the City of Foley as herein provided, including, but not limited to, the purpose of generally promoting the welfare of the State of Alabama, Baldwin County, and the City of Foley and specifically, but not limited to, the initial purpose of facilitating the City of Foley in providing certain services to the areas to be annexed. Provided, however, the foregoing shall not be

1 construed to limit in any manner or otherwise curtail the  
2 exercise of any municipal powers and authorities by the City  
3 of Foley nor prohibit future or subsequent annexations in  
4 accordance with the provisions hereof and the laws of the  
5 state. The Legislature hereby further finds that the required  
6 procedure for the introduction of this local bill has been  
7 complied with, and the costs of publishing the notice of the  
8 local bill have been paid by the City of Foley.

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

20 Section 3. Legal Description: The boundary lines and  
21 corporate limits of the City of Foley in Baldwin County,  
22 Alabama, are hereby altered, rearranged, and extended so as to  
23 include within the corporate limits of the municipality, in  
24 addition to the lands now included, all of the following  
25 tracts or territories, to-wit: Those certain parcels of

1 property described below which are located in Baldwin County,  
 2 Alabama, and which are situated, in whole or in part, within  
 3 200 feet of either side of the right-of-way of the Foley Beach  
 4 Express and which are located between State Highway 59 and an  
 5 approximate line extending between Russian Road and County  
 6 Road 10, to-wit:

7 Area 1

8 Commence at a 5/8" iron rod located at the northeast  
 9 corner of Section 22, Township 8 South, Range 4 East, Baldwin  
 10 County, Alabama; thence west along the North line of said  
 11 Section 22 for a distance of 34 feet, more or less, to a point  
 12 on western right of way boundary of Roscoe Road (a Baldwin  
 13 County roadway with a right of way of 70 feet) and the Point  
 14 of Beginning. Thence, south and along said western right of  
 15 way boundary of Roscoe Road a distance of 2,690 feet, more or  
 16 less, to a point. Thence, westerly a distance of 1,335 feet,  
 17 more or less, to a point on the eastern right of way boundary  
 18 of the Foley Beach Express. Thence, approximately South 54  
 19 degrees 04 minutes 23 seconds West a distance of 108 feet,  
 20 more or less. Thence, westerly a distance of 146 feet, more or  
 21 less; thence continue approximately North 38 degrees 18  
 22 minutes 39 seconds West 125 feet, more or less, to a point on  
 23 the western right of way boundary of the Foley Beach Express.  
 24 Continue northerly, and along said western boundary of the  
 25 Foley Beach Express a distance of 2,653 feet, more or less, to

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

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

- 15 61-05-22-0-000-001.001
- 16 61-05-22-0-000-001.002
- 17 61-05-22-0-000-001.003
- 18 61-05-22-0-000-001.004
- 19 61-05-22-0-000-001.005
- 20 61-05-22-0-000-002.003
- 21 61-05-22-0-000-002.005
- 22 61-05-22-0-000-002.006
- 23 61-05-22-0-000-002.007
- 24 61-05-22-0-000-002.008
- 25 61-05-15-0-000-008.001

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

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

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

7 AND

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

10 Area 2

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



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

1 East along the east boundary of said Lot 1 a distance of 309  
2 feet, more or less, to the Point of beginning. Said described  
3 parcel contains 1.7 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 54-07-26-0-000-027.014

8 Area 5

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

1 feet, more or less, to a point. Continue, northerly a distance  
2 of 9,297 feet, more or less; thence, run westerly a distance  
3 of 7,973 feet, more or less. Thence, southerly 3,961 feet,  
4 more or less, to a point. Thence, run easterly a distance of  
5 2,687 feet, more or less, to a point; thence, run southerly  
6 along the west boundary of said Section 26 a distance of 6,676  
7 feet, more or less, to a point; thence east a distance of 646  
8 feet, more or less, to the Point of Beginning of the parcel  
9 herein described. Said parcel contains 1,461 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 54-07-26-0-000-004.002
- 15 54-07-26-0-000-004.011
- 16 54-07-26-0-000-005.000
- 17 54-07-26-0-000-004.008
- 18 54-07-26-0-000-004.003
- 19 54-06-23-0-000-001.000
- 20 54-06-23-0-000-001.003
- 21 54-07-26-0-000-002.020
- 22 54-07-26-0-000-002.018
- 23 54-06-14-0-000-004.000
- 24 54-06-14-0-000-004.002
- 25 54-06-23-0-000-001.001

1 54-06-23-0-000-001.005

2 54-05-15-0-000-006.000

3 54-05-15-0-000-006.002

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

9 54-05-15-0-000-006.001

10 54-06-14-0-000-004.001

11 54-06-23-0-000-001.002

12 54-06-23-0-000-001.004

13 54-07-26-0-000-002.019

14 AND

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

17 Area 6

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

1 west 2,000 feet to a point. Thence, north 1,353 feet, more or  
2 less; thence west 1,286 feet, more or less. Thence, north 89  
3 feet, more or less; thence east 570 feet, more or less; thence  
4 north 281 feet, more or less; thence west 570 feet, more or  
5 less. Continue north 149 feet, more or less; thence,  
6 northeasterly 105 feet, more or less; thence north 232 feet,  
7 more or less. Thence, northeast 69 feet, more or less. Thence,  
8 north 200 feet, more or less. Continue northwesterly a  
9 distance of 46 feet, more or less; thence, north 138 feet,  
10 more or less. Thence, southeasterly a distance of 44 feet,  
11 more or less. Thence, north 35 feet, more or less; thence  
12 northwest 44 feet, more or less. Thence, north 1,976 feet to a  
13 point. Thence, approximately South 82 degrees 01 minutes 22  
14 seconds East a distance of 110 feet, more or less, to a point.  
15 Thence, approximately South 16 degrees 34 minutes 58 seconds  
16 East 31 feet, more or less; thence, approximately North 74  
17 degrees 05 minutes 52 seconds East 21 feet, more or less.  
18 Thence, North 16 degrees 34 minutes 55 seconds West a distance  
19 of 55 feet, more or less. Thence, North 82 degrees 01 minutes  
20 21 seconds West a distance of 128 feet, more or less. Thence,  
21 continue north 283 feet, more or less; thence, northeast 56  
22 feet, more or less, to the Point of Beginning of the parcel  
23 herein described. Said parcel contains 385.4 acres, more or  
24 less.

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

4 54-02-10-0-000-006.000

5 54-02-10-0-000-006.003

6 54-02-10-0-000-005.000

7 54-02-10-0-000-002.000

8 54-02-10-0-000-002.002

9 54-02-10-0-000-002.006

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

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

14 54-02-10-0-000-002.005

15 LESS and EXCEPT: 18.79 acres, more or less, which  
16 consists of any and all rights of way for the Foley Beach  
17 Express, more specifically defined as the following Parcel  
18 Numbers as recorded in the Baldwin County, Alabama Judge of  
19 Probate Office:

20 54-02-10-0-000-002.004

21 54-02-10-0-000-006.002

22 AND

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

25 Area 7

1 Commencing at the Northeast corner of the Southeast  
2 Quarter of the Northeast Quarter of Section 9, Township 7  
3 South, Range 4 East; thence west 40 feet to a point on the  
4 western right of way of the Foley Beach Express; said point  
5 also being the Point of Beginning of the parcel herein  
6 described. Thence continue west a distance of 2,578 feet, more  
7 or less; thence south 474 feet, more or less; thence west 512  
8 feet, more or less; thence north 475 feet, more or less;  
9 thence west 843 feet, more or less; thence south 713 feet,  
10 more or less; thence west 1,369 feet, more or less to a point  
11 on the western boundary of County Road 73. Thence, north a  
12 distance of 79 feet, more or less. Thence, west 599 feet, more  
13 or less to a point on the eastern right of way boundary of  
14 State Highway 59. Continue Southeast, along said right of way,  
15 making a concave arc 843 feet, more or less. Thence, easterly  
16 a distance of 126 feet, more or less. Continue north 213 feet,  
17 more or less. Thence, east 707 feet, more or less; thence,  
18 south 203 feet, more or less, to a point on the north right of  
19 way of Woerner Road; thence east, and along said northern  
20 right of way a distance of 454 feet, more or less, to a point.  
21 Thence north a distance of 205 feet, more or less; thence east  
22 210 feet, more or less; thence south 208 feet, more or less.  
23 Continue east a distance of 3,942 feet, more or less. Thence,  
24 north 80 feet, more less; thence, west 25 feet, more or less;  
25 thence northeasterly a distance of 56 feet, more or less;

1 thence north a distance of 1,189 feet, more or less to the  
2 Point of Beginning of the parcel herein described. Said parcel  
3 contains 134.4 acres, more or less.

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

7 54-02-09-0-000-005.000

8 54-02-09-0-000-017.001

9 54-02-09-0-000-017.004

10 54-03-08-0-000-020.001

11 54-03-08-0-000-022.000

12 54-03-08-0-000-031.002

13 54-02-09-0-000-011.000

14 54-02-09-0-000-016.001

15 54-02-09-0-000-015.003

16 54-02-09-0-000-010.001

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

20 54-02-09-0-000-005.004

21 54-02-09-0-000-017.000

22 ~~54-02-09-0-000-016.001~~

23 54-02-09-0-000-015.001-701

24 54-02-09-0-000-015.002-701

25 54-02-09-0-000-015.001-702



1 54-02-09-0-000-015.002-702

2 ~~54-02-09-0-000-015.003~~

3 ~~54-02-09-0-000-010.001~~

4 54-03-08-0-000-022.003

5 LESS and EXCEPT: 21.5 acres, more or less, which  
6 consists of any and all rights of way for the Foley Beach  
7 Express, more specifically defined as the following Parcel  
8 Numbers as recorded in the Baldwin County, Alabama Judge of  
9 Probate Office:

10 54-02-09-0-000-005.003

11 54-02-09-0-000-011.001

12 54-02-09-0-000-015.000

13 54-02-09-0-000-016.000

14 54-02-09-0-000-017.002

15 54-02-09-0-000-017.003

16 54-03-08-0-000-022.002

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

23 Section 5. All unimproved real property brought  
24 within the corporate limits of the City of Foley under this  
25 bill shall be exempt from the City of Foley's portion of ad

1 valorem taxes or from the payment of City of Foley ad valorem  
2 taxes for a period of five (5) years from the effective date  
3 of the annexation or until the date the real property is  
4 issued a Certificate of Occupancy for the first improvement,  
5 whichever occurs first, which will be the date that most City  
6 of Foley municipal services are first made available to the  
7 property. All improved real property that is brought within  
8 the corporate limits of the City of Foley under this bill  
9 shall be subject to paying all City of Foley and other ad  
10 valorem taxes from the date municipal services are first made  
11 available which shall be the effective date of this act.

12 Section 6. Notwithstanding any other provision of  
13 this act, all of the following parcels as identified by tax  
14 parcel numbers recorded in the Baldwin County, Alabama, Judge  
15 of Probate Office shall be automatically deannexed from the  
16 City of Foley unless the parcels have been rezoned by the City  
17 of Foley by mutual agreement acceptable to the owner or owners  
18 of the parcels within 24 months of the effective date of this  
19 act:

20 54-06-23-0-000-001.000

21 54-06-23-0-000-001.003

22 54-07-26-0-000-002.020

23 54-07-26-0-000-002.018

24 54-06-14-0-000-004.000

25 54-06-14-0-000-004.002

1 54-06-23-0-000-001.001

2 54-06-23-0-000-001.005

3 54-05-15-0-000-006.000

4 54-05-15-0-000-006.002

5 54-02-09-0-000-005.004

6 54-02-09-0-000-017.000

7 Section 7. The provisions of this act are severable.

8 If any part of this act is declared invalid or  
9 unconstitutional, that declaration shall not affect the part  
10 which remains.

11 Section 8. This act shall become effective  
12 immediately following its passage and approval by the  
13 Governor, or its otherwise becoming law.

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\_\_\_\_\_  
Speaker of the House of Representatives

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\_\_\_\_\_  
President and Presiding Officer of the Senate

7

House of Representatives

8

I hereby certify that the within Act originated in  
9 and was passed by the House 06-APR-10, as amended.

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13

Greg Pappas  
Clerk

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15

Senate

\_\_\_\_\_  
21-APR-10

Amended and Passed

16

House

\_\_\_\_\_  
21-APR-10

Concurred in Sen-  
ate Amendment

17