



TO: Mayor Craft & Members of the City Council

FROM: Andy Bauer, Director of Planning & Zoning

SUBJECT: Unopened Gulf Avenue Right-of-Way Vacation

DATE: July 5, 2016

ISSUE: Vacation and conveyance of a portion of the unopened Gulf Avenue for the future construction of a Circle K.

RECOMMENDATION: If the City Council deems the total consideration of \$374,580 and the donation of 530 square feet of land adequate consideration for the vacation and quitclaim conveyance of 29,082 square feet of the unopened Gulf Avenue right-of-way, then staff recommends approval.

BACKGROUND: Circle K Stores Inc. requests the vacation, in accordance with Ala. Code § 23-4-1, and the quitclaim conveyance by the City of 29,082 square feet of a portion of the unopened Gulf Avenue public right-of-way located between West 19th and West 20th Avenue. Circle K Stores Inc. proposes to provide a total consideration, including a fair market value vacation of right-of-way fee under Ala. Code § 11-49-6, in the amount of \$374,580.00 together with a donation 530 square feet of land at the corner of West 20th Avenue and Highway 59 for the use of future right-of-way. The \$374,580 is based on the Baldwin County Revenue Commissioner's most recent appraisal of the adjacent land at \$12.88 per square foot. The maximum vacation of right of way fee that could be required with respect to the portion of the vacated right of way that would inure to Circle K as an abutting property owner is capped by statute at that value. While not subject to the statutory cap, the same value is proposed to be applied in computing the compensation to be paid for the quitclaim conveyance of the portion of the right of way that would inure to the City based on its abutting ownership of West 1st Street. The donation of 530 square feet for the use of right-of-way is needed for the possible addition of a 3rd southbound lane to Highway 59. Staff has confirmed no other land for additional right-of-way is needed for this project. There are three (3) steps to this vacation process:

1. After 30 days public notice and a public hearing, by resolution the City Council would agree to vacate the public rights in a portion of Gulf Avenue in accordance with Ala. Code § 23-4-1. Upon vacation the right-of-way title passes to the two directly abutting property owners, Circle K and the City of Gulf Shores. (As noted above, West 1st Street is located directly west of Gulf Avenue and is owned by the City; therefore half of the vacated right-of-way passes to the City.)
2. By separate resolution after public notice and a public hearing the City would establish a vacation fee in accordance with Ala. Code § 11-49-6 for the half of the vacated right-of-way which is to pass to Circle K.
3. By another resolution the City Council would approve a separate contract providing for the quitclaim conveyance of the City's portion of the vacated Gulf Avenue to Circle K, the conveyance by Circle K of the 530 square feet to the City, and a requirement that the Circle K site plan be designed to the satisfaction of the City to incorporate the drainage

characteristics of the existing swale within Gulf Avenue so proper drainage of the area is continued.

The site plan indicates Circle K will build a 4,920 square foot building with a 12 pump gas canopy. The site plan shows the required 8 foot wide sidewalk along Highway 59 and 6 foot wide sidewalks along West 19th Avenue, West 20th Avenue, and West 1st Street. There is an existing drainage swale within the unopened Gulf Avenue right-of-way. Circle K will need to incorporate the drainage characteristics of the swale into their site design so proper drainage of the area is continued.

PREVIOUS COUNCIL ACTION: Not Applicable

ATTACHMENTS: Circle K Right-of-Way Vacation Request, Boundary Survey of the Right-of-way, Aerial of the proposed Vacation, and Conceptual Site Plan



June 16th, 2016

Andy Bauer, AICP
Director of Planning and Zoning
P.O. Box 299
205 Clubhouse Drive Suite B
Gulf Shores, Alabama 36542

Re: Vacation of Right-of-Way, Alabama Code 11-49-6, Westerly portion of City Property located near 2021 Gulf Shores Parkway.

Dear Mr. Bauer,

This letter is being generated to satisfy the requirement dictated in Alabama Code 11-49-6 for Vacation of Right-of-Way Fee. Circle K Stores, Inc. petitions the City of Gulf Shores to vacate 29,082 Square Feet of the Gulf Avenue right-of-way for a proposed fee of \$12.88/per foot or \$374,580.00 (Three Hundred Seventy Four Thousand Five Hundred Eighty) Dollars. This fee is based upon the most recent appraisal of the adjacent properties as determined by the Baldwin County Revenue Commission.

We would like to thank you for the opportunity and hope to hear from you soon. If you have any questions or concerns, please feel free to contact me directly.

Respectfully,

Chris Moates
Real Estate Development Manager
Circle K Stores, Inc. | Gulf Coast Business Unit
205.999.1955 m
Cmoates@circlek.com

Property to be donated as Public ROW 530 sq. ft.

Unopened Gulf Avenue ROW To be Vacated 29,082 sq. ft.

West 1st Street R/W Varies

Gulf Avenue (Unopened Roadway) 130' R/W

2 LANES (SOUTH BOUND)

Alabama Highway 59 A.K.A Gulf Shores Parkway

PARCEL A

PARCEL B

West 19th Avenue 70' R/W

CURVE	DELTA ANGLE	ARC LENGTH	RADIUS	TANGENT	CHORD BEARING	CHORD LENGTH
C-1	09°13'17"	294.34'	1828.82'	147.49'	N 14°53'23" E	294.02'
C-2	01°58'37"	255.50'	7405.09'	127.76'	S 10°51'31" W	255.49'

ON FEBRUARY 18, 2016 AN ORDER WAS PLACED FOR ALABAMA "ONE - CALL" (TICKET NO'S. 160491723, 160491743, 160491727 AND 160491730) TO LOCATE UTILITIES IN THE WORK AREA. ALL VISIBLE MARKINGS WERE LOCATED BY THIS COMPANY ON FEBRUARY 23, 2016.

NOTES:

- THE CURRENT OWNERS OF PARCEL A, ARE HERNDON OIL CORPORATION AND THE PANTRY, INC. AND THE OWNERS OF PARCEL B, IS CITY OF GULF SHORES.
- AREA OF PARCEL A IS 42,389 SQUARE FEET OR 0.97 ACRES, MORE OR LESS AND AREA OF PARCEL B IS 28,873 SQUARE FEET OR 0.66 ACRES, MORE OR LESS
- PARKING: 8 REGULAR STRIPED SPACES PROVIDED
PARKING REQUIRED : 25 SPACES (1 SPACE PER 200 S.F. NFA)
- ALL STREETS ARE OWNED AND MAINTAINED THE CITY OF GULF SHORES AND THE STATE OF ALABAMA.
- THIS PROPERTY IS ZONED BG (GENERAL BUSINESS) :
FRONT SETBACK = 20'
REAR SETBACK = 20'
SIDE SETBACK = N/A
MAXIMUM IMPERVIOUS SURFACE COVERAGE = 85%
- THE PROPERTY ADDRESS IS 2021 GULF SHORES PARKWAY, GULF SHORES ALABAMA.
- I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP # 015005 L, AND FOUND THAT THE ABOVE DESCRIBED PROPERTY IS SHOWN IN FLOOD ZONES X (UNSHADED) AND X (SHADED) ON PANEL 939 (THE FLOOD INSURANCE RATE MAP DESCRIBES ZONE X (UNSHADED) AS AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOODPLAIN.
- BEARINGS BASED ON ALABAMA STATE PLANE COORDINATES (WEST ZONE - NAD 83, NAVD 88 - ALDOD CORS).
- THIS DRAWING DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH BY THIS COMPANY.
- FIELD DATA TAKEN - FEBRUARY 23, 26, 27 & MARCH 23, 2016
- FURNISHED DESCRIPTION FROM CLIENT
- TYPE OF SURVEY - ALTA / ACSM, BOUNDARY & TOPOGRAPHIC SURVEY
- ALL PROPERTY CORNERS ARE 5/8" B.S.I. CAPPED REBARS UNLESS OTHERWISE NOTED.
- EASEMENT REFERRED TO IN NOTE 15 IS AN EXCEPTION IN TITLE COMMITMENT FILE NO. 167786 ISSUED BY SURETY LAND TITLE, INC. - MAIN OFFICE WITH AN EFFECTIVE DATE OF DECEMBER 18, 2015. THERE ARE NO EXCEPTIONS LISTED IN TITLE COMMITMENT FILE NO. 168013 ISSUED BY SURETY LAND TITLE, INC. - MAIN OFFICE WITH AN EFFECTIVE DATE OF FEBRUARY 5, 2016. THIS APPLIES TO PARCEL A.
- EXCEPTION NUMBER 7 : ACCESS EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 1185807 IS SHOWN ON SURVEY.
- DRAWING SHOULD NOT BE SCALED. THE LOCATION OF SOME FEATURES ARE EXAGGERATED FOR CLARITY (I.E. FENCES, CURBS, ETC.



PARCEL A:

LEGAL DESCRIPTION
ALL THAT PART OF BLOCK 5, DIVISION 2 OF GULF PINES UNIT OF GULF SHORES AS RECORDED IN MAP BOOK 4 PAGE 71 PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA DESCRIBED AS FOLLOWS : BEGINNING AT THE NORTHWEST INTERSECTION OF ALABAMA HIGHWAY 59 (GULF SHORES PARKWAY) AND WEST 19 TH AVENUE, BEING ON THE SOUTH LINE OF BLOCK 5, DIVISION 2 OF GULF PINES UNIT OF GULF SHORES, THENCE NORTH 89° - 47' - 19" WEST ALONG THE NORTH LINE OF WEST 19TH AVENUE 156.72 FEET TO THE SOUTHWEST CORNER OF BLOCK 5, SAID POINT BEING ON THE EAST LINE OF GULF AVENUE (AN UNOPENED ROADWAY) AND ON A CURVE HAVING A RADIUS OF 1828.82 FEET; THENCE NORTHEASTWARDLY ALONG THE ARC OF SAID CURVE TO THE RIGHT 294.34 FEET TO A POINT ON THE SOUTH LINE OF WEST 20TH AVENUE (CHORD BEARS : NORTH 14° - 53' - 23" EAST 294.02 FEET) ; THENCE NORTH 89° - 49' - 17" EAST ALONG THE SOUTH LINE OF WEST 20TH AVENUE 100.46 FEET TO A POINT ON THE WEST LINE OF ALABAMA HIGHWAY 59; THENCE SOUTH 40° - 12' - 05" EAST 44.68 FEET; THENCE SOUTHWESTWARDLY AND CONTINUING ALONG THE WEST LINE OF ALABAMA HIGHWAY 59 AND ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 7405.09 FEET A DISTANCE OF 255.50 FEET TO THE POINT OF BEGINNING.

PARCEL B:

ALL THAT PART OF BLOCK 5, DIVISION 2 OF GULF PINES UNIT OF GULF SHORES AS RECORDED IN MAP BOOK 4 PAGE 71 PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA DESCRIBED AS FOLLOWS : COMMENCING AT THE NORTHWEST INTERSECTION OF ALABAMA HIGHWAY 59 (GULF SHORES PARKWAY) AND WEST 19 TH AVENUE, BEING ON THE SOUTH LINE OF BLOCK 5, DIVISION 2 OF GULF PINES UNIT OF GULF SHORES, THENCE NORTH 89° - 47' - 19" WEST ALONG THE NORTH LINE OF WEST 19TH AVENUE 156.72 FEET TO THE SOUTHWEST CORNER OF BLOCK 5, AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED, SAID POINT BEING ON THE EAST LINE OF GULF AVENUE (AN UNOPENED ROADWAY) AND ON A CURVE HAVING A RADIUS OF 1828.82 FEET; THENCE NORTHEASTWARDLY ALONG THE ARC OF SAID CURVE TO THE RIGHT 294.34 FEET TO A POINT ON THE SOUTH LINE OF WEST 20TH AVENUE (CHORD BEARS : NORTH 14° - 53' - 23" EAST 294.02 FEET) ; THENCE NORTH 89° - 49' - 17" WEST 106.61 FEET; THENCE SOUTH 46° - 40' - 47" WEST 60.44 FEET; THENCE SOUTH 00° - 34' - 10" EAST 202.63 FEET; THENCE SOUTH 44° - 59' - 19" EAST 56.00 FEET; THENCE SOUTH 89° - 47' - 19" EAST A DISTANCE OF 33.42 FEET TO THE POINT OF BEGINNING.

TO: CIRCLE K STORES, INC. - MAIN OFFICE
SURETY LAND TITLE, INC. - MAIN OFFICE

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 5, 6(c), 7(a), 8, 11(c), 13 & 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JUNE 21, 2011. AND I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

WITNESS MY HAND THIS 29 TH DAY OF MARCH, 2016.

PRELIMINARY
GERALD D. BYRD, AL. LICENSE NO. 9425

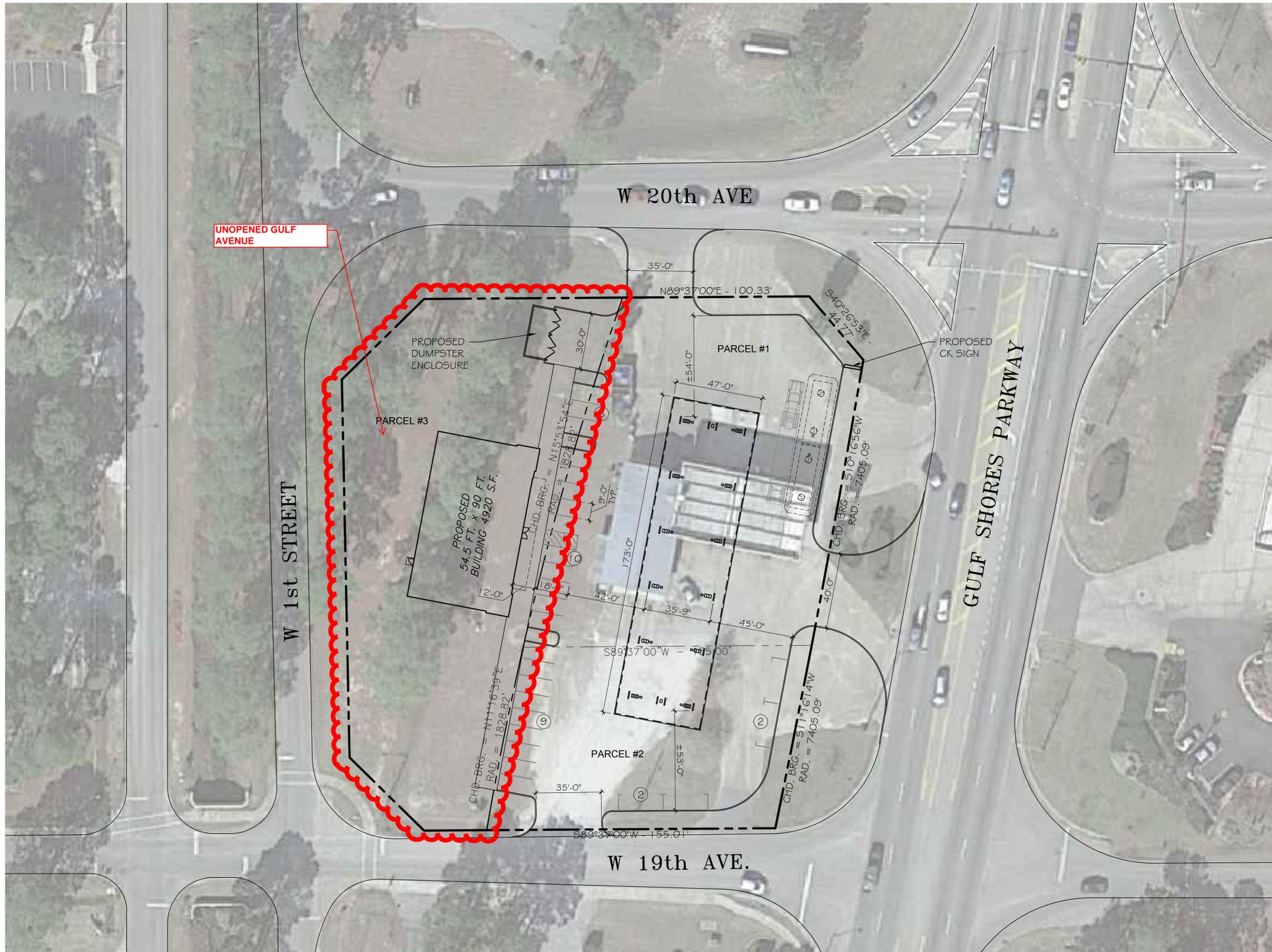
ALTA / ACSM LAND TITLE SURVEY

STATE HIGHWAY 59
GULF SHORES, AL

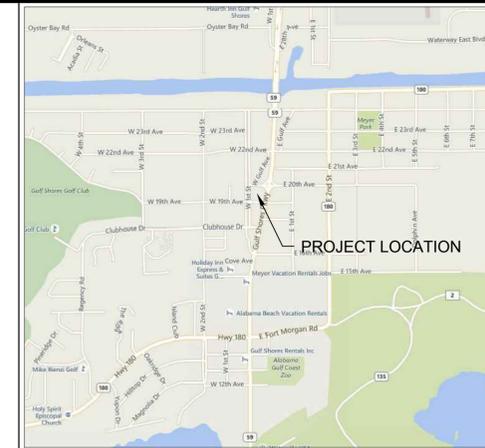
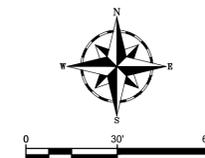
BYRD SURVEYING, INC.

2609 HALLS MILL ROAD MOBILE, ALABAMA
(251) 476-5010 FAX: (251) 476-5033
BYRD@BYRDSURVEYING.BIZ MARCH 29, 2016
SCALE : 1" = 20'

TP = TELEPHONE PEDESTAL
WM = WATER METER
WV = WATER VALVE
FH = FIRE HYDRANT
SM = SEWER METER
GV = GAS VALVE
843 = SPOT ELEVATIONS
C.O. = CLEANOUT
S.V. = SERVICE VALVE
A/C = AIR CONDITIONER
LP = LIGHT POLE
ASPH. = ASPHALT
CONC. = CONCRETE
C.W. = CUP WIRE
UP. = UTILITY POLE
H & T = HUB & TACK
R/R = RAILROAD SPIKE
NO. = DEED BOOK
MB = MAP BOOK
RR# = REAL PROPERTY BOOK
S.S. = UNABLE TO SET CORNER
F.F.E. = FINISH FLOOR ELEVATION
O.U. = OVERHEAD UTILITIES
N & B.C. = NAIL & BOTTLE CAP
"C" = "C" IN CONCRETE
REF. = REFERENCE IRON
T.B.C. = TIE BOLT
CONC. MONUMENT
ASPH. = ASPHALT
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"C" = "C" IN CONCRETE
REF. = REFERENCE IRON
T.B.C. = TIE BOLT
CONC. MONUMENT



CONCEPTUAL SITE PLAN
SCALE: 1"=30'-0"



VICINITY MAP: NTS

PARCELS:

EXISTING PARCELS:

PARCEL #1: 26,956.751 SF / 43,560 SF = .619 ACRES

PARCEL #2: 15,238.304 SF / 43,560 SF = .350 ACRES

NEW PARCEL:

PARCEL #3: ±29,082 SF / 43,560 SF = .668 ACRES

TOTAL = ±1.637 ACRES

PARKING:

1/200 SF / 4,920/200 = 25 SPACES REQUIRED (9'x18').
26 TOTAL SPACES PROVIDED INCLUDING 1 HC SPACE.



CIRCLE K STORES, INC.
GULF COAST BUSINESS UNIT
25 W CEDAR STREET, STE M
PENSACOLA, FL 32502

APPROVED BY

DATE

PROJECT NUMBER:
#2721558 RnR
DATE:
DECEMBER 11, 2015
DESIGN: DRAWN:
RH PB

PROJECT NAME:
CIRCLE K - #2721558 RnR
PROJECT ADDRESS:
2021 GULF SHORES PARKWAY - GULF SHORES, AL.
SHEET NAME:
CONCEPTUAL SITE PLAN

SHEET NO.

CK-1

