

**BALDWIN COUNTY COMMISSION
AGENDA ACTION FORM**

(Agenda Item Preparation Procedure)

5/12/10 CC

AGENDA ITEM NUMBER: EAS

Work Session Meeting Date: May 11, 2010 Commission Meeting Date: May 18, 2010

TITLE/SUBJECT: **Request from Robinson Cemetery, Inc. – Public Cemetery Expansion**

TO: *The Honorable Members of the Baldwin County Commission*
THRU: **Michael L. Thompson, County Administrator** *MLT 5/11/10*
FROM: **David A. Z. Brewer, Assistant County Administrator**
John Taylor, Public Land Officer
Kenny McIlwain, GIS Coordinator

STAFF RECOMMENDATION:

Execute a Quitclaim Deed which will remise, release, quitclaim and convey to Robinson Cemetery, Inc. 3.0 acres (more or less) of county property in the Stockton community in order to allow said domestic nonprofit corporation to expand its cemetery known as Robinson Cemetery, which conveyance of county property shall benefit the welfare of the Stockton community through the provision of a public cemetery.

PREVIOUS COMMISSION ACTION: yes _____ no X Date: _____

BACKGROUND ON REQUEST:

See attached the proposed quitclaim deed indentified in the above staff recommendation.

Citizens in the Stockton community, by correspondence dated October 31, 2006, and February 7, 2007 (see both attached), requested consideration by the Baldwin County Commission (county) for the county to consider conveying at least 2 acres of county property for said citizens to expand the historic Robinson Cemetery (cemetery) located in the Stockton community in North Baldwin County. The cemetery has headstones which date to the early 1900s and citizens of the community believe the cemetery may be 125 years old. The purpose for the request from the citizens of Stockton is that the cemetery has little to no burial space left in the cemetery proper.

At the time the aforementioned initial requests were made by the citizens of Stockton (in 2006 and 2007) it was discovered that: [1] no organized entity (such as an association or corporation) owned or operated the cemetery and [2] no organized entity (such as an association or corporation) had clear title to the existing cemetery property. To remedy these issues, the citizens formed the domestic nonprofit corporation known as "Robinson Cemetery, Inc." in August, 2007, and quitclaimed the existing cemetery property in June, 2009. Thereafter, the citizens requesting consideration from the county started working together to ensure that full community support was behind the initial requests made in 2006 and 2007; this full community support reached fruition in September, 2009, when it appears the domestic nonprofit corporation amended

its articles of incorporation to allow the method of election and voting membership of said domestic nonprofit corporation.

In order to view the existing cemetery and proposed area of expansion, please see attached a map which shows the existing cemetery property is 2.5 acres and the proposed area of expansion is 3 acres more or less. County staff (David Brewer, Scott Barnett, John Taylor, Cal Markert, Kenny McIlwain and Richard Johnson) all worked to prepare the proposal before the county today with the assistance from the requesting citizens. Further, see attached a survey map and legal description prepared by the county highway department which identifies the existing cemetery property and proposed addition. The county property which includes the area proposed to be deeded to expand the cemetery was purchased by county funds exclusively and no federal funds were used in said purchase made by the county in the summer of 2003. Further, see attached a letter from the county highway department which confirms that the county's proposed conveyance of county property for the expansion of the cemetery is acceptable per the county's subdivision regulations.

If the county approves the above staff recommendation the quitclaim deed makes clear to the cemetery that the area of expansion, by conveyance of county property, shall be for a public cemetery and shall, in the event said property ceases to be used as a public cemetery for 3 consecutive years, revert back to the county.

FINANCIAL IMPACT: N/A _____

1. Total cost of recommendation: \$1.00 (paid to county)
 2. Are the funds budgeted for this recommendation? **yes** _____ **no** _____
If not, why not: _____
 3. Budget line item to be used: _____
Balance remaining in the line item after recommended expenditure:
\$ _____
 4. Will the recommendation create a need for continued funding, which is not included in the current budget? **yes** _____ **no** _____
If yes, how will this funding requirement be met in the future? _____
- Budget Manager Approval:** *Randy G.* **Date:** 5-12-10

LEGAL IMPACT: N/A _____

1. Are any legal documents required to be executed if this recommendation is approved?
Yes X No _____
2. Is Legal creating X reviewing _____ or revising _____ the documents? If not, why? _____
3. Are the documents attached to this recommendation? Yes _____ No _____
4. Department Notes: _____
Approved as to form only: *[Signature]* 5/12/10
Counsel **Date**

PROOF OF ADVERTISING:

1. Was an advertisement required for this recommendation?

yes _____ no X

CONSISTENCY WITH B.C. STRATEGIC PLAN – 2006-2016: N/A X

POLICY IMPACT: N/A X

PERSONNEL IMPACT: N/A X

IMPLEMENTATION:

1. Department and individual responsible for follow up activities on recommendation: _____

2. Specific action/actions required as follow up: Monica Taylor: Correspondence and copy of recorded (Probate) Quitclaim Deed to:

Robinson Cemetery, Inc.

Post Office Box 257

Stockton, Alabama 36579

CC: David Brewer, John Taylor, Cal Markert, Kenny McIlwain, Wesley Pennington and Richard Johnson

3. Are other Departments/Individuals necessary to complete the follow up activities? If so, specify: John Taylor; Lori Ruffin: Update Deed Book.

ALTERNATIVES:

1. As the Commission directs.

ATTACHMENTS:

1. Proposed Quitclaim Deed.
2. Cemetery letter (2006).
3. Cemetery letter (2007).
4. Aerial Map.
5. Survey and Legal Description.
6. BC Highway Department letter.

1234241

STATE OF ALABAMA

COUNTY OF BALDWIN



QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the BALDWIN COUNTY COMMISSION, the duly Governing body of Baldwin County, Alabama, hereinafter referred to as the Grantor, for and in consideration of the sum of One Dollar (\$1.00) this day cash in hand paid to Grantor by ROBINSON CEMETERY, INC., hereafter referred to as the Grantee, has and by these presents does hereby REMISE, RELEASE, QUITCLAIM and CONVEY unto the Grantee all of its right, title, and interest in or to the following described real property situated in Baldwin County, Alabama, exclusively for public cemetery purposes, to-wit:

A part of the Fractional Section 22, Township 1 North, Range 2 East, Baldwin County, Alabama and being more fully described as follows:

Parcel 1 of 1

Commencing at the Northeast Corner of Fractional Section 22, Township 1 North, Range 2 East, Baldwin County, Alabama;

Thence run North 88° 23' 19" West a distance of 815 feet, more or less, to a point as shown on the plat of survey by Moore Surveying, Inc, of the "Boundary Survey of Property owned by Carrie Bryars Smith in T-1-N, R-2-E, Baldwin County, Alabama (said point being the northeast corner of Parcel 3, as described on Instrument Number 767445 of said survey);

Thence run South 13° 33' 54" West a distance of 601 feet, more or less, to the P.C. of a 756.53 foot radius curve to the right;

Thence run southwestwardly a distance of 10 feet, more or less, to a point on the west R/W line of Canaan Road being a 80 foot R/W (as per Deed Book 353 at page 36);

Thence run southwesterly on the west R/W line along a curve to the right, having a radius of 746.53 feet, a distance of 50 feet, more or less, to a capped rebar and being the Point of Beginning of the property herein to be conveyed;

Thence continue along the arc of said curve a distance of 30.00 feet, more or less, to a capped rebar at the Northeast corner of Robinson Cemetery;

Thence run North 76° 48' 41" West along the North line of Robinson Cemetery a distance of 203 feet, more or less, to an iron rebar;

Thence run South 21° 14' 44" West along the West line of Robinson Cemetery a distance 661 feet, more or less, to a capped rebar and being the southwest corner of Robinson Cemetery;

Thence run North 54° 35' 10" West in a westerly projection of the South line of Robinson Cemetery a distance of 31 feet, more or less, to a capped rebar;

Thence run North 21° 14' 44" East and parallel to the West line of Robinson Cemetery a distance of 185 feet, more or less, to a capped rebar;

Thence run North 49° 37' 39" West a distance of 253 feet, more or less, to a capped rebar;

Thence run North 21° 14' 44" East and parallel to the West line of Robinson Cemetery a distance of 378 feet, more or less, to a capped rebar;

Thence run South 76° 48' 41" East and parallel to the North line of Robinson Cemetery a distance of 470 feet, more or less, to the Point of Beginning of the property herein conveyed and containing 3.0 acres, more or less and further described on Attachment "A" which is attached hereto.

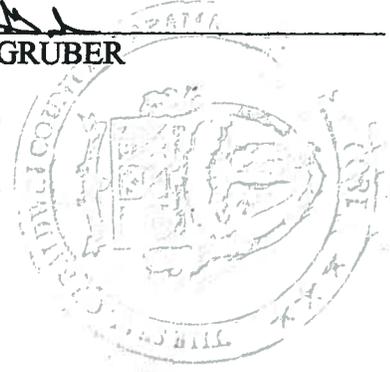
TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, **FOREVER.**

PROVIDED, HOWEVER, it is understood that the lands herein conveyed and granted from the Grantor to the Grantee are to be used exclusively for the purpose of maintaining a public cemetery the rights in which shall be available to all citizens of Baldwin County, and in the event that the property described above ever ceases to be used as a public cemetery for three (3) consecutive years and for all citizens of Baldwin County, then in such event all rights, title, and interest herein conveyed shall cease and revert to the Grantors, or its assigns, and the Grantor shall have the right to immediately re-enter and take possession.

IN WITNESS WHEREOF, the Grantor has hereunto caused these presents to be executed by and through its duly authorized representative, on this the 18th day of May, 2010.

BALDWIN COUNTY COMMISSION

By: *Charles F. Gruber*
CHARLES F. GRUBER
Its Chairman



ATTEST:

Michael L. Thompson
MICHAEL L. THOMPSON
Administrator

STATE OF ALABAMA

COUNTY OF BALDWIN

I, Lori G. Ruffin, a Notary Public, in and for said County in said State, hereby certify that Charles F. Gruber and Michael L. Thompson, whose names as Chairman and Administrator of the Baldwin County Commission, the duly governing body of Baldwin County, Alabama, are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of said Baldwin County, Alabama.

Given under my hand and seal this 18th day of May, 2010.



Lori G. Ruffin
Notary Public
My Commission Expires 2013
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES 2013
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

GRANTOR'S ADDRESS:
312 Courthouse Square, Suite 12
Bay Minette, Alabama 36507

GRANTEE'S ADDRESS:
P.O. Box 257
STUKESBY, ALABAMA 36579

This instrument prepared by:
J. Scott Barnett, Chief Counsel
Baldwin County Legal Department
312 Courthouse Square, Suite 12
Bay Minette, Alabama 36507
Telephone (251-580-1844

NOTES

RECEIPT

DATE 5/19/2010 NO. 9178

RECEIVED FROM Reverend Arthur Lawson
ADDRESS 56400 Canaan Road, Stockton, AL 36579

FOR Robinson Cemetery Quit Claim Deed \$ 1.00

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	1 00
AMT. PAID		CHECK	
BALANCE DUE		MONEY ORDER	

BY A. Gary
©2001 REDIFORM® 81810

BROWN LAWN, ARADAMA



BALDWIN COUNTY

HIGHWAY DEPARTMENT

P.O. Box 220
SILVERHILL, ALABAMA 36576

TELEPHONE: (251) 937-0371
FAX (251) 937-0201

*CAL MARKERT, P.E.
COUNTY ENGINEER*

May 14, 2008

TO: David Brewer
Assistant County Administrator

RE: Robinson Cemetery

Please find the attached legal description and survey for the expansion of Robinson Cemetery. If you should have any questions, please call Debra Morris at 251-972-8542.

DM
cc: File
Attachments: Map & Legal Description

NE CORNER OF FRACTIONAL SEC 22, T-1-N, R-2-E, BALDWIN COUNTY, ALABAMA (GRIDDED POINT, NOT ACTUAL LOCATION)
 NB8°23'19"W 815.00'



S 22 T-1-N, R-2-E

① CURVE DATA

Chord = S12°54'14"W
 Delta = 2°16'20"
 R = 746.53'
 L = 30.00'

R 756.53'
 L 50.30'

SEE DETAIL

BALDWIN COUNTY COMMISSION
 312 COURTHOUSE SQUARE
 SUITE 12
 BAY MINETTE, AL 36507
 TAX PARCEL NUMBER
 05-13-05-22-0-000-001.000

PROPOSED EXPANSION OF
 ROBINSON CEMETERY
 3.0 +/- ACRES

ROBINSON CEMETERY
 CANAAN ROAD
 STOCKTON, AL 36579
 TAX PARCEL NUMBER
 05-13-05-22-0-000-002.000

SURVEYED BY
 MOORE SURVEYING INC
 DATE 09/01/2000



NOTES

- 80' ROW AS PARCEL 1, RECORDED IN DEED BOOK 353 PAGE 36, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA.
- 60' ROW AS SHOWN ON PLAT OF SURVEY BY MOORE SURVEYING, INC. DATED 09/01/2000, OF 'BOUNDARY SURVEY OF PROPERTY OWNED BY CARRIE BRYARS SMITH IN T-1-N, R-2-E, BALDWIN COUNTY, ALABAMA AS RECORDED ON INSTRUMENT 767446 PAGES 1-6 PROBATE COURT RECORDS BALDWIN COUNTY, ALABAMA.

BALDWIN COUNTY HIGHWAY DEPARTMENT			
PROJECT NUMBER:			
PROPOSED EXPANSION OF ROBINSON CEMETERY			
BALDWIN COUNTY, AL			
SCALE:	DESIGNED: DRAWN: SGB	QUANTITIES	DATE
50	CHECKED: LAW	COMP: CHECKED:	5-12 2008

ROBINSON CEMETERY

A part of the Fractional Section 22, Township 1 North, Range 2 East, Baldwin County, Alabama and being more fully described as follows:

Parcel 1 of 1

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Thence run South $76^{\circ} 48' 41''$ East and parallel to the North line of Robinson Cemetery a distance of 470 feet, more or less, to the Point of Beginning of the property herein conveyed and containing 3.0 acres, more or less.

David Brewer

From: Kenny Mcilwain
Sent: Friday, May 07, 2010 2:54 PM
To: David Brewer
Subject: FW: Robinson Cemetery
Attachments: Proposed Expansion.jpg; Parcel Designations.jpg

Kenneth Mcilwain
GIS Manager
Baldwin County Commission
312 Courthouse Square Suite 13
Bay Minette, AL 36507
P: 251-580-2535
F: 251-580-2538
www.co.baldwin.al.us

From: Kenny Mcilwain
Sent: Tuesday, January 02, 2007 11:41 AM
To: David Brewer; Commissioner Frank Burt
Cc: Joe Ryan; John Taylor; Scott Barnett; Eric Bergdolt
Subject: Robinson Cemetery

David,
Attached are two maps regarding the Robinson Cemetery issue. The first map shows the parcels that need to be designated as CIAP/County purchased properties. The corresponding PID numbers are listed below.

County
05-13-05-15-0-000-002.000
05-13-05-43-0-000-001.000
05-13-05-22-0-000-001.000
05-13-05-45-0-000-001.004
05-13-05-45-0-000-005.001

CIAP
05-13-05-45-0-000-008.000
~~05-13-05-15-0-000-002.000~~
05-13-05-45-0-000-008.002

The other map shows my recommendation for the expansion. However, there are several things that need to be done before any action should be taken.

1. Some group/entity must incorporate as soon as possible to be the property owners.
2. There appears to be numerous legal issues involved with the actual ownership of the existing Robinson Cemetery. Currently there is no recorded deed for Robinson Cemetery and I have found several different sources of information with at least three different parcel descriptions. Therefore the existing cemetery property and ownership needs to be clearly defined before we go forward. I'm not sure how this can be accomplished but perhaps the County needs to convey a Quit Claim Deed to the existing cemetery or if the County is the actual owner of the Cemetery we need to deed it to this entity along with the proposed expansion property. Scott, Erich, and John Taylor will have to address these legal issues involved.
3. As it stands today, I cannot provide any specific numbers regarding acreage to be conveyed because I don't know the existing cemetery boundaries. My map simply shows what I feel, based on our onsite discussion, should be the end results of our efforts.

4. Resolution defining parcels as purchased with County or CIAP funds.

Sorry for muddying up the waters but you know these issues will come up. Please reserve me a discussion item space for this issue on the 01/09/07 worksession agenda.

Thank you,
Kenny

Kenneth McIlwain
Senior Natural Resource Planner
Baldwin County Planning & Zoning Dept.
312 Courthouse Square Suite 18
Bay Minette, AL 36507
Phone: 251.580.1655 Ext. 7252
Fax: 251.580.1656
E-mail: kmcilwain@co.baldwin.al.us
Website: www.wetlands.co.baldwin.al.us



Baldwin County Judge of Probate

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Deeds & Records Link

BALDWIN COUNTY, AL

Today's Date 5/10/2010

Records Complete Thru 5/ 6/2010 [Help](#)

QUITCLAIM DEED

DATE FILED: 6/ 3/2009
INSTRUMENT DATE: 6/ 2/2009
DEED BOOK: R IN 0000 **DEED PAGE:** 1180922
INSTRUMENT NUMBER: 1180922
VALUE *NA* **DOWN PAYMENT** *NA*
MINERAL ACRES *NA* **LOTS** *NA*
FILED BY: MITCHELL NYE
Grantor: LAWSON ARTHUR L SR
Grantor: HARRIS WILLIE
Grantor: EDWARDS SERENA
Grantor: LAWSON FLORENCE M
Grantee: ROBINSON CEMETERY INC

LEGALS

S/T/R	Subdivision	Block	Lots
22-01N-02E			

DOCUMENTS

DESCRIPTION	NUMBER OF PAGES	PRICE
View QUITCLAIM DEED	4	\$ 0.00

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STATE OF ALABAMA)
)
COUNTY OF BALDWIN)

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That we, **ARTHUR L. LAWSON, SR.**, ~~unmarried~~/married; **WILLIE HARRIS**, ~~unmarried~~/married; **SERENA EDWARDS**, unmarried/~~married~~; and **FLORENCE M. LAWSON**, married/~~unmarried~~, as Grantors, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to us paid by **ROBINSON CEMETERY, INC., an Alabama non-profit corporation**, as Grantee, the receipt of which is hereby acknowledged, do hereby **REMISE, RELEASE, QUIT CLAIM** and **CONVEY** unto the said Grantee all our right, title and interest in and to the following described real property situated in the County of Baldwin, State of Alabama, to-wit:

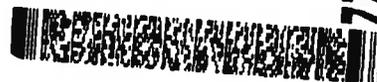
Commence at the Northeast corner of Fractional Section 22, Township 1 North, Range 2 East, Baldwin County, Alabama; thence run North 88 degrees 23 minutes 19 seconds West 815.00 feet to a point; thence run South 13 degrees 33 minutes 54 seconds West 600.60 feet to a point on the West right-of-way of Canaan Road West; thence run Southwesterly 10 feet to a point lying on the West right-of-way Canaan Road West; thence run Southerly, along the West right-of-way of Canaan Road West, 50.30 feet, more or less, to a capped rebar; thence continue to run Southerly, along the West right-of-way of Canaan Road West, 30 feet, more or less, to a capped rebar for the Point of Beginning; thence run North 76 degrees 48 minutes 41 seconds West 202.60 feet to an iron pin; thence run South 21 degrees 14 minutes 44 seconds West 660.80 feet (following a wood line and the extension thereof) to a capped rebar; thence run South 54 degrees 35 minutes 10 seconds West 65.27 feet, more or less to a point on the West right-of-way of Canaan Road West (Said point being located N 54 degrees 35 minutes 10 seconds West a distance from an iron pipe; Thence run in a Northeasterly direction following the Western right-of-way of Canaan Road to the Point of Beginning.

The above described property constitutes no portion of the Grantors' homesteads or the homesteads of the Grantors' spouses.

TO HAVE AND TO HOLD with the appurtenances thereunto belonging unto the said Grantee, its successors and assigns forever.

BALDWIN COUNTY, ALABAMA
JUDGE ADRIAN T. JOHNS
Filed/ceert 6/3/2009 3:54 PM
Deed Tax \$ 0.50
TOTAL \$ 24.50
4 Pages

1180922



IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 2
day of June, 2009.

WITNESS:
[Signature]

[Signature] (SEAL)
ARTHUR L. LAWSON, SR.

STATE OF ALABAMA)
COUNTY OF Baldwin)

ACKNOWLEDGMENT

I, John E Taylor, a Notary Public duly authorized in the state and county aforesaid to take acknowledgments, hereby certify, that on this day, before me personally appeared ARTHUR L. LAWSON, SR., to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged before me that, being informed of the contents of the same, he/she voluntarily signed and delivered the within foregoing instrument on the day and year therein mentioned.

Given under my hand and seal, this 2 day of June 2009.



[Signature]
NOTARY PUBLIC
in and for 9-18-2010 County, Alabama
My Commission Expires:

[Signature]

[Signature] (SEAL)
WILLIE HARRIS

STATE OF ALABAMA)
COUNTY OF Baldwin)

ACKNOWLEDGMENT

I, John E Taylor, a Notary Public duly authorized in the state and county aforesaid to take acknowledgments, hereby certify, that on this day, before me personally appeared WILLIE HARRIS, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged before me that, being informed of the contents of the same, he/she voluntarily signed and delivered the within foregoing

instrument on the day and year therein mentioned.

Given under my hand and seal, this 2 day of June 2009.



John E Taylor
NOTARY PUBLIC
in and for 9-18-2010 County, Alabama
My Commission Expires:

Matthew R

Serena Edwards (SEAL)
SERENA EDWARDS

STATE OF ALABAMA)
COUNTY OF Baldwin)

ACKNOWLEDGMENT

I, John E Taylor, a Notary Public duly authorized in the state and county aforesaid to take acknowledgments, hereby certify, that on this day, before me personally appeared SERENA EDWARDS, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged before me that, being informed of the contents of the same, he/she voluntarily signed and delivered the within foregoing instrument on the day and year therein mentioned.

Given under my hand and seal, this 2 day of June 2009.



John E Taylor
NOTARY PUBLIC
in and for 9-18-2010 County, Alabama
My Commission Expires:

Matthew R

Florence M. Lawson (SEAL)
FLORENCE M. LAWSON

STATE OF ALABAMA)
COUNTY OF Baldwin)

ACKNOWLEDGMENT

I, John E Taylor, a Notary Public duly authorized in the state and county aforesaid to take acknowledgments, hereby certify, that on this day, before me personally appeared FLORENCE M. LAWSON, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged before me that, being informed of the contents of the same, he/she voluntarily signed and delivered the

within foregoing instrument on the day and year therein mentioned.



Given under my hand and seal, this 2 day of June 2009.

John E. Taylor
NOTARY PUBLIC
in and for 9-18-2010 County, Alabama
My Commission Expires:

GRANTORS' ADDRESS:

GRANTEE'S ADDRESS:
PO Box 257
Stockton, AL 36579

This instrument prepared by:
William L. Brantley
Attorney at Law
P. O. Box 1968
Bay Minette, Alabama 36507

This instrument was prepared without benefit of title search or survey.



Baldwin County Judge of Probate

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Deeds & Records Link

BALDWIN COUNTY, AL

Today's Date 6/19/2009

Records Complete Thru 6/17/2009 [Help](#)

QUITCLAIM DEED

DATE FILED: 6/ 3/2009
INSTRUMENT DATE: 6/ 2/2009
DEED BOOK: R IN 0000 **DEED PAGE:** 1180922
INSTRUMENT NUMBER: 1180922
VALUE: *NA* **DOWN PAYMENT:** *NA*
MINERAL ACRES: *NA* **LOTS:** *NA*
FILED BY: MITCHELL NYE
Grantor: LAWSON ARTHUR L SR
Grantor: HARRIS WILLIE
Grantor: EDWARDS SERENA
Grantor: LAWSON FLORENCE M
Grantee: ROBINSON CEMETERY INC

LEGALS

S/T/R
 22-01N-02E

SubdivisionBlockLots

DOCUMENTS

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	QUITCLAIM DEED	4	\$ 0.00

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STATE OF ALABAMA)
)
COUNTY OF BALDWIN)

QUIT CLAIM DEED

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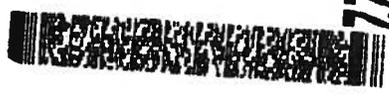
Commence at the Northeast corner of Fractional Section 22, Township 1 North, Range 2 East, Baldwin County, Alabama; thence run North 88 degrees 23 minutes 19 seconds West 815.00 feet to a point; thence run South 13 degrees 33 minutes 54 seconds West 600.60 feet to a point on the West right-of-way of Canaan Road West; thence run Southwesterly 10 feet to a point lying on the West right-of-way Canaan Road West; thence run Southerly, along the West right-of-way of Canaan Road West, 50.30 feet, more or less, to a capped rebar; thence continue to run Southerly, along the West right-of-way of Canaan Road West, 30 feet, more or less, to a capped rebar for the Point of Beginning; thence run North 76 degrees 48 minutes 41 seconds West 202.60 feet to an iron pin; thence run South 21 degrees 14 minutes 44 seconds West 660.80 feet (following a wood line and the extension thereof) to a capped rebar; thence run South 54 degrees 35 minutes 10 seconds West 65.27 feet, more or less to a point on the West right-of-way of Canaan Road West (Said point being located N 54 degrees 35 minutes 10 seconds West a distance from an iron pipe; Thence run in a Northeasterly direction following the Western right-of-way of Canaan Road to the Point of Beginning.

The above described property constitutes no portion of the Grantors' homesteads or the homesteads of the Grantors' spouses.

TO HAVE AND TO HOLD with the appurtenances thereunto belonging unto the said Grantee, its successors and assigns forever.

BALDWIN COUNTY, ALABAMA
JUDGE ADRIAN T. JOHNS
Filed/cert 6/3/2009 3:54 PM
Deed Tax \$ 8.50
TOTAL \$ 24.50
4 Pages

1180922



IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 2
day of June, 2009.

WITNESS:
Mother M/R

Arthur L Lawson (SEAL)
ARTHUR L. LAWSON, SR.

STATE OF ALABAMA)
COUNTY OF Baldwin)

ACKNOWLEDGMENT

I, John E Taylor, a Notary Public duly authorized in the state and county aforesaid to take acknowledgments, hereby certify, that on this day, before me personally appeared ARTHUR L. LAWSON, SR., to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged before me that, being informed of the contents of the same, he/she voluntarily signed and delivered the within foregoing instrument on the day and year therein mentioned.

Given under my hand and seal, this 2 day of June, 2009.



John E Taylor
NOTARY PUBLIC
in and for 9-18-2010 County, Alabama
My Commission Expires:

Mother M/R

Willie Harris (SEAL)
WILLIE HARRIS

STATE OF ALABAMA)
COUNTY OF Baldwin)

ACKNOWLEDGMENT

I, John E Taylor, a Notary Public duly authorized in the state and county aforesaid to take acknowledgments, hereby certify, that on this day, before me personally appeared WILLIE HARRIS, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged before me that, being informed of the contents of the same, he/she voluntarily signed and delivered the within foregoing

instrument on the day and year therein mentioned.

Given under my hand and seal, this 2 day of June 2009.



John E Taylor
NOTARY PUBLIC
in and for 9-18-2010 County, Alabama
My Commission Expires:

Matthew M

Serena Edwards (SEAL)
SERENA EDWARDS

STATE OF ALABAMA)
COUNTY OF Baldwin)

ACKNOWLEDGMENT

I, John E Taylor, a Notary Public duly authorized in the state and county aforesaid to take acknowledgments, hereby certify, that on this day, before me personally appeared SERENA EDWARDS, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged before me that, being informed of the contents of the same, he/she voluntarily signed and delivered the within foregoing instrument on the day and year therein mentioned.

Given under my hand and seal, this 2 day of June 2009.



John E Taylor
NOTARY PUBLIC
in and for 9-18-2010 County, Alabama
My Commission Expires:

Matthew M

Florence M. Lawson (SEAL)
FLORENCE M. LAWSON

STATE OF ALABAMA)
COUNTY OF Baldwin)

ACKNOWLEDGMENT

I, John E Taylor, a Notary Public duly authorized in the state and county aforesaid to take acknowledgments, hereby certify, that on this day, before me personally appeared FLORENCE M. LAWSON, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged before me that, being informed of the contents of the same, he/she voluntarily signed and delivered the

within foregoing instrument on the day and year therein mentioned.

Given under my hand and seal, this 2 day of June 2009.



John E. Foy
NOTARY PUBLIC
in and for 9-18-2010 County, Alabama
My Commission Expires:

GRANTORS' ADDRESS:

GRANTEE'S ADDRESS:

P.O. Box 257
Stockton, AL 36579

This instrument prepared by:
William L. Brantley
Attorney at Law
P. O. Box 1968
Bay Minette, Alabama 36507

This instrument was prepared without benefit of title search or survey.

STATE OF ALABAMA §
§
BALDWIN COUNTY §

THIS INDENTURE, made and entered into on this the 23rd day of June, 1966, by and between CARRIE M. BRYARS, as Executrix of and under the Last Will and Testament of C. H. Bryars, deceased, hereinafter referred to as the party of the first part, and JOHN HOWARD YORK and HENDERSON FIELDS, hereinafter referred to as the parties of the second part,

W I T N E S S E T H :

THAT, WHEREAS, C. H. Bryars, a resident of Baldwin County, Alabama, died on, to-wit, March 4, 1965, leaving a Last Will and Testament dated April 16, 1959, which has been admitted to probate and record in and by the Probate Court of Baldwin County, Alabama, where it is recorded in Book 8 of Wills at pages 394-9; and,

WHEREAS, Letters Testamentary under the said Last Will and Testament were issued to Carrie M. Bryars, as executrix of and under the said will, which Letters Testamentary are still in full force and effect; and,

WHEREAS, the said will authorized the said executrix to sell and convey real and personal property and make, execute and deliver proper conveyance therefor in the following language:

"My said executrix is hereby authorized and empowered to sell any and all real and personal property, either publicly or privately, upon such terms and conditions as she may see fit to impose, and to make, execute and deliver proper conveyance or conveyances of same, and the purchaser or purchasers shall not be required to look to the application of the purchase price of the said property."

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid to the undersigned party of the first part by the parties of the second part, receipt whereof is hereby acknowledged, the party of the first part, pursuant to the power and authority vested in her by the terms of the said will, has GRANTED, BARGAINED AND SOLD and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the said parties of the second part the following described real property situated in Baldwin County, Alabama, to-wit:

Begin at the Southwest corner of the Robinson Cemetery, thence run South 21° West 200 feet to a corner, thence South 67° East 111.7 feet to a corner on the right of way of the proposed Vaughn-Canaan Road, thence North 37° 15' East 192.3 feet to the Southeast corner of the said Robinson Cemetery, thence North 62° 30' West along the fence line of the said cemetery 170 feet to the point or place of beginning, in Section 22, Township 1 North, Range 2 East, EXCEPT all oil, gas and mineral rights in, on, under, or that which may be produced from the above described property which, together with all necessary rights of ingress and egress over and

across the said property for the purpose of exploring for, taking, storing or removing oil, gas or other minerals therefrom, are reserved by the party of the first part and not conveyed hereby.

TO HAVE AND TO HOLD the said above described property unto the said parties of the second part, their heirs and assigns, as fully and completely in all respects as the party of the first part could or ought to convey the same under and by virtue of the power and authority vested in her by the said Last Will and Testament.

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

Carrie M. Bryars (SEAL)
Carrie M. Bryars
As Executrix of and under the Last Will and Testament of C. H. Bryars, deceased

STATE OF ALABAMA §
BALDWIN COUNTY §

I, Mary Lou Blackburn, a Notary Public, in and for said County in said State, hereby certify that Carrie M. Bryars, whose name as Executrix of and under the Last Will and Testament of C. H. Bryars, deceased, 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 the conveyance, she, in her capacity as such executrix, executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 23rd day of June, 1966.



STATE OF ALABAMA,
BALDWIN COUNTY
I certify that this instrument was filed and the following tax collected on Mary Lou Blackburn
Notary Public, Baldwin County, Alabama

AUG 5 1966
Deed \$ 50 Mort. \$ 1.00 Recorded in Lead
Book 369
Page 246-247
By Harry Deline Judge of Probate

BOOK 369 PAGE 247

David Brewer

From: Julie Batchelor
Sent: Tuesday, November 21, 2006 4:19 PM
To: David Brewer
Subject: Cemetery Meeting

David,
Can we meet around 2 pm tomorrow? Kenny has a meeting in the morning and won't be in until after lunch.

Julie Batchelor
Natural Resource Planner
Baldwin County Planning & Zoning Dept.
312 Courthouse Square, Suite 18
Bay Minette, AL 36507
Phone: (251) 580-1655 ext. 7255
Fax: (251) 937-0293
E-mail: jbatchelor@co.baldwin.al.us

11/21/2006

DESCRIPTION AND CERTIFICATION FOR SURVEY NO: 2000 - 109

I, Seth W. Moore, a registered land surveyor, hereby state that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the Practice of Land Surveying in the State of Alabama and that this is a true and correct map of the following descriptions.

PARCEL "1"
From the Southeast corner of Grant Section 45, Township 1 North, Range 2 East, "THE JOSEPH STIGGINS GRANT", Baldwin County, Alabama, run South 85° 22' West, along the South line of said Grant Section, 4,322.2 feet to a Lightwood Stake at the Southeast corner of the Wesley Smith Tract; thence run North 02° 33' 25" East, 1,335.5 feet to a 2-inch open top pipe; thence run North 06° 35' 35" East, 1,075.0 feet, more or less to a large fence corner post lying on the North Right-of-way line of Canaan Road for the **POINT OF BEGINNING**; thence run North 05° 51' 50" East, along a fence line, 1,043.0 feet to an iron pin; thence run North 87° 59' 30" West, 643.2 feet to an old fence corner post; thence run South 06° 15' 35" West, along a fence line, 1,007.2 feet to a corner post; thence run South 05° 01' East, along a fence line 146.7 feet to a point; thence run Southeasterly along a curve to the left concave easterly, having a radius of 161.46 feet, arc distance of 94.05 feet (chord bearing S-16° -E, 92.73 feet) to a point; thence run South 78° 34' East, 142.1 feet to said North Right-of-way line; thence run North 67° 27' East along said North Right-of-way line, 531.7 feet to the **POINT OF BEGINNING**. Said parcel contains 17.5 acres, more or less.

PARCEL "2"

From the Northeast corner of Fractional Section 22, Township 1 North, Range 2 East, Baldwin County, Alabama, run North 89° 48' West, 752.9 feet to an iron pin lying on the East Right-of-way line of Canaan Road for the **POINT OF BEGINNING**; thence run South 15° 22' 35" West, along said East Right-of-way line, 612.4 feet to a point; thence run along a curve to the right, concave westerly, having a radius of 878.2 feet, an arc distance of 442.6 feet to a point; thence run along a curve to the left, concave southeasterly, having a radius of 4,320.5 feet, an arc distance of 431.3 feet to an iron pin; thence run South 89° 50' 45" East, 1,385.0 feet to an iron pin; thence run North 00° 51' 50" West, 685 feet, more or less, to the middle of Watson Creek; thence run Northwesterly along the middle of Watson Creek 1,150 feet, more or less to the **POINT OF BEGINNING**. Said parcel contains 24.8 acres, more or less.

PARCEL "3"

From the Northeast corner of Fractional Section 22, Township 1 North, Range 2 East, Baldwin County, Alabama, run North 89° 48' West, 815.0 feet to an iron pin lying on the West Right-of-way line of Canaan Road for the **POINT OF BEGINNING**; thence run South 15° 22' 35" West, along said East Right-of-way line, 600.6 feet to a point; thence run along a curve to the right, concave westerly, having a radius of 818.2 feet, an arc distance of 80.3 feet to an iron pin at the Northeast corner of Robinson Cemetery; thence run North 75° 00' West, along an old fence line, 212.6 feet to an iron pin; thence run South 23° 03' 25" West, 660.8 feet to an iron pin; thence run South 52° 57' East, 85.0 feet to an iron pin lying on said West Right-of-way line; thence run along a curve to the left, concave southeasterly, having a radius of 4,380.5 feet, an arc distance of 80.8 feet to an iron pin; thence run North 89° 50' 45" West, 517.7 feet to an iron pin lying on the East line of the Sam Bryant Tract; thence run North 07° 19' 20" East, 300.0 feet to an iron pin at the Northeast corner of said Sam Bryant Tract; thence run North 03° 30' East, 1,056.3 feet to an iron pin; thence run South 89° 48' East, 878.0 feet to the **POINT OF BEGINNING**. Said parcel contains 21.2 acres, more or less.

PARCEL "4"

EL "7"
point on the East margin
Range 2 East, Baldwin
at the Southwest corner
aid Tract, 1,173 feet
Tract, 1,485
5° 09' 15"

or less.

run South 87° 59' 30"
West, 589.4 feet to a p
ast, 465.7 feet to a point,
ce line 177.6 feet to a lar
1,043.0 feet to an iron pi
er post lying on the North
5.5 feet to a 2-inch open
to a Lightwood Stake at
ANT", Baldwin County,
m the Southeast corner
RCEL "8"

NE Corner
23

3-005 50"

Old Fence
Line

David Brewer

From: VOICE 2517211703 [BCCXPRESS/VOICE/p2517211703]
Sent: Wednesday, June 10, 2009 7:39 AM
To: David Brewer
Subject: Voice mail: 20 sec. (MID=1488803)
Attachments: 1488803_VOICE_090610-073920.WAV





David Brewer

From: Kenny McIlwain
Sent: Tuesday, January 02, 2007 11:41 AM
To: David Brewer; Commissioner Frank Burt
Cc: Joe Ryan; John Taylor; Scott Barnett; Eric Bergdolt
Subject: Robinson Cemetery

David,
Attached are two maps regarding the Robinson Cemetery issue. The first map shows the parcels that need to be designated as CIAP/County purchased properties. The corresponding PID numbers are listed below.

County
05-13-05-15-0-000-002.000
05-13-05-43-0-000-001.000
05-13-05-22-0-000-001.000
05-13-05-45-0-000-001.004
05-13-05-45-0-000-005.001

CIAP
05-13-05-45-0-000-008.000
05-13-05-15-0-000-002.000
05-13-05-45-0-000-008.002

The other map shows my recommendation for the expansion. However, there are several things that need to be done before any action should be taken.

1. Some group/entity must incorporate as soon as possible to be the property owners.
2. There appears to be numerous legal issues involved with the actual ownership of the existing Robinson Cemetery. Currently there is no recorded deed for Robinson Cemetery and I have found several different sources of information with at least three different parcel descriptions. Therefore the existing cemetery property and ownership needs to be clearly defined before we go forward. I'm not sure how this can be accomplished but perhaps the County needs to convey a Quit Claim Deed to the existing cemetery or if the County is the actual owner of the Cemetery we need to deed it to this entity along with the proposed expansion property. Scott, Erich, and John Taylor will have to address these legal issues involved.
3. As it stands today, I cannot provide any specific numbers regarding acreage to be conveyed because I don't know the existing cemetery boundaries. My map simply shows what I feel, based on our onsite discussion, should be the end results of our efforts.
4. Resolution defining parcels as purchased with County or CIAP funds.

Sorry for muddying up the waters but you know these issues will come up. Please reserve me a discussion item space for this issue on the 01/09/07 worksession agenda.

Thank you,
Kenny

Kenneth McIlwain
Senior Natural Resource Planner
Baldwin County Planning & Zoning Dept.
312 Courthouse Square Suite 18
Bay Minette, AL 36507
Phone: 251.580.1655 Ext. 7252
Fax: 251.580.1656
E-mail: kmcilwain@co.baldwin.al.us



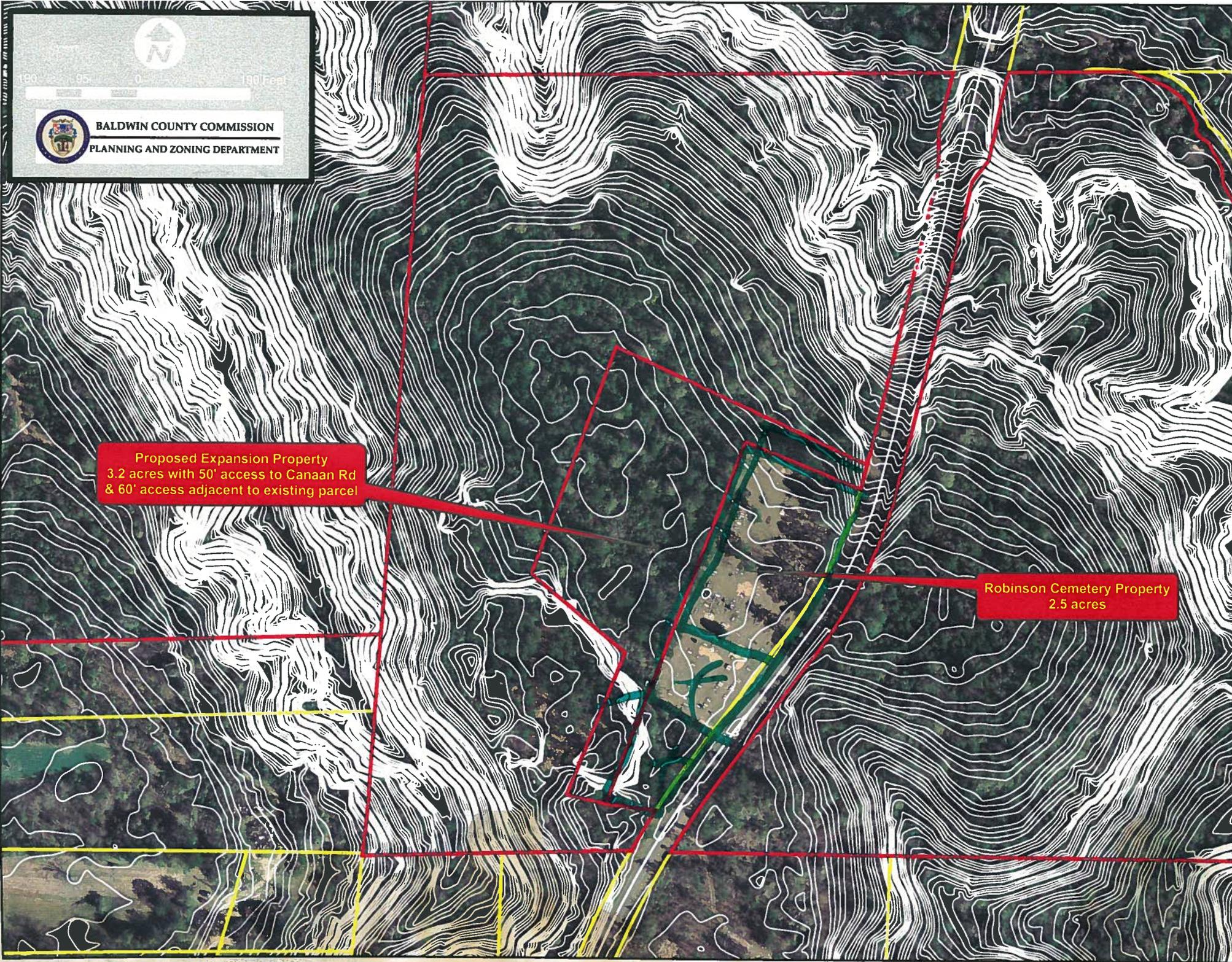
60 95 190 Feet



BALDWIN COUNTY COMMISSION
PLANNING AND ZONING DEPARTMENT

Proposed Expansion Property
3.2 acres with 50' access to Canaan Rd
& 60' access adjacent to existing parcel

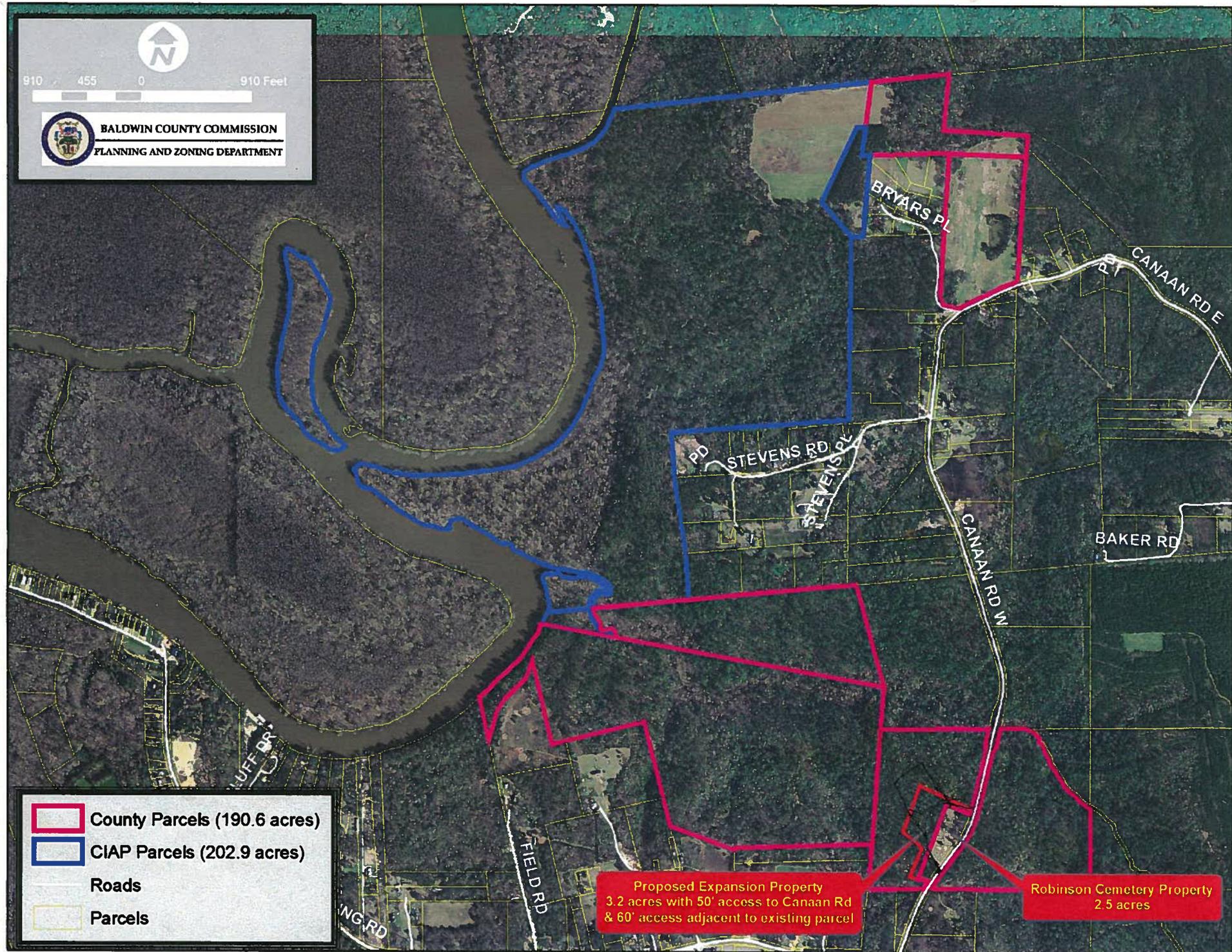
Robinson Cemetery Property
2.5 acres



910 455 0 910 Feet



BALDWIN COUNTY COMMISSION
PLANNING AND ZONING DEPARTMENT



 County Parcels (190.6 acres)

 CIAP Parcels (202.9 acres)

 Roads

 Parcels

Proposed Expansion Property
3.2 acres with 50' access to Canaan Rd & 60' access adjacent to existing parcel

Robinson Cemetery Property
2.5 acres

Guidelines for Cemetery Development

Policy ID #95-30

REQUIRED DOCUMENTATION

1. Letter from governing agency requesting sanitary review in accordance with law.
2. Name, address and telephone numbers of individuals, company or corporation proposing cemetery development or expansion.
3. An accurate vicinity map, legal description and plot plan prepared by an engineer/land surveyor. The plot plan should incorporate the following:
 - a. Contour elevations every five feet.
 - b. Any proposed cut or fill areas.
 - c. Any existing or proposed drainage.
 - d. Any existing or proposed surface water impoundments.
 - e. Any existing or proposed wells either on or within 100 ft. of the boundaries of the proposed site.
 - f. A listing of adjacent property owners.
4. Overlay of a soils map prepared by the Soils Conservation Service if available for the site.
5. A sufficient number of soil borings, typically one per acre, must be placed on the proposed site in order to determine the groundwater and soil characteristics. The borings should be a minimum of 8 inches in diameter, and a minimum of 6 ft. deep unless restricted by depth to bedrock. Additional borings may be required by the Health Department.
6. Soils descriptions and depths to actual/seasonal groundwater or bedrock must be provided by an engineer/land surveyor or professional soils classifier.
7. If required by local site conditions, a statement confirming the absence of limesinks or similar geological features must be provided by a geologist.

LOCATION OF BURIAL PLOTS

No subsurface plots should be developed:

1. Closer than 35 feet from any property boundary.
2. Closer than 100 feet from a private well.
3. That requires interment closer than 1 foot above seasonal or actual groundwater.
4. That do not allow for a minimum of 18 inches of earth cover.
5. Within 25 feet of surface drainage features.
6. Within 50 feet of surface waters.
7. Within a flood prone area, swamp, marsh or wetland.
8. With a finish grade greater than 25%.
9. In areas with one or more instances of ground subsidence.

* This is the Public Health Law

↓
§ 22-20-4. Location and extension of cemeteries.

Whenever it is proposed to locate a cemetery or to extend the boundaries of an existing cemetery, the party or parties so proposing shall make written application to the judge of probate and county commission or to the mayor and council of an incorporated city or town, according to whether said cemetery or extension of a cemetery is to be located in the jurisdiction of one or the other of these authorities, describing accurately the location and boundaries of the proposed cemetery or extension of a cemetery. Before acting upon the application, the judge of probate and county commission or the mayor and council of an incorporated city or town, as the case may be, shall refer the application to the board of health of the county for investigation from a sanitary standpoint. In making such investigation, the county board of health shall take into consideration the proximity of the proposed cemetery or extension of a cemetery to human habitations, the nature of the soil, the drainage of the ground, the danger of pollution of valuable springs and streams of water and such other conditions and surroundings as would bear upon the sanitary aspect of the situation. Having completed its investigation as promptly as can be done, the county board of health shall submit a report to

143

§ 22-20-5

PUBLIC HEALTH LAWS

§ 22-20-5

the judge of probate and county commission, or to the mayor and council, as the case may be, and either approve or disapprove the application. If the latter, the board shall set forth at length its reasons for such disapproval. Having received the report from the county board of health, the judge of probate and county commission or the mayor and council, as the case may be, shall either grant or deny the application, giving due weight in reaching either conclusion to the views expressed by the county board of health. Should the application be granted, the judge of probate and county commission or the mayor and council, as the case may be, shall issue to the party or parties making the application, and in such form as they may prescribe, a license to establish or extend the cemetery in question. The said license shall, upon the payment of \$.50 by the party or parties making the application, be recorded in the office of the judge of probate of the county. (Code 1907, § 726; Code 1923, § 1149; Code 1940, T. 22, § 88.)

David Brewer

From: Kenny McIlwain
Sent: Wednesday, July 15, 2009 11:59 AM
To: David Brewer
Subject: County Parcels at Canaan

05-13-05-43-0-000-001.000
05-13-05-22-0-000-001.000
05-13-05-45-0-000-001.004
05-13-05-22-0-000-001.000
05-13-05-45-0-000-005.001

Kenneth McIlwain
GIS Manager
Baldwin County Commission
312 Courthouse Square Suite 13
Bay Minette, AL 36507
P: 251-580-2535
F: 251-580-2538
www.co.baldwin.al.us

David Brewer

From: John Taylor
Sent: Thursday, July 16, 2009 8:45 AM
To: David Brewer
Cc: Kenny McIlwain
Subject: Robinson Cemetery Deed
Attachments: Description of Proposed Expansion of Robinson CemeteryCommencing at.wpd

David Brewer

From: Commissioner Frank Burt
Sent: Friday, March 12, 2010 9:06 AM
To: David Brewer
Cc: Lori Ruffin; Kenny Mcilwain; John Taylor
Subject: Robinson Cemetery Commission approval of Expansion

David:

At 8:54 AM today I spoke with the Rev. regarding the cemetery on Canaan Road. I apologized to him for you and me and he was most understanding. I assured him that we would have this item on our Work Session Agenda for May 11th (it should be published on our Work Session Agenda prior to that date). We would then consider the Item during our May 18th Regular Meeting. He was most thankful for our assistance.

Thanks for all your help on this.

Frank