



STATE OF ALABAMA
COUNTY OF BALDWIN

RESOLUTION NO. 2023-32

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 3)

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 street sought to be vacated pursuant to the Petition are more particularly described as follows:

Parcel 3

The entire right-of-way running generally North and South, a scaled width of approximately 15 feet wide as shown as access to Lots 7 through 37 labeled as “BOAT HOUSE BLK” on the Plat of Magnolia Plaza, being recorded in Slide 36-A in the Office of the Judge of Probate of Baldwin County, Alabama

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 \$9,500.00 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 24th day of October 2023.



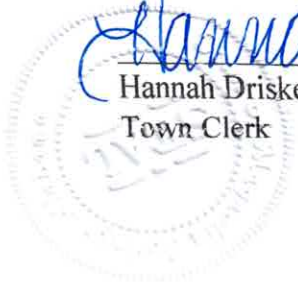
Kim Koniar
Mayor

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 24th day of October 2023, as taken from the minutes of said meeting.

Witness my hand and official seal on this the 24th day of October 2023.



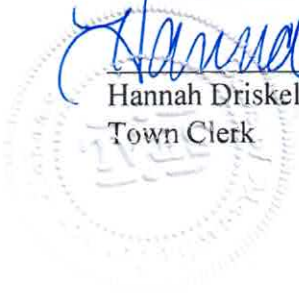
Hannah Driskell
Town Clerk



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 November 2023 in the Gulf Coast Newspapers.



Hannah Driskell
Town Clerk



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SCALE: 1"=30'

R/W CALCULATIONS:
 BELOW MEAN HIGH WATER
 595 SF
 830 SF
 TOTAL = 1,415 SF

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

BOAT HOUSE BLK R/W
 2,008 SF
 2,802 SF
 830 SF

MEAN HIGH WATER LINE

Special Purpose Survey
 Right of Way/Accretion Area Calculations

I, Trent R. Wilson, a Professional Land Surveyor, hereby certify that I have surveyed the above as shown hereon in Baldwin County, Alabama, and hereby state that all parts of this survey and drawing have been considered in accordance with the current requirements of the Standards and Practices for Surveying in the State of Alabama to the best of my knowledge and belief, according to my surveying instrument used, and my best skill and judgment in the execution of my duty as a Professional Land Surveyor.

Client: **WALTON**

Trent Wilson, PLS #24764
 Walwood Wilson Surveying LLC
 4000 Highway 4, Suite 12
 Gulf Shores, AL 36531
 Phone: (251) 935-7595



Note:
 (a) No state records or indexes of title was been performed by this firm. The parcel shown hereon is subject to setback, zoning, existing easements, covenants or any other restrictions, and part or whole of record. Further, other independent companies, utilities, companies or third parties may have located additional encumbrances on record.
 (b) This survey is intended for the sole use of the client shown hereon, valid for a period of 90 days from the date of survey and non-transferable.