



City of Bay Minette

Subdivision Plat Application

301 D'Olive Street • Bay Minette, Alabama 36507
Phone (251) 580-1650 • COBM_Planning@cityofbayminetteal.gov

Office Use Only

Case Number: SD- 24001
App Submittal Date: 12/19/23
PC Meeting Date: 2/8/24

Print or Type your responses below and attach additional pages as necessary. If an item is not applicable, mark "X" or "N/A" where appropriate.

APPLICATION TYPE

☐ Exempt ☐ Pre-App Conference ☐ Sketch Plat ☐ Final - Minor ☐ Preliminary - Major ☐ Final - Major ☒ Master Plan

Pre-Application Conference Preferred Dates/Times: Completed

PROJECT CONTACTS

Owner Name: Baldwin Ventures, LLC / Gary Capuano Phone: 407-474-8222

Developer: Baldwin Ventures, LLC / Gary Capuano Phone: _____

Authorized Agent/Application Contact: Cathy S. Barnette / Dewberry Engineers Inc.

Phone: 251-929-9801 Email: cbarnette@dewberry.com

Mailing Address: 25353 Friendship Road, Daphne, AL 36526

Surveyor Name: Jason Gibson APLS Lic#: 38169

Surveying Firm Name: Dewberry Engineers Inc. City Business Lic#: _____

Phone: 251-929-9779 Email: jdgibson@dewberry.com

Engineer Name: Jason Estes Registration #: 22714

Engineering Firm Name: Dewberry Engineers Inc. City Business Lic#: _____

Phone: 251-929-9789 Email: jestes@dewberry.com

SITE INFORMATION

Subdivision Type: ☐ Single Family ☐ Two-Family ☐ Multi-Family ☐ Commercial ☐ Industrial ☒ Mixed-Use

Subdivision Name: Old Towne Commons

Location: off Hwy 59

Section: 21 Township: 3 S Range: 3 E Instrument# or Slide# of Existing Recorded Plat: _____

Parcel ID/PPIN(s): 62828, 31532, 222473

Total Acreage: 413.4 Total # Lots: 827 SF, 392 MF, 3 commercial Average Lot Size (sq ft): _____

Required Number of Certified Letters: _____ Adjacent Property Owner/Leaseholder Information Attached: ☐ Yes ☒ No

UTILITY PROVIDERS

Water: North Baldwin Utilities

Sewer: Baldwin County Sewer Service

Power: Baldwin EMC

Gas: _____

Telephone: ATT

Internet: ATT

ACCESSRoadway Name: Hwy 59

Total Frontage (linear feet): _____

Roadway Access Authority: ☐ City ☐ Baldwin County Highway Dept ☒ Alabama Dept of Transportation (ALDOT)**SUBMITTAL DOCUMENTATION**

- Legal Description Attached: ☒ Yes ☐ No
- Access Authority Approval Attached ☐ Yes ☐ No
- Requesting Waivers: ☒ Yes ☐ No
- Covenants or Deed Restrictions: ☐ Yes ☒ No
- Recorded Warranty Deed(s) Attached: ☒ Yes ☐ No
- Service Availability Letters Attached: ☐ Yes ☐ No
- List and Description of Requested Waivers Attached: ☐ Yes ☐ No
- Copy of Covenants or Restrictions Attached: ☐ Yes ☐ No

Refer to the Subdivision Regulations for full submittal requirements and specifications. All plans and application materials are due by the application deadline date. Partial applications will not be processed. Submittal of incomplete applications may delay application review.

Application is hereby made for approval of the subdivision as described herein and shown in accompanying plans and documentation. The signature below constitutes acknowledgement that all information submitted is true and accurate and that the documentation noted above has been submitted. Further, it is hereby certified that the adjacent property owner list included with this application was obtained from the current records available from the Baldwin County Revenue Commissioner's Office and is a complete and accurate list of all property owners/leaseholders adjacent to the property submitted for subdivision approval. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact or expression of material fact, either with or without intention on the part of this applicant, such as might, or would, operate to cause a refusal of this application, or any material alteration or change in the accompanying plans without the approval of the City Planner and/or Planning Commission, shall constitute sufficient grounds for the revocation of such approval.

Signature of Applicant/Authorized Agent: Cathy S. Barnette Digitally signed by Cathy S. Barnette
Date: 2023.12.15 08:52:50 -06'00' Date: 12/15/2023

INTERNAL USE ONLY

FEES & PAYMENT DETAILS	
Application Fee: \$ _____	Zoning: _____ FEMA: _____ Potential Wetlands <input type="checkbox"/> Yes <input type="checkbox"/> No
Total # of Lots _____ x \$10 = \$ _____	Printed Set <input type="checkbox"/> Yes <input type="checkbox"/> No PDF Plat <input type="checkbox"/> Yes <input type="checkbox"/> No Digital .SHP or .DWG <input type="checkbox"/> Yes <input type="checkbox"/> No
Total # Certified Letters: _____ x \$10 = \$ _____	<input type="checkbox"/> Owner Permission <input type="checkbox"/> Deed <input type="checkbox"/> Legal Description <input type="checkbox"/> Adjacent Property List
TOTAL DUE \$ _____	<input type="checkbox"/> Service Availability <input type="checkbox"/> Access <input type="checkbox"/> Waiver <input type="checkbox"/> Covenants
<input type="checkbox"/> Cash <input type="checkbox"/> Card* 3.99% Fee	Completeness Review Date: _____ <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete
<input type="checkbox"/> Check #: <u>1618</u>	Deficiencies: _____
Date Paid: _____	PC Meeting Date: _____ Public Notice Deadline Date: _____

check 1618 - \$350.00
pub app fee

City of Bay Minette
Miscellaneous Receipt

Misc. Receipt No: 36866
POS Receipt No: 22696
Receipt Date: 12/29/2023

Received By: Jodi Robison
Received On: 12/29/2023 2:35 PM

Customer ID: 68
Name: PLANNING COMMISSION FEES
Description: SD-24001

Miscellaneous Receipt Total
\$350.00

GL Account Number	GL Account Description	Debit	Credit
01-300-4253	Planning & Development Fees	\$0.00	\$350.00
Miscellaneous Receipt Totals:		<u>\$0.00</u>	<u>\$350.00</u>

Thank You!



Dewberry Engineers Inc. | 251.990.9950
25353 Friendship Road | 251.990.9910 fax
Daphne, AL 36526 | www.dewberry.com

December 19, 2023

Clair Dorough
City Planner
City of Bay Minette
301 D'Olive Street
Bay Minette, AL 36507

**RE: Old Towne Commons
Master Plan Application**

Dear Ms. Dorough,

Please find enclosed our Master Plan Application for Old Towne Commons. The attached documents are summarized as follows:

- Check in the amount of \$350.00
- Master Plan Application
- Agent Authorization Form
- Legal Description
- Deed
- Business License – 2024 license forthcoming
- Utility Letters
- One (1) 11" × 17" Copy of Master Plan
- One (1) 24" × 36" Copy of Master Plan
- One (1) 24" × 36" Copy of Boundary Exhibit

If you have any questions, comments, or concerns regarding this submission, please contact us.

Sincerely,
Dewberry Engineers Inc.

A handwritten signature in blue ink, appearing to read "Cathy S. Barnette", written over a blue horizontal line.

Cathy S. Barnette
Associate

cc: File 50157795



City of Bay Minette

Agent Authorization Form

Office Use Only

Case No.: _____

I/We hereby appoint and designate Dewberry ("Agent") to act as my/our-agent in all matters concerning this application/permit which relates to property described as tax parcel PPIN# 92518, 62828, 222473, 31532, & 83618. I/We understand that the scope of the agency designation granted herein is general in nature and includes, without limitation, all decision-making authority relating to submittals, status, conditions, or withdrawal of this application/permit. To the fullest extent permitted under Alabama law, I/we release and agree to hold the City of Bay Minette harmless from and against any liability resulting from acts or omissions of our Agent. I/We warrant and certify to the City of Bay Minette that I/we are the owner(s) of the real property identified herein, and that I/we have fully authority to make the agency designation herein. I/We further certify that the information stated on and submitted with this application/permit is true and correct. I also understand that the submittal of incorrect information will result in the revocation of this application/permit and any work performed will be at the risk of the applicant. I understand further that any changes which vary from the approved plans will result in the requirement of a new application/permit.

**NOTE: All correspondence will be sent to the authorized Agent. It will be the Agent's responsibility to keep the owner(s) adequately informed as to the status of the application.*

PROPERTY OWNER(S)

Baldwin Ventures, LLC

Name(s) - Printed

30 East Central Blvd STE 1601

Mailing Address

Orlando, FL 32801

City/State

407-474-8222

garyecap@gmail.com

Phone

Email

11/18/2023

Signature(s)

Date

AUTHORIZED AGENT

Dewberry / Cathy S. Barnette

Name(s) - Printed

25353 Friendship Road

Mailing Address

Daphne, AL 36526

City/State

251-929-9801

dewberry-daphneplanning@dewberry.com

Phone

Email

11/18/2023

Signature(s)

Date

Proposed PUD Re-Zoning:

BEGIN AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 01° 40' 31" WEST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 3980.61 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE AFORESAID SECTION 21; THENCE DEPARTING SAID EAST LINE OF SECTION 21, RUN NORTH 87° 39' 11" WEST, ALONG THE NORTH LINE OF THE SOUTH ONE HALF OF THE SOUTH ONE HALF OF SAID SECTION 21, A DISTANCE OF 3832.87 FEET; THENCE DEPARTING SAID NORTH LINE RUN NORTH 01° 32' 45" EAST, A DISTANCE OF 535.00 FEET; THENCE RUN NORTH 87° 39' 11" WEST, A DISTANCE OF 1355.92 FEET TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 31 (RIGHT-OF-WAY WIDTH VARIES), THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1472.39 FEET FOR AN ARC LENGTH OF 822.10 FEET, (DELTA = 31° 59' 26", CHORD DISTANCE = 811.46 FEET, CHORD BEARING = NORTH 28° 53' 07" EAST); THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 980.14 FEET; THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 457.97 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 31; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE NORTH 12° 53' 24" EAST, A DISTANCE OF 849.55 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1392.69 FEET FOR AN ARC LENGTH OF 504.47 FEET, (DELTA ANGLE = 20°45'15", CHORD DISTANCE = 501.72 FEET, CHORD BEARING = NORTH 23°16'01" EAST), TO A POINT ON THE NORTH LINE OF THE AFORESAID SECTION 21; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN SOUTH 87°40'10" EAST, ALONG SAID NORTH LINE OF SECTION 21, A DISTANCE OF 4189.23 FEET TO THE POINT OF BEGINNING.

Current Zoned R3 Parcel:

BEGIN AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 01° 40' 31" WEST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 3980.61 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE AFORE SAID SECTION 21; THENCE DEPARTING SAID EAST LINE OF SECTION 21, RUN NORTH 87° 39' 11" WEST, ALONG THE NORTH LINE OF THE SOUTH ONE HALF OF THE SOUTH ONE HALF OF SAID SECTION 21, A DISTANCE OF 3832.87 FEET; THENCE DEPARTING SAID NORTH LINE RUN NORTH 01° 32' 45" EAST, A DISTANCE OF 535.00 FEET; THENCE RUN NORTH 87°39'11" WEST, A DISTANCE OF 531' FEET, MORE OR LESS; THENCE RUN NORTHEASTERLY 2582 FEET, MORE OR LESS; THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 350 FEET, AN ARC DISTANCE OF 444.12 FEET, (CHORD BEARS NORTH 17°02'22" WEST, CHORD DISTANCE 141.92 FEET), MORE OR LESS; THENCE RUN EAST 437 FEET, MORE OR LESS; THENCE RUN SOUTHEASTERLY 1279 FEET, MORE OR LESS; THENCE RUN EAST 995 FEET, MORE OR LESS; THENCE RUN NORTH 1,111 FEET, MORE OR LESS; TO THE NORTH LINE OF SAID SECTION 21; THENCE RUN SOUTH 87°40'10" EAST 1483 FEET, MORE OR LESS; TO THE POINT OF BEGINNING.

Current Zoned B2 Parcel:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 87° 40' 10" WEST, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 3804 FEET, MORE OR LESS, TO THE POINT OF BEGINNING: THENCE RUN SOUTHWESTERLY, 544 FEET, MORE OR LESS; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 350 FEET, AN ARC DISTANCE OF 444.12 FEET, (CHORD BEARS SOUTH 17°02'22" EAST, CHORD DISTANCE 141.92 FEET); THENCE RUN SOUTHWESTERLY 2582 FEET, MORE OR LESS; THENCE RUN NORTH 87°39'11" WEST, A DISTANCE OF 824 FEET, MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 31 (RIGHT-OF-WAY WIDTH VARIES), THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1472.39 FEET FOR AN ARC LENGTH OF 822.10 FEET, (DELTA = 31° 59' 26", CHORD DISTANCE = 811.46 FEET, CHORD BEARING = NORTH 28° 53' 07" EAST); THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 980.14 FEET; THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 457.97 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 31; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE NORTH 12° 53' 24" EAST, A DISTANCE OF 849.55 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1392.69 FEET FOR AN ARC LENGTH OF 504.47 FEET, (DELTA ANGLE = 20°45'15", CHORD DISTANCE = 501.72 FEET, CHORD BEARING = NORTH 23°16'01" EAST), TO A POINT ON THE NORTH LINE OF THE AFORESAID SECTION 21; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN SOUTH 87°40'10" EAST, ALONG SAID NORTH LINE OF SECTION 21, A DISTANCE OF 382 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Current Zoned R4 Parcel:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 87° 40' 10" WEST, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 1483 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87° 40' 10" WEST, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 2321 FEET, MORE OR LESS; THENCE RUN SOUTHWESTERLY, 544 FEET, MORE OR LESS; THENCE RUN EAST, 437 FEET, MORE OR LESS; THENCE RUN SOUTHEASTERLY 1279 FEET, MORE OR LESS; THENCE RUN EAST, 995 FEET, MORE OR LESS; THENCE RUN NORTH 1111 FEET, MORE OR LESS TO THE POINT OF BEGINNING.



AT&T Alabama
2155 Old Shell Rd
Mobile, AL 36607
www.att.com

T: 251.471.8361
F: 251.471.0410
w.mitchell@att.com

December 15, 2023

Jason Estes
Dewberry Engineering

RE: Service Availability – Montrose Preserve PUD

Dear Mr. Estes,

This letter is in response to your request for information on the availability of service at the above location by AT&T.

This letter acknowledges that the above referenced property is located in an area served by AT&T. Any service arrangements for this location will be subject to later discussions and agreements between the developer and AT&T. Please be advised that this letter is not a commitment by AT&T to provide service to this location.

Please contact me at the phone number included in this letter with any questions.

Thank you for contacting AT&T.

Sincerely,

A handwritten signature in black ink, appearing to read "Wade Mitchell".

Wade Mitchell
Professional – OSP Design Engineer
AT&T Alabama
2155 Old Shell Rd
Mobile, Alabama 36607
Gulf District/ Mobile Office



BALDWIN EMC

Your Touchstone Energy® Cooperative



P.O. Box 220
Summerdale, AL
36580-0220
(251) 989-6247

www.baldwinemc.com

December 14, 2023

Emily Phillips
Dewberry
25353 Friendship Road
Daphne, AL 36526-6278

Re: Proposed Plat Old Towne Commons PUD, PINS 62828, 31532 & 222473, 827 Lots

Dear Emily Phillips:

This letter is to confirm that the referenced development is in Baldwin E.M.C.'s service territory. Also, this letter is confirming that the referenced has been submitted to Baldwin EMC.

Baldwin EMC is willing to service the development as long as the necessary easements are granted using our standard easement form and all other appropriate documents and fees are finalized in advance. Baldwin EMC must be given proper notice and planning time with respect to required system upgrades (transmission line, substation and distribution line). All system upgrades and line extensions will be in accordance with Baldwin EMC's current Line Extension Policy.

Please contact me to discuss necessary easements and fees.

Below is our typical required easements for subdivisions:

There is a dedicated herewith a 10 foot utility easement on all lot lines and common areas adjacent to the right-of-ways and a 10 foot utility easement on each side of lot and common area lines, unless otherwise noted.

If you have any questions or if I can be of further assistance, please do not hesitate to contact me at 251-989-0151.

Sincerely,

Brian Seals
Manager of Engineering
BS/cl#



NORTH BALDWIN UTILITIES

25 Hand Ave | Bay Minette, AL 36507
251.937.0345 fax | 251.580.1626 phone
www.northbaldwinutilities.com

PROVIDING QUALITY SERVICES SINCE 1945 - NATURAL GAS • WATER • WASTEWATER

December 14, 2023

Emily Phillips
Dewberry Engineers, Inc.
25353 Friendship Road
Daphne, AL 36526
ephillips@Dewberry.com

Re: Letter of Water and Gas Service Availability – Old Town Commons PUD
State Highway 59
PIN #: 62828, 31532 and 222473

Dear Emily,

At your request, this letter is to confirm that the above referenced development is in North Baldwin Utilities' service territory for water and gas. We have received a copy of the master plan for the Old Town Commons PUD.

North Baldwin Utilities (NBU) is willing and able to provide water and gas service to the above referenced location, subject to applicant paying all fees required for these services.

All new modified utility infrastructure shall be in accordance with NBU specifications. The developer shall coordinate with NBU throughout planning, design, and construction of the development to ensure conformity with NBU protocols and requirements.

I am available to further discuss your project and welcome any inquiries regarding NBU services and requirements regarding this development.

Sincerely,

Jeffrey L. Donald
Chief Operations Officer

JLD/alr



RIVIERA UTILITIES

413 East Laurel Avenue - Foley, AL 36535
Phone (251) 943-5001

12/15/2023

Emily Phillips
Dewberry
25353 Friendship Road
Daphne, AL 36526

RE: Montrose Preserve

This letter is to confirm based on the site plan received; Riviera Utilities is willing and able to provide electric service to above referenced property.

Riviera Utilities requires a 10' easement along all side property lines and a 15' easement along all front and rear property lines. Please ensure all property plats reflect the easements.

Upon final design, Riviera Utilities will provide estimates for service fees and system installation requirements to meet all Riviera specifications. Please contact the following Riviera employees concerning costs and requirements.

Name	Department	Email
Scott Sligh	Electric	ssligh@rivierautilities.com

If you have any questions or comments, contact Riviera Utilities at 251-943-5001.

Thank you,

James Wallace

ALT:
98-0000E

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:
2006 April -27 2:47PM
Instrument Number 971394 Pages 3
Recording 9.66 Mortgage
Deed 2952.58 Min Tax
Index 5.00
Archive 5.00
Adrian T. Johns, Judge of Probate

STATE OF ALABAMA)
COUNTY OF BALDWIN)

WARRANTY DEED

THIS INDENTURE, made and entered into on this the 26th day of April, 2006, by and between FLORAGON, L.L.C., an Alabama limited liability company, hereinafter referred to as the party of the first part, and BALDWIN VENTURES, LLC, a Florida Limited Liability Company, hereinafter referred to as the party of the second part,

WITNESSETH:

The party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part the following described real property situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of Section 21, Township 3 South, Range 3 East, Baldwin County, Alabama; thence go South 01° 40' 31" West along the East line of said Section 21, a distance of 3980.61 feet to the Southeast corner of the Northeast Quarter of the Southeast Quarter of the aforesaid Section 21; thence departing said East line of Section 21 go North 87° 39' 11" West along the North line of the South one half of the South one half of said Section 21 a distance of 3832.87 feet; thence departing said North line go North 01° 32' 45" East a distance of 535.00 feet; thence go North 87° 39' 11" West a distance of 1355.92 feet to the easterly right-of-way of U.S. Highway No. 31 (right-of-way width varies), said point also being on a curve concave northwesterly having a radius of 1472.39 feet for an arc length of 822.10 feet, (delta = 31° 59' 26", chord distance = 811.46 feet, chord bearing = North 28° 53' 07" East) to a point of tangency; thence go North 12° 53' 24" East a distance of 980.14 feet; thence departing the aforesaid right-of-way line go South 88° 10' 42" East a distance of 628.79 feet; thence go North 01° 49' 18" East a distance of 450.00 feet; thence go North 88° 10' 42" West a distance of 540.77 feet to a point on the aforesaid easterly right-of-way line of U.S. Highway No. 31; thence go along said right-of-way line North 12° 53' 24" East a distance of 849.55 feet to a point of curvature of a curve concave southeasterly having a radius of 1392.69 feet for an arc length of 504.47 feet, (delta angle = 20° 45' 15", chord distance = 501.72 feet, chord bearing = North 23° 16' 01" East), to a point on the North line of the aforesaid Section 21; thence departing said right-of-way line go South 87° 40' 10" East along said North line of Section 21 a distance of 4189.23 feet to the Point of Beginning. The above described parcel of land located in Section 21, Township 3 South, Range 3 East, Baldwin County, Alabama and contains 407.40 acres.

971394

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Easement granted Alabama Power Company and filed for record in Deed Book 61, page 31.
2. Right-of-Way granted to Baldwin County Electric Membership Corporation in Deed Book 513, page 945, Deed Book 513, page 947 and Deed Book 513, page 949.
3. Easement from The City of Foley to The Utilities Board of the City of Foley, dated November 17, 1986 and filed for record in Real Property Book 289, page 304, being 100 feet in width over, under along and across the real property formerly known as the L & N Railroad right-of-way.
4. Reservation of oil, gas and minerals as contained in deed from James Graham Brown Foundation, Inc. to MacMillan Bloedel, Inc., dated October 23, 1989 and filed for record in Real Property Book 376, page 591 and Correction Warranty Deed dated February 21, 1990 and filed for record in Real Property Book 381, page 1101.
5. Reservations and restrictions to run with the land set out in deed from the City of Foley to Stapleton Lands, LLC, dated July 1, 1998, filed for record July 27, 1998 in Real Property Book 842, page 129.
6. Right of Way Easement from Floragon, L.L.C. to Donald Newberry and Ruth Newberry dated October 7, 1999 and filed for record November 16, 1999 as Instrument Number 520453.
7. Monumented field overlaps shown on survey dated April 7, 2006 by Northwest Florida Land Surveying, Inc.; Fred R. Thompson, Registered Land Surveyor No. 11853.
8. Terms and Conditions of that Non-Disturbance Agreement by and between James Graham Brown Foundation, Inc. and Baldwin Ventures, LLC, dated ~~April 26, 2006~~ filed for record ~~April 27, 2006~~ as Instrument Number ~~971392~~.

The recording references refer to the records in the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

TOGETHER WITH ALL AND SINGULAR, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in anywise appertaining;

TO HAVE AND TO HOLD unto the said BALDWIN VENTURES, LLC, a Florida Limited Liability Company, its successors and assigns, forever.

The party of the first part for itself, its successors and assigns, hereby covenants and warrants to and with the said party of the second part, its successors and assigns, that it is seized of an indefeasible estate in and to the said property; that it will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances, and that it will, and its successors and assigns will forever warrant and defend the same unto the said party of the second part, its successors and assigns against the lawful claims of all persons.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and affixed its seal on the day and year first above written.

FLORAGON, L.L.C., an Alabama
Limited Liability Company

By: MERRILL LAND COMPANY, INC.,
A Florida Corporation, Its Sole Member

By: J. Collier Merrill
J. COLLIER MERRILL, Its President

STATE OF FLORIDA

COUNTY OF Escambia

I, the undersigned authority, a Notary Public, within and for said County and State, hereby certify that J. COLLIER MERRILL, whose name as President of Merrill Land Company, Inc., a Florida Corporation, the sole member of Floragon, L.L.C., is signed to the foregoing conveyance and who is known to me acknowledged before me on this day that, being informed of the contents of said conveyance, he, with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 26th day of April, 2006.



Lawrence G. Schill
NOTARY PUBLIC
My Commission Expires:

ADDRESS OF GRANTOR:
FLORAGON, L.L.C.

c/o MERRILL LAND CO
226 Palmyra Place 6th FL
Pensacola, FL 32502

ADDRESS OF GRANTEE:

BALDWIN VENTURES, LLC
530 E. Central Blvd #11601
Orlando, FL 32801

THIS INSTRUMENT PREPARED BY:

L. D. OWEN, III
Attorney at Law
414 Courthouse Square
Bay Minette, Alabama 36507
(251) 937-6280