

1728643

Agreement

Between



The Alabama Department of Conservation and Natural Resources

And

The Alabama Department of Transportation

Dixie Graves Parkway and Alabama Highway 180 (Fort Morgan Road)

Maintenance and Permitting Responsibility

This Agreement is entered into between the Alabama Department of Conservation and Natural Resources (ADCNR) and the Alabama Department of Transportation (ALDOT) on this 12th day of September, 2018.

PURPOSE

The purpose of this Agreement is to provide clarification of the rights and responsibilities between ADCNR and ALDOT with regards to the 330-foot parkway designated as Dixie Graves Parkway located at the beginning of East 2nd Street and its intersection with State Highway 135 and extending westward approximately 20 miles more or less, to Fort Morgan, Baldwin County, Alabama.

INTRODUCTION

The ADCNR has title to Dixie Graves Parkway and ALDOT has had permission from ADCNR for construction and maintenance within an 80-foot strip of land on Dixie Graves Parkway for State Highway 180. Documentation of this understanding between the parties has become misplaced over the last several decades. This Agreement is intended to clarify the rights granted ALDOT by ADCNR with regards to the easement on Dixie Graves Parkway for State Highway 180 and the permitting of utilities within the easement granted to ALDOT.

POINTS OF AGREEMENT

- 1.) ADCNR holds title to the 330-foot parkway designated Dixie Graves Parkway.
- 2.) ADCNR grants to ALDOT an 80-foot permanent easement within the 330-foot parkway for the construction and maintenance of State Highway 180 (AKA Fort Morgan Road).
- 3.) ALDOT has the right to control access to State Highway 180 through its permitting process.

- 4.) Request for access to Dixie Graves Parkway - adjoining land owners must first coordinate with ADCNR for an easement, right-of-way, permit to cross, or other legal instrument for the portion of the parkway which lies outside of the 80-foot permanent easement for State Highway 180. Upon ADCNR's approval, ALDOT will grant or deny the requested access permit through ALDOT's permitting process.
- 5.) Permitting of utilities within Dixie Graves Parkway -- ADCNR has responsibility for permitting the utilities through its internal procedures, however, ADCNR will coordinate the permitting of utilities within the 80-foot permanent easement for State Highway 180 with ALDOT to ensure ALDOT's permitting procedures are followed.

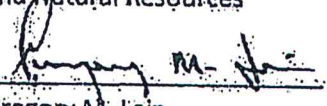
RECOMMENDED:



Terry Boyd, P.E.
Engineering Section Chief
Alabama Department of Conservation
and Natural Resources

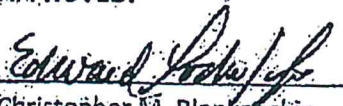


Vincent E. Calametti, P.E.
Southwest Region Engineer
Alabama Department of Transportation

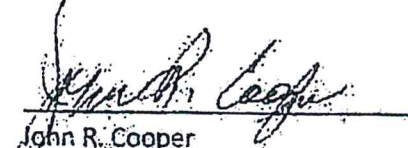


Gregory M. Lein
State Parks Director
Alabama Department of Conservation
and Natural Resources

APPROVED:



Christopher M. Blankenship
Commissioner



John R. Cooper
Transportation Director

COPY



Kay Ivey
GOVERNOR

Christopher M. Blankenship
COMMISSIONER

Edward F. Poolos
DEPUTY COMMISSIONER

STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
P.O. BOX 301452
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130-1452



Gregory M. Lein
DIRECTOR

February 10, 2022

TO: All Applicants for an Easement/Right of Way Across State Park Property

FROM: Gregory M. Lein, Director
State Parks Division

SUBJECT: Easements/Rights of Way Across State Parks Property

The attached Application and Fee Schedule is applicable to all requests for an easement or right of way across State Park property. The completed and signed Application, along with all required documents, should be mailed to the following address:

Alabama Department of Conservation and Natural Resources
State Parks Division
ATTN: Tasha Simon
P.O. Box 301452
Montgomery, AL 36130-1452

Once we have received the completed Application and all required documents, it will be submitted to the Director for approval. You will be contacted either by telephone or email to inform you of approval or disapproval. Once approved, you will be provided with a copy of the easement document for payment and execution. If you have any questions, you may contact the local State Park manager in the area where the easement/right of way is requested or you may contact my office.

**APPLICATION AND FEE SCHEDULE FOR EASMENT (RIGHT OF WAY)
ACROSS STATE PARKS PROPERTY**

Page 1 of 3

CHECK WHICH
BOX APPLIES:

✓	TYPE	FEE SCHEDULE
	Single- family Residential Driveway Easement	<p>Baldwin County Only:</p> <ol style="list-style-type: none"> 1. Non-Water Front Lots and Acreage Tracts \$2.00/sq. ft 2. Water Access & Waterfront Acreage Tracts \$4.50/sq. ft 3. Bay Front Lots on North Side of HWY 180 \$5.00/sq. ft 4. Gulf Front Lots on South Side of HWY 180 \$15.00/sq. ft 5. Tier Lot between HWY 180 and Gulf Front Lots \$7.75/sq. ft 6. Little Lagoon Water Front Lots \$10.00/sq. ft <p>All Other Counties---- \$0.50/sq. ft</p>
	Commercial Driveway Easement - Including multi- family driveways.	<ol style="list-style-type: none"> 1. Appraised fair market value--The FMV is determined through property appraisal from State Lands Division. This process involves a third-party appraiser and takes approximately 30-45 days and applicant must pay for the cost of appraisal. 2. A performance bond in the amount of \$10,000 is also required.
	Above-ground Utility Easement	One time fee of \$700 per acre or a minimum of \$500
	Underground --Pipeline-- Utility Easement	<ol style="list-style-type: none"> 1. Pipelines less than 25 rods (412.5 feet) in length-- \$500/year. 2. Pipelines more than 25 rods (412.5 feet) in length—greater of \$500/year OR appraised fair market value. <p>Regulation can be found at AL Admin Code, Chapter 220-4-.14. Maximum of a ten year term.</p>

APPLICANT AFFIRMS THAT THE INFORMATION PROVIDED HEREIN IS BOTH TRUTHFUL AND ACCURATE.

SIGNATURE OF APPLICANT _____

PRINTED NAME OF APPLICANT _____

TITLE _____

DATE _____

*****PLEASE COMPLETE THE ATTACHED APPLICATION *****

Last Updated: February 10, 2022

**APPLICATION AND FEE SCHEDULE FOR EASMENT (RIGHT OF WAY)
ACROSS STATE PARKS PROPERTY**

Page 2 of 3

****To be completed by all applicants****

Applicable Park:	
Name(s) of Applicant:	
Contact Person with Applicant:	
Address of Applicant:	Address: _____ _____ City: _____ State: _____ Zip Code: _____
Phone Number and email of Applicant:	Telephone: _(_____)_____ Email: _____
Purpose of Easement:	_____ _____ _____
Current survey and legal description attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Deed Attached?	<input type="checkbox"/> Initial here. For residential and commercial driveway only—you must attach a copy of the deed.

****If no, this application cannot be processed.**

Application, current survey, and legal description must be submitted for approval:

Signature of State Parks Director

Date

**ADDITIONAL INFORMATION TO BE COMPLETED
FOR UTILITY RIGHT-OF-WAY
Page 3 of 3**

****Only complete this page for UNDERGROUND UTILITIES ****

WIDTH DURING CONSTRUCTION: _____ FEET	DIAMETER (IN INCHES) OF PIPELINE: _____
WIDTH AFTER CONSTRUCTION: _____ FEET	LENGTH (IN RODS) OF PIPELINE [1 ROD = 16.5 FEET & 1/320 MILE]: _____

Type of product/utility that will be transported through pipeline:

Additional information (attach additional sheets if necessary):



Joseph Emerson- EXIT Realty <captjoesells@gmail.com>

ROW Permits

14 messages

Joseph Emerson- EXIT Realty <captjoesells@gmail.com>
To: tasha.simon@dcnr.alabama.gov

Thu, Nov 2, 2023 at 3:31 PM

Good Afternoon Ms Simon

I am hoping you can assist with a matter concerning ADCNR ROW Permitting along SR 180/Fort Morgan Road.

Does ADCNR have permits for the following parcels: [REDACTED] & PIN [REDACTED]

Also, if there are permits on file for these parcels, what is the process for transfer of those permits to a new owner?

Thank you for your assistance



Capt. Joe Emerson
EXIT Realty Gulf Shores
251.550.9021
www.captjoesells.com

Simon, Tasha <Tasha.Simon@dcnr.alabama.gov>
To: Joseph Emerson- EXIT Realty <captjoesells@gmail.com>

Thu, Nov 2, 2023 at 4:47 PM

Good Afternoon Mr. Emerson,

The homeowner for these parcels need to produce a current copy of these easements. It should have been recorded and be in the deed.

Easements are with individual people and not for the actual property themselves. I would need the name of who the easement was issued to in order to have a starting place to find it, if it exist.

If the easement does exist, we can transfer it by the applicant, completing the easement application, and submitting it with a copy of the valid easement to be transferred and then we will go through the legal process of transferring. *- 6:40 PM 11/2/23*

Without any of these records, the new owner will have to purchase a new easement. As I mentioned above easements are granted to individuals and are a contract between DCNR and an individual not to the property itself.

[REDACTED] since there are 3 properties in question all three homeowners will need their own easement. Or they all can be grantees on the same easement document, whether it's a transfer or new easement. [REDACTED]

STATE OF ALABAMA
DEPARTMENT OF CONSERVATION and NATURAL RESOURCES
Alabama Open Records Request
§ 36-12-40, Code of Alabama, 1975

Please use the attached form to submit your Alabama Open Records (AOR) Request to the Alabama Department of Conservation and Natural Resources (DCNR). Requests may be submitted to the following address, fax number or email:

Mail to:
Alabama Department of Conservation and Natural Resources
Legal Section
64 North Union Street, Suite 474
Montgomery, AL 36130

Fax to:
(334) 242-3167

Email:
Dcnr.recordsrequest@dcnr.alabama.gov

FEE SCHEDULE

Upon receiving a completed Open Records Request form, an estimated research cost will be provided. Payment of a deposit in the amount of the estimated cost is required. **No information or documents will be sent to the requester until the deposit is received.**

Research and retrieval fee (up to 2 hours):	\$20.00
Research and retrieval fee:	\$20.00 for each additional hour.
8 ½ x 11 pages (no per page fee will be charged for documents produced electronically)	\$0.50/page
8 ½ x 14 pages (no per page fee will be charged for documents produced electronically)	\$1.00/page
11 ½ x 14 pages (no per page fee will be charged for documents produced electronically)	\$1.50/page
Scanned pages added to a flash drive	\$10.00

STATE OF ALABAMA
DEPARTMENT OF CONSERVATION and NATURAL RESOURCES
Alabama Open Records Request
§ 36-12-40, Code of Alabama, 1975

OPEN RECORDS REQUEST

Requester's Name: _____

Firm/Business Name: _____

Mailing Address: _____

Telephone #: _____ Fax #: _____ Email Address: _____

If the request is related to litigation or possible litigation, provide the following information and attached a copy of the complaint:

Case Style: _____ Case #: _____

All parties involved: _____

Counsel for all parties:

Plaintiff(s): Name: _____ Firm: _____

Defendant(s): Name: _____ Firm: _____

Please describe the purpose of your request: _____

Are you an Alabama resident and/or Alabama entity YES: _____ NO: _____

Please list the names of all DCNR employees you have spoken to regarding this request:

Do you have any other active requests with DCNR? If so, please list the file numbers:

Notify me if the cost is estimated to exceed \$100.00 YES: _____ NO: _____

Do you wish to do a file review ? YES: _____ NO: _____
(Please note a file review can only be accommodated during regular business hours.)

STATE OF ALABAMA
DEPARTMENT OF CONSERVATION and NATURAL RESOURCES
Alabama Open Records Request
§ 36-12-40, Code of Alabama, 1975

Please describe your request. If additional space is needed, please attach additional sheets to this form. **Include as much information as possible (subject, date or timeframe, all individuals involved, project number, location, city/county, reason DCNR is believed to have records on the subject, etc.).**

STATE OF ALABAMA

BALDWIN COUNTY

)
) EASEMENT - GULF STATE PARK -
) BALDWIN COUNTY, ALABAMA

KNOW ALL MEN BY THESE PRESENTS, That the STATE OF ALABAMA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, STATE PARKS DIVISION, acting by and through its Commissioner (hereinafter referred to as "GRANTOR"), for and in consideration of the sum of Two Hundred and Six Dollars and 25/100 (\$206.25) and other valuable consideration, to it in hand paid by [REDACTED] Baldwin County, Alabama (hereinafter referred to as "GRANTEE"), the receipt of which is hereby acknowledged, does hereby grant unto [REDACTED] a nonexclusive easement over and across a strip of land located in Baldwin County, Alabama. The easement is described and more particularly shown as Exhibit "A", which is attached hereto and made a part hereof.

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Said easement is granted under the following specific terms, conditions and stipulations:

1. Said easement shall be in accordance with the attached drawing and shall be located only as shown on the attached drawing. It is expressly understood and agreed, however, that notwithstanding any reference to "easement" on the attached Exhibit "A" nor other language to the contrary, this instrument in no way grants or creates a property right in GRANTEE, but only provides the easement herein described.
2. The purpose of this easement is for access to GRANTEE'S property across GRANTOR'S property and for no other purpose. GRANTEE agrees not to occupy or in any way alter GRANTOR'S property adjacent to this easement.
3. If at any time GRANTEE fails to use the premises or abandons its use for the purpose for which this easement is granted for two (2) consecutive years, the easement herein granted shall revert to the State of Alabama.
4. The State of Alabama reserves the right of ingress and egress over and upon said easement premises, and further reserves all minerals and mineral rights, including the right to prospect and/or drill through itself or its agents on the said

SAMPLE

premises; provided such acts by the State of Alabama do not in any way interfere with the construction, operation, maintenance or use of said easement as herein granted.

5. GRANTEE further understands and agrees to conform the provisions of the current State Standards for the Accommodations of Utilities on State property. It is further agreed that the applicable provisions of the laws of the State of Alabama shall govern and be controlling and binding over the provisions of this easement.

6. It is specifically understood by GRANTEE that in the event any blasting is necessary for the construction of said driveway easement, that it will notify the Director of the Parks Division of the Department of Conservation and Natural Resources at least seven (7) days prior to such blasting. It is further understood by GRANTEE that such blasting shall be done only under the supervision of an agent of the Parks Division of the Department of Conservation and Natural Resources; provided, however, the Director of the Parks Division of the Department of Conservation and Natural Resources may waive this restriction if, in his judgement, he deems the restriction unnecessary.

7. The State, in approving this application does not in any way assume responsibility for the maintenance of this easement. The State shall not be responsible for any claims for damages done to existing private property, public utilities or the travelling public caused by GRANTEE, his agents, servants or employees or caused by the construction itself.

8. GRANTEE further understands and agrees to have a copy of the approved agreement and plans or sketches on the job site at all times while said work is being performed.

9. GRANTEE understands and agrees that the State of Alabama assumes no liability for the proposed work in connection with the construction of the easement, and GRANTEE agrees to save and hold harmless the State of Alabama, its agents and

SAMPLE

SAMPLE

employees, from any and all claims or causes of action which may arise from the construction or use of the said right of way as herein described.

10. It is further understood and agreed that the Grantee shall not haul or use any clays, sand clays and any other materials that can be potentially discoloring which shall be defined, and are hereby defined, to include all soils and fill materials exhibiting red, pink, yellow and/or brown color characteristics, including but not limited to, Blakely sand clays, Carnegie sand clays, Eustis loam sand, Faceville sandy clay and loams, Huckabee Aluvium, Irigora clay, Red bay fine sand loam and clay loam Ruston fine and sandy clay, Sunsweet fine sandy loam and clay loam, and Wahca clay for the construction of said driveway.

11. The easement granted by this instrument is specifically made nonassignable by Grantee.

TO HAVE AND TO HOLD the same unto GRANTEE, in accordance with the terms, conditions, stipulations, and reservations herein contained.

IN WITNESS WHEREOF, the STATE OF ALABAMA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, has caused this instrument to be executed by its Commissioner on this the 4th day of January, 1992.
1993

RECOMMENDED:

Gary G. Leach
Gary G. Leach, Director
State Parks Division

STATE OF ALABAMA
Department of Conservation
and Natural Resources

James D. Martin
James D. Martin, Commissioner

APPROVED:

DOES NOT REQUIRE
FINANCE DIRECTOR'S
SIGNATURE

State Finance Director

TERMS ACCEPTED:

APPROVED:

Gary Hunt
Governor of Alabama

ATTEST:

Billy Joe Carr
Secretary of State

APPROVED FOR LEAD FORM
LEGAL SECTION DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES
BY BP

MONTGOMERY COUNTY

Given under my hand and seal this the 4th day
of January, 1998.

Sharon S. Melton
Notary Public

STATE OF _____

_____ COUNTY

Given under my hand and seal this the 16th day of December, 1992.

1992.

Linda McPherson

Notary Public

My commission expires
6/23/93.

SAMPLE