



STATE OF ALABAMA  
COUNTY OF BALDWIN

## RESOLUTION NO. 2023-31

### **A RESOLUTION ASSENTING TO THE VACATION OF A PORTION OF HOLLY AVENUE AND AN UNNAMED STREET DEPICTED ON THE PLAT OF MAGNOLIA PLAZA AS RECORDED AT SLIDE 36-A IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA (PARCEL 2)**

WHEREAS, MARK A. WRIGHT and DIANA K. WRIGHT (“Petitioners”) have submitted a Petition to the Town of Magnolia Springs seeking the vacation of a portion of Holly Avenue and an unnamed street depicted on the plat of Magnolia Plaza, Slide 36-A in the Office of the Judge of Probate of Baldwin County, Alabama; and

WHEREAS, the subject Petition further requests the Town to determine the fair market value of the street sought to be vacated, such that Petitioners shall be required to pay unto the Town the fair market value of such real property as a condition to the adoption of this Resolution by the Town; and

WHEREAS, Petitioners are the owners of all lands abutting the street sought to be vacated pursuant to the Petition; and

WHEREAS, Petitioners have furnished the Town with a map or survey depicting the street sought to be vacated, which map or survey is attached to this Resolution and marked as Exhibit 1; and

WHEREAS, all notices of said vacation, vacation of right-of-way fee, and the public hearings held in connection therewith, were published pursuant to §§11-49-6 and §§23-4-20 of the *Code of Alabama* (1975) and Act No. 386 of the Alabama Legislature of 1973; and

WHEREAS, the streets sought to be vacated pursuant to the Petition are more particularly described as follows:

#### Parcel 2

Commence at a 3/4" crimped iron being the Northeast corner of Lot 7, Block F of Magnolia Plaza as recorded at Slide 134-B in the Office of the Judge of Probate of Baldwin County, Alabama; thence run South 86° 38' 09" East a distance of 39.78 feet to a (CA 1165) #4 rebar being the Northwest corner of Lot 7, Block G of the aforementioned

Magnolia Plaza (Slide 134-B); thence South 08° 54' 47" East a distance of 49.90 feet to a (CA 1165) #4 rebar being the Southwest corner of Lot 7, Block G of the aforementioned Magnolia Plaza (Slide 134-B) and the Point of Beginning; thence along the South line of said Lot 7, Block G, also being the North right-of-way line of a 20 foot wide right-of-way; thence South 86° 38' 09" East a distance of 168.79 feet, more or less, to a point on the West margin of Magnolia River; thence along said West margin of Magnolia River South 03° 11' 13" West a distance of 20.00 feet to a point on the South right-of-way line of the aforementioned 20 foot wide right-of-way; thence along said South right-of-way line North 86° 38' 09" West a distance of 164.50 feet, more or less, to a point; thence North 08° 54' 47" West a distance of 20.47 feet to the Point of Beginning, having an area of 3,330 square feet, more or less.

WHEREAS, it appears to the Town Council of the Town of Magnolia Springs, Alabama that it is in the interest of the public that such portions of the above described street be vacated, that the requested vacation of said street is in order and that convenient and reasonable means of ingress and egress is afforded to all other property owners who own lands adjacent to the street sought to be vacated; and

WHEREAS, by the passage of this Resolution, the Town Council of the Town of Magnolia Springs, Alabama is requiring Petitioners, as the abutting landowners who will directly benefit from the vacation of the street made the basis of the Petition, to pay unto the Town a vacation of right-of-way fee as a condition of the vacation. The vacation of right-of-way fee has been determined by the Town pursuant to an appraisal of the street sought to be vacated, the cost of which appraisal shall be paid by Petitioners as a condition to the adoption of this resolution; and

WHEREAS, after consideration of said appraisal, and as a condition of the vacation of said street, the Town Council of the Town of Magnolia Springs, Alabama has determined that the fair market value of the street sought to be vacated is in the amount of \$26,000.00, said amount being assess to Petitioners as a vacation of right-of-way fee paid unto the Town pursuant to §11-49-6 of the *Code of Alabama* (1975).

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Magnolia Springs, Alabama that the vacation of the street as set forth in the Petition is hereby assented to and approved and, upon the receipt of said vacation of right-of-way fee, said street is hereby vacated and all public rights in said streets are hereby removed and nullified, pursuant to the provisions of §§11-49-6 and 23-4-20 of the *Code of Alabama* (1975).

Adopted this the 24<sup>th</sup> day of October 2023.

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Kim Koniar  
Mayor

I, Hannah Driskell, Clerk of the Town of Magnolia Springs, Alabama, do hereby certify that the above is a true, correct, and exact copy of a resolution duly and legally adopted by the Town Council of the Town of Magnolia Springs, Alabama, at a meeting thereof held on the 28<sup>th</sup> day of March 2023, as taken from the minutes of said meeting.

Witness my hand and official seal on this the 28<sup>th</sup> day of March 2023.

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Hannah Driskell  
Town Clerk

TOWN OF MAGNOLIA SPRINGS, ALABAMA Certificate of Publication. This is to certify that Resolution No. 2023-04 of the Town of Magnolia Springs, Alabama was published by posting on at least three (3) bulletin boards in the Town; Magnolia Springs Post Office, United Bank and at the Mayor's Office. Notice of this action will be published once on the \_\_\_ day of October 2023 in the Gulf Coast Newspapers.

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Hannah Driskell  
Town Clerk

# 'EXHIBIT 1'

- BLDG BUILDING
- CALC CALCULATED
- CH CHORD
- D DELTA
- R MANHOLE
- R RADIUS
- RW RIGHT OF WAY
- S.F. SQUARE FEET
- AIR CONDITIONER
- UTILITY POLE
- ANCHOR
- WALL
- CONC CONCRETE
- WATER METER
- SEWER BOX
- IRRIGATION CONTROL BOX
- WATER VALVE
- FIRE HYDRANT
- COMMUNICATION BOX
- ELECTRIC BOX
- FIBER OPTIC BOX
- LIGHT POLE
- △ STAKING POINT
- (M) MEASURED
- (R) RECORDED
- CM CONCRETE MONUMENT
- FENCE
- // OVERHEAD UTILITIES

MAGNOLIA STREET  
40' (NOMINAL R/W)

BLOCK F

BLOCK G

MAGNOLIA RIVER

PLATTED HOLLY AVENUE  
40' UN-OPEN R/W

1,936 SF

PARCEL 1

PARCEL 2

20' PLATTED R/W

585 SF

2,802 SF

2,008 SF

PARCEL 3

830 SF

BOAT HOUSE BLK R/W

BOAT HOUSE BLOCK

MEAN HIGH WATER LINE

EDGE OF WATER

R/W CALCULATIONS:

BELOW MEAN HIGH WATER  
585 SF  
830 SF  
TOTAL - 1,415 SF

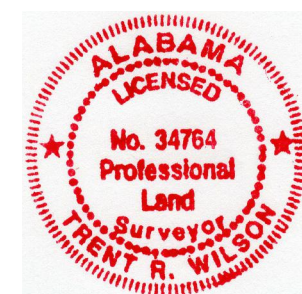
ABOVE MEAN HIGH WATER  
1,936 SF  
2,008 SF  
2,802 SF  
TOTAL - 6,746 SF

SCALE: 1"=30'

STATE OF ALABAMA)  
BALDWIN COUNTY) Special Purpose Survey  
Right of Way Vacation Area Calculations

I, Trent R. Wilson, a Professional Land Surveyor, hereby certify that I have surveyed the areas as shown hereon in Baldwin County, Alabama; and hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of 3/28/2023. Survey invalid if not sealed in red.

Order No.: 8514  
Client: \_\_\_\_\_  
Address: \_\_\_\_\_  
Trent Wilson PLS #34764  
Weygand Wilson Surveying LLC  
229 E. 20th Ave., Suite 12  
Gulf Shores, AL 36542  
Phone: (251)-975-7555



Note:  
(a) No title search of the public records or abstract of title has been performed by this firm. The parcel shown hereon is subject to setbacks, zoning, easements, rights of way and/or restrictions whether or not of record.  
(b) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted.  
(c) This survey is intended for the sole use of the client shown hereon, valid for a period of 6 years from the date of survey and non-transferable.