

CITY OF DAPHNE, ALABAMA

ORDINANCE 2016-27

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BY: BV

ORDINANCE TO ANNEX THE RIGHT-OF-WAY OF COUNTY ROAD 64
FROM COUNTY ROAD 13 TO ALABAMA STATE HIGHWAY 181

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WHEREAS, the City of Daphne entered into an Intergovernmental Service Agreement with Baldwin County on July 2, 2013, and an addendum agreement on November 4, 2014 to assume maintenance of County Road 64 from County Road 13 to Alabama Highway 181; and,

WHEREAS, Baldwin County has conveyed by Quitclaim Deed the real property of County Road 64 from County Road 13 to Alabama Highway 181 to the City of Daphne; and

WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare of the citizens of Daphne; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 24, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on May 2, 2016 concerning the petition for annexation; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS FOLLOWS:

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

A part of the South One-Half of Section 15, Township 5 South, Range 2 East; A part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 5 South, Range 2 East; A part of the Northeast Quarter of the Northeast Quarter of Section 21, Township 5 South, Range 2 East; A part of the North One-Half of Section 22, Township 5 South, Range 2 East; Baldwin County, Alabama and being more fully described as follows to-wit:

It is the intent of this document to remise, release, quitclaim and convey unto the City of Daphne, Alabama, all of Baldwin County's right and title to that portion of County Road 64 right-of-way owned and maintained by Baldwin County, beginning at the west side of a roundabout that intersects County Road 64 and County Road 13, running easterly to the west right-of-way line of State Highway 181; said right-of-way being quitclaimed is described in Deed Book 106 page 492; Deed Book 107 page 1; Deed Book 106 page 493; Deed Book 106 page 490; Deed Book 106 page 482; Deed Book 107 page 3; Deed Book 106 page 494; Deed Book 107 page 6; Deed Book 106 page 473; Deed Book 106 page 495; Deed Book 106 page 498; Deed Book 106 page 489; Deed Book 107 page 5; Deed Book 106 page 474; Deed Book 106 page 486; Deed Book 107 page 79; Deed Book 106 page 480; Deed Book 106 page 477; Deed Book 107 page 77; Deed Book 376 page 790; Deed Book 376 page 793; Deed Book 377 page 483; Instrument No. 1441275 and re-recorded Instrument No. 1445489; Instrument No. 1452840; Instrument No. 1463004; Instrument No. 1469731; Instrument No. 1456531; Instrument No. 1463005; Order of Condemnation Case No. 31026 as recorded in Instrument No. 1475550 and Payment of Awards Instrument No. 1475551; Instrument No. 1475642; Circuit Court Consent Judgment for Condemnation Case No. CV- 2014-901066 as recorded in Instrument No. 1510746.

SECTION THREE: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property (*Exhibit "B"*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FOUR: PUBLICATION

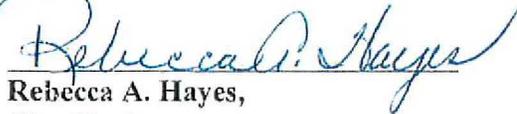
This Ordinance shall be published as required by Section 11-42-21 Code of Alabama 1975, as amended, and the property described herein shall be annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama as required by Section 11-42-21, Code of Alabama 1975, as amended.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE 16TH DAY OF MAY, 2016.



Dane Haygood,
Mayor

AFFEST:



Rebecca A. Hayes,
City Clerk

EXHIBIT "A"

COUNTY ROAD 64 ROW

FROM COUNTY ROAD 13 TO STATE ROAD 181

LAYMAN'S DESCRIPTION:

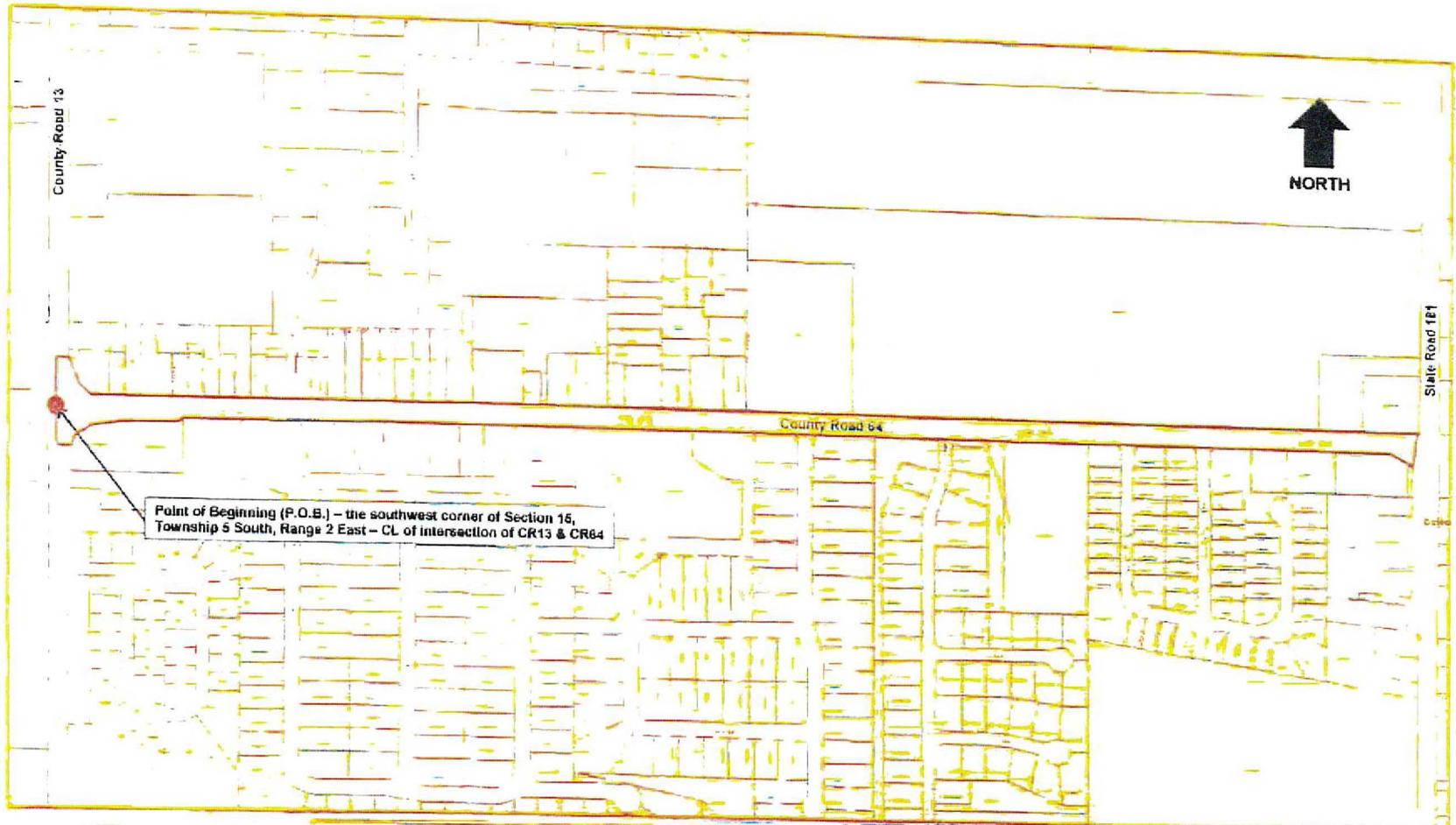
THE RIGHT-OF-WAY OF COUNTY ROAD 64 (GENERALLY 80 FOOT-WIDE WITH SOME VARIATIONS IN WIDTH) WITH A CENTERLINE DISTANCE OF \pm 5,280 FEET (1 MILE, MORE OR LESS), CONNECTING COUNTY ROAD 13 ON THE WEST TO STATE ROAD 181 ON THE EAST, CONTAINING \pm 09.6 ACRES AND LYING WITH THE SOUTH BOUNDARY OF SECTION 15 AND THE NORTH BOUNDARY OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTH WEST CORNER SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, FOR THE POINT OF BEGINNING (P.O.B.); BEING THE POINT OF INTERSECTION OF RIGHT-OF-WAYS OF COUNTY ROAD 13 AND COUNTY ROAD 64; THENCE RUN NORTH 178 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN EAST 45 FEET, MORE OR LESS TO A POINT ON THE EAST MARGIN OF COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN SOUTHEASTWARDLY 173 FEET, MORE OR LESS, TO A POINT AT THE NORTHEAST MARGIN OF THE INTERSECTION OF THE COUNTY ROAD 13 AND COUNTY ROAD 64 RIGHT-OF-WAY; THENCE RUN EAST 5140 FEET, MORE OR LESS, ALONG THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 TO A POINT AT THE NORTHWEST CORNER OF THE INTERSECTION OF THE COUNTY ROAD 64 AND STATE ROAD 181 (FORMERLY COUNTY ROAD 27) RIGHT-OF-WAYS; THENCE RUN SOUTHERLY 130 FEET, MORE OR LESS, TO A POINT AT THE SOUTHWEST CORNER OF THE INTERSECTION OF THE COUNTY ROAD 64 AND STATE ROAD 181 (FORMERLY COUNTY ROAD 27) RIGHT-OF-WAYS; THENCE RUN NORTHWESTERLY 95 FEET, MORE OR LESS, TO POINT ON SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64; THENCE RUN WEST 4870 FEET, MORE OR LESS, ALONG THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 TO A POINT; THENCE RUN SOUTHWESTERLY 259 FEET, MORE OR LESS, TO A POINT ON THE EAST MARGIN OF THE COUNTY ROAD 13 RIGHT-OF-WAY LINE; THENCE RUN WEST 50 FEET MORE OR LESS, TO A POINT IN THE CENTERLINE OF THE COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN NORTH 130 FEET, MORE OR LESS, THE POINT OF BEGINNING; CONTAINING 9.6 ACRES, MORE OR LESS, BALDWIN COUNTY, ALABAMA.

PREPARED BY:

Richard D. Johnson, P.E.
Director of Public Works
P.O. Box 400
Daphne, AL 36526



Point of Beginning (P.O.B.) – the southwest corner of Section 15,
Township 5 South, Range 2 East – CL of intersection of CR13 & CR64



City of Daphne: Annexation and Acceptance for Maintenance – County Road 64
From County Road 13 to State Road 181
Right-Of-Way Map

EXHIBIT "B"