

COUNTY OF BALDWIN:

STATE OF ALABAMA:

RESOLUTION NO. 2017-005

RESOLUTION OF THE COUNTY COMMISSION OF  
BALDWIN COUNTY, ALABAMA  
FOR THE VACATION OF A PORTION OF BAY VIEW PARK LYING BETWEEN LOTS  
34 AND 35 AND BAY LA LAUNCH AS SET OUT IN EAST ORANGE BEACH  
SUBDIVISION AS RECORDED IN MAP BOOK 1, PAGE 125

R E C I T A L S:

1. **Charles O. Gibbs and Bingham O. Gibbs** (Collectively the "**Petitioners**") are the owners and holders of interest of the lands abutting a portion of Bay View Park more particularly described as follows:

Commencing at the southwest corner of Lot 34 in Block 1 of the East Orange Beach Subdivision as recorded in Map Book 1 at page 125, Baldwin County, Alabama, in Fractional Section 33, Township 8 South, Range 5 East; thence run northwesterly along the west line of said lot a distance of 200 feet, more or less, to the northwest corner of said Lot and being the Point of Beginning; thence run northwesterly in a continuation of said Lot line to the bank of Bay La Launch; thence run northeasterly along the meanderings of Bay La Launch and a continuation thereof to the northeast corner of Lot 35; thence run southeasterly to the northeast corner of Lot 35; thence run southwesterly along the north line of Lots 35 & 34 a distance of 100 feet, more or less, to the point of beginning.

2. The **Petitioners** have filed a **Petition** with the **County Commission of Baldwin County, Alabama** (the "**County Commission**") requesting that the **County Commission** adopt a resolution to vacate a portion of Bay View Park right of way described in **Paragraph 1.** of this **Resolution**.
3. The **Petitioners**, pursuant to **Section 23-4-2 and Section 23-4-20, et. seq., Code of Alabama 1975** desire to vacate a portion of Bay View Park right of way described in **Paragraph 1.** of this **Resolution**, and, pursuant to applicable law, destroy the force and effect of the dedication of a portion of Bay View Park right of way described in **Paragraph 1.** of this **Resolution**, and to divest all public rights, including any and all rights which may have been acquired by prescription in and to a portion of Bay View Park right of way described in **Paragraph 1.** of this **Resolution**.
4. The property described in **Paragraph 1.** of this **Resolution** is located within **Baldwin County, Alabama** and is not located within the municipal limits of any municipality.
5. It is in the interest of the public that a portion of Bay View Park right of way described in **Paragraph 1.** of this **Resolution** be closed and vacated.

6. The vacation of the portion of Bay View Park right of way described in **Paragraph 1.** of this **Resolution** shall not deprive other property owners of such rights as they may have to convenient and reasonable means of ingress and egress to and from their property.
7. The following property owners have property abutting the subject right-of-way being vacated:

Charles L. and Bingham O. Gibbs  
Barbara M. Sherman  
Kerrie G. and Brent M. Wilson

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA,** that the **County Commission** does assent to the vacation of a portion of Bay View Park right of way described in **Paragraph 1.** of this **Resolution**, and the portion of Bay View Park right of way described in **Paragraph 1.** of this **Resolution** is vacated and annulled and all public rights and easements therein divested of the lands described as a portion of Bay View Park right of way described in **Paragraph 1.** of this **Resolution.**

The foregoing resolution was adopted and approved on the 18th day of October, 2016, by the Baldwin County Commission.

**Approved:**

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J. TUCKER DORSEY, CHAIRMAN  
BALDWIN COUNTY COMMISSION

**Attest:**

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RONALD J. CINK, COUNTY ADMINISTRATOR  
BALDWIN COUNTY COMMISSION