

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2016-59**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS
TO THE CORPORATE LIMITS OF THE CITY OF DAPHNE**

**Property Located Northeast of Edgewood Drive and County Road 64
James V. Roberts, Conservator of Jeannette D. Lazzari**

WHEREAS, on the 27th day of June, 2016, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on September 19, 2016 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on July 28, 2016, and the Commission set forth a unanimous favorable recommendation with certain conditions regarding the developer's mitigation of traffic impacts caused by the proposed development, and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area, for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: DONATION TO CITY

City Council of the City of Daphne, Alabama has determined that further growth in this area is a serious concern as it will increase stress on infrastructure including but not limited to traffic congestion. The City has been involved in the development of the property as the roadways will be maintained by the City. As part of an attempt to alleviate this stress, the developer of the proposed PUD has agreed to make the annexation and zoning contingent on a donation of ninety thousand dollars (\$90,000) to be used exclusively for improvements of infrastructure of County Road 64 and Pollard Road. The City hereby ordains that the rest of this ordinance is contingent upon receipt of this donation.

SECTION TWO: 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 Three 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 THREE: ZONING

At the October 3, 2016 regularly scheduled City Council meeting Ordinance 2016- was adopted pre-zoning the said property as PUD, Planned Unit Development.

SECTION FOUR: 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:

BEGINNING AT A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHEAST CORNER OF LOT 1A OF VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2156-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 31 MINUTES 14 SECONDS WEST, A DISTANCE OF 481.92 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHWEST CORNER OF LOT 1A OF SAID VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 42 SECONDS WEST, A DISTANCE OF 649.47 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF VAN IDERSTINES BUSINESS PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2138-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND THE NORTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 64; THENCE RUN NORTH 89 DEGREES 38 MINUTES 43 SECONDS WEST, A DISTANCE OF 700.16 FEET TO A FENCE POST AT THE SOUTHEAST CORNER OF EDGEWOOD SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2063-F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 18 MINUTES 20 SECONDS EAST, A DISTANCE OF 614.12 FEET TO A FENCE POST AT THE NORTHEAST CORNER OF SAID EDGEWOOD SUBDIVISION; THENCE RUN NORTH 89 DEGREES 31 MINUTES 42 SECONDS WEST, ALONG THE NORTH MARGIN OF SAID EDGEWOOD SUBDIVISION, A DISTANCE OF 126.10 FEET TO A FENCE CORNER; THENCE RUN NORTH 00 DEGREES 02 MINUTES 15 SECONDS EAST, ALONG AND WITH A WIRE FENCE, A DISTANCE OF 508.38 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 00 DEGREES 12 MINUTES 19 SECONDS EAST, A DISTANCE OF 663.59 FEET TO A 3/4" OPEN END IRON PIPE AT THE NORTHEAST CORNER OF PECAN TRACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2178-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 07 MINUTES 19 SECONDS EAST, A DISTANCE OF 802.68 FEET TO A 1/2" CAPPED REBAR (CA-0565) ON THE SOUTH RIGHT-OF-WAY OF WELL ROAD; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 13 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID WELL ROAD, A DISTANCE OF 1305.68 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST, A DISTANCE OF 1941.21 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 68.87 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

SECTION FIVE: 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 SIX: PUBLICATION

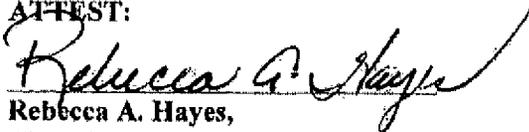
This Ordinance shall be published as required by Section 11-42-21 Code of Alabama 1975, as amended, and the property described herein shall be annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of Probate of Baldwin County, Alabama 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 3RD DAY OF OCTOBER, 2016.

A handwritten signature in black ink, appearing to read 'Dane Haygood', written over a horizontal line.

Dane Haygood,
Mayor

ATTEST:

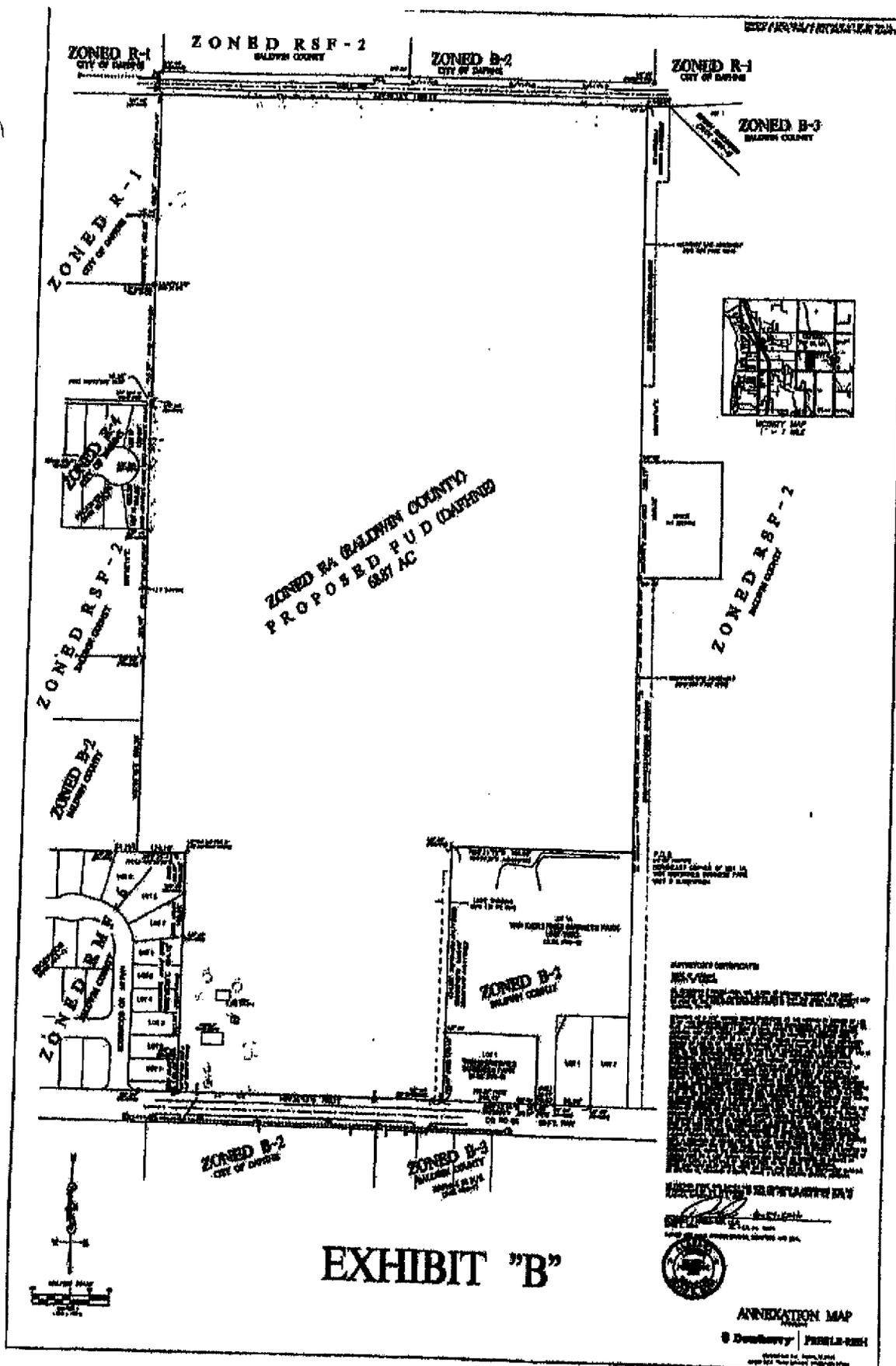
A handwritten signature in black ink, appearing to read 'Rebecca A. Hayes', written over a horizontal line.

Rebecca A. Hayes,
City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR LAZZARI PROPERTY

BEGINNING AT A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHEAST CORNER OF LOT 1A OF VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION; AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2156-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 31 MINUTES 14 SECONDS WEST, A DISTANCE OF 481.92 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHWEST CORNER OF LOT 1A OF SAID VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 42 SECONDS WEST, A DISTANCE OF 649.47 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF VAN IDERSTINES BUSINESS PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2138-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND THE NORTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 64; THENCE RUN NORTH 89 DEGREES 38 MINUTES 43 SECONDS WEST, A DISTANCE OF 700.16 FEET TO A FENCE POST AT THE SOUTHEAST CORNER OF EDGEWOOD SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2063-F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 18 MINUTES 20 SECONDS EAST, A DISTANCE OF 614.12 FEET TO A FENCE POST AT THE NORTHEAST CORNER OF SAID EDGEWOOD SUBDIVISION; THENCE RUN NORTH 89 DEGREES 31 MINUTES 42 SECONDS WEST, ALONG THE NORTH MARGIN OF SAID EDGEWOOD SUBDIVISION, A DISTANCE OF 126.10 FEET TO A FENCE CORNER; THENCE RUN NORTH 00 DEGREES 02 MINUTES 15 SECONDS EAST, ALONG AND WITH A WIRE FENCE, A DISTANCE OF 508.38 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 00 DEGREES 12 MINUTES 19 SECONDS EAST, A DISTANCE OF 663.59 FEET TO A 3/4" OPEN END IRON PIPE AT THE NORTHEAST CORNER OF PECAN TRACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2178-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 07 MINUTES 19 SECONDS EAST, A DISTANCE OF 802.68 FEET TO A 1/2" CAPPED REBAR (CA-0565) ON THE SOUTH RIGHT-OF-WAY OF WELL ROAD; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 13 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID WELL ROAD, A DISTANCE OF 1305.68 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST, A DISTANCE OF 1941.21 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 68.87 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



ZONED RA (BALDWIN COUNTY)
 PROPOSED FUD (DATERED)
 6.87 AC

EXHIBIT "B"

ANNEXATION MAP
 Dunham | PHILLIPS