

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, June 6, 2022
6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL

INVOCATION

Paul Childs, St. Stephen's Charismatic Episcopal Church

PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: May 16, 2022 regular meeting and May 20, 2022 special called meeting

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Conaway

Review the minutes from the May 16th meeting. Treasurer's Report – April 2022

- Unrestricted Fund Balance - \$26,589,544
- Total Cash Balance - \$40,644,305

Sales Tax – March 2022 - \$2,400,714

Lodging Tax – March 2022 - \$159,477

MOTION to recommend to Council to authorize the Mayor to enter into the contract for the Bayfront Master Plan and to use available amphitheater funds set aside in the Lodging Tax Fund for funding.

B. BUILDINGS & PROPERTY COMMITTEE – Phillips

C. PUBLIC SAFETY COMMITTEE – Hughes

Review the minutes from the May 9, 2022 meeting.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Olen

E. PUBLIC WORKS COMMITTEE – Goodlin

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Scott

D. LIBRARY BOARD –Phillips

E. PLANNING COMMISSION – Olen

Review the minutes from the April 28th meeting and the report from the May 26th meeting.

F. RECREATION BOARD – Hughes

G. UTILITY BOARD – Coleman

Review the minutes from the April 27th meeting.

6. PUBLIC PARTICIPATION

7. MAYOR'S REPORT

8. CITY ATTORNEY REPORT

City Council Agenda – June 6, 2022

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK'S REPORT

MOTION to approve the 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premises Only) to ALDI Inc Alabama located at 27060 US Highway 98, Daphne.

MOTION to approve the Annual Witches' Ride on October 30, 2022 from 4:00 – 5:00pm in Olde Towne Daphne.

MOTION to authorize the Mayor to execute the Amendment to the Lake Forest Marina Ground Lease Agreement.

MOTION to authorize the Mayor to execute the GOMESA Grant Agreement with Acquisition Provision.

MOTION to approve the publication and set a public hearing on July 18, 2022 for the KJC Investments, L.L.C. Pre-Zoning Amendment located Southeast of the intersection of County Road 64 and Friendship Road.

MOTION to approve the publication and set a public hearing on July 18, 2022 for the KJC Investments, L.L.C. Zoning Amendment located Southeast of the intersection of County Road 64 and Friendship Road.

MOTION to approve the publication and set a public hearing on July 18, 2022 for the KJC Investments, L.L.C. Annexation Petition located Southeast of the intersection of County Road 64 and Friendship Road.

MOTION to approve the publication and set a public hearing on July 18, 2022 for the Olde Town Properties, L.L.C. Zoning Amendment located Southwest of Van and Main Street.

MOTION to approve the publication and set a public hearing on July 18, 2022 for the Official City of Daphne Zoning Map Update.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2022 – 26 – US 90 Widening: ATRIP II

2022 – 27 - Authorizing the Submission of An FY 2023 Transportation Alternatives Set-Aside Program Grant to the Alabama Department of Transportation to Construct on Pollard Road and Park Drive

B. 2nd READ ORDINANCES:

2022 – 32 – Additional Appropriation – Construction of Bayfront Streetscape and Parking Improvements Project - \$2,294,734

1ST READ ORDINANCES:

2022 – 33 – Appropriation: Alphonse Memorial Veterans Park Fence Replacement - \$12,900

2022 – 34 – Appropriation: Splash Pad Maintenance Service - \$25,000

2022 – 35 – Appropriation: Mayday Kayak Launch - \$47,421

2022 – 36 – Amendment to the Longevity Pay for Employees

12. COUNCIL COMMENTS

13. ADJOURN

May 16, 2022
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

1. CALL TO ORDER:

There being a quorum present Council President Joel Coleman called the meeting to order at 6:02pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Tommie Conaway, Ron Scott, Benjamin Hughes, Joel Coleman, Steve Olen, Angie Phillips and Doug Goodlin

Also Present: Candace Antinarella, City Clerk; Jay Ross, City Attorney; Mayor LeJeune; Captain Jud Beedy, Police; Troy Strunk, City Development; Chief LeAnn Tacon, Fire; Ronnie Huskey, Public Works; Kelli Reid, Finance; Josh Newman, City Engineer; Ange Baggett, Marketing; Vickie Hinman, Human Resources; Tonja Young, Library; Adrienne Jones, Planning; Charlie McDavid, Recreation and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Wesley Bayers, The Joy of Jubilee Fellowship.

RECOGNITION: Mayor LeJeune presented Belforest Apartment Complex with the Beautification Award.

PROCLAMATION: Mayor LeJeune presented Public Works Director Ronnie Huskey with a proclamation for National Public Works Week.

PROCLAMATION: Mayor LeJeune presented Captain Jud Beedy with the National Police Week Proclamation.

3. APPROVAL OF MINUTES:

The minutes from the May 6, 2022 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Conaway said the Committee met earlier and the report will be given at the next Council meeting.

B. BUILDINGS & PROPERTY COMMITTEE

Councilwoman Phillips said the April 2022 new construction and building reports were in the packet; within that report there were 42 certificates of occupancy, 324 permits issued that included 10 new residential home permits totaling \$60,816.35 in fees. She said the next meeting is June 13th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is June 13th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Olen said the next meeting is June 6th at 4:30pm.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the next meeting is June 6th at 5:15pm.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Adrienne Jones said there was no meeting in May or June.

**May 16, 2022
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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**MOTION by Councilman Scott to reappoint Carolyn Courson to the Board of Zoning Adjustments.
Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

B. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is May 19th at 5:30pm.

C. Industrial Development Board

Councilman Scott said the May meeting is cancelled and spoke on the recent Novelis announcement.

D. Library Board

Councilwoman Phillips said the next meeting is June 9th at 4:30pm. She mentioned the many summer events the Library is hosting.

E. Planning Commission

Councilman Olen said the next meeting is May 26th at 5:00pm.

F. Recreation Board

Councilman Hughes said the next meeting is June 8th at 6:00pm.

G. Utility Board

Councilman Coleman said next meeting is May 25th at 5:00pm.

**MOTION by Councilman Hughes to reappoint Councilman Joel Coleman to the Daphne Utility Board.
Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Olen to reappoint Mayor Robin LeJeune to the Daphne Utility Board.
Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:17pm.

Hayden Montgomery, President of Ashley Place HOA, spoke against the Grindstone development. There was discussion of sewer and drainage problems.

Megan Clyde, Ottawa resident, spoke against the Grindstone and Hope Vineyard development saying they don't want congestion. She asked about a Daphne Utilities Board report and said she's worried about tearing down old trees through Grindstone.

Daniel Bedford, 9766 Ottawa Drive, had the same questions regarding Grindstone and Hope Vineyard developments. He asked how they, as citizens, can be more affective when arguing a R-6 zoning.

Public Participation closed at 6:27pm.

**May 16, 2022
CITY COUNCIL MEETING
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7. MAYOR'S REPORT:

Mayor LeJeune encouraged citizens to speak with the Council and Planning Commission in regards to their concerns. He said the new splash pad opened Saturday and Centennial Park is getting new playground equipment. He congratulated Daphne Elementary School for becoming a Lighthouse School. He reminded everyone that graduation is Thursday night, Public Works Day is Wednesday at Lott Park and Coffee with the Mayor is at 8am on Friday at Public Works. He said Ballin on Belrose event was a great success.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

9. DEPARTMENT HEAD COMMENTS:

Captain Beedy, Police, said the new training individual is working to set up classes for officers and he mentioned the new Daphne Police Department barbecue team.

Chief Tacon, Fire Department, thanked Mayor LeJeune for visiting the fire stations. She said water rescue is starting Tuesday, reminded everyone it's EMS week and shared she had recently graduated from Leadership Baldwin.

Ange Baggett, Marketing, reminded everyone that the City is participating in tourism day.

Ronnie Huskey, Public Works, updated the Council on FY22 road resurfacing project as well as the dog park work. He reminded everyone that Public Works' Day is May 18th at Lott Park and shared there are employees competing in State Public Work Rodeo on Friday.

Adrienne Jones, Planning, read a letter sent to her commending Jan Vallecillo's work with the City and shared April 29th marked 29 years for Jan at the City of Daphne.

Troy Strunk, City Development, shared about multiple announcements regarding Baldwin County and thanked Lee Lawson for his work in these developments.

Kelli Reid, Finance, said the City will soon be entering into the budget project for FY23.

10. CITY CLERK'S REPORT:

City Clerk explained the formalities of public hearings. She said the City is accepting applications for Junior City Council until May 23, 2022. Councilman Goodlin asked the City Attorney if it would be ethical for him to write a letter of recommendation for a student applying. City Attorney said he saw no issue with writing a letter.

**MOTION by Councilman Scott to approve the publication and set a public hearing on June 20, 2022 for the reconsideration of Great Magnolia Properties, L.L.C. and the Stanard Family Partnership Zoning Amendment located Southeast of the intersection of Whispering Pines Road and U.S. Highway 98.
Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to approve the publication and set a public hearing on June 20, 2022 for the Ann E. Berga and Teresa Warner Pre-Zoning Amendment located Southeast of the intersection of Pleasant Road and County Road 13. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

May 16, 2022
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
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**MOTION by Councilman Scott to approve the publication and set a public hearing on June 20, 2022 for the Ann E. Berga and Teresa Warner Annexation Petition located Southeast of the intersection of Pleasant Road and County Road 13. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

11. **RESOLUTIONS & ORDINANCES:**

A. **RESOLUTIONS:**

2022 – 23 – Acceptance of Roads and Rights-of-Way: Jubilee Farms, Subdivision, Phase 11

2022 – 24 – Bid Award: Bayfront Streetscape and Parking Improvements – Negotiated - \$3,512,381.16

**MOTION by Councilwoman Conaway to waive the reading of Resolutions 2022-23 and 2022-24.
Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolutions 2022-23. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolution 2022-24. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

ORDINANCES:

B. **2nd READ ORDINANCES:**

2022 – 27 - Ordinance to Pre-Zone Property Located East of County Road 13 – Red Barn, L.L.C.

2022 – 28 – Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne Located East of County Road 13 – Red Barn, L.L.C.

2022 – 30 – Appropriation – Public Works Storage Building - \$515,205

2022 – 31 – Appropriation – Well Road Drainage Improvement – Engineering Services - \$72,800

**MOTION by Councilman Scott to waive the reading of Ordinance 2022-27, 2022-28, 2022-30 and 2022-31. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2022-27. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2022-28. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Ordinance 2022-30. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

May 16, 2022
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
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**MOTION by Councilwoman Conaway to adopt Ordinance 2022-31. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

C. 1ST READ ORDINANCES:

**2022 – 32 – Additional Appropriation – Construction of Bayfront Streetscape and Parking
Improvements Project - \$2,294,734**

12. COUNCIL COMMENTS:

Councilwoman Conaway thanked the Public Works department and Police department. She congratulated Chief Tacon on her graduation.

Councilman Olen echoed the Mayor's comments on the splash pad and Ballin on Belrose. He commended the Beautification Committee for their work improving the appearance of the City.

Councilman Goodlin congratulated the Daphne men's soccer team and invited any citizens to stay and express their concerns about developments.

Councilman Scott gave information about R-6 zoning and said what individuals may not know is developers will build in the County or City.

Councilman Hughes echoed everyone's comments. Thanked the Mayor, Council and City Staff for their worked and said "Happy EMS week".

Councilwoman Phillips agreed with commend made. She thanked Adrienne for recognizing Jan and thanked Lee Lawson for his work. She congratulated all graduates.

Mayor LeJeune congratulated the Daphne men's soccer State Champions and reiterated how big the Novelis announcement is for the area.

Councilman Coleman said a lot of great things are going on in Daphne.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:01 PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Joel Coleman, Council President

**May 20, 2022
SPECIAL CALLED CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Joel Coleman called the meeting to order at 2:00pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Tommie Conaway, Joel Coleman, Steve Olen, Angie Phillips and Doug Goodlin

COUNCIL MEMBERS ABSENT: Benjamin Hughes and Ron Scott

Also Present: Candace Antinarella, City Clerk; Jay Ross, City Attorney; Mayor LeJeune; and Troy Strunk, City Development

3. RESOLUTION:

2022 – 25 - Resolution supporting the Alabama Department of Transportation’s Grant application to assist in funding the I-10 Mobile River Bridge and Bayway Project

MOTION by Councilman Olen to waive the reading of Resolution 2022-25. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Phillips to adopt Resolution 2022-25. Seconded by Councilwoman Conaway. Mayor LeJeune explained that this resolution showed support to the MPO should they pursue the grant. Councilman Olen said he would like to abstain from voting due to not having the opportunity to view the grant application from ALDOT.

Councilman Goodlin said he couldn’t support the resolution because he felt the extra money received through the grant should lower the toll, but has been told that isn’t the case. Mayor LeJeune said the grant has nothing to do with the toll, but it is supporting ALDOT asking for the grant. Council had general discussion.

MOTION by Councilman Olen asked to amend the resolution to say “support the Alabama Department of Transportation seeking a mega grant”. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2022-25 as amended. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

4. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 2:23PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Joel Coleman, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
MAY 16, 2022
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m.

Present were:

Chairperson Mrs. Tommie Conaway
Councilman Mr. Steve Olen
Councilman Mr. Joel Coleman
Councilman Mr. Doug Goodlin

Councilman Mr. Ron Scott
Councilman Mr. Ben Hughes
Councilwoman Mrs. Angie Phillips

Also Present: Mayor Robin LeJeune, Finance Director Mrs. Kelli Reid, Accountant III Mrs. Suzâne Henson, City Clerk Mrs. Candace Antinarella, Executive Director of City Development Troy Strunk, Fire Chief Mrs. LeAnn Tacon, Director of Events and Marketing Mrs. Ange Baggett, Public Works Director Mr. Ronnie Huskey, City Attorney Mr. Jay Ross, and Engineer Mr. Andy Bobe, Dewberry Engineers, Inc.

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Henson stated that Mrs. Hinman had to be out of the office today and that Mrs. Noonan already had a previous appointment and could not attend. Mrs. Henson stated that Mrs. Noonan had asked her to let everyone know that she would be back in her office tomorrow and if there were any questions to please call or e-mail her and she would respond.

- Posted/Reposted Positions – 3
- Reviewing/Testing/Interviewing/Background check - 13
- Promotion/Internal Transfer - 2
- New Hires – 1

The monthly Safety Committee meeting topics and projects and events were included in the packet:

- Safety Committee: No accidents or injuries reported last month. Next meeting May 25.

Other HR projects/meetings/events:

- JAT training with Evergreen Solutions – May 4, 2022
- Meetings with Directors re: job descriptions for FY23
- GPSHRM Legal Conference – May 11, 2022
- Training sessions with Directors for Perform evaluation platform
- Telestaff implementation meetings
- Personnel policies/ordinance for June
- 2022 Employee Health Benefits Summit May 24 and 25 – Orange Beach

Mr. Olen asked what the Personnel policies/ordinance covered. Mayor LeJeune summarized some of the items covered in the ordinance including the compensation packet, merit increases and how college degrees effect pay grades.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – April, 2022

Mrs. Reid reviewed the following reports and information:

- Code enforcement issued 32 warnings resulting in businesses becoming compliant and \$24,556.45 in revenue. Mrs. Reid noted they are still working on clearing delinquencies.
- New Businesses with a physical location in Daphne -6
- Simplified Sellers Use Tax collections - \$123,299.78 and YTD collections - \$925,512.08

BUSINESS LICENSE COUNT through 4/31/2022	
NEW Licenses	73
RENEWAL Licenses (2022)	154
Total Issued THIS MONTH	227
Total Issued THIS MONTH - PREVIOUS YEAR	200
Net Gain/-Loss Current VS Previous Yr MONTH	27
Total Issued YTD 2022	4,149
Total Issued YTD - PREVIOUS YEAR	4,048
Net Gain/-Loss Current VS Previous Yr YTD	101

Business License Fee Historical Comparison 2021 / 2022				
	FY 21	FY 22	+/- Previous Year	<u>Budget 2022</u> \$2,545,000
October	\$13,897.75	\$7,131.66	(\$6,766.09)	(\$2,537,868.34)
November	\$8,573.66	\$4,092.86	(\$4,480.80)	(\$2,533,775.48)
December	\$38,677.07	\$13,273.04	(\$25,404.03)	(\$2,520,502.44)
January	\$1,084,222.56	\$1,186,552.24	\$102,329.68	(\$1,333,950.20)
February	\$1,174,301.94	\$1,131,305.82	(\$42,996.12)	(\$202,644.38)
March	\$203,323.46	\$443,911.19	\$240,587.73	\$241,266.81
April	\$94,667.02	\$59,414.89	(\$35,252.13)	\$300,681.70
Year to Date	\$2,707,892.57	\$2,845,681.70	\$137,789.13	\$300,681.70
All amounts include penalty and interest.				

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: March, 2022

Mrs. Henson reviewed the Sales & Use Tax Reports: \$2,400,713.91 was collected for March, 2022 which was up \$152,693.98 from March 2021's collections:

- YTD Variance over Budget - \$2,572,322.85

Discussion was made on the increase in sales tax collections.

B. Lodging Tax Collections, March, 2022

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for March, 2022 were \$159,477.36 which is up \$38,514.47 from March 2021's collections.

- YTD Variance over Budget - \$157,047.52

C. Lodging Tax Fund : Statement of Revenues over Expenses, April, 2022

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for April, 2022.

- Unreserved balance for Bayfront related purchases - \$2,863,891.69
- Recreation for related purchases - \$907,934.93

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: April, 2022

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of April 30, 2022					
Account Type/Title	4/30/2022	3/31/2022	Increase (Decrease) from last Month	4/30/2021	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 16,051,691	\$ 16,221,125	\$ (169,434)	\$ 13,631,385	\$ 2,420,306
INVESTMENT FUND	10,451,315	10,615,895	(164,580)	5,840,954	\$ 4,610,361
CREDIT CARD ACCOUNT	86,538	143,680	(57,142)	95,655	\$ (9,117)
Total Unrestricted Cash Balance	26,589,544	26,980,700	(391,156)	19,567,994	7,021,550
SPECIAL REVENUE FUNDS					
4 CENT GAS TAX	181,020	176,135	4,886	219,580	(38,560)
7 CENT GAS TAX	93,893	95,580	(1,687)	215,751	(121,858)
10 CENT GAS TAX	165,052	149,385	15,667	185,311	(20,259)
TREE & FLOWER	22,660	22,660	-	23,926	(1,266)
COVID RELIEF FUND	1,482,002	1,482,002	-	-	1,482,002
ANIMAL SHELTER FUND	1,088,730	1,088,730	-	-	1,088,730
FEDERAL DRUG FORFEITURES	288,980	201,084	87,896	178,576	110,404
LOCAL DRUG FORFEITURES	75,915	75,915	-	60,580	15,335
LIBRARY	44,061	24,715	19,346	51,409	(7,348)
COURT TRAINING & EQUIPMENT	42,431	41,925	506	41,361	1,070
COURT CORRECTION	533,656	524,448	9,208	428,369	105,287
LODGING TAX	3,673,598	3,648,884	24,714	2,175,309	1,498,289
RENAISSANCE	-	-	-	-	-
AGENCY FUNDS					
MUNICIPAL COURT	-	-	-	217	(217)
SELF INSURANCE	229,278	238,872	(9,594)	225,636	3,642
FLEX SPENDING	19,644	20,582	(938)	12,500	7,144
OPEB TRUST INVESTMENT FUND	959,353	1,009,367	(50,015)	806,944	152,409
	8,900,272	8,800,283	99,989	4,625,469	4,274,803
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	5,042,139	4,513,255	528,884	3,523,486	1,518,653
	5,042,139	4,513,255	528,884	3,523,486	1,518,653
DEBT SERVICE FUNDS					
DEBT SERVICE	112,349	(122,068)	234,418	759,717	(647,368)
Total Restricted Cash Balance	14,054,760	13,191,470	863,291	8,908,672	5,146,089
Total City Cash Balance	\$ 40,644,305	\$ 40,172,170	\$ 472,135	\$ 28,476,666	\$ 12,167,639
	Encumbrance Total as of	4/30/2022		\$ 487,186.50	

Mrs. Reid reviewed the largest changes from the prior year are the Covid Relief Fund and the transfer of monies to the Animal Shelter Fund. Mrs. Reid noted she received an e-mail that the City could apply for the second payout of Covid Relief monies (\$1.952 million). The Mayor stated he is continuing to work on a project list for the Covid Relief monies. Discussion continued on the Banking Services RFP.

The Treasurer's Report as of April, 2022 Total Unrestricted Cash Balance - \$26,589,544 and Total City Cash Balance - \$40,644,305 was presented to be filed for audit.

2. Encumbrance Report

Mrs. Reid reviewed the Encumbrance Report.

- Encumbrance balance - \$487,186.50 as of April, 2022.

3. Outstanding Appropriations

Mrs. Reid reviewed the Outstanding Appropriations. Discussion was made on the new Pickleball courts that will be constructed and the Justice Center expansion project.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, March, 2022

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), April, 2022

Monthly Financial Statements – March 2022 Financial Highlights

General Fund:

	FY 2022	FY 2021	Change
• YTD Budgetary Net Income:	\$5,772,997	\$5,761,637	\$11,360
• Total sales tax collected year to date is approximately \$2.6 million over budgeted income and \$1.4 million over prior year to date income			
• Total investment income including interest and unrealized gain is a loss of approximately \$337,000 due to the overall market conditions in the economy			
• The City's annual insurance payment was made in March and approximated \$597,000			
• Unassigned Fund Balance: \$28,040,992			
• Outstanding Encumbrances: \$674,532			

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of March 31, 2022: \$27,490,794
- Outstanding Capital Lease Balance as of March 31, 2022:
 - General Fund: \$934,432
 - Enterprise Fund: \$1,083,904

Capital Project Funds (Capital Reserve):

- Road Repaving Expenditures YTD: \$762,095

Special Revenue Funds (13 separate funds):

- Lodging Tax Fund –
 - Bayfront Unreserved Fund Balance: \$2,835,424
 - Recreation Unreserved Fund Balance: \$923,864
 - Total lodging tax collected was \$157,000 over budgeted income and \$118,000 over prior year to date income.

Enterprise Funds (Solid Waste and Civic Center):

- Year to date transfers for each of the enterprise funds were as follows:

	FY 2022	FY 2021	Change
Solid Waste Fund	\$151,673	\$ 26,928	\$ 124,745
Civic Center Fund	\$152,123	\$ 69,855	\$ 82,268

5. Summary of Budgetary Amendments

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2022 Budget.

- Total Appropriations Year to Date – \$3,504,661
- Adjusted Expenses over Revenue – (\$3,501,517)

6. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary and noted there were no changes. There was discussion on projects with previous pavers and maintenance of the pavers. Mr. Strunk noted the City is resubmitting the Pollard Road Sidewalk project for that TAP Grant.

B. Bills Paid Reports – April, 2022

The Bills Paid Report was previously presented electronically.

VIII. APPROPRIATION REQUESTS: (Ordinance)

A. Appropriation-Alphonse Memorial Veterans Park Fence Replacement-\$12,900

Mrs. Reid reviewed the project and noted the quote received was for \$12,900 and monies need to be appropriated.

MOTION BY Mrs. Phillips to recommend to Council to adopt the Ordinance amending the budget to appropriate \$12,900 out of the General Fund for the replacement of fencing and gates at Alphonse Memorial Veterans Park. Seconded by Mr. Scott.

MOTION CARRIED UNANIMOUSLY

B. Appropriation-Splash Pad Maintenance Service - \$25,000

Mrs. Reid discussed the maintenance that is needed for the new Splash pad and that Mr. McDavid, Recreation Director and Mr. Strunk received some quotes for the service and that \$25,000 is needed for the services for the remainder of FY2022. Mrs. Reid noted that the FY2023 budget will include the Splash Pad maintenance cost. Mrs. Phillips discussed the need for this vendor to have the proper license and insurance. The Mayor noted they provide these services to other municipalities.

MOTION BY Mr. Hughes to recommend to Council to adopt an ordinance appropriating \$25,000 out of the General Fund for the Splash Pad maintenance service. Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

C. Appropriation-Mayday Kayak Launch - \$47,421

Mrs. Reid discussed the Kayak launch and the associated cost. Mrs. Reid noted the cost is \$115,148.63 with a contingency of \$17,272.29 for total cost of \$132,420.92. Mr. Bobe explained the contingency cost. Mrs. Reid noted that \$85,000 was budgeted from the Lodging Tax Fund and additional funds in the amount of \$47,420.92 are needed. Mr. Huskey stated the launch will be ADA compliant and reviewed the launch construction and noted it will be attached to the existing Mayday Pier.

MOTION BY Mr. Goodlin to recommend to Council to adopt an ordinance appropriating \$47,421 out of the Lodging Tax Fund for the Mayday Kayak Launch project. Seconded by Hughes.

MOTION CARRIED UNANIMOUSLY

IX. NEW BUSINESS

A. Amendment to the Longevity Pay for Employees

Mrs. Reid reviewed the amendment to the Longevity Pay for employees and the change in longevity pay for employees for FY2023:

	From	To
5 – 9 years	\$150	\$250
10 – 14 years	\$250	\$350
15 or more years	\$350	\$500

Mrs. Reid noted the change in the annual amount will be from around \$22,000 for a total of \$68,000. Mrs. Phillips asked when is the last time these amounts have been increased. Mrs. Reid noted the longevity pay has never been increased since the original Ordinance passed in 2017.

MOTION BY Mr. Scott to recommend to Council to adopt an ordinance authorizing an amendment to the longevity pay for employees. Seconded by Mr. Hughes.

MOTION CARRIED UNANIMOUSLY

B. Bayfront Master Plan-Amphitheater Engineering Services (Motion)

Mrs. Reid noted the total engineering contract is \$661,458 and that \$1 million has been set aside for the amphitheater so the engineering fees can come from these monies. Mr. Bobe stated he had been working on the Master Plan for the last year and reviewed the plans and the surrounding area which will include approximately 1,500 feet of pier. Mrs. Phillips asked has the City obtained a consultant with previous experience with amphitheaters. Mr. Coleman discussed the consultant's experience on similar projects. Mr. Strunk discussed working on grant funding for the project.

MOTION BY Mr. Coleman to recommend to Council to authorize the Mayor to enter into the contract for the Bayfront Master Plan and to use available amphitheater funds set aside in the Lodging Tax Fund for funding. Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

X. OLD BUSINESS

There was no old business discussed.

XI. ADJOURN The meeting adjourned at 5:32 p.m.

May 9, 2021
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

1. CALL TO ORDER:

There being a quorum present, Councilman Ben Hughes called the meeting to order at 4:30pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Mayor LeJeune, Ron Scott, Steve Olen, Joel Coleman, Doug Goodlin, Angie Phillips, Benjamin Hughes, Tommie Conaway.

ABSENT:

Also Present: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Troy Strunk, City Development; Chief Tacon, Fire Department; Captain Gulsby, Police Department; Christina Brazell, Recording Secretary.

3. PUBLIC PARTICIPATION:

George Mitchell, requested status of speeding tables on Magnolia Ave. Problems with speeding still occurring.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from April 11, 2022 Public Safety meeting were approved as presented.

5. POLICE DEPARTMENT

Old Business:

Captain Gulsby provided corrected reports for the previous months. Also showed the council Citizen Connect, a report and information source for the community to access online, free of charge. The following features are available at this time; approved reports, accidents, jail bookings, maps, wanted persons, and missing persons. Emergency Alerts can be requested via email and text.

New Business:

One officer has resigned due to personal reasons, however the police department has a list to work off of. The recruiting program has improved and he is seeing more applications as well as attendees to the testing. Currently the police department has 4 openings.

Discussion about the State Highway 181 Diamond interchange, the state has made mention to correct issues with lanes accessing Interstate 10 westbound from State Highway 181.

Captain Gulsby also addressed answers from prior meeting regarding jail cost fluctuation. This was based on when invoices come in. They are also feeding inmates that are arrested but not booked in, they stay in the holding cells

May 9, 2021
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

6. FIRE DEPARTMENT:

Old Business:

None

New Business:

Chief Tacon, only one mutual aid last month, one time the paramedic had to run to the hospital on a call.

Chief Tacon, she spoke to Kelley and she was advised she could start “looking” at a new fire truck. Discussion about wanting to get ahead on ordering a new fire truck was due to the cost increase. The price increase will be 15 percent if they were to order next year versus ordering it right now.

Councilman Scott asked if someone could find out the cost of a pump for a truck.

Chad Jones update: Provided document with updated responses numbers and caparisons to previous months. Med star is currently down 1 minute on average response times. Chad answered questions regarding how many trucks were on duty at a given time, stating that the average was 15 trucks during the day and 9 to 10 a night. Also stated Med 20 is dedicated to Daphne at least 4 days a week.

Chad was asked to provide percentage of times that a paramedic was on the truck when they responded to call in Daphne. He would provide this information once he obtains it. This was not included in his report.

7. OTHER BUSINESS

5:05 p.m. **ADJOURNMENT**

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: May 31, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Planning Commission Minutes and Report

A handwritten signature in blue ink, appearing to be "AF", located to the right of the "FROM:" line.

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of April 28, 2022 and the report of the regular meeting of May 26, 2022 for placement on the June 6, 2022 City Council agenda for review.

Should you have any questions or comments in this regard, please do not hesitate to call.

ADJ/jv

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2022
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:05 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs
Adam Manning
John Peterson was excused @ 6:20 p.m.
Andrew Prescott, Chairman
Ronnie Huskey
Steve Olen

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Josh Newman, City Engineer
Tim White, Environmental Programs Manager

The first order of business is the approval of the minutes.

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of March 24, 2022. There being none, minutes are approved as submitted.***

Chairman announced the rearrangement of the agenda to allow items which require a public hearing to precede others so a member of the Commission may be excused early.

The next order of business is preliminary/final plat review for J & B Farms Subdivision.

An introductory presentation was given by Danny Clark, Smith, Clark & Associates, requesting preliminary/final plat review of a three-lot subdivision consisting of six-point five acres located southeast of Randall Avenue and Via Del San Francisco.

Chairman asked for Commission questions or comments. Mr. Olen asked for a staff recommendation. Ms. Jones advised favorable.

Chairman asked for Commission questions or comments. He opened the floor to public participation. No one came forth. He closed public participation and asked for a motion.

A Motion was made by Mr. Manning and **Seconded** by Mr. Peterson **to approve J & B Farms Subdivision preliminary/final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2022
Council Chamber, City Hall - 5:00 P.M.**

The next order of business is reconsideration of the rezoning request for Great Magnolia Properties, L.L.C. and the Stanard Family Partnership.

An introductory presentation was given by Chad Rome, U-Haul Company of Alabama, of a request to rezone a four point one-three acre parcel from B-1, Local Business, to B-2(a), General Business Alternate, located southeast of Whispering Pines and U.S. Highway 98 for a storage facility and U-Haul rental center.

Chairman asked for Commission questions or comments and opened the floor to public participation.

Marvin Ussery, 6475 War Eagle Drive, and representative of Great Magnolia Properties, L.L.C. and the Stanard Family Partnership, spoke in favor of the rezoning.

Chairman closed public participation and asked for a motion.

A Motion was made by Mr. Peterson and **Seconded** by Mr. Manning **to set forth a favorable recommendation to City Council to rezone the subject property from B-1, Local Business, to a B-2(a), General Business Alternate, District. There was no discussion on the motion. The Motion carried unanimously.**

Chairman advised that the applicant requested that the applications for pre-zoning, annexation, and rezoning for KJC Investments, L.L.C. be tabled until the regular meeting of June 23, 2022.

The next order of business is preliminary plat review for Hope Vineyard, Phase One.

An introductory presentation was given by Melissa Currie, Dewberry, requesting preliminary plat review of a one hundred thirty-six lot subdivision consisting of fifty-five point four-five acres located east of County Road 13. She presented an overview of the two hundred and thirty-six lot, phased, mixed lot, one-hundred and eight acre development with access to County Road 13 and Oldfield Subdivision.

Chairman asked for Commission questions or comments and advised of staff deficiencies. Mr. Newman stated his comments have been addressed, except for providing a traffic impact study.

Chairman asked for Commission questions or comments. He opened the floor to public participation. No one came forth. He closed public participation and asked for a motion.

Justin Britt, Dewberry, requested that the application be tabled until the regular meeting of May 26, 2022. The Commission consented.

The next order of business is preliminary plat review for the Reserve at Plantation Hills, Phase One.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2022
Council Chamber, City Hall - 5:00 P.M.**

An introductory presentation was given by Melissa Currie, Dewberry, requesting preliminary plat review of a six-lot subdivision consisting of approximately fourteen-point nine acres located east and southeast of Robbins Boulevard and Ashbury Hill Road. She stated that the proposed subdivision consists of one-acre lots located south of Plantation Hills Subdivision. The proposed design consists of the construction of two cul-de-sacs to serve as a turnaround for emergency vehicles, but there is no road or infrastructure construction required or wetland impacts.

Chairman asked for Commission questions or comments and advised of staff deficiencies noted by Fire Marshal and Environmental Programs Manager. Brent Anderson, Dewberry, advised that a revised utility plan and phasing plan were provided to address staff comments.

Chairman asked for Commission questions or comments and opened the floor to public participation.

Dwight Williams, 11380 Alpine Court, spoke in opposition and expressed his concerns about the impact of the development of the Reserve of Plantation Hills, Phase Two on Plantation Hills Subdivision.

Gary Reyes, 9182 Ashley Court, spoke in opposition and expressed concerns about development without preserving and farming the land.

Jacquie Jackson, 11420 River Birch Street and Vice President of Bay Branch Estates POA, spoke in opposition and expressed her concerns about protecting Plantation Hills Subdivision and Turkey Branch. She advised Bay Branch is protected, but Plantation Hills Subdivision does not have a POA to address their concerns about this subdivision.

Chairman closed public participation.

During rebuttal, Ms. Currie advised this land is not currently farmland and zoned residential, and stated that the proposed development was clustered to protect the wetlands. Mr. Anderson provided an overview of the storm water design and stated that the subdivision meets the requirements of the Daphne Land Use Ordinance.

Chairman asked for Commission questions or comments and for a motion.

A Motion was made by Mr. Spriggs and Seconded by Mr. Huskey to approve the Reserve at Plantation Hills, Phase One, preliminary subdivision plat contingent upon approval of the phasing plan. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary plat review for the Reserve at Plantation Hills, Phase Two.

An introductory presentation was given by Melissa Currie, Dewberry, requesting preliminary plat review of a fifty-one lot subdivision consisting of approximately two hundred forty-three point four-three acres located east and southeast of Robbins Boulevard and Ashbury Hill Road.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2022
Council Chamber, City Hall - 5:00 P.M.**

Chairman asked for Commission questions or comments and advised of staff deficiencies by Environmental Programs Manager and Community Development. Mr. Newman stated his comments have been addressed. Mr. White advised that acceptance is pending review of the phasing plan.

Chairman asked for Commission questions or comments. He opened the floor to public participation. No one came forth. He closed public participation and asked for a motion.

A Motion was made by Mr. Spriggs and **Seconded** by Mr. Huskey **to approve the Reserve at Plantation Hills, Phase Two, preliminary subdivision plat contingent upon approval of the phasing plan and correction of minor landscape deficiencies. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is master plan review for Grindstone.

An introductory presentation was given by Larry Smith, S.E. Civil, of a request for master plan review of Grindstone. He presented an overview of one hundred and fifty-six lot development with access to County Road 13, stub-outs for future development, traffic calming, crosswalks, sidewalks, and lakes located southeast of the intersection of County Road 13 and Pleasant Road.

Chairman asked for Commission questions or comments and for a motion.

A Motion was made by Mr. Peterson and **Seconded** by Mr. Spriggs **to approve the master plan for Grindstone, subject to the required County Road 13 and Well Road improvements. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a pre-zoning and annexation request for Ann Berga and Teresa Warner.

An introductory presentation was given by Larry Smith, S.E. Civil, of a request to pre-zone and annex a forty-nine point nine zero acre parcel located southeast of County Road 13 and Pleasant Road to R-6(G), Garden/Patio Home.

Chairman asked for Commission questions or comments.

Mr. Peterson asked about the distance from this development to the roadway north of Well Road and if there is a required offset. Mr. Smith stated approximately one hundred feet. Mr. Newman advised that the access drive should align with Well Road or offset.

Mr. Spriggs asked about the direction stormwater would travel if the detention structure overflows. Mr. Smith advised that the water would go to the drainage easement on the south property line to the ditch and then go north.

Chairman opened the floor to public participation.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2022
Council Chamber, City Hall - 5:00 P.M.**

Becky McFall, 9119 Ashley Court, presented a petition with thirty signatures and spoke in opposition to express their concerns about the adverse effect on property values, noise, traffic, quality of life, density, flooding, and preservation of wildlife.

Charlene Reyes, 9182 Ashley Court, spoke in opposition and expressed her concerns about drainage, flooding, traffic, effect on school system, preservation of farmland, and long-term impact on city services.

Gary Reyes, 9182 Ashley Court, spoke in opposition and expressed his concerns about traffic and preservation of farmland.

Daniel Bedford, 9766 Ottawa Drive and President of Ottawa POA, spoke in opposition and expressed his concerns about the effect on the school system, drainage, traffic, and impact on easements and property values.

Meg Kline, 9286 Ottawa Springs, spoke in opposition and expressed her concerns about preservation of the watershed project on Well Road and traffic.

Alan Petersen, 9283 Ashley Court, spoke in opposition and stated that the density is inappropriate for this area and opposed to carbon impact.

Chad Vinson, 9045 Ottawa Springs, spoke in opposition and expressed his concerns about drainage, traffic and erosion.

Mark Biggie, 9224 Ashley Court, spoke in opposition and expressed his concerns about water quality, effect on school system, flooding, traffic, density, property values, smaller houses, water supply, impact of adjacent lake, and buffers.

Michelle Birch, 9777 Ottawa Drive, spoke in opposition and expressed her concerns about density and small lot sizes.

Nicole Gry, 9182 Ashley Court, spoke in opposition and expressed her concerns about the effect of this development on the quality of life in her neighborhood and impact on wildlife.

Ted Kline, 9286 Ottawa Springs, spoke in opposition and expressed his concerns about density, overdevelopment, water quality and potential impact on the bay.

Robyn Andrews, 9252 Berga Lane, spoke in opposition and expressed his concerns about traffic, drainage, and density. He asked about traffic study.

Chairman closed public participation.

During rebuttal, Mr. Smith advised: the buffer zone abutting Ashley Court is reserved for a drainage area; stub-outs have been provided for future development as a point of relief for traffic; plans will be provided to the school board; presently no utility issues; drainage/flooding issues will be addressed in the subdivision design; developer and/or POA will maintain buffer zones and common areas; and, traffic issues will be addressed in the traffic impact study.

The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2022
Council Chamber, City Hall - 5:00 P.M.

Chairman asked for Commission questions or comments and for a motion.

A **Motion** was made by Mr. Spriggs and **Seconded** by Mr. Peterson **to set forth a favorable recommendation to City Council to pre-zone the subject property to R-6(G), Garden/Patio Homes. The vote was five ayes and one nay. The motion did not carry, as a supermajority vote of the Planning Commission is required for pre-zoning and zoning. There was no discussion on the motion. Mr. Manning dissented.**

A **Motion** was made by Mr. Manning and **Seconded** by Mr. Huskey **to set forth a favorable recommendation to City Council to annex the subject property into the Daphne city limits. There was no discussion on the motion. The Motion carried unanimously.**

Mr. Peterson was excused at 6:20 p.m.

The next order of business is site plan review for Press & Co.

An introductory presentation was given by Justin Britt, Dewberry, requesting site plan review of mixed use building consisting of a coffee shop on the first floor and an apartment on the second floor with associated parking, drainage, and landscaping located northwest of Main Street and Belrose Avenue.

Chairman asked for Commission questions or comments and advised of staff deficiencies. Mr. Newman stated his comments were about sidewalks and ADA compliance. Mr. Britt asked for a modification of the sidewalk requirement to install a five-foot wide sidewalk rather the required six-foot.

Mr. Olen asked for clarification on the sidewalk width. Mr. Newman advised that Mr. Britt wants to match the width of the existing sidewalk.

Chairman asked for Commission questions or comments and for a motion.

A **Motion** was made by Mr. Spriggs and **Seconded** by Mr. Manning **to approve Press Co site plan with a five-foot wide sidewalk in lieu of a six-foot wide sidewalk. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Pat Place Addition. An introductory presentation was given by Joe Harper, Element 3 Engineering, requesting site plan review of an office building with associated parking, drainage, and landscaping located southwest of Stanton Road and Stanton Road South.

Chairman asked for Commission questions or comments and advised of staff deficiencies. Mr. Newman stated that his comments were about sidewalks and detention. Mr. Harper requested an exemption to the sidewalk requirement because the distance to be disturbed is approximately one hundred feet.

Chairman asked for Commission questions or comments and for a motion.

The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2022
Council Chamber, City Hall - 5:00 P.M.

A **Motion** was made by Mr. Olen and **Seconded** by Mr. Spriggs **to deny the request for a sidewalk exemption. There was no discussion on the motion. The Motion carried unanimously.**

A **Motion** was made by Mr. Spriggs and **Seconded** by Mr. Olen **to approve Pat Place Addition site plan contingent upon providing a revised site plan that complies with the sidewalk installation provision of the Land Use & Development Ordinance, Article 11 and to address the concerns of the City Engineer. There was no discussion on the motion. The Motion carried unanimously.**

An introductory presentation was given by David Shumer, Barton & Shumer Engineers, requesting site plan review of an urgent care medical clinic with associated parking, drainage, and landscaping located southwest of Alabama Highway 181 and Highway 31. He stated staff comments were about landscaping and were minor.

Chairman asked for Commission questions or comments and a motion.

A **Motion** was made by Mr. Manning and **Seconded** by Mr. Huskey **to approve Fast Pace Health Urgent Care site plan contingent upon submission of a revised landscape plan that complies with the provisions of Article 19 of the Land Use & Development Ordinance. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is final plat review for Jubilee Farms Subdivision, Phase Eleven.

An introductory presentation was given by Al Finley, representative of Dewberry, requesting final plat review and street acceptance for Jubilee Farms Subdivision, Phase Eleven in the southeast quadrant of the overall development located southeast of Alabama Highway 181 and Austin Road. He advised that the outstanding issues have been addressed.

Chairman asked for Commission questions or comments and advised of staff deficiencies by the City Engineer and Environmental Programs Manager. Staff advised that comments have been addressed.

Chairman asked for Commission questions or comments and a motion for the associated applications.

A **Motion** was made by Mr. Huskey and **Seconded** by Mr. Manning **to approve Jubilee Farms Subdivision, Phase Eleven final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

A **Motion** was made by Mr. Manning and **Seconded** by Mr. Huskey **to set forth a favorable recommendation to the City Council to accept the streets in Jubilee Farms Subdivision, Phase Eleven conditioned upon receipt of the recorded plat for the subdivision. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Chairman asked for public participation.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2022
Council Chamber, City Hall - 5:00 P.M.**

None presented.

The next order of business is the attorney's report.

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

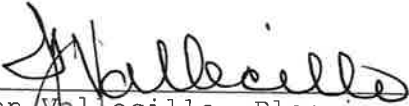
Chairman announced that the site plan review for the Building Addition to Extra Space Storage was tabled by the applicant until the regular meeting of May 26, 2022.

The next order of business is director's comments.

Director presented the upcoming meeting dates. Site Preview is May 18, and the Regular Meeting is May 26, 2022. She congratulated Jan Vallecillo on 29 years of service on April 29, 2022.

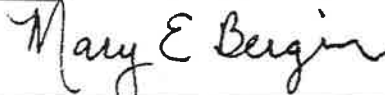
There being no further business, the meeting was adjourned at 6:40 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: May 26, 2022



Marybeth Bergin, Chairman

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 26, 2022
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report

AO

1. **CALL TO ORDER:** 5:05 p.m.
2. **CALL OF ROLL:** Marybeth Bergin, Kevin Spriggs, Ronnie Huskey, Steve Olen, Adam Manning, Phillip Hodgson and John Peterson
3. **APPROVAL OF MINUTES:** Review of minutes of the regular meeting of April 28, 2022 (**Approved**)
4. **OLD BUSINESS:**
 - A. **SITE PLAN REVIEW:**
 1. **File SP22-04:** (**Approved**)

Site: Building Addition to Extra Space Storage

Zoning: *B-2, General Business*

Location: Southeast of Walmart Drive and U.S. Highway 98
Area: 3.84 Acres $\pm$
Owner: Storage Advantage, L.L.C. - Scott Armstrong
Agent: McCrory & Williams - Don Whittington
Engineer: McCrory & Williams - Scott Estes
 - B. **PRELIMINARY PLAT REVIEW:**
 1. **File SDP22-03:** (**Approved**)

Subdivision: Hope Vineyard, Phase 1

Zoning: *R-6(G), Garden or Patio Home*

Location: East of County Road 13
Area: 55.45 Acres $\pm$, (136) lots
Owner: Red Barn, L.L.C. - Julio Corte
Developer: Maronda Homes - Tucker Dorsey
Agent: Dewberry - Cathy Barnette
Surveyor: Dewberry - Victor Germain
Engineer: Dewberry - Justin Britt
 - C. **KJC INVESTMENTS PRE-ZONING AMENDMENT, ANNEXATION AND ZONING AMENDMENT:**
 1. **File PZA22-03:** (**Favorable recommendation to City Council**)

Applicant: KJC Investments, L.L.C.

Present Zoning: *B-1, Professional Business, B-2, Neighborhood Business, and RSF-2, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

Proposed Zoning: *B-2, General Business*
Area: 52.48 Acres $\pm$
Location: Southeast of the intersection of County Road 64 and Friendship Road
Owner: KJC Investments, L.L.C. - Kimberly Cox
Agent: Jade Consulting - Trey Jinright

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 26, 2022
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

2. ANX22-03: (Favorable recommendation to City Council)

A presentation to be given by Trey Jinright, representative of Jade Consulting, requesting annexation of fifty-two point forty-eight acres owned by KJC Investments, L.L.C. located southeast of County Road 64 and Friendship Road. The subject property is currently zoned B-1, Professional Business, B-2, Neighborhood Business, and RSF-2, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne.

3. File ZA22-02: (Favorable recommendation to City Council)

Applicant: KJC Investments, L.L.C.

Present Zoning: *B-1, Local Business*

Proposed Zoning: *B-2, General Business*

Location: Southeast of the intersection of County Road 64 and Friendship Road

Area: 3.94 Acres $\pm$

Owner: KJC Investments, L.L.C. - Kimberly Cox

Agent: Jade Consulting - Trey Jinright

5. NEW BUSINESS:

A. SMALL'S SMOKEHOUSE MASTER PLAN AND SITE PLAN:

1. File MPR22-03: (Withdrawn at the request of the applicant)

Presentation to be given by Jeremy Sasser, Goodwyn, Mills and Cawood requesting master plan review of Small's Smokehouse.

2. SITE PLAN REVIEW:

File SP22-11: (Approved, site plan submitted via email on 05/26/22)

Site: Smokehouse Storage

Zoning: *B-1, Local Business*

Location: Southeast of Santa Rosa Avenue and Main Street

Area: 0.56 Acres $\pm$

Owner: Sunbelt Petroleum Co., Inc. - Fred Small

Engineer: Goodwyn, Mills and Cawood - Jeremy Sasser

B. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF22-03: (Approved)

Subdivision: Resubdivision of Lot 9, Randall Subdivision

Zoning: *R-2, Medium Density Single Family Residential*

Location: Northeast of County Road 64 and Essex Street

Area: 5.18 $\pm$ Acres, (2) lots

Owner: Charles and Lorra Wiggins

Surveyor: David Lowery Surveying - David Lowery or Randall Tillman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 26, 2022
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

C. PRELIMINARY PLAT REVIEW:

1. File SDP22-06: (Approved)

Subdivision: Hope Vineyard, Phase 2

Zoning: R-6(G), Garden or Patio Home

Location: East of County Road 13

Area: 44.11 Acres $\pm$, (73) lots

Owner: Red Barn, L.L.C. - Julio Corte

Developer: Maronda Homes - Tucker Dorsey

Agent: Dewberry - Cathy Barnette

Surveyor: Dewberry - Victor Germain

Engineer: Dewberry - Justin Britt

D. ZONING AMENDMENT:

1. File ZA22-04: (Favorable recommendation to City Council)

Applicant: Olde Town Properties, L.L.C.

Present Zoning: B-3, Professional Business

Proposed Zoning: B-1(a), Limited Local Business

Location: Southwest of Van and Main Street

Area: 0.19 Acres $\pm$

Owner: Olde Town Properties, L.L.C. - Daniel Nance

Agent: Konbit Haiti - Ryan Robinson

E. VACATION OF EASEMENT:

1. File VOE22-01: (Favorable recommendation to City Council)

Applicant: Interstate-Baldwin Investments, L.L.C.

Location: TimberCreek Subdivision, Unit Eleven, Lots 20 & 21

Area: 0.04 Acres $\pm$

Owner: Interstate-Baldwin Investments, L.L.C. - Allen Cox

Agent: Dewberry - Cathy Barnette

2. File VOE22-02: (Favorable recommendation to City Council)

Applicant: Interstate-Baldwin Investments, L.L.C.

Location: TimberCreek Subdivision, Unit Eleven, Lots 22 & 23

Area: 0.04 Acres $\pm$

Owner: Interstate-Baldwin Investments, L.L.C. - Allen Cox

Agent: Dewberry - Cathy Barnette

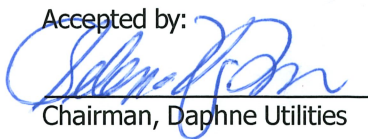
CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 26, 2022
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

F. OFFICIAL ZONING AND STREET MAP UPDATE:

1. File AP22-04: (Favorable recommendation to City Council)

Presentation to be given by Adrienne Jones, Director of Community Development, of a proposed amendment to the Official Zoning Map and the Official Street Map.

- 6. PUBLIC PARTICIPATION:** None
- 7. ATTORNEY'S REPORT:** No Report
- 8. COMMISSIONER'S COMMENTS:** Mr. Spriggs commented about a portion of a right-of-way in French Settlement Subdivision, Phase 4A (see minutes for details)
- 9. DIRECTOR'S COMMENTS:** Director presented the upcoming meeting dates. Site Preview is June 15, and the Regular Meeting is June 23, 2022.
- 10. ADJOURNMENT:** 6:16 p.m.

Accepted by:

Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ April 27, 2022 ♦ 5:00 p.m.

I. Call to Order

The regular April 2022 Board meeting for the Utilities Board of the City of Daphne was held on April 27, 2022, in the Council Chambers at Daphne City Hall and called to order at 5:01 p.m. by Chairwoman Selena Vaughn, followed by the Roll Call:

II. Roll Call

Members Present: Selena Vaughn, Chairwoman
Tim Patton, Vice Chairman
Billy Mayhand, Secretary/Treasurer
Mayor Robin LeJeune, Board Member

Members Absent: Councilman Joel Coleman, Board Member

Others Present: Jerry Speegle – Board Attorney
Scott Polk – General Manager
Bobby Purvis – Operations Manager
Teresa Logiotatos – Finance Manager
Drew Klumpp – Administrative Services Manager
Samantha Coppels – Communications Manager
Lori Wilson – Executive Assistant
Rebecca Williamson – Accounting Assistant

Others Absent:

III. Pledge of Allegiance

The Chairwoman led the Board and meeting attendees in the Pledge of Allegiance.

IV. Approval of Minutes

A. Utilities Board Meeting Minutes March 30, 2022

The Chairwoman requested any additions, corrections, or deletions for the submitted minutes of the March 30, 2022, Daphne Utilities Board meeting.

With no additions, deletions, or corrections, the Chairwoman declared that the submitted March 30th minutes would stand approved.

V. OLD BUSINESS – Utility Rates Discussion

- A. Teresa Logiotatos reviewed the previous discussion with Board members at the utility rates work session: 7% water, 10% sewer for the first year; 6% water, 9% sewer for the second year; and 5% water, 8% sewer for the third year. She noted that the submitted Resolution reflects these increases over the next three years.

A discussion followed regarding the analysis behind the proposed increases and the impact resulting on capital improvements and infrastructure.

With all members not present at the meeting, it was decided to postpone Board action on this agenda item until all members were present at the meeting.

VI. NEW BUSINESS –

- A. **Approval** of Park City Water Authority Purchase Agreement (**Board Action: RESOLUTION 2022-02**) - to Execute an Agreement Between the Utilities Board of the City of Daphne and The Park City Water Authority

Mr. Scott Polk explained to the Board that this agreement is a five-year term with an extendable five-years and pointed out that the most recent agreement contained incorrect prices due to the rate increase taking effect after this agreement was signed, for which Park City Water Authority benefited for the past five years without a rate increase that our Daphne Utilities' customers have had. He advised that a 30-day notice when rates are changed would be given.

MOTION by Tim Patton to Approve the Water Purchase Agreement with Park City Water and Fire Protection Authority; Motion was Seconded by Billy Mayhand.

AYE: LeJeune, Mayhand, Patton, Vaughn **NAY:** **ABSENT:** Coleman **ABSTAIN:** **MOTION CARRIED**

VII. BOARD ATTORNEY'S REPORT

Mr. Jerry Speegle had nothing additional to report. Responding to Chairwoman Vaughn's inquiry regarding the property for the Daphne animal shelter, he advised that he last spoke to Jay Ross who stated that he would be speaking with the Mayor and would get back to him.

VIII. FINANCIAL REPORT

Finance Manager Teresa Logiotatos reviewed for the Board the revenue, expenses and net income year to date, pointed out new project numbers and costs to track. She reviewed and answered questions from the Board relating to the gas net income, discussed the Allocation of Support report, the Cash Flow Statement, and Check History report.

IX. GENERAL MANAGER'S REPORT

A. GM Report

General Manager Scott Polk updated the Board on: the completion of the raw water line at the Diamante well site to the Trojan Plant, as well as Well #2 which is now Well #15; the installation of the Tertiary Filters for the project at the WRF; the grit removal project moving forward; sewer expansion on 4th Street; the Stanton Road Tank coming back online; and the final design phase of the administration office (payment center) remodel. He then gave an

updated review of the Areas of Focus pertaining to: sewer expansion along Rigsby Road inquiries from developers as well as just east of this area known as The Reserve; decrease in water quality complaints with Olde Town Daphne customers; water supply to Spanish Fort Water System; and the several water main breaks our Water Distribution Department diligently tackled on Bay View Drive at Hidden Circle in Lake Forest. Mr. Bobby Purvis enlightened the Board's inquiry as to water line replacements in the Lake Forest area advising that along with input from Volkert, a priority list had been created to diligently work to reduce the number of water main breaks in this area.

B. Operations Report

Mr. Purvis informed the Board that Fairhope Gas has reached out to us to serve Bayfront Drive because of problems they are having with their gas lines. Mr. Speegle advised to include this as an amendment to the contract we have with Fairhope Gas. Mr. Purvis noted that he would send everything to him. He also updated the Board on: recent communications with new representatives with D.R. Horton and serving gas lines to their developments, the new hires and the challenges finding qualified employees, and the rising costs of regulations.

Mrs. Samantha Coppels reminded the Board members of the invitation to attend the Inside Look workshop.

C. Engineering & Consulting Reports – nothing further was added to the submitted reports.

X. BOARD ACTION – Previously addressed.

XI. PUBLIC PARTICIPATION –

With no participants, Chairwoman Vaughn opened and closed Public Participation at 5:53pm.

XII. BOARD COMMENTS –

Tim Patton praised the Day of Caring in which the staff participated at the Ruff Wilson Center.

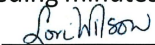
Mayor LeJeune also applauded the Daphne Utilities' employees for all the participation in the City and community events.

XIII. ADJOURNMENT

With no further discussions, the Chairwoman called for adjournment at 5:55 pm.

The meeting adjourned at 5:55pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20220512161213474

Type License: 050 - RETAIL BEER (OFF PREMISES ONLY) State: \$150.00 County: \$75.00

Type License: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY) State: \$150.00 County: \$75.00

Trade Name: **ALDI 147** Filing Fee: \$100.00

Applicant: **ALDI INC ALABAMA** Transfer Fee:

Location Address: 27060 US HWY 98 DAPHNE, AL 36526

Mailing Address: 29000 DAPHNE, AL 36526

County: BALDWIN Tobacco sales: NO Tobacco Vending Machines:

Product Type: Type Ownership:

Book, Page, or Document info: CORP 224 PAGE 424

Do you sell Draft Beer?:

Date Incorporated: 9/6/2000 State incorporated: AL County Incorporated:

Date of Authority:

Federal Tax ID: 36-4402103

Alabama State Sales Tax ID: 390014877

Name:	Title:	Date and Place of Birth:	Residence Address:
ERIC RIEGGER R260-2007-5110 - IL	MEMBER	4/17/1975 GERMANY	430 N ADAMS ST HINSDALE, IL 60521
DAVID BEHM B500-1717-0045 - IL	MEMBER	2/14/1970 INDIANA	701 FORREST AVE ELMHURST, IL 60134

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: JOY ESPOSITO

Business Phone: 251-259-1471

Fax:

Home Phone: 251-259-1471

Cell Phone:

E-mail: JOY.ESPOSITO@ALDI.US

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION

Confirmation Number: 20220512161213474



Initial each

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

N/A

In reference to Special Retail, Special Events retail licenses, and Wine Festival and Wine Festival Participant licenses, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

N/A

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

N/A

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Heather M. Moore

SIGN HERE

Signature of Applicant:

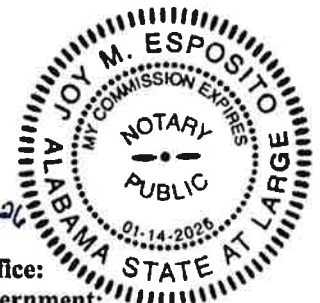
Heather M. Moore

Notary Name (print): Joy M. Esposito

Notary Signature:

Joy M. Esposito

Commission expires: 1/14/2026



Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: **20220512161213474**

Application Payment Confirmation Number: **83798988**

Payment Summary	
Payment Item	Fee
Application Fee for License 050 and License 070	\$100.00
Total Amount to be Charged	\$100.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
050 - RETAIL BEER (OFF PREMISES ONLY)	\$75.00	\$150.00	\$225.00
070 - RETAIL TABLE WINE (OFF PREMISES ONLY)	\$75.00	\$150.00	\$225.00
Total Amount to be Charged	\$150.00	\$300.00	\$450.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 050 - RETAIL BEER (OFF PREMISES ONLY)

License Type 2: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY)

License County: BALDWIN

Business Type:

Trade Name: **ALDI 147**

Applicant Name: **ALDI INC ALABAMA**

Location Address: 27060 US HWY 98
DAPHNE, AL 36526

Mailing Address: 29000
DAPHNE, AL 36526

Contact Person: **JOY ESPOSITO**

Contact Home Phone: **251-259-1471**

Contact Business Phone: **251-259-1471**

Contact Fax:

Contact Cell Phone:

Contact Email Address:

Contact Web Address:

Contact Relationship to Applicant: **EXECUTIVE ASSISTANT**

CASE NO. 2022-6

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 5/16/22 (Initial) CAC
DATE FORWARDED TO POLICE DEPT. 5/16/22 PM
DATE RECEIVED BY POLICE DEPT. 5/16/22 PM

DATE: APPROVED X DISAPPROVED _____

POLICE DEPT SIGNATURE

James Vanning

DATE RETURNED TO REVENUE DIV. 5/17/22 PM

DATE FORWARDED TO CITY CLERK 5/17/22 CAC

DATE RECEIVED BY CITY CLERK _____

SCHEDULED DATE ON AGENDA _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE. _____ (per taxpayer request)



City of Daphne Event Permit Application

TYPE OF PERMIT:☐ Special Event/Fundraiser☒ Parade/Run (Streets Use)☐ Walk (Sidewalks Only)☐ Athletic Complex/Sporting Event☐ Other: _____**APPLICANT & ORGANIZATION INFORMATION**ORGANIZATION NAME: MANCI'sAPPLICANT NAME: GANNETT DELUCASTREET: 1715 MAIN ST CITY, STATE, ZIP: DAPHNE, AL, 36526CONTACT PHONE: 251 421 0279 EMAIL: GANNETT.DELUCA@gmail.com"ON SITE" CONTACT PERSON DAY OF EVENT: HANNY JOHNSONCELL PHONE: 251 454 7550 EMAIL: _____**EVENT INFORMATION**EVENT NAME: ANNUAL WITCHES RIDETYPE OF/PURPOSE OF EVENT: COMMUNITY EVENTEVENT DATE: OCTOBER 30, 2022 TIME (START- END): 4 - 5pmASSEMBLY TIME: 2:30pm # PARTICIPANTS/VEHICLES: 250EVENT LOCATION: Old Towne DAPHNE

FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL

BE USED ON-SITE): SIGN WAIVERS & ASSEMBLE @ CITY HALL RIDE WILL BEGINON MAIN ST., TURN RIGHT ON COLLEGE AVE., TURN RIGHT ON 6TH,TURN RIGHT ON BELROSE, TURN RIGHT ONTO MAIN ST & finishat City Hall.

SPECIAL REQUESTS

ROAD CLOSURE(S) REQUESTS: ☒ Yes* ☐ No *If Yes, please indicate which City Route is requested: _____

WILL YOUR EVENT REQUIRE BARRICADES: ☐ Yes* ☒ No *If Yes, please indicate quantity & location: _____

WILL YOUR EVENT REQUIRE ELECTRICITY: ☒ Yes* ☐ No *If Yes, you must provide your own extension cords

WILL YOUR EVENT REQUIRE WATER: ☐ Yes* ☒ No *If Yes, you must provide your own hose(s)

OTHER SPECIAL ITEMS FOR RENT:

TENTS: 20' X 40' # _____ X \$321.00 10' X 10' # _____ X \$123.00/EACH

TABLES: 8' L # _____ X \$45.00/EACH CHAIRS: # _____ X \$12.00/EACH

OTHER SPECIAL REQUESTS: _____

MARKETING & COMMUNICATIONS

PLEASE NOTE: As a City permitted event, the City of Daphne should be listed as a sponsor on all marketing materials promoting your event, such as, but not limited to, posters, social media outlets, website(s), t-shirts, promo items, etc. It is the event organizer's responsibility to request the official City logo from our Marketing & Events Department in a proper format. No other City of Daphne logo should be utilized. Please initial acknowledgement: 

Is your event open to the general public? ☒ Yes* ☐ No

* If Yes, do you wish for your event to be listed and/or shared on: www.daphneal.com? ☒ Yes ☐ No

Facebook.com? ☒ Yes ☐ No Instagram? ☒ Yes ☐ No LinkedIn? ☐ Yes ☐ No

MARKETING CONTACT (IF DIFFERENT THAN EVENT APPLICANT OR "ON SITE" EVENT CONTACT):

NAME: _____ CONTACT PHONE: _____

OTHER MARKETING REQUESTS: _____

REVENUE/BUSINESS LICENSE

WILL SALES BE GENERATED AT YOUR EVENT: ☒ Yes** ☐ No ** If Yes, please provide your City of Daphne

Business License Number here: 4935

PLEASE NOTE: If you are providing food trucks or other third-party vendors, they MUST be a licensed business with the City of Daphne.

INDEMNITY & HOLD HARMLESS AGREEMENT

In consideration of the permission granted to me by the City of Daphne to use grounds, sidewalks, and/or streets, I hereby indemnify and hold harmless the City of Daphne, its agents, servants and employees from any and all claims and causes of action that may arise from injury to me or third party using the grounds, sidewalks, and/or streets who are injured or suffer property damage that is in any way caused by my use of the grounds, sidewalks, and/or streets. This indemnity and hold harmless agreement is given to the City of Daphne to protect the City and its agents, servants, and employees from cost of defense and claims for injuries and damages that may be caused either directly or indirectly by my use of grounds, sidewalks, and/or streets.

Further, I have read and understand all rules and regulations according to the City of Daphne Ordinance No. 2017-35 as set forth by the governing body of the City of Daphne and will abide by these rules and regulations. I understand that damage to City property, grounds, sidewalks, and/or streets can and will result in additional fees. I also understand that if at any time the City of Daphne appointed Law Enforcement, Code Enforcement, or other personnel feel that said rules and regulations are not being followed the function will be terminated with no refund of said fees.

I have read and understand the above, including the cancellation and indemnity policies.

APPLICANT SIGNATURE: _____



DATE: _____

5/30/22

INTERNAL USE ONLY

DATE REC'D: 6-1-2022

CITY CLERK: _____

FIRE DEPT: _____

APPROVED ROUTE: _____

POLICE DEPT: _____

ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: _____

SPORTS & RECREATION: _____

EVENT FEE: ☐ Paid \$ _____ CHK# _____

MARKETING & EVENTS: _____

☐ Waived: _____

** REVENUE: _____

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

AMENDMENT TO GROUND LEASE

THIS AMENDMENT TO THE GROUND LEASE AGREEMENT is made by and between the **CITY OF DAPHNE, ALABAMA**, An Alabama Municipal Corporation, ("CITY" or "LESSEE") and the **LAKE FOREST PROPERTY OWNERS' ASSOCIATION, INC.**, An Alabama Corporation ("LFPOA or LESSOR").

WITNESSETH:

WHEREAS, on or about September 20, 2016, the Lessor and the Lessee entered into a "Ground Lease" agreement which was recorded as instrument number 1594490 in the records of the Office of the Judge of Probate for Baldwin County, Alabama;

WHEREAS, the City has applied for and anticipates receiving an Alabama State Lands grant (the "Grant") wherein, using a combination of the Grant funds and municipal funds, the City plans improvements and enhancements of the Leased Land (the term "Leased Land" being defined in the Ground Lease and adopted herein by reference);

WHEREAS, the City has planned improvements and enhancements to the Leased Land that are part of the Grant application, a copy of a rough draft of the possible improvements and enhancements is attached hereto as Exhibit A (the "Improvements and Enhancements");

WHEREAS, it is anticipated that the Improvements and Enhancements will result in an increase in the attractiveness, usefulness, and value of the Leased Land, as well the adjoining additional property owned by Lessor, and is a thing of value to the LFPOA and its Members;

WHEREAS, the Grant requirements necessitate that the term of the Ground Lease be for a minimum of forty (40) years from the time the Grant is awarded, and the term of the lease must be extended in order for the City to meet the terms of the Grant and to successfully obtain the anticipated Grant;

WHEREAS, the Lessor agrees that the planned Improvements and Enhancements of the Leased Land, once completed, will increase the attractiveness, usefulness, and value of the Leased Land, as well the adjoining additional property owned by Lessor, and the same is true and adequate consideration for entering into this Amendment to the Ground Lease ("this Amendment"); and

WHEREAS, this Amendment, consisting of three pages, was approved by the City Council for the City of Daphne, Alabama and by the Board of Directors for the LFPOA.

NOW, THEREFORE, for and in consideration of the covenants and conditions herein to be kept, performed and observed, the parties agree as follows:

Article 2, Paragraph 2.01, is hereby amended to extend the Term of the Lease and shall state as follows:

"2.01 This Lease shall be for a term of Forty-Six (46) years ("Term"), commencing on the 1st day of October 2016, and ending on the 30th day of September, 2062, unless terminated at an earlier date for any reason set forth in the Ground Lease. This lease will be recorded in the office of the Judge of Probate of Baldwin County, Alabama as required by the Code of Alabama 1975."

In addition, the parties agree to add the following **Article 3, Paragraph 3.02** to the Lease:

3.02 Exhibit A to this Amendment is a rough sketch of planned Improvements and Enhancements. The Parties agree that, if the City if unable to secure the Grant funds anticipated herein within six (6) months of the date of execution of this Amendment, or does not substantially complete the planned Improvements and Enhancements within twelve (12) months of the date of execution of this Amendment, this Amendment shall be void and of no effect. In such event, the Parties shall execute a document cancelling, extinguishing, and terminating this Amendment, *ab initio*.

No other changes, modifications, or amendments to the Ground Lease are intended except as set out herein.

IN WITNESS WHEREOF, Lessor and Lessee have executed and signed this Lease or have caused this Lease to be executed and signed on this the ____ day of _____, 2022.

**LAKE FOREST PROPERTY
OWNERS' ASSOCIATION, INC.**

BY: _____

As its: _____

vice President (acting President)

ATTEST:

[Signature]
As Secretary of LFPOA

[Signature]
City Liaison for LFPOA

CITY OF DAPHNE, ALABAMA
(An Alabama municipal corporation)

BY: _____
As its Mayor

ATTEST:

Candace G. Antinarella, City Clerk

This instrument prepared, based on the information provided by the City and LFPOA, by:

Patrick Collins, LLC
PO Box 3062
Daphne, AL 36526
(251) 445-5849

REQD., "THRUFLOW PREMIUM DECKING SYSTEM" RPP 48 (12x48x1.2) PANELS
INSTALLED OVER PRESSURE TREATED 24"x12' WOOD FRAME @4:1 SLOPE INTO WATER.
CONTRACTOR TO ENSURE FIT OF PANELS SO PANELS DO NOT OVERHANG END OF FRAME.
SEE DETAIL SHEET C# FOR DETAIL.

REQD., CONCRETE ADDED TO
EDGE OF EXIST. CONCRETE
FOR 5' WIDE SIDEWALK

REQD., 12" FLUSH RIBBON
CURB, TYP.

REQD., PEDESTRIAN CROSSWALK
2' WIDE MARKING (WHITE)

REQD., 12" FLUSH RIBBON
CURB, TYP.

REQD., GROUND TO BE FLUSH WITH EDGE OF BOARDWALK
TO ALLOW EASY ACCESS BY WHEEL CHAIR WITH
NO GAP OR STEP BETWEEN LAND AND DECKING

REQD., 6' WIDE WOODEN BOARDWALK WITH
2"x6" PRESSURE TREATED WOOD DECKING.
SEE DETAIL SHEET C# FOR RAILING DETAIL.

TBM #1
NAIL IN UTILITY POLE
ELEV. 9.68'

REQD., (8 EA.) RELIANCE FOUNDRY R-7539-AL
POST COVER BOLLARDS @ 8' O.C.
SEE DETAIL SHEET C# FOR BOLLARD DETAIL

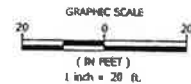
VARIABLE WIDTH NO-EXCLUSIVE
EASEMENT FOR INGRESS/EGRESS

REQD., 6' WIDE WOODEN BOARDWALK WITH
2"x6" PRESSURE TREATED WOOD DECKING.
SEE DETAIL SHEET C# FOR RAILING DETAIL.

REQD., (10 EA.) RELIANCE FOUNDRY R-7539-AL
POST COVER BOLLARDS @ 8' O.C.
SEE DETAIL SHEET C# FOR BALLARD DETAIL

REQD., GROUND TO BE FLUSH WITH EDGE OF BOARDWALK
TO ALLOW EASY ACCESS BY WHEEL CHAIR WITH
NO GAP OR STEP BETWEEN LAND AND DECKING

REQD., WOODEN FENCE



NOTES:

1. ALL NEW WORK SHOWN IN THESE PLANS SHALL COMPLY WITH
APPLICABLE STATE, FEDERAL AND LOCAL BUILDING AND UTILITY.

STATE OF ALABAMA)

ADCNR GRANT#: G-CDBA/21/CD

BALDWIN COUNTY)

GOMESA GRANT AGREEMENT WITH ACQUISITION PROVISION

THIS GOMESA GRANT AGREEMENT, (“Agreement”) is made and entered by and between the State of Alabama Department of Conservation and Natural Resources hereinafter, referred to as “ADCNR”, and City of Daphne, hereinafter referred to as “Grantee” (ADCNR and Grantee collectively hereinafter “Parties”).

In consideration of the mutual covenants herein contained, Grantee hereby agrees to perform, in proper sequence and in the time specified, all tasks necessary for successful completion of the project as hereinafter set forth.

1. **PROJECT PURPOSE AND IDENTITY:** The purpose of the Agreement is to provide funding under the Gulf of Mexico Energy Security Act of 2006 (GOMESA) to Grantee, in accordance with the authorized uses and purposes set forth in GOMESA, to acquire 8.5 acres directly adjacent to Bayfront Park in the City of Daphne as described in the Disbursement Justification attached as Exhibit A (“Project”).
2. **PROJECT SERVICES:** Grantee warrants and represents that it will use the GOMESA funds provided under this Agreement in accordance with approved GOMESA uses and consistent with all applicable state and federal laws. Furthermore, Grantee shall provide, in accordance with all applicable laws, executive orders, codes, regulations, etc., all the necessary labor, materials, services, and facilities to successfully complete the Project and fulfill all requirements of this Agreement including, but not limited to, requirements as set forth in Paragraphs 9 and 18.
3. **PROJECT PERFORMANCE PERIOD:** The Project Performance Period shall begin on the date of the Commissioner’s signature (“Project Commencement Date”) and end April 30, 2024.
4. **AGREEMENT TERM:** The Agreement Term for the fulfillment of all Project Services shall begin on the date of the Commissioner’s signature (“Effective Date”) and end ninety (90) days after the end of the Project Performance Period, unless extended in writing by ADCNR by amendment as provided herein.
5. **NOTICE TO PROCEED:** Grantee shall proceed with performing Project Services upon receipt of a fully executed Agreement which has been approved by the appropriate State of Alabama officials.

6. **FUNDING AMOUNT / PAYMENT:** ADCNR agrees to provide advance disbursement of GOMESA funds to Grantee for payment of Allowable Costs pursuant to a single payment, for a total Agreement amount not to exceed FOUR MILLION AND 00/100 (\$4,000,000.00) to allow satisfactory completion of all Project Services following full execution of this Agreement and submission by Grantee of an invoice for payment which shall include a reference to the Grant Number identified above. In the event these funds are not fully expended before the end of the Project Performance Period, the Grantee shall return the remaining funds to the ADCNR prior to the end of the Agreement Term in such manner as specified by ADCNR.
7. **CONTINGENCY / FUNDING AVAILABILITY:** Grantee acknowledges and agrees that the commencement and continuation of funding pursuant to this Agreement shall be specifically contingent upon the receipt and availability of GOMESA funding for this Project.
8. **ALLOWABLE COSTS:** Allowable Costs allowed under this Agreement shall be determined in accordance with Exhibit A, subject to all requirements of GOMESA, local, state, and federal laws, as well as other applicable requirements, including the following:
 - a. Grantee agrees that any expenditure related to any type of lower tier contract or subaward support prior to execution of a written agreement for such purpose shall not qualify as an Allowable Cost.
 - b. Grantee shall immediately notify ADCNR in writing in the event, subsequent to execution of this Agreement, it receives other financial assistance to support or fund any activity related to Project Services. Grantee further agrees that no costs funded by such other sources constitute Allowable Costs to be funded pursuant to this Agreement.
 - c. Grantee acknowledges that no pre-award costs or other costs incurred prior to the Effective Date of this Agreement shall constitute Allowable Costs, unless it receives express written approval from ADCNR.
 - d. Grantee agrees that all disbursed funds shall be expended solely for Allowable Costs and that the amount of any expenditure determined by ADCNR not to constitute an Allowable Cost shall be immediately returned to ADCNR in such manner as specified by ADCNR.
9. **REPORTS:** Grantee agrees to submit semi-annual financial and performance reports no later than April 30 and October 30 of each year following execution of this Agreement. The semi-annual reports shall provide supporting documentation detailing Allowable Cost expenditures and Project activities during the reporting period. The Grantee further agrees

to submit a Completion Report no later than ninety (90) days after the end of the Project Performance Period. The Completion Report must include a summary financial report detailing Project expenditures and a certification confirming both that Grantee has completed all Project Services and that all expenditures by Grantee of funds received pursuant to this Agreement constituted Allowable Costs. The Completion Report shall include supporting documentation establishing the Allowable Costs as to all expenditures, documents necessary to evidence successful Project completion, and any other documents to be maintained by ADCNR for purposes of recordkeeping and audit compliance. Additionally, if requested by ADCNR, data and reports generated or compiled within the scope of this Agreement shall be provided in digital format as may be specified by ADCNR. Grantee agrees that failure to submit such reports in a timely manner may result in the termination of this Agreement. All reports and correspondence submitted to ADCNR in connection with this Agreement shall be identified by the Grant Number identified above and shall be sent to the following:

Alabama Department of Conservation and Natural Resources
Attention: GOMESA Coordinator
31115 Five Rivers Blvd.
Spanish Fort, AL 36527

10. INDEMNIFICATION AND HOLD HARMLESS:

- a. Grantee agrees to protect, defend, indemnify, save and hold harmless the State of Alabama and ADCNR, and any and all of their officers, agents, and employees, from and against any and all claims, demands, expense and liability arising out of injury or death to any person, or the damage, loss or destruction of any property, which may occur or in any way grow out of, any act or omission of ADCNR, its officers, agents, and employees, the Grantee, and the Grantee's agents, servants, employees, and subcontractors. Grantee's obligation and duty to protect, defend, indemnify, save and hold harmless ADCNR and its agents and employees shall include and extend to any and all costs, expenses, attorney fees, judgements, awards, and settlements incurred by the parties or their agents or employees as a result of any claims, demands, and/or causes of action arising out of the performance of the obligations or objectives set forth herein. Grantee agrees to investigate, handle, respond to, provide defense for and defend any such claims, demand, or suit at its sole expense and agrees to bear all other costs and expenses related thereto, even if the claims are groundless, false or fraudulent.
- b. Grantee further agrees it releases from liability and waives its right to sue the State of Alabama and ADCNR, and their officers, agents, and employees, regarding any and all claims resulting in any physical injury, economic loss, or other damage or loss as a result of or related in any way to the Agreement.

- c. The provisions of this Paragraph 10 shall survive the Agreement Term and remain a continuing obligation of Grantee.

11. **CLAIMS FOR LIENS:** Grantee shall be solely liable for and shall hold the State of Alabama, all State Agencies, Boards and Commissions, along with the respective officers, agents, servants, employees, and volunteers of each, harmless from any and all claims or liens for labor, services or material furnished to Grantee in connection with the performance of its obligations under this Agreement.
12. **ASSIGNMENT / AMENDMENT:** Grantee shall not assign or otherwise transfer any interest in this Agreement without the prior written consent of ADCNR. ADCNR may from time to time, request amendments to various provisions of this Agreement. Such amendments, which are mutually agreed upon between ADCNR and Grantee, must be in writing and approved by all signatory/authorities prior to becoming effective.
13. **CLOSEOUT PROCESS:** The closeout process is the final reconciliation and reporting of program expenses and activities. This involves reviewing program expenditures and completion of deliverables, resolving any open commitments, collecting subrecipient documents, and submitting the required final reports, while adhering to the schedule developed by ADCNR. Grantee shall promptly finalize the closeout process upon the conclusion of the Project Performance Period. Any remaining payments or amounts otherwise due to Grantee may be withheld until all closeout documents and deliverables have been received by ADCNR.
14. **TITLE VI AND EQUAL EMPLOYMENT OPPORTUNITY:** The Grantee will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements issued pursuant to that title. In accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by this Agreement.
15. **SUCCESSORS AND ASSIGNS:** This Agreement shall be binding upon the successors and assigns of the respective Parties hereto.
16. **COMPLIANCE WITH LAWS:** The Grantee shall comply with all applicable laws, ordinances, regulations, and codes of the federal, state, and local governments in the performance of this Agreement. Grantee shall procure all applicable federal, state, and local permits and shall pay all said fees. Grantee further agrees and acknowledges that the ADCNR is relying upon the Grantee to maintain compliance with all provisions of GOMESA in connection with Project Services and related activities and expenditures.

17. **TAX / ASSESSMENT RESPONSIBILITY:** Grantee hereby agrees that the responsibility for payment of any taxes or assessments associated with the Project shall be the Grantee's obligation and shall be identified under the appropriate Tax Identification Number.
18. **ACCESS TO RECORDS:** The State of Alabama, through ADCNR auditors and/or Alabama Examiners of Public Accounts, and the Federal Government, through any of their duly authorized representatives, shall be entitled to audit the books, documents, papers, records of the Grantee, and any lower tier recipients which are reasonably related to this Agreement. Grantee agrees to assist with any such audit as requested by ADCNR and further agrees to the following:
- a. Grantee shall maintain all books, documents, papers, accounting records, and other evidence pertaining to costs incurred and shall make such materials available at their respective offices at all reasonable times during the Agreement period and for six (6) years after date of final payment under this Agreement or as otherwise required pursuant the Department of Conservation and Natural Resources Records Disposition Authority (requirements current as of date of this Agreement available at: https://archives.alabama.gov/officials/rdas/conservation_rda.pdf), whichever period expires later, for inspection by any of the above entities, and copies thereof shall be furnished, if requested.
 - b. Pursuant to Alabama Act No. 94-414, Grantee must forward a copy of every audit report issued in connection with funding provided under this Agreement where public funds are received and/or disbursed to: Department of Examiners of Public Accounts, P. O. Box 302251, Montgomery, Alabama 36130-2251, ATTN: Audit Report Repository; or to Central.Records@Examiners.Alabama.gov. Grantee shall also simultaneously therewith forward a copy of same to ADCNR.
 - c. The provisions of this Paragraph 18 shall survive the Agreement Term and remain a continuing obligation of Grantee.
19. **INSURANCE:** In addition, Grantee shall maintain in force, at its sole expense, liability insurance for injury or death or damage to property, in the amount of FIVE MILLION DOLLARS (\$5,000,000), and shall include ADCNR, its officers, employees, and agents, as additional insureds in said insurance policy. Grantee shall provide to ADCNR a current certificate of insurance and said insurance carrier or carriers shall be required to provide unto ADCNR at least thirty (30) days' written notice of any cancellation or modification of coverage under any such policies. Any notices required to be provided by ADCNR hereunder shall be made to General Counsel, State of Alabama Department of Conservation and Natural Resources, 64 North Union Street, Suite 474, Montgomery, Alabama, 36130.

20. TERMINATION: In addition to terms of Paragraphs 7 and 24, this Agreement may be terminated as follows:

- a. If, in the determination of ADCNR, Grantee fails to fulfill in timely and proper manner its obligations under this Agreement or violates any of the covenants, agreements or stipulations of this Agreement, ADCNR, in addition to all other available remedies, shall thereupon have the right to terminate this Agreement by giving written notice to Grantee, pursuant to Paragraph 30, of such termination and specifying the effective date thereof, at least fifteen (15) days before the effective date. In that event, at the option of ADCNR, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other material prepared by Grantee under this Agreement shall become the property of ADCNR.
- b. ADCNR may terminate this Agreement at any time without cause by giving written notice to Grantee, pursuant to Paragraph 30, of such termination and specifying the effective date thereof, at least thirty (30) days before the effective date. In that event, at the option of ADCNR, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other material prepared by Grantee under this Agreement shall become the property of ADCNR.
- c. If the Agreement is terminated by ADCNR, as provided herein, Grantee shall promptly submit a statement detailing the actual services performed and associated Allowable Costs to date of termination. The Grantee shall immediately return any remaining funds to ADCNR in such manner as specified by ADCNR.

21. PRESS / EVENTS: Grantee shall notify the ADCNR of the location, date, and time of any press conferences, press releases, etc. related to this Project at least five (5) working days prior to the scheduled event or release.

22. CONFLICT OF INTEREST CERTIFICATION: The Grantee by his/her/its signature, certifies to the best of his/her/its knowledge and belief, no conflicts of interest existed or now exist which have, may have or have had any effect on this Agreement or any expenditure of funds associated with this Agreement. In addition, in the event Grantee cannot maintain this certification at any point during the Agreement Term, Grantee shall immediately notify ADCNR in writing at the address set forth in Paragraph 30 and suspend performance of services under this Agreement as well as any expenditure of funds under this Agreement until the potential conflict of interest is resolved to ADCNR's satisfaction.

23. NONDISCRIMINATION: Grantee agrees to comply with all federal and state laws which prohibit discrimination, including on the basis of race, color, religion, age, sex, pregnancy, national origin, genetic information, veteran status or disability.

24. **PRORATION:** In the event of the proration of the fund from which payment under this Agreement is to be made, the Agreement will be subject to termination.
25. **NOT A DEBT OF THE STATE:** It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this Agreement shall contravene any statute or constitutional provision or amendment, either now in effect or which may, during the course of this Agreement, be enacted, then that conflicting provision in the Agreement shall be deemed null and void.
26. **ALTERNATIVE DISPUTE RESOLUTION:** In the event of any dispute between the Parties, senior officials of both Parties shall meet and engage in a good faith attempt to resolve the dispute. Should that effort fail and the dispute involves the payment of money, a party's sole remedy is the filing of a claim with the Board of Adjustment of the State of Alabama. For any and all other disputes arising under the terms of this Agreement which are not resolved by negotiation, the Parties agree to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation. Such dispute resolution shall occur in Montgomery, Alabama, utilizing where appropriate, mediators selected from the roster of mediators maintained by the Center For Dispute Resolution of the Alabama State Bar.
27. **IMMIGRATION:** By signing this Agreement, the Grantee affirms, for the duration of the Agreement, that it will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, if found to be in violation of this provision, Grantee shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.
28. **NOT ENTITLED TO MERIT SYSTEM:** Grantee understands and agrees that nothing in this Agreement entitles Grantee to any benefits of the Alabama State Merit System.
29. **BOYCOTT:** In compliance with Alabama Act No. 2016-312, Grantee hereby certifies that it is not currently engaged in, and will not engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which the State can enjoy open trade.
30. **NOTICE:** Contact information of Parties for purposes of providing notice pursuant to the terms of this Agreement will be as set forth below, unless and until updated information is provided:

All notices required to be given to ADCNR shall be sufficient if sent by certified mail or overnight courier to the following address:

To ADCNR:

Attention: Christopher M. Blankenship, Commissioner
Alabama Department of Conservation and Natural Resources
64 N. Union St., Suite 468
Montgomery, AL 36130

All notices required to be given to the Grantee shall be sufficient if sent by certified mail or overnight courier to the following address:

To Grantee:

Attention: Robin LeJeune, Mayor
City of Daphne
1705 Main Street
Daphne, AL 36526

31. **SEVERABILITY:** In the event any terms or provisions of this Agreement are deemed to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining terms or provisions hereof.
32. **GOVERNING LAW / SOVEREIGN IMMUNITY:** This Agreement and related matters shall be construed in accordance with and governed by the substantive and adjective laws of the State of Alabama, including but not limited to the State's right of immunity from suit as provided by Article 1 Section 14 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, without regard to its conflicts of law provisions.
33. **CHOICE OF LAW / VENUE:** Grantee agrees that the laws of the State of Alabama shall govern and be controlling and binding over the provisions of the rights herein granted, and that, notwithstanding any provision to the contrary, the venue of any legal action brought in connection herewith shall be the Circuit Court of Montgomery County, Alabama.
34. **ENFORCEMENT OF RIGHTS AND OBLIGATIONS:** Failure of ADCNR to strictly or promptly enforce the rights and obligations herein shall not operate as a waiver thereof.
35. **FORCE MAJEURE:** In the case of a Force Majeure Event as defined herein, ADCNR reserves the right to immediately terminate the Agreement without prior notice to Grantee. Should this occur, neither party shall be liable for or be considered in breach of this Agreement due to any failure to perform its obligations as a result of a cause beyond its

control, including, without limitation: (i) acts of God; (ii) flood, fire or explosion; (iii) actions, embargoes, quarantines, or blockades in effect on or after the date of this Agreement; (iv) national, state, or regional emergency whether ongoing or occurring on or after the date of this Agreement; (v) public health emergencies, outbreak, epidemic, or pandemic, whether ongoing or occurring on or after the date of this Agreement, including, without limitation, COVID-19; or (vi) any other event which is beyond the reasonable control of such party (each of the foregoing, a "Force Majeure Event").

36. **NO AGENCY:** By entering into this Agreement, Grantee understands and agrees it is not an agent of the State, its officers, employees, agents or assigns. The Grantee is an independent entity from the State and nothing in this Agreement creates an agency relationship between the Parties.

37. **PROPERTY RESTRICTIONS ON THE USE OF REAL PROPERTY:** Grantee must at all times comply with the applicable real property requirements. Encumbering real property without prior approval from ADCNR is an unauthorized use of the property and of Project funds granted pursuant to this Agreement. Real property or interest in real property may not be used for purposes other than the authorized purposes of this Agreement. The property must not be sold, conveyed, transferred, assigned, mortgaged, or in any other manner encumbered except as expressly authorized in writing by ADCNR.

In the event that the real property or interest in real property is no longer needed for the originally authorized purpose, the Grantee must obtain disposition instructions from ADCNR.

38. **RECORDING THE FEDERAL INTEREST IN THE REAL PROPERTY:** Grantee must obtain prior written permission from ADCNR Commissioner to modify the use of, change the terms of, encumber, or convey title to, the interest in the real property acquired under this Agreement. The Grantee will protect the interest by including the following language within the recorded deed:

This property was acquired (in whole or in part) with funds provided by the State of Alabama Department of Conservation and Natural Resources ("ADCNR"), pursuant to ADCNR Grant Agreement Number G-CDBA/21/CD ("Grant Agreement"), and will be managed consistent with the authorized purposes of the Grant Agreement, in accordance with applicable Federal and State Law. Property may not be encumbered or disposed of in any manner without the prior written approval of the ADCNR Commissioner.

39. **COUNTERPARTS:** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

40. **SUPERSEDES:** ADCNR and grantee represent that this agreement supersedes all proposals, oral and written, all previous contracts, agreements, negotiations, and all other communications between the parties with respect to the subject matter hereof.
41. **REVIEW AND EXECUTION:** Grantee acknowledges and agrees that it has had the opportunity to seek legal counsel in connection with reviewing and executing this Agreement. Accordingly, any rule of law or legal decision potentially requiring interpretation of any claimed ambiguity in this Agreement against the drafting party shall have no application and is expressly waived by Grantee.

[Signatures on following page]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their respective officers thereunto duly authorized.

ADCNR:

GRANTEE:

Christopher M. Blankenship
Commissioner

Signature

Date: _____

Printed Name

Title

EXHIBIT A

State of Alabama

Gulf of Mexico Energy Security Act

of 2006 Disbursement Justification

Background:

The Gulf of Mexico Energy Security Act (GOMESA) was enacted by Congress in 2006 and significantly enhances outer Continental Shelf (OCS) oil and gas leasing activities and revenue sharing in the Gulf of Mexico. Among other things, GOMESA provides for enhanced sharing of leasing revenues with Gulf producing states and the Land & Water Conservation Fund for Coastal Restoration projects. The GOMESA authorizes uses of the proceeds for the following purposes:

- a. Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses;
- b. **Mitigation of damage to fish, wildlife, or natural resources;**
- c. **Implementation of a federally approved marine, coastal, or comprehensive conservation management plan;**
- d. **Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects; and**
- e. Planning assistance and the administrative costs.

Project Description:

The City of Daphne is a vibrant community located along Mobile Bay and Interstate 10 in coastal Baldwin County. It has been recognized nationally for its high quality of life due to excellent public schools, access to technical and professional employment opportunities, diverse housing markets, and a variety of parks and natural areas. Mayor Robin LeJeune and the City Council have prioritized the expansion of the City's public access and waterfront parks, linking these areas from Interstate 10 south to Mayday Park creating a multi-use network of water-based connections for residents and visitors to access and enjoy Mobile Bay. The crown jewel of these waterfront parks is Bayfront Park as it provides direct access to a public beach area for outdoor recreation, hiking, paddle boarding, birdwatching, kayaking, and stunning views of the sunset.

Through the development of a comprehensive master plan for Bayfront Park, the City of Daphne leaders have envisioned a future Bayfront Park with an outdoor event space, amphitheater, waterfront boardwalk, food truck staging area, pier, splash pad and playground. This project will highlight the natural importance of Mobile Bay as it will provide increased public access, while attracting travelers passing through Baldwin County and creating tourism opportunities for events along the Eastern Shore. This acquisition will also provide a gateway to Olde Towne Daphne, highlighting the combination of local eateries and residential areas in a vibrant walkable community. This project will build upon other successful projects such as the Lake Forest public boat ramp and recently dredge channel north of Bayfront Park.

This acquisition will utilize \$4,000,000 of the GOMESA funds to purchase the Infirmary Health Systems Property (former Thomas Hospital) within the City of Daphne. The estimated purchase price for the 8.5-acre parcel is \$6,400,000 and the City of Daphne will provide the additional funds. Along with the 8.5 acres, the parcel also contains a commercial building and parking lot and is directly adjacent to the existing Bayfront Park in Daphne (Figure 1).

The addition of this property to Bayfront Park will result in numerous positive impacts to Mobile Bay, the City of Daphne, and Baldwin County. The existing commercial building will be used as a Recreation Center by the City of Daphne. The parking lot will be used for overflow parking for events at Bayfront Park (Figure 2) which will help minimize impacts to the natural areas and wetlands along the existing waterfront. Recently, the City of Daphne sought input from its citizens on the future of Daphne through the development of a Citywide Comprehensive Plan. The City received resounding support from the public for Daphne to expand waterfront parks and public access areas. This project has received support from the Village Point Park Foundation, the Olde Towne Daphne Community organization, and the City of Daphne Downtown Redevelopment Authority. Furthermore, once this grant award was announced on social media, the project received a great deal of praise and support from Daphne's residents.

This acquisition will increase waterfront access by providing additional parking, while also increasing the recreational use along Mobile Bay. The Mobile Bay National Estuary Program has developed an approved plan entitled 'Comprehensive Conservation & Management Plan for Alabama's Estuaries & Coast 2019-2023'. This Plan includes Ecosystem and Restoration Planning Strategies, which seek to restore and expand human connections to nature as a mechanism for improving environmental protection.

Project Duration:

This project is expected to take approximately twenty-four (24) months from the execution of the Agreement.

Project Costs:

Funding will be provided to the Grantee as one (1) installment.

The installment for the Land Acquisition Cost will be disbursed following execution of the Agreement and upon receipt of an invoice for Allowable Costs and also submission of the following items to be reviewed and approved by ADCNR, which shall include (1) evidence of the appraised value of acquisition acreage (appraisal performed by MAI appraiser to USPAP or Yellow Book standard); (2) a copy of an environmental site assessment(s) showing no recognized environmental conditions and recommending no further action; (3) a copy of a survey performed by an Alabama licensed appraiser detailing the property to be acquired with GOMESA funding; (4) a copy of the deed with required Agreement language to be executed at closing; (5) title commitment evidencing title insurance to be secured at closing as to all acreage serving as the basis for the not-to-exceed appraised value acquisition cost; and (6) a closing statement to be executed at closing.

No later than 10 days after the closing of the Land Acquisition, Grantee shall submit to ADCNR: (1) a copy of the recorded deed with required Agreement language; (2) final title policy as to all acreage serving as the basis for the not-to-exceed appraised value acquisition cost; and (3) the executed closing statement.

Anticipated Costs:

Installment	Category	Estimated Cost
1	Land Acquisition Cost (Not to Exceed Appraisal Cost)	\$4,000,000.00
GOMESA TOTAL NOT TO EXCEED		\$4,000,000.00

Category line items above are general descriptions of the type of activities anticipated to be necessary in order to achieve project completion. These categories may include itemized personnel time and/or contract services associated with project activities. In addition, the final costs of project activities may vary from the individual line-item estimates set forth above. However, funding shall in no event exceed the total amount of approved funding for Allowable Costs as set forth pursuant to the Grant Agreement.

Nexus to Authorized Use:

This project meets the criteria set forth in authorized use (b) Mitigation of damage to fish, wildlife, or natural resources; (c) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan; and (d) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

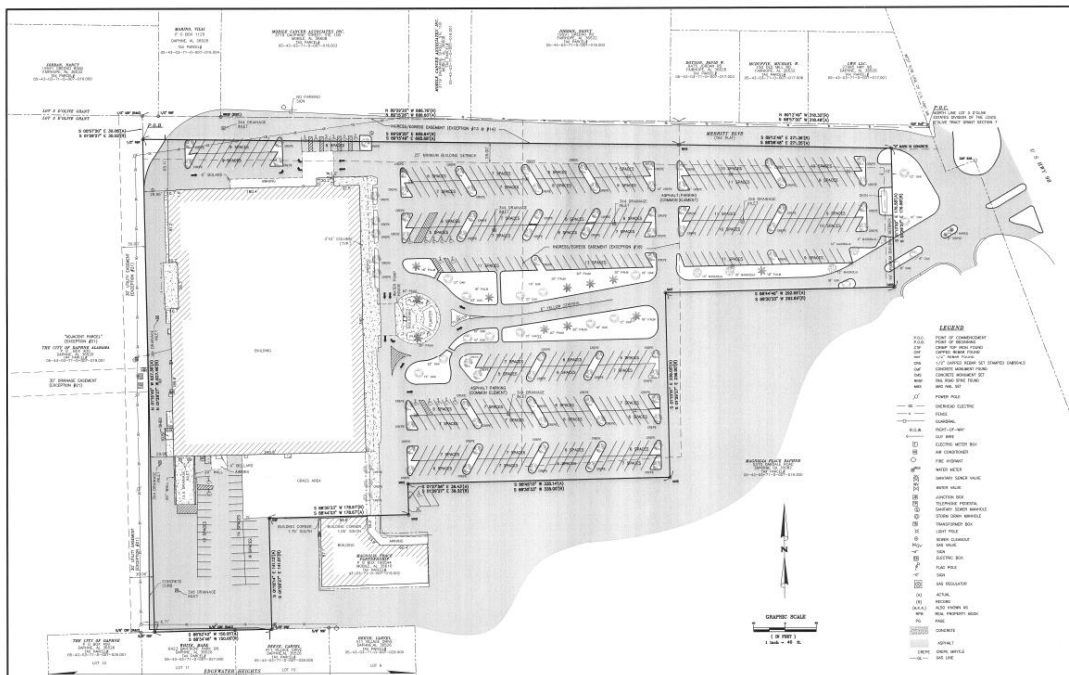
Submitted and Approved By:

Robin LeJeune, Mayor
City of Daphne

Figure 1: Proposed 8.5 Acre Parcel for Acquisition



Figure 2: Parcel Survey





**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: May 31, 2022
TO: Office of the City Clerk *Adj*
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: KJC Investments, L.L.C. Pre-Zoning Amendment

PRESENT ZONING: B-1, Professional Business, B-2, Neighborhood Business, and RSF-2, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

PROPOSED PRE-ZONING: B-2, General Business

LOCATION: Southeast of the intersection of County Road 64 and Friendship Road

RECOMMENDATION: At the May 24, 2022 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried unanimously for a favorable recommendation for the above captioned zoning amendment.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Pre-zoning Application
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Adjacent Property Owners List

KJC INVESTMENTS, LLC

PREZONING



Zoning Classification:

Baldwin County – B-1, Professional Business, B-2, Neighborhood Business, RSF-2, Residential

Surrounding Zonings/Uses:

- **North**—B-2, General Business, B-1, Professional Business (ETJ)
- **South**—R-A, Rural Agricultural (ETJ)
- **West**—B-2, General Business and B-1, Local Business
- **East**— B-1, Professional Business

Existing Utility Service Providers: Belforest Water, Riviera Utilities, AT&T, Daphne Utilities

Affected City Service Providers: Fire Station 5, Police Beat 1

Staff Recommendation to PC: *Favorable*

Proposed Zoning:

B-2, General Business

Development Concept:

Commercial Multi-Tenant

Council District:

4

Existing Conditions:

52.48 ac

Planning Commission

5/26/22 Unanimously favorable

The Comprehensive Plan:

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan.

Goal: Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation, and education goals in a manner that maintains and promotes Daphne's unique image and quality of life. Objective: Encourage development of sound and cohesive residential areas which meet the housing needs of current and potential residents.

Goal: Grow sensibly by anticipating land use needs. Objective: Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. Objective: Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed. Objective: Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations. Objective: Integrate recreational resources with residential neighborhoods to insure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

PROPOSAL:

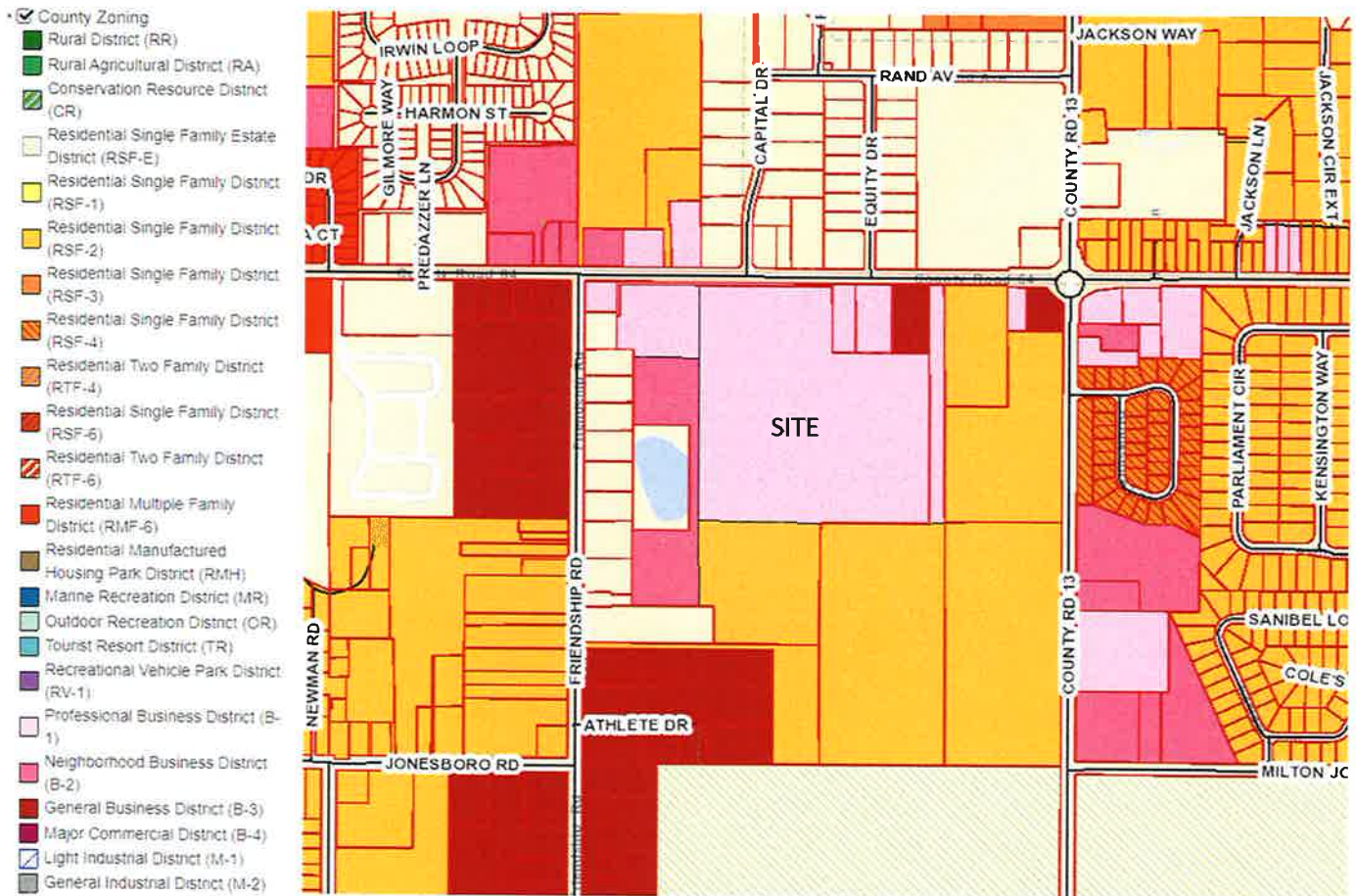
The applicant proposes to pre-zone the subject property to B-2, General Business. No proposed development plan has been submitted to support the application. The land adjoins several existing land uses a funeral home, an office, a gym, a residence, a church, undeveloped land in a commercial subdivision, and Bayside Academy's sports fields.

The site is adjacent to Italian Settlement Business Park which is located to the west of the subject property. That land (to the west) was originally zoned and annexed as B-1, Local Business. 10 years later, Italian Settlement was rezoned to B-2, General Business. Land located to the northeast was recently annexed and zoned B-2, General Business on January 3, 2022. B-2 zoning is consistent with the adjacent parcels that are inside the corporate limits as well as the land to the north located in Austin Place Commercial Park (across County Road 64).

RECOMMENDATIONS:

Staff offers a favorable recommendation due to the proximity to B-2 zoned property and in light of the information provided regarding the future use of the property. On 5/26/22 , ***the Planning Commission rendered a unanimously favorable recommendation to Council for approval of the proposed zoning.***

County Zoning Map Excerpt does not reflect recent annexation of land into the city.



CITIZEN PARTICIPATION:

One letter of opposition was presented and is included for review. The land owner also presented these concerns in person to the Planning Commission.

March 21, 2022

Adrienne D. Jones, AICP
Director, Community Development
1705 Main Street
Daphne, AL 36526

Dear Ms. Jones,

We received your letter concerning the pre-zoning of 52.48 acres as General Business for KJC Investments, L.L.C. located southeast of the Intersection of County Road 64 and Friendship Road. Our property located at 25604 Friendship Road, Daphne, AL 36526 runs adjacent to the south side of that acreage. We have owned this property since 2001 and express a number of concerns regarding the commercial use of the above agricultural land.

We have always appreciated the privacy afforded by the agricultural use and have reservations as to how the developer proposes to provide privacy fencing with landscaping along the adjoining line of the development. Also we feel it is reasonable to request a 50 foot buffer zone along the southern line parallel to our property. Another concern would be that our private driveway would become an easy access/egress for vehicles wishing to vacate the proposed development.

We respectfully request that the Planning Commission receive copies of this letter, and are willing to meet and talk with relevant parties pertaining to this matter.

Sincerely,

Donna and Noel Eagleson
25604 Friendship Road
Daphne, AL 36526

Donna's email: donnahare71@hotmail.com
Noel's email: noeagleson@gmail.com

Donna's phone: (251) 421-3896
Noel's phone: (251) 404-3216

APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Application Number:

ZA- or PZA- 22-02

Date Submitted

Feb. 24, 22

Planning Commission Public

Hearing Date:

~~April 28, 2022~~

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

~~March 24, 22~~
May 26, 2022

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

KJC Investments, LLC

PPIN#(s): 010505

Gross Site Area (acreage): **52.48**

Requested Zoning or Pre-Zoning: **B-2**

Current Zoning Designation(s):

B1, B2 & RSF-2

Amended Request:

Initials:

Date:

Current Land Use: **Vacant**

Anticipated Land Use:

Commercial Multi tenant

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

**If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.*

Name of Current Owner: **KJC Investments, LLC**

Mailing Address: **27180 Pollard Rd. Daphne, AL 36526**

251-625-1198

Phone/Fax: **permitting@terraco**
E-mail: **rededv.com**

Name of Authorized Agent: **JADE Consulting, LLC**

Mailing Address: **208 N. Greeno Rd., Ste. C, Fairhope, AL 36532**

251-928-3443

Phone/Fax: **tjinright@jadengineer**
E-mail: **s.com**

Name of Developer*:

KJC Investments, LLC

Phone/Fax:
E-mail:

Other:

Phone/Fax:
E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature: Kirby J. Coy

Date 2/24/2022

Agent's Signature:

Date

52.48 ACRE PARCEL

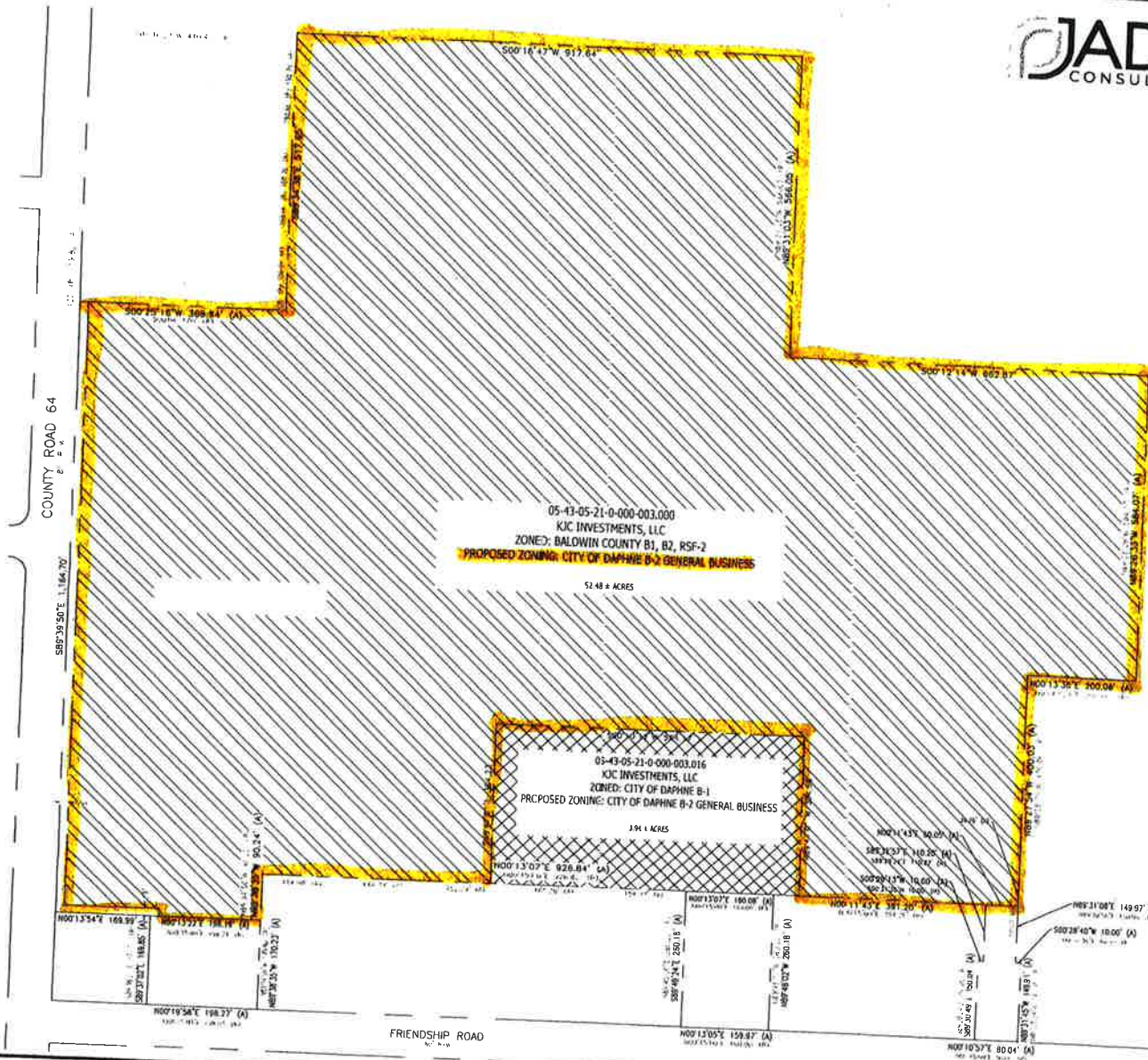
STATE OF ALABAMA
COUNTY OF BALDWIN

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-37'-55" WEST A DISTANCE OF 756.54 FEET; THENCE RUN SOUTH 00°-16'-21" WEST A DISTANCE OF 410.42 FEET TO A CAPPED REBAR (GARSE) AT THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE RUN SOUTH 00°-16'-47" WEST A DISTANCE OF 917.64 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN NORTH 89°-31'-03" WEST A DISTANCE OF 566.05 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN SOUTH 00°-12'-14" WEST A DISTANCE OF 662.87 FEET TO A CAPPED REBAR (10675) AT THE NORTHEAST CORNER OF LOT 4, TRIONE TRACE, AS RECORDED ON SLIDE 1594-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-28'-33" WEST ALONG THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 584.07 FEET TO A CAPPED REBAR (0089LS) AT THE SOUTHEAST CORNER OF LOT 10-A, AMENDED PLAT, ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, REPLAT OF LOT 10, AS RECORDED ON SLIDE 2778-F OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-13'-38" EAST ALONG THE EAST LINE OF SAID LOT 10-A A DISTANCE OF 200.06 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF SAID LOT 10-A; THENCE RUN NORTH 89°-27'-54" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 400.03 FEET TO A CAPPED REBAR (HMR); THENCE RUN NORTH 89°-31'-08" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 39.76 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF A PARCEL LABELED "RESERVED FOR FUTURE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, AS RECORDED ON SLIDE 2439-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-11'-43" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 404.37 FEET; THENCE RUN SOUTH 89°-47'-01" EAST A DISTANCE OF 304.69 FEET; THENCE RUN NORTH 00°-10'-12" EAST A DISTANCE OF 564.17 FEET; THENCE RUN NORTH 89°-47'-01" WEST A DISTANCE OF 304.23 FEET TO THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-07" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 409.55 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF LOT 2 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 89°-38'-35" WEST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 90.24 FEET TO A CAPPED REBAR (ILLEGIBLE) AT THE SOUTHEAST CORNER OF LOT 1 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-22" EAST ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 183.19 FEET; THENCE RUN SOUTH 89°-37'-02" EAST A DISTANCE OF 15.00 FEET; THENCE RUN NORTH 00°-13'-54" EAST A DISTANCE OF 170.00 FEET; THENCE RUN SOUTH 89°-39'-50" EAST ALONG A LINE 15 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 (80' R/W) A DISTANCE OF 1,149.65 FEET; THENCE RUN SOUTH 00°-25'-16" WEST A DISTANCE OF 354.94 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 89°-34'-38" EAST A DISTANCE OF 517.65 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 52.48 ACRES, MORE OR LESS.



JINRIGHT & ASSOCIATES DEVELOPMENT ENGINEERS
208 Green Road N., Ste. C Fairhope, Alabama 36532
P.O. Box 1929 Fairhope, Alabama 36533
Phone: (251) 928-3443 Fax: (251) 928-3665
jadengineers.com

DATE: 2/24/2022



LEGEND



ANNEX TO CITY OF DAPHNE AND ZONE
B-2 GENERAL BUSINESS



REZONE TO CITY OF DAPHNE B-2
GENERAL BUSINESS

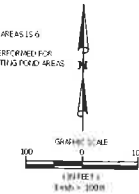
PROPOSED ZONING MAP:
APPROX. 56.42 ACRES
COUNTY ROAD 64
AND
FRIENDSHIP ROAD
DAPHNE, AL



Jinaghi & Associates Development Engineers
 205 Genesis Road 11, Ste C Fairhope, Alabama 36532
 P.O. Box 3920 Fairhope, Alabama 36533
 Phone (251) 926-3443 Fax (251) 926-3465
 jadeengineers.com

NOTES:

1. MINIMUM SIDEWALK WIDTH IN ALL COMMERCIAL AREAS IS 6'
2. SITE WILL NEED A HISTORICAL DOCUMENTATION PERFORMED FOR JURISDICTIONAL DETERMINATION ON THE EXISTING POND AREAS



LEGEND

- PROPERTY LINE
- PROPOSED ASPHALT
- PROPOSED GRAVEL/DIRT/CRUSHER (BLACKTOP/GRASS)
- PROPOSED GRAVEL SERVICE YARD
- PROPOSED GRAVEL SERVICE YARD

COMMERCIAL DEVELOPMENT CONCEPT
 APPROX. 60.73 ACRES
 PROPOSED COMMERCIAL DEVELOPMENT
 FRIENDSHIP ROAD & CR 64
 DAPHNE, AL

DATE: 05/12/22

COMMUNITY DEVELOPMENT



March 11, 2022

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for KJC Investments, L.L.C. containing 52.48 acres +/- located southeast of the intersection of County Road 64 and Friendship Road, zoned B-1, Professional Business, B-2, Neighborhood Business, and RSF-2, Single Family Residential, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, to be pre-zoned as B-2, General Business. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, March 16, 2022 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairwoman.

The public hearing will be held by the Daphne Planning Commission on Thursday, March 24, 2022 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones, AICP,
Director of Community Development

KJC Investments, L.L.C. Pre-Zoning Amendment

Adjacent Property Owner list

Parcel N	Pin	Owner Name	Address	City	State	Zip
05-43-05-21-0-000-003.010	322630	ACK ENTERPRISES LIMITED	25558 FRIENDSHIP RD STE C	DAPHNE	AL	36507
05-43-05-21-0-000-003.000	10505	AJD FAMILY LIMITED PARTNERSHIP	P O BOX 1472	DAPHNE	AL	36526
05-43-05-21-0-000-003.005	322625					
05-43-05-21-0-000-003.011	322631					
05-43-05-21-0-000-003.015	325692					
05-43-05-21-0-000-003.017	325697					
05-43-05-21-0-000-003.002	242500	BAYSIDE ACADEMY INC	303 DRYER AVE	DAPHNE	AL	36526
05-43-05-16-0-000-025.000	43201	BENDER CLINICS DAPHNE L L C	33120 BOARDWALK DR	SPANISH FORT	AL	36527
05-43-05-21-0-000-003.003	300200	CIS AGENCY INCORPORATED	950 BROAD ST S	MOBILE	AL	36603
05-43-05-21-0-000-047.000	43199	CUNNINGHAM, DONNA H	25604 FRIENDSHIP RD	DAPHNE	AL	36526
05-43-05-21-0-000-003.006	322626	D BISHOP L L C	1203 US HWY 98, Ste. 1C	DAPHNE	AL	36526
05-43-05-21-0-000-003.007	322627		P O BOX 1472	DAPHNE	AL	36526
05-43-05-21-0-000-003.004	300201	DEFILIPPI, PATRICIA IRIS	25604 FRIENDSHIP RD	DAPHNE	AL	36526
05-43-05-21-0-000-047.000	43199	EAGLESON, ALFRED NOEL ETAL EAGLESON, DON	P O BOX 577	DAPHNE	AL	36526
05-43-05-16-0-000-023.014	227651	ENGLISH, LEROY T	8621 CO RD 64	DAPHNE	AL	36526
05-43-05-16-0-000-023.002	120001	GULLEDGE, RHONDA GIPSON ETAL GULLEDGE, D	10142 CO RD 64	DAPHNE	AL	36526
05-43-05-16-0-000-023.026	345267		32128 BROKEN BRANCH CIR	SPANISH FORT	AL	36527
05-43-05-21-0-000-003.008	322628	KINDERKIDS LEARNING CENTER INC	P O BOX 3102	DAPHNE	AL	36526
05-43-05-21-0-000-003.000	10505	KJC INVESTMENTS L L C	28912 BAY BRANCH DR	DAPHNE	AL	36526
05-43-05-21-0-000-003.016	325696		P O BOX 1543	DAPHNE	AL	36526
05-43-05-21-0-000-003.005	322625		26032 CAPITAL DR	DAPHNE	AL	36526
05-43-05-21-0-000-003.006	322626		23215 DOVECOTE LANE	FAIRHOPE	AL	36532
05-43-05-21-0-000-003.011	322631		5955 AIRPORT BLVD	MOBILE	AL	36608
05-43-05-21-0-000-003.015	325692		408 RIDGEWOOD DR	DAPHNE	AL	36526
05-43-05-21-0-000-003.016	325696					
05-43-05-16-0-000-021.001	216565	L CHASON INVESTMENTS L L C				
05-43-05-21-0-000-002.000	3179	L&R VENTURES L L C				
05-43-05-21-0-000-003.012	322632	MATADOR HOLDINGS L L C				
05-43-05-21-0-000-003.013	322633					
05-43-05-16-0-000-023.015	227652	NITE PRODUCTIONS L L C				
05-43-05-16-0-000-023.021	234572	PAC L L C				
05-43-05-16-0-000-023.005	222810	PAM BUILDING CORPORATION				
05-43-05-21-0-000-003.009	322629	RAINER CO L L C				

Adjacent Property Owner list

05-43-05-16-0-000-024.000	16498	RIVIERA PARTNERS L L C				
05-43-05-21-0-000-003.001	10502	SIRMON, J GORDON ETAL SIRMON, SHIRLEY D	112 NORTH HOYLE AVE	BAY MINETTE	AL	36507
05-43-05-21-0-000-047.001	203048	ST STEPHEN C E C CHURCH	25359 CO RD 54 EAST	DAPHNE	AL	36526
05-43-05-21-0-000-003.014	322634	WILLISSON PROPERTIES L L C	P O BOX 1346	FAIRHOPE	AL	36533
			20690 LOWRY DR	FAIRHOPE	AL	36532

March 21, 2022

Adrienne D. Jones, AICP
Director, Community Development
1705 Main Street
Daphne, AL 36526

Dear Ms. Jones,

We received your letter concerning the pre-zoning of 52.48 acres as General Business for KJC Investments, L.L.C. located southeast of the Intersection of County Road 64 and Friendship Road. Our property located at 25604 Friendship Road, Daphne, AL 36526 runs adjacent to the south side of that acreage. We have owned this property since 2001 and express a number of concerns regarding the commercial use of the above agricultural land.

We have always appreciated the privacy afforded by the agricultural use and have reservations as to how the developer proposes to provide privacy fencing with landscaping along the adjoining line of the development. Also we feel it is reasonable to request a 50 foot buffer zone along the southern line parallel to our property. Another concern would be that our private driveway would become an easy access/egress for vehicles wishing to vacate the proposed development.

We respectfully request that the Planning Commission receive copies of this letter, and are willing to meet and talk with relevant parties pertaining to this matter.

Sincerely,

Donna and Noel Eagleson
25604 Friendship Road
Daphne, AL 36526

Donna's email: donnahare71@hotmail.com
Noel's email: noeleagleson@gmail.com

Donna's phone: (251) 421-3896
Noel's phone: (251) 404-3216

52.48 ACRE PARCEL

STATE OF ALABAMA
COUNTY OF BALDWIN

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-37'-55" WEST A DISTANCE OF 756.54 FEET; THENCE RUN SOUTH 00°-16'-21" WEST A DISTANCE OF 410.42 FEET TO A CAPPED REBAR (GARSE) AT THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE RUN SOUTH 00°-16'-47" WEST A DISTANCE OF 917.64 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN NORTH 89°-31'-03" WEST A DISTANCE OF 566.05 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN SOUTH 00°-12'-14" WEST A DISTANCE OF 662.87 FEET TO A CAPPED REBAR (10675) AT THE NORTHEAST CORNER OF LOT 4, TRIONE TRACE, AS RECORDED ON SLIDE 1594-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-28'-33" WEST ALONG THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 584.07 FEET TO A CAPPED REBAR (0089LS) AT THE SOUTHEAST CORNER OF LOT 10-A, AMENDED PLAT, ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, REPLAT OF LOT 10, AS RECORDED ON SLIDE 2778-F OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-13'-38" EAST ALONG THE EAST LINE OF SAID LOT 10-A A DISTANCE OF 200.06 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF SAID LOT 10-A; THENCE RUN NORTH 89°-27'-54" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 400.03 FEET TO A CAPPED REBAR (HMR); THENCE RUN NORTH 89°-31'-08" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 39.76 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF A PARCEL LABELED "RESERVED FOR FUTURE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, AS RECORDED ON SLIDE 2439-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-11'-43" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 404.37 FEET; THENCE RUN SOUTH 89°-47'-01" EAST A DISTANCE OF 304.69 FEET; THENCE RUN NORTH 00°-10'-12" EAST A DISTANCE OF 564.17 FEET; THENCE RUN NORTH 89°-47'-01" WEST A DISTANCE OF 304.23 FEET TO THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-07" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 409.55 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF LOT 2 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 89°-38'-35" WEST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 90.24 FEET TO A CAPPED REBAR (ILLEGIBLE) AT THE SOUTHEAST CORNER OF LOT 1 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-22" EAST ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 183.19 FEET; THENCE RUN SOUTH 89°-37'-02" EAST A DISTANCE OF 15.00 FEET; THENCE RUN NORTH 00°-13'-54" EAST A DISTANCE OF 170.00 FEET; THENCE RUN SOUTH 89°-39'-50" EAST ALONG A LINE 15 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 (80' R/W) A DISTANCE OF 1,149.65 FEET; THENCE RUN SOUTH 00°-25'-16" WEST A DISTANCE OF 354.94 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 89°-34'-38" EAST A DISTANCE OF 517.65 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 52.48 ACRES, MORE OR LESS.



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: May 31, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development *Adj*
SUBJECT: KJC Investments, L.L.C. Zoning Amendment

PRESENT ZONING: B-1, Local Business

PROPOSED PRE-ZONING: B-2, General Business

LOCATION: Southeast of the intersection of County Road 64 and Friendship Road

RECOMMENDATION: At the May 26, 2022 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried unanimously for a favorable recommendation for the above captioned zoning amendment.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Rezoning Application
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Adjacent Property Owners List

KJC INVESTMENTS, LLC REZONING REQUEST



Zoning Classification:
B-1, Local Business

Surrounding Zonings/Uses:

- **North**— B-1, Professional Business (ETJ)
- **South**— B-1, Professional Business (ETJ)
- **West**—B-2, General Business
- **East**— B-1, Professional Business (ETJ)

Existing Utility Service Providers: Belforest Water, Riviera Utilities, AT&T, Daphne Utilities

Affected City Service Providers: Fire Station 5, Police Beat 1

Staff Recommendation to PC: *Favorable* recommendation to City Council.

Proposed Zoning:
B-2, General Business

Development Concept:
Commercial Multi-tenant

Council District:
4

Existing Conditions:
3.94 ac

Planning Commission
5/26/22 Unanimously favorable

THE COMPREHENSIVE PLAN:

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan.

Goal: Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life. Objective: Encourage development of sound and cohesive residential areas which meet the housing needs of current and potential residents.

Goal: Grow sensibly by anticipating land use needs. Objective: Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. Objective: Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed. Objective: Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations. Objective: Integrate recreational resources with residential neighborhoods to ensure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

PROPOSAL:

The applicant proposes to rezone the subject property to B-2, General Business. *A proposed development plan has been submitted to support the application.* The site is adjacent to Italian Settlement Business Park which is located to the west of the subject property. The land along Friendship Road was originally zoned and annexed as B-1, Local Business. 10 years later, Italian Settlement subdivision was rezoned to B-2, General Business. The remnant, 3.94 acre grady pond, was not included in the request to be rezoned. The subject property is that remnant.

Land located to the northeast was recently annexed and zoned B-2, General Business on January 3, 2022. B-2 zoning is consistent with the adjacent parcels that are inside the corporate limits as well as the land to the north located in Austin Place Commercial Park (across County Road 64).

RECOMMENDATIONS:

Staff offers a favorable recommendation and on 5/26/22, the Planning Commission unanimously voted to send Council a favorable recommendation to rezone the property to B-2, General Business.

APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Application Number:

ZA- 22-02 or PZA-

Date Submitted Feb. 24, 22

Planning Commission Public

Hearing Date: ~~April 28, 2022~~

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

~~March 24, 22~~
May 26, 2022

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

KJC Investments, LLC

PPIN#(s): 325696

Gross Site Area (acreage): 3.94

Requested Zoning or Pre-Zoning: B-2

Current Zoning Designation(s):

B-1

Amended Request:

Initials:

Date:

Current Land Use: **Vacant**

Anticipated Land Use: **Commercial Multi tenant**

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan **Special Exception** Variance Specify Other

APPLICANT & AGENT INFORMATION

**If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.*

Name of Current Owner: **KJC Investments, LLC**

Mailing Address: **27180 Pollard Rd. Daphne, AL 36526**

Phone/Fax: 251-625-1198
E-mail: permitting@terracedev.com

Name of Authorized Agent: **JADE Consulting, LLC**

Mailing Address: **208 N. Greeno Rd., Ste. C, Fairhope, AL 36532**

Phone/Fax: 251-928-3443
E-mail: tjinright@jadengineer.com

Name of Developer*:

KJC Investments, LLC

Phone/Fax:
E-mail:

Other:

Phone/Fax:
E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature: Kimberly J Cox

Date 2/24/2022

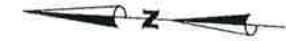
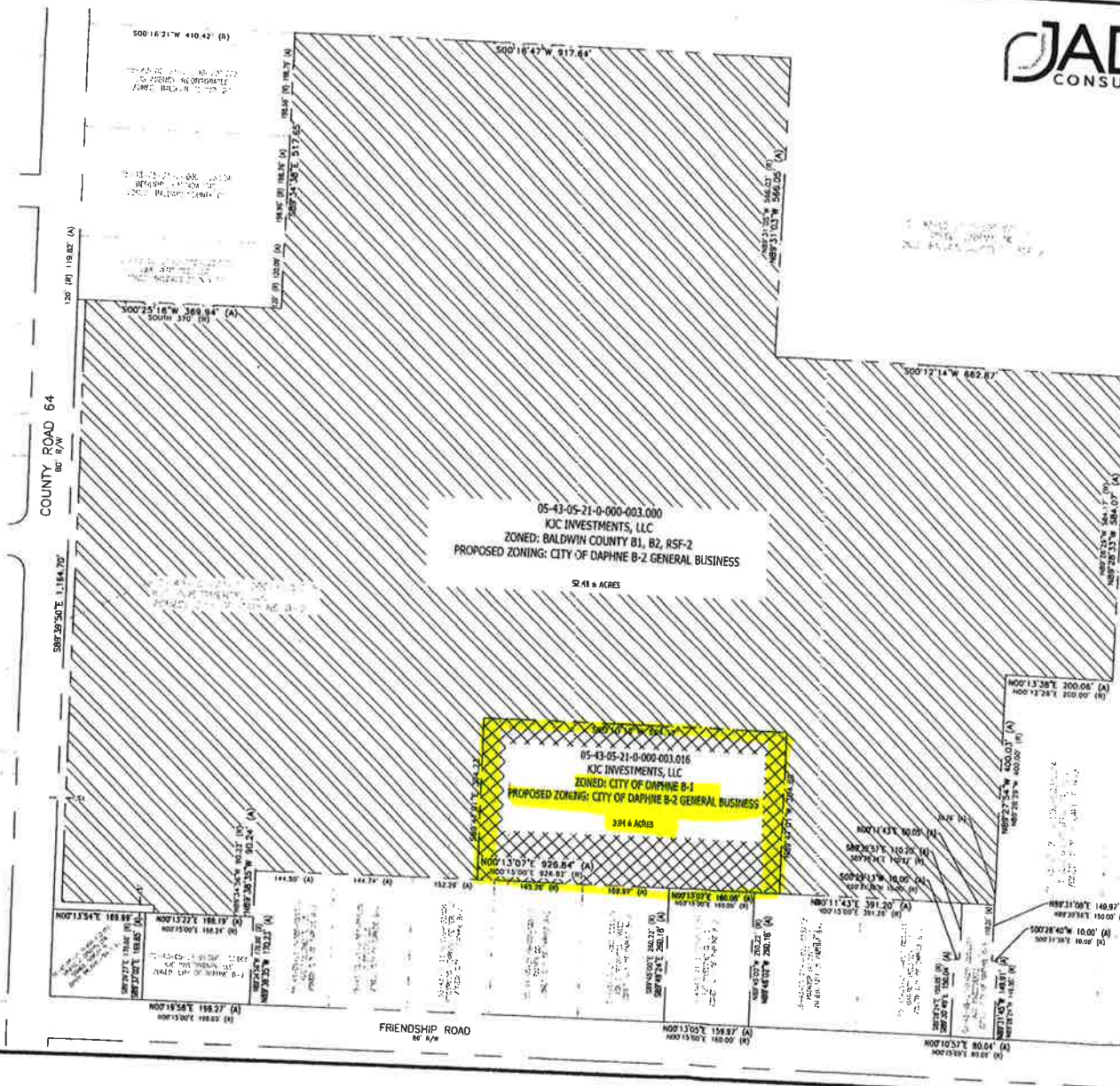
Agent's Signature:

Date



JINRIGHT & ASSOCIATES DEVELOPERS & ENGINEERS
208 Green Road N., Ste. C Fairhope, Alabama 36532
P.O. Box 1929 Fairhope, Alabama 36533
Phone: (251) 928-3443 Fax: (251) 928-3665
jadengineers.com

DATE: 7/24/2022



LEGEND

- ANNEX TO CITY OF DAPHNE AND ZONE B-2 GENERAL BUSINESS
- REGION TO CITY OF DAPHNE B-2 GENERAL BUSINESS

PROPOSED ZONING MAP:
APPROX. 56.42 ACRES
COUNTY ROAD 64
AND
FRIENDSHIP ROAD
DAPHNE, AL

3.94 ACRE PARCEL

STATE OF ALABAMA
COUNTY OF BALDWIN

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-37'-55" WEST A DISTANCE OF 756.54 FEET; THENCE RUN SOUTH 00°-16'-21" WEST A DISTANCE OF 410.42 FEET TO A CAPPED REBAR (GARSE); THENCE RUN SOUTH 00°-16'-47" WEST A DISTANCE OF 917.64 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN NORTH 89°-31'-03" WEST A DISTANCE OF 566.05 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN SOUTH 00°-12'-14" WEST A DISTANCE OF 662.87 FEET TO A CAPPED REBAR (10675) AT THE NORTHEAST CORNER OF LOT 4, TRIONE TRACE, AS RECORDED ON SLIDE 1594-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-28'-33" WEST ALONG THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 584.07 FEET TO A CAPPED REBAR (0089LS) AT THE SOUTHEAST CORNER OF LOT 10-A, AMENDED PLAT, ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, REPLAT OF LOT 10, AS RECORDED ON SLIDE 2778-F OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-13'-38" EAST ALONG THE EAST LINE OF SAID LOT 10-A A DISTANCE OF 200.06 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF SAID LOT 10-A; THENCE RUN NORTH 89°-27'-54" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 400.03 FEET TO A CAPPED REBAR (HMR); THENCE RUN NORTH 89°-31'-08" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 39.76 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF A PARCEL LABELED "RESERVED FOR FUTURE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, AS RECORDED ON SLIDE 2439-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-11'-43" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 404.37 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE NORTH 00°-11'-43" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 46.88 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF LOT 7 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-07" EAST A DISTANCE OF 517.29 FEET; THENCE RUN SOUTH 89°-47'-01" EAST A DISTANCE OF 304.23 FEET; THENCE RUN SOUTH 00°-10'-12" WEST A DISTANCE OF 564.17 FEET; THENCE RUN NORTH 89°-47'-01" WEST A DISTANCE OF 304.69 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 3.94 ACRES, MORE OR LESS.

COMMUNITY DEVELOPMENT



March 11, 2022

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission. KJC Investments, L.L.C. proposes to rezone 3.94 acres +/- located southeast of the intersection of County Road 64 and Friendship Road from B-1, Local Business, to B-2, General Business.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, March 16, 2022 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairwoman.

The public hearing will be held by the Daphne Planning Commission on Thursday, March 24, 2022 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones, AICP,
Director of Community Development

KJC Investments, L.L.C. Zoning Amendment

Adjacent Property Owner list

Parcel Number	Pin	Owner Name	Address	City	State	Zip
05-43-05-21-0-000-003.010	322630	ACK ENTERPRISES LIMITED	25558 FRIENDSHIP RD STE C	DAPHNE	AL	36507
05-43-05-21-0-000-003.000	10505	AJD FAMILY LIMITED PARTNERSHIP	P O BOX 1472	DAPHNE	AL	36526
05-43-05-21-0-000-003.005	322625					
05-43-05-21-0-000-003.011	322631					
05-43-05-21-0-000-003.015	325692					
05-43-05-21-0-000-003.017	325697					
05-43-05-21-0-000-003.002	242500	BAYSIDE ACADEMY INC	303 DRYER AVE	DAPHNE	AL	36526
05-43-05-16-0-000-025.000	43201	BENDER CLINICS DAPHNE L L C	33120 BOARDWALK DR	SPANISH FORT	AL	36527
05-43-05-21-0-000-003.003	300200	CIS AGENCY INCORPORATED	950 BROAD ST S	MOBILE	AL	36603
05-43-05-21-0-000-047.000	43199	CUNNINGHAM, DONNA H	25604 FRIENDSHIP RD	DAPHNE	AL	36526
05-43-05-21-0-000-003.006	322626	D BISHOP L L C	1203 US HWY 98, Ste. 1C	DAPHNE	AL	36526
05-43-05-21-0-000-003.007	322627		P O BOX 1472	DAPHNE	AL	36526
05-43-05-21-0-000-003.004	300201	DEFILIPPI, PATRICIA IRIS	25604 FRIENDSHIP RD	DAPHNE	AL	36526
05-43-05-21-0-000-047.000	43199	EAGLESON, ALFRED NOEL ETAL EAGLESON, DON	P O BOX 577	SATSUMA	AL	36572
05-43-05-16-0-000-023.014	227651	ENGLISH, LEROY T	8621 CO RD 64	DAPHNE	AL	36526
05-43-05-16-0-000-023.002	120001	GULLEDGE, RHONDA GIPSON ETAL GULLEDGE, D	10142 CO RD 64	DAPHNE	AL	36526
05-43-05-16-0-000-023.026	345267		32128 BROKEN BRANCH CIR	SPANISH FORT	AL	36527
05-43-05-21-0-000-003.008	322628	KINDERKIDS LEARNING CENTER INC	P O BOX 3102	DAPHNE	AL	36526
05-43-05-21-0-000-003.000	10505	KJC INVESTMENTS L L C	28912 BAY BRANCH DR	DAPHNE	AL	36526
05-43-05-21-0-000-003.016	325696		P O BOX 1543	DAPHNE	AL	36526
05-43-05-21-0-000-003.005	322625		26032 CAPITAL DR	DAPHNE	AL	36526
05-43-05-21-0-000-003.006	322626		23215 DOVECOTE LANE	FAIRHOPE	AL	36532
05-43-05-21-0-000-003.011	322631		5955 AIRPORT BLVD	MOBILE	AL	36608
05-43-05-21-0-000-003.015	325692		408 RIDGEWOOD DR	DAPHNE	AL	36526
05-43-05-21-0-000-003.016	325696					
05-43-05-16-0-000-021.001	216565	L CHASON INVESTMENTS L L C				
05-43-05-21-0-000-002.000	3179	L&R VENTURES L L C				
05-43-05-21-0-000-003.012	322632	MATADOR HOLDINGS L L C				
05-43-05-21-0-000-003.013	322633					
05-43-05-16-0-000-023.015	227652	NITE PRODUCTIONS L L C				
05-43-05-16-0-000-023.021	234572	PAC L L C				
05-43-05-16-0-000-023.005	222810	PAM BUILDING CORPORATION				
05-43-05-21-0-000-003.009	322629	RAINER CO L L C				

Adjacent Property Owner list

05-43-05-16-0-000-024.000	16498	RIVIERA PARTNERS L L C				
05-43-05-21-0-000-003.001	10502	SIRMON, J GORDON ETAL SIRMON, SHIRLEY D	112 NORTH HOYLE AVE	BAY MINETTE	AL	36507
05-43-05-21-0-000-047.001	203048	ST STEPHEN C E C CHURCH	25359 CO RD 54 EAST	DAPHNE	AL	36526
05-43-05-21-0-000-003.014	322634	WILLISSON PROPERTIES L L C	P O BOX 1346	FAIRHOPE	AL	36533
			20690 LOWRY DR	FAIRHOPE	AL	36532

3.94 ACRE PARCEL

STATE OF ALABAMA
COUNTY OF BALDWIN

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-37'-55" WEST A DISTANCE OF 756.54 FEET; THENCE RUN SOUTH 00°-16'-21" WEST A DISTANCE OF 410.42 FEET TO A CAPPED REBAR (GARSED); THENCE RUN SOUTH 00°-16'-47" WEST A DISTANCE OF 917.64 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN NORTH 89°-31'-03" WEST A DISTANCE OF 566.05 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN SOUTH 00°-12'-14" WEST A DISTANCE OF 662.87 FEET TO A CAPPED REBAR (10675) AT THE NORTHEAST CORNER OF LOT 4, TRIONE TRACE, AS RECORDED ON SLIDE 1594-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-28'-33" WEST ALONG THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 584.07 FEET TO A CAPPED REBAR (0089LS) AT THE SOUTHEAST CORNER OF LOT 10-A, AMENDED PLAT, ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, REPLAT OF LOT 10, AS RECORDED ON SLIDE 2778-F OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-13'-38" EAST ALONG THE EAST LINE OF SAID LOT 10-A A DISTANCE OF 200.06 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF SAID LOT 10-A; THENCE RUN NORTH 89°-27'-54" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 400.03 FEET TO A CAPPED REBAR (HMR); THENCE RUN NORTH 89°-31'-08" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 39.76 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF A PARCEL LABELED "RESERVED FOR FUTURE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, AS RECORDED ON SLIDE 2439-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-11'-43" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 404.37 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE NORTH 00°-11'-43" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 46.88 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF LOT 7 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-07" EAST A DISTANCE OF 517.29 FEET; THENCE RUN SOUTH 89°-47'-01" EAST A DISTANCE OF 304.23 FEET; THENCE RUN SOUTH 00°-10'-12" WEST A DISTANCE OF 564.17 FEET; THENCE RUN NORTH 89°-47'-01" WEST A DISTANCE OF 304.69 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 3.94 ACRES, MORE OR LESS.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: May 31, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: KJC, L.L.C. Annexation Petition

A handwritten signature in black ink, appearing to be "AJ", written over the "FROM:" line of the memorandum.

PRESENT ZONING: B-1, Professional Business, B-2, Neighborhood Business, and RSF-2, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

LOCATION: Southeast of the intersection of County Road 64 and Friendship Road

RECOMMENDATION: At the May 26, 2022 regular meeting of the City of Daphne Planning Commission, seven members were present and the motion carried for a favorable recommendation for the above mentioned annexation petition.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

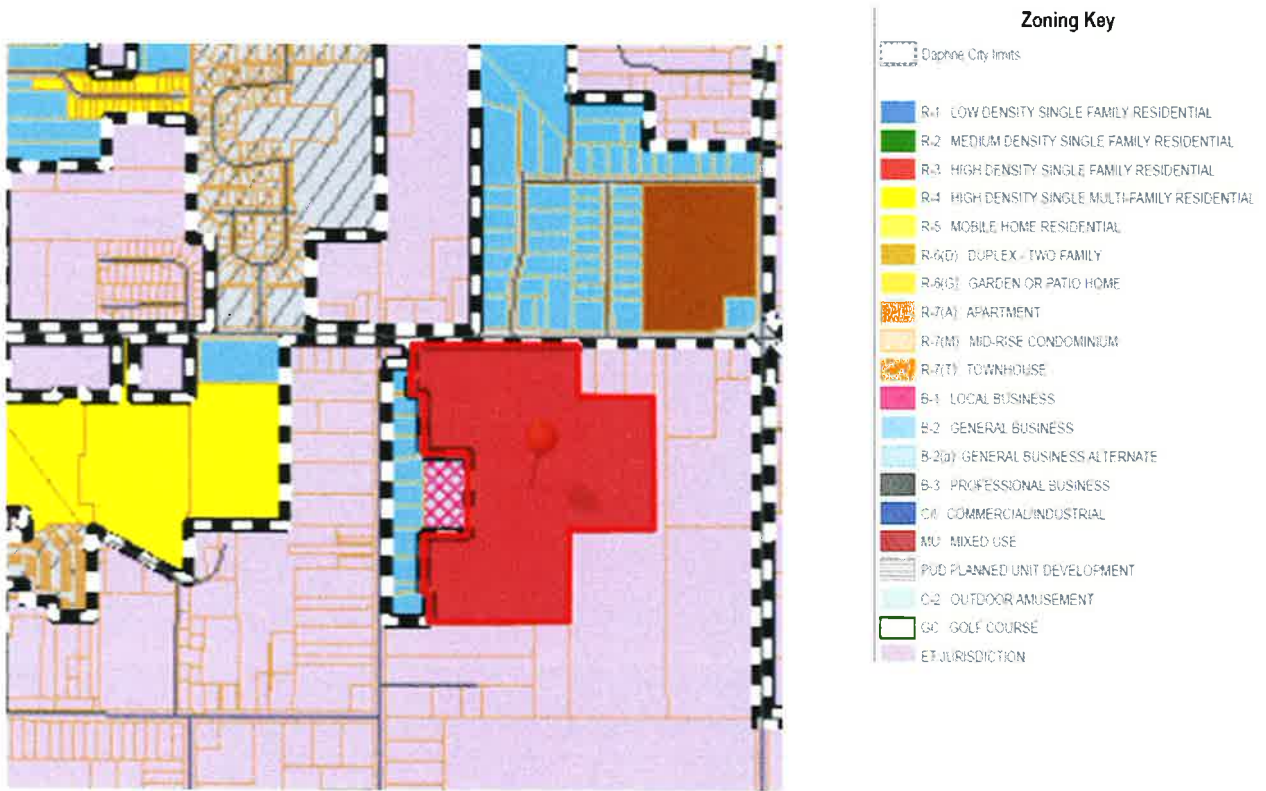
Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Petition for Annexation
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)

KJC INVESTMENTS, LLC ANNEXATION PETITION

ANNEXATION REQUEST KJC, LLC

Southeast of the intersection of County Road 64 and County Road Friendship Road



REQUEST: The applicant proposes to **annex the subject property into the corporate limits**. The site **meets the contiguity requirement** because it is adjacent to Italian Settlement Business Park (fronts Friendship Road) and County Road 64 right of way.

STAFF RECOMMENDATION: The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. ***Staff recommends approval of the request to annex this land into the City of Daphne.***

PLANNING COMMISSION RECOMMENDATION:

On May 26, 2022, the Daphne Planning Commission set forth a unanimous favorable recommendation to City Council to annex the subject property into the corporate limits.

Excerpt from Article 23-1 Procedure [for Annexation Requests]

The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) calendar day period, it shall be deemed to have approved the proposed amendment...Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law. Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) calendar days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in Article 22-1, Zoning Amendment Procedures. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

APPLICATION & SUPPLEMENTAL INFORMATION

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(_____)

The undersigned corporation, KJC Investments, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, 05-43-05-21-0-000-003.000, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (the "Property").
2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.
3. **Owner:** The petitioner, KJC Investments, LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.
4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: B-2

Any other conditions which may apply upon annexation:

7.

5. **Code:** This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 24th day of February, 2022

Respectfully submitted,

KJC Investments, LLC

Name of Corporation

By:

Kimberly J. Cox
Kimberly J. Cox

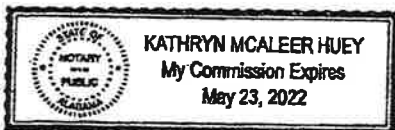
Its:

Managing Member

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Kathryn McAleer Huey, the undersigned Notary Public in and for said county and state, hereby certify that Kimberly J. Cox whose name as Managing Manager of KJC Investments, LLC, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 24th day of February, 2022.



Kathryn McAleer Huey
NOTARY PUBLIC

My commission expires: May 23, 2022

Corporation's Address

ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of the described real property do hereby execute and file this written petition asking and requesting that our property be annexed into the corporate limits of the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975.

Initials: KJC

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached.

Initials: KJC

We certify that the property is a single or multiple parcels under single or multiple ownership.
Circle appropriate response:

Initials: KJC

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne.

Initials: KJC

SELECT ONE OF THE FOLLOWING OPTIONS

☒ Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-2, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: KJC

Or

☐ Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 26th day of February, 2022.

Legal Description Attached (Exhibit A)? yes Map or Survey Attached (Exhibit B)? yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? NA Acreage 52.48
Subdivision Name NA Lot Number(s) NA

Names and Signature of ALL property owners OR principle of corporation's designee:

Signature: Kimberly J. Cox Signature: _____

Printed Name: Kimberly J. Cox Printed Name: _____

Mailing Address: 27180 Pollard Rd. Daphne, AL 36526 Mailing Address: _____

52.48 ACRE PARCEL

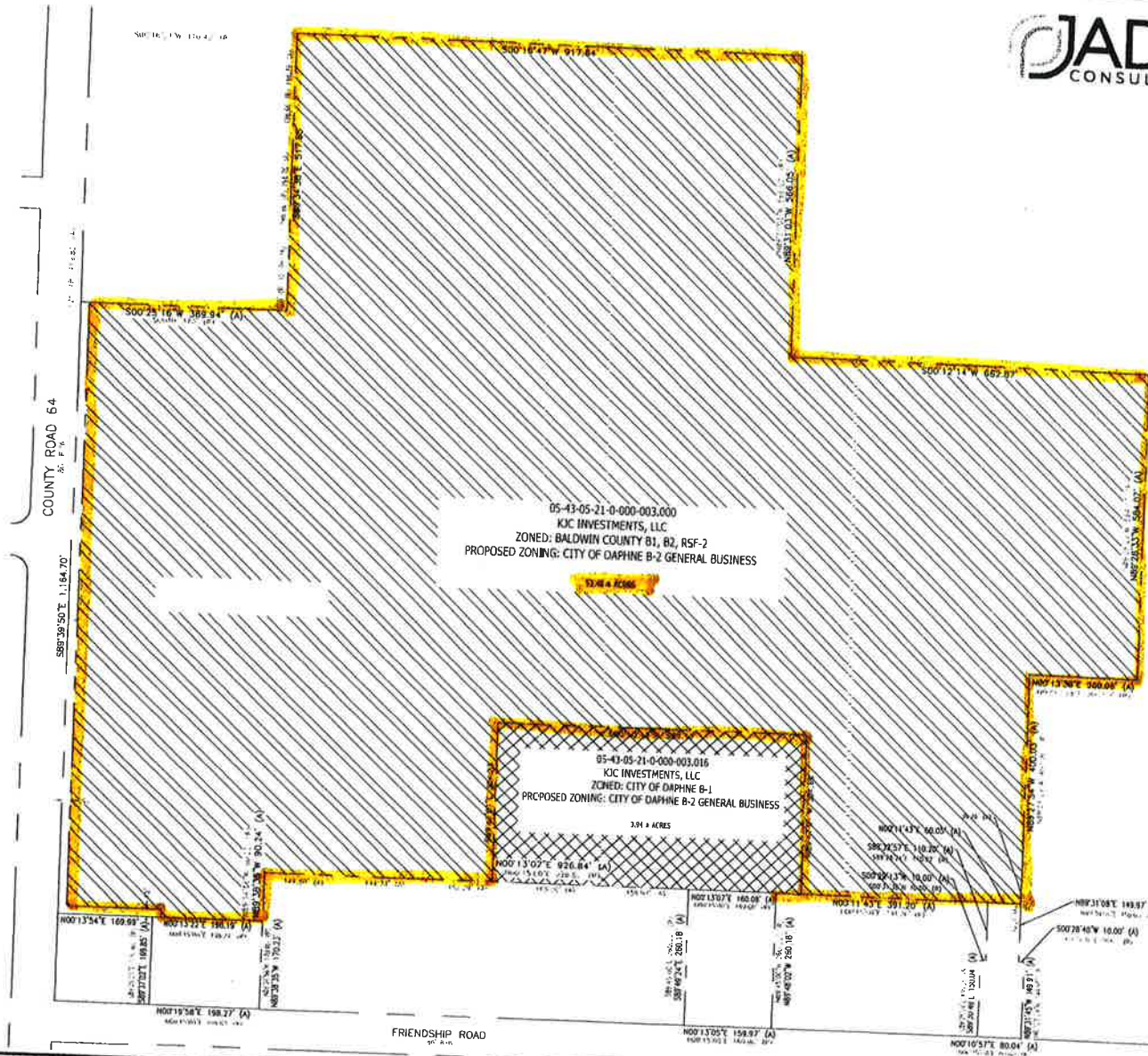
STATE OF ALABAMA
COUNTY OF BALDWIN

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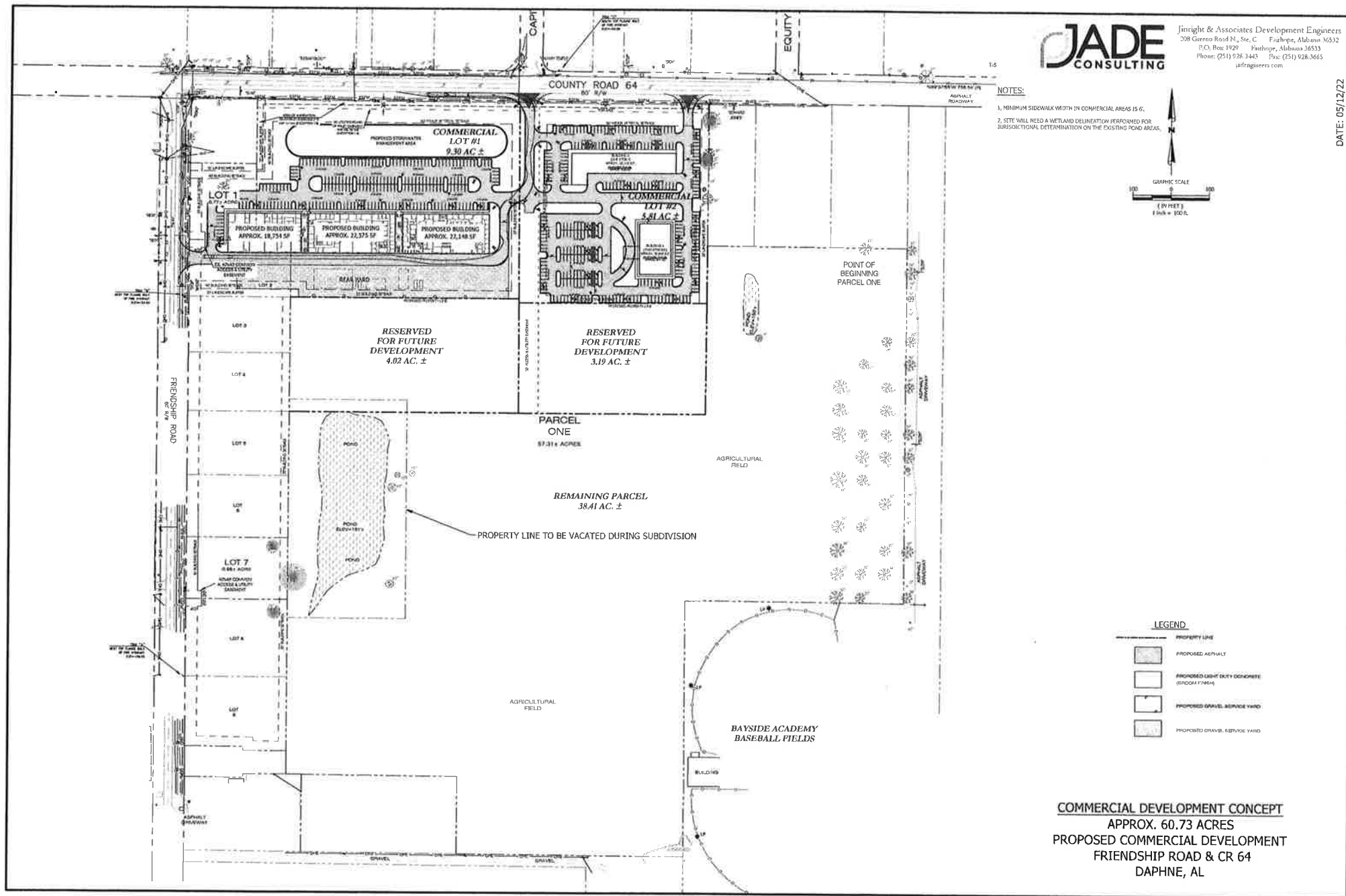
JINRIGHT & ASSOCIATES DEVELOPMENT ENGINEERS
 208 Greeno Road N., Ste. C Fairhope, Alabama 36532
 P.O. Box 1929 Fairhope, Alabama 36533
 Phone: (251) 928-1443 Fax: (251) 928-3665
 jadengineers.com

DATE: 2/24/2022



- LEGEND**
- ADD TO CITY OF DAPHNE AND REZONE TO CITY OF DAPHNE B-2 GENERAL BUSINESS
 - REZONE TO CITY OF DAPHNE B-2 GENERAL BUSINESS

PROPOSED ZONING MAP:
 APPROX. 56.42 ACRES
 COUNTY ROAD 64
 AND
 FRIENDSHIP ROAD
 DAPHNE, AL





**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: May 31, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Olde Town Properties, L.L.C. Zoning Amendment

PRESENT ZONING: B-3, Professional Business

PROPOSED PRE-ZONING: B-1(a), Limited Local Business

LOCATION: Southwest of Van and Main Street

RECOMMENDATION: At the May 26, 2022 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried unanimously for a favorable recommendation for the above captioned zoning amendment.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Pre-zoning Application
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Adjacent Property Owners List

OLDE TOWN PROPERTIES, LLC REZONING REQUEST



Zoning Classification:

B-3, Professional Business

Surrounding Zonings/Uses:

- **North**— B-3, Professional Business
- **South**— B-3, Professional Business
- **West**—R-6(G), Garden/Patio Home
- **East**— B-1, Local Business

Existing Utility Service Providers: Riviera Utilities, AT&T, Daphne Utilities

Affected City Service Providers: Fire Station 1, Police Beat 1

Staff Recommendation to PC: Favorable recommendation to City Council.

Proposed Zoning:

B-1(A), Limited Local Business

Development Concept:

Commercial Multi-tenant

Council District:

2

Existing Conditions:

Professional Office

Planning Commission

5/26/22 Unanimously favorable

THE COMPREHENSIVE PLAN:

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan.

Goal: Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life. Objective: Encourage development of sound and cohesive residential areas which meet the housing needs of current and potential residents.

Goal: Grow sensibly by anticipating land use needs. Objective: Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. Objective: Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed. Objective: Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations. Objective: Integrate recreational resources with residential neighborhoods to ensure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

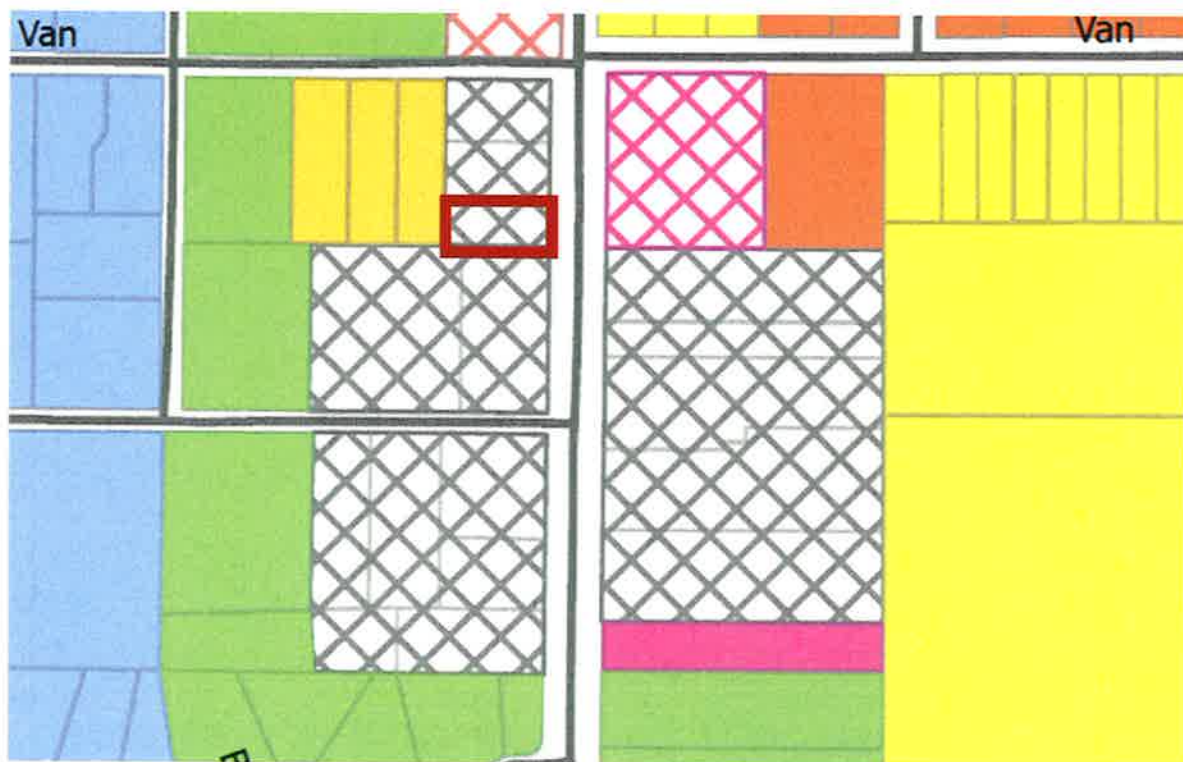
PROPOSAL:

The applicant proposes to rezone the subject property from B-3, Professional Business to B-1(A), Limited Local Business, in order to offer retail sales in addition to maintaining an office. No new development is warranted as the retail sales will operate within the existing building.

The property is located within the Olde Towne Daphne overlay district. The addition of retail sales is not anticipated to create an adverse impact on the surrounding businesses. There is an office to the north, south and southeast. The land across Main Street was recently rezoned to allow office and retail sales within a multi-use building. Whit's Custard shop, located southeast of the subject property, is also zoned B-1(A).

RECOMMENDATIONS:

B-1(A) district would be appropriate at this location, thus staff's recommendation is favorable. ***On 5/26/22, the Planning Commission unanimously voted to send Council a favorable recommendation to rezone the property to B-1(A).***



ET JURISDICTION
Zoning as of 11/30/21

- B-1 Local Business
- B-1(A) Limited Local Business District
- B-2 General Business
- B-2(a) General Business Alternate
- B-3 Professional Business
- C-2 Outdoor Amusement
- C/I Commercial/Industrial
- GC Golf Course
- MU Mixed Use

Zoning Map Excerpt

- PUD Planned Unit Development
- R-1 Low Density Single Family Residential
- R-2 Medium Density Single Family Residential
- R-3 High Density Single Family Residential
- R-4 High Density Single Multi-Family Residential
- R-5 Mobile Home Residential
- R-6(D) Duplex - Two Family
- R-6(G) Garden or Patio Home
- R-7(A) Apartment
- R-7(M) Mid-Rise Condominium
- R-7(T) Townhouse
- Parcels
- Streets
- Daphne City Limits
- Water Bodies

SUPPLEMENTAL INFORMATION

PREPARED BY STAFF

By Right in B-1, Local Business District

vs

B-1(a), Limited Local Business and B-3, Professional Business Requirements

List of Uses and Conditions by Right in B-1	B-1(a), Limited Local Business			B-3, Professional Business
	By Right	By PC Planning Commission Approval	By SE BZA	
Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met;	B-1(a)			Right
Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens		B-1(a)		Right
Air conditioning sales and service				
Ambulance/EMS service				PC app
Apparel and accessory store	B-1(a)			
Appliance store	B-1(a)			
Armory				
Art gallery or museum	B-1(a)			Special Ex (SE)
Art supplies	B-1(a)			
Bakery, retail	B-1(a)			
Bank, including drive-in bank		B-1(a)		Right
Barber shop or beauty parlor	B-1(a)			
Book store	B-1(a)			
Cafe, grill, lunch counter and restaurant but not including night club, bar, tavern and drive-in restaurant		B-1(a)		
Camera and photographic supply store	B-1(a)			
Candy, nut and confectionery store	B-1(a)			
Catering shop or service	B-1(a)			
Churches and related accessory buildings	B-1(a)			Right
City Hall, police station, fire station, courthouse, federal office building and similar public building	B-1(a)			Right
Clinic, dental, medical or psychiatric for humans		B-1(a)		Right

By Right in B-1, Local Business District

VS

B-1(a), Limited Local Business and B-3, Professional Business Requirements

List of Uses and Conditions	B-1(a), Limited Local Business			B-3, Professional Business
	By Right	By PC Planning Commission Approval	By SE BZA	
Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business	B-1(a)			
Dairy products sales	B-1(a)			
Delicatessen	B-1(a)			
Drug Store	B-1(a)			
Dry cleaning shop, including self-service		B-1(a)		
Dry goods or fabric store	B-1(a)			
Employee credit union office	B-1(a)			RIGHT
Fix-it shop, including small appliance repair		B-1(a)		
Floor covering sales and service	B-1(a)			
Floral shop	B-1(a)			
Fruit and produce, retail	B-1(a)			
Funeral home, mortuary or undertaking establishment		B-1(a)		
Gift shop	B-1(a)			
Grocery store, retail	B-1(a)			
Gymnasium, commercial		B-1(a)		
Hardware store, retail, wholesale, storage and sales	B-1(a)			
Hobby shop and supply store	B-1(a)			
Home occupation	B-1(a)			RIGHT
Ice cream parlor	B-1(a)			
Interior decorating shop	B-1(a)			
Laboratory, medical	B-1(a)			
Landscape garden sales; need not be enclosed within a structure				
Laundry, self-service	B-1(a)			
Laundry, and dry cleaning pick-up station	B-1(a)			
Leather goods or luggage goods store	B-1(a)			
Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements.				
Library	B-1(a)			

By Right in B-1, Local Business District

VS

B-1(a), Limited Local Business and B-3, Professional Business Requirements

By Right in B-1	B-1(a), Limited Local Business			B-3, Professional Business
	By Right	By PC Planning Commission Approval	By SE BZA	
Loan office	B-1(a)			
Locksmith	B-1(a)			
Music store	B-1(a)			
News stand	B-1(a)			
Night club, bar, tavern and cocktail lounge when separate from a restaurant				
Office buildings, general	B-1(a)			
Office buildings, professional	B-1(a)			RIGHT
Office equipment and supplies, retail	B-1(a)			
Optician	B-1(a)			RIGHT
Paint and wallpaper store	B-1(a)			
Photographic studio and/or processing	B-1(a)			
Plumbing shop				
Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment.		B-1(a)		RIGHT
Radio and television antenna (amateur)				RIGHT
Seafood store, retail				
Shoe repair shop	B-1(a)			
Shoe store, retail	B-1(a)			
Sporting goods store	B-1(a)			
Studio for dance or music	B-1(a)			
Studio for professional work or teaching of fine arts such as photography, drama, speech and painting	B-1(a)			
Tailor shop	B-1(a)			
Taxi dispatching station				
Taxidermy shop				
Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year		B-1(a)		
Tobacco store				
Toy store	B-1(a)			
Variety store	B-1(a)			

By Planning Commission Approval of BZA in B-1, Local Business District
vs
B-1(a), Limited Local Business and B-3, Professional Business Requirements

By Planning Commission Approval in B-1	B-1(a), Limited Local Business			B-3, Professional Business
	By Right	By PC Planning Commission Approval	By SE BZA	
Art sculptures, statues, monuments		B-1(a)		PCA
Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary function is retail sale of gasoline, oil, grease, tires, batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure				
Business machines sales and service		B-1(a)		
Business school or college		B-1(a)		PCA
College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line		B-1(a)		PCA
College sorority or fraternity house				PCA
Convenience store				
Drive-in restaurant				
Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts		B-1(a)		PCA
Exterminator service office				
Gas regulator station				PCA
Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans				PCA
Clinic, convalescent or nursing home, extended care facility or sanitarium for humans		B-1(a)		PCA

By Planning Commission Approval of BZA in B-1, Local Business District

VS

B-1(a), Limited Local Business and B-3, Professional Business Requirements

By Planning Commission Approval in B-1	B-1(a), Limited Local Business			B-3, Professional Business
	By Right	By PC Planning Commission Approval	By SE BZA	
Hotel				
Motel				
Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails		B-1(a)		
Police substation, including Highway Patrol				PCA
Post office		B-1(a)		PCA
Public utility production and maintenance buildings with proper screening				
Public utility substation with proper screening				PCA
Racquetball or tennis courts, indoor				
Tattoo facility shall be in compliance with Ordinance 2013-36				
Telephone exchange		B-1(a)		PCA
Theater, indoor		B-1(a)		
Water storage; need not be enclosed within a structure				PCA
Water or sewage pumping station				PCA
Boat docking only of pleasure boats as an accessory use to a permitted principal use; maximum of three (3) slips per unit. Boat service is prohibited				
Golf, driving range and practice tee				
Golf course, miniature				
Riding stables or academy, horses; need not be enclosed within structure				
Tennis courts or club, outdoor; need not be enclosed within a structure; no building for such purposes is located within 100 feet of any property line				

Uses Permissible in B-1 by Special Exception Approval of BZA

VS

B-1(a), Limited Local Business and B-3, Professional Business Requirements

By BZA Approval in B-1	B-1(a), Limited Local Business			B-3, Professional Business
	By Right	By PC Planning Commission Approval	By SE BZA	
Cemetery, subject to requirements of the Special Provisions				SE
Institution for children or the aged, day care				
Kindergarten, play school or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.				
Lodging and tourist homes				
Oil and gas exploration and production activities				SE
Pawn Shop				
Pet shop			B-1(a)	
Picture framing and/or mirror silvering			B-1(a)	
Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama				SE
Teen club or youth center				
Tourist home			B-1(a)	
Trade school or college				
YMCA, YWCA and similar institutions				

APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted

April 24, 2022

Application Number:

Planning Commission Public

ZA-22-04 or PZA-

Hearing Date:

May 24, 2022

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

PPIN#(s):

1305 Main St. Daphne, AL 36526

265076

Gross Site Area (acreage):

0.19 Acres

Requested Zoning or Pre-Zoning:

B-1(A)

Current Zoning Designation(s):

B-3

Amended Request:

Initials:

Date:

Current Land Use:

Office

Anticipated Land Use:

Office / Retail

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

**If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.*

Name of Current Owner:

Olde Town Properties LLC

Mailing Address:

101 Pinetop Cir E. Fairhope, AL 36532

Phone/Fax: 251-233-7330

E-mail: Daniel.Nance@Bellsouth.net

Name of Authorized Agent:

Ryan Robinson, Konbit Haiti

Mailing Address:

P.O. Box 1227 Montrose, AL 36559

Phone/Fax: 251-586-2378

E-mail: ryanrobinson82@gmail.com

Name of Developer*:

Olde Town Properties LLC

Phone/Fax:

E-mail:

Other:

Daniel Nance

Phone/Fax:

E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature:

Date 4/26/2022

Agent's Signature:

Date 4/26/2022

**OLDE TOWN PROPERTIES, L.L.C
ZONING AMENDMENT**

SOUTHWEST OF THE INTERSECTION OF MAIN STREET AND VAN AVENUE

EXHIBIT "A"

**STATE OF ALABAMA
COUNTY OF BALDWIN**

DESCRIPTION OF PROPERTY TO BE REZONED FROM (B-3), PROFESSIONAL BUSINESS, TO (B-1(a), LIMITED LOCAL BUSINESS

LOT 2, MORSE SUBDIVISION, PER PLAT RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, SLIDE 2176-D, CONTAINING 0.19 ACRES, MORE OR LESS.

$$1'' = 20'$$

MAIN STREET

80' - Right-of-Way (Paved)

LEGEND

P.P. = POWERPOLE	MH = MANHOLE
MSD = MEASURED	T.P. = TELEPHONE PEDESTAL
REC = RECORD	CATV = CABLE TELEVISION
A/C= AIR CONDITIONER	+/- = MORE OR LESS
S.P. = SCREENED PORCH	P.O.B. = POINT OF BEGINNING
C.P. = COVERED PORCH	CALC = CALCULATED
CONC. = CONCRETE	(GEO) = UNDERGROUND
SIP= SET REBAR & CAP	

(STATE OF ALABAMA)
(COUNTY OF BALDWIN)

I, MATTHEW S. KOUNTZ, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I FURTHER STATE THAT THE IMPROVEMENTS PRESENTLY SITUATED ON SAID PROPERTY ARE LOCATED WITHIN THE BOUNDARIES THEREOF; THAT THERE ARE NO ENCROACHMENTS UPON SAID PROPERTY BY BUILDINGS OR FENCES SITUATED ON ADJOINING PROPERTY; AND THAT THERE ARE NO JOINT DRIVEWAYS, EASEMENTS, NOR RIGHTS-OF-WAYS, EXCEPT AS NOTED HEREON.

ALL ACCORDING TO MY SURVEY MADE
THIS THE 20TH DAY OF APRIL, 2022. I
ALSO STATE THAT THIS DRAWING AND OR
CERTIFICATION DOES NOT REFLECT ANY
TITLE OR EASEMENT RESEARCH, OTHER
THAN WHAT IS VISIBLE ON THE GROUND
OR PROVIDED BY THE CLIENTS AT TIME OF
SURVEY.

MATTHEW S. KOUNTZ, P.L.S.
ALABAMA REG. NO. 20359

DESCRIPTION:

LOT 2, MORSE SUBDIVISION, PER PLAT
RECORDED IN THE OFFICE OF THE JUDGE
OF PROBATE OF BALDWIN COUNTY,
ALABAMA ON SLIDE 2176-D. (Description
supplied by client)

BOUNDARY SURVEY

For

"OLDE TOWN
PROPERTIES LLC"

1305 MAIN ST.
DAPHNE, AL 36526

PROJECT NO:	2022042
DATE:	04/20/2022
SCALE:	1" = 20'
DRAWN BY:	MK
FIELD WORK:	04/19
FIELD BOOK:	RGR3
SHEET 1 OF 1 SHEETS	

NOT VALID
WITHOUT
EMBOSSSED
SEAL

GEO-SURVEYING, INC.

PROFESSIONAL LAND SURVEYING
128, Clark St.

129 Club Drive
Fairhope, Alabama 36532

Phone: (251) 990-0815 Fax: (251) 990-0866

SEAL

[illegible]

1305 Main St. Daphne, AL 36526

Front View



COMMUNITY DEVELOPMENT



May 12, 2022

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission. Olde Town Properties, L.L.C. proposes to rezone 0.19 acres +/- located southwest of Van Avenue and Main Street from B-3, Professional Business, to B-1(a), Limited Local Business.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, May 18, 2022 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, May 26, 2022 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones, AICP,
Director of Community Development

Olde Town Properties, L.L.C. Zoning Amendment

Adjacent Property Owners List

North Side Property Owner

Lot: 127; Zoned: B-3
SWEETWATER PROPERTIES L L C
P O BOX 241
FAIRHOPE, AL 36533

East Side Property Owner

Lot: 90; Zoned: B-1(A)
BN PROPERTIES L L C
2510 MAIN ST
DAPHNE, AL 36526

Lot: 90.001; Zoned: B-3
1300 MAIN STREET L L C
1300 MAIN STREET
DAPHNE, AL 36526

South Side Property Owner

Lot: 128; ZONED: B-3
GLASS PROPERTIES L L C
1303 MAIN ST
DAPHNE, AL 36526

Lot: 129; Zoned: B-3
WALKER, THOMAS M & EVELYN B
P O BOX 1545
DAPHNE, AL 36526

West Side Property Owner

Lot: 130.002; Zoned: R-6(G)
LIMITLESS BY TRULAND HOMES L L C
29891 WOODROW LN STE 150
SPANISH FORT, AL 36527

Property Owner

Lot: 127.001
Current Zoning: B-3
Proposed Zoning: B-1(A)
OLDE TOWN PROPERTIES LLC
101 PINETOP CIRCLE E
FAIRHOPE, AL 36532

Authorized Agent

RYAN ROBINSON
PO BOX 1262
MONTROSE, AL 36559

**OLDE TOWN PROPERTIES, L.L.C
ZONING AMENDMENT**

SOUTHWEST OF THE INTERSECTION OF MAIN STREET AND VAN AVENUE

EXHIBIT “A”

**STATE OF ALABAMA
COUNTY OF BALDWIN**

DESCRIPTION OF PROPERTY TO BE REZONED FROM (B-3), PROFESSIONAL BUSINESS, TO (B-1(a)), LIMITED LOCAL BUSINESS

LOT 2, MORSE SUBDIVISION, PER PLAT RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, SLIDE 2176-D, CONTAINING 0.19 ACRES, MORE OR LESS.

COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM



DATE: May 31, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP,  Director of Community Development
SUBJECT: Official City of Daphne Zoning Map Update

At the May 26, 2022 regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously to set forth a ***favorable recommendation*** to approve the Official City of Daphne Zoning Map (codifications were approved between December 1, 2021 through May 31, 2022).

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

Attachment(s)

cc: file

Zoning and Street Map Edits: December 1, 2021 through May 31, 2022

Legislative Annexation	Governor Approval Date	Act #	Zoning Classification	Property Size (Acres)
N/A				
Annexation by Council Action	Council Approval Date	Council Action Ordinance #		Property Size (Acres)
Iris P. DeFilippi	1/3/22	2022-03		1.688
Reserve GCOF, etal	2/21/22	2022-13		444.97
Red Barn, LLC	05/16/22	2022-28		108.3
Prezoning	Council Approval Date	Ordinance #	Zoning Classification	Property Size (Acres)
Iris P. DeFilippi	1/3/22	2022-02	B-2	1.688
Reserve GCOF, etal	2/21/22	2022-11	R-3	258.43
Reserve GCOF, etal	2/21/22	2022-12	R-2 and R-6(G)	69.14 and 108.59+8.82
Red Barn, LLC	05/16/22	2022-27	R-6(G)	108.3
Rezoning Petitions	Council Approval Date	Ordinance #	Old/New Zoning Classification	Property Size (Acres)
Street Acceptances	Approved	Resolution #	Linear Feet	Miles
French Settlement Phase 4A	04/18/22	2022-14	466	0.088
Jubilee Farms Phase 11	05/16/22	2022-23	4,642	0.890

Zoning and Street Map Edits: December 1, 2021 through May 31, 2022

Background:

This map update includes map amendments which have resulted from annexation, pre-zoning, rezoning and street acceptances that have been approved by the City Council between the months of December 1, 2021 and May 31, 2022, as well as any map corrections documented by Baldwin County.

Staff Recommendation:

Staff recommends that the Planning Commission set forth a favorable recommendation to City Council to adopt the amended the Official Zoning Map and the Official Street Map.



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: May 31, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development

SUBJECT: Interstate-Baldwin Investments, L.L.C., Vacation of Easement between Lots 22 and 23, TimberCreek Subdivision, Unit Eleven

LOCATION: Northwest of the intersection of Pine Run and Elderberry Drive

RECOMMENDATION: At the May 26, 2022 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried unanimously for a favorable recommendation for the above captioned vacation of easement.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

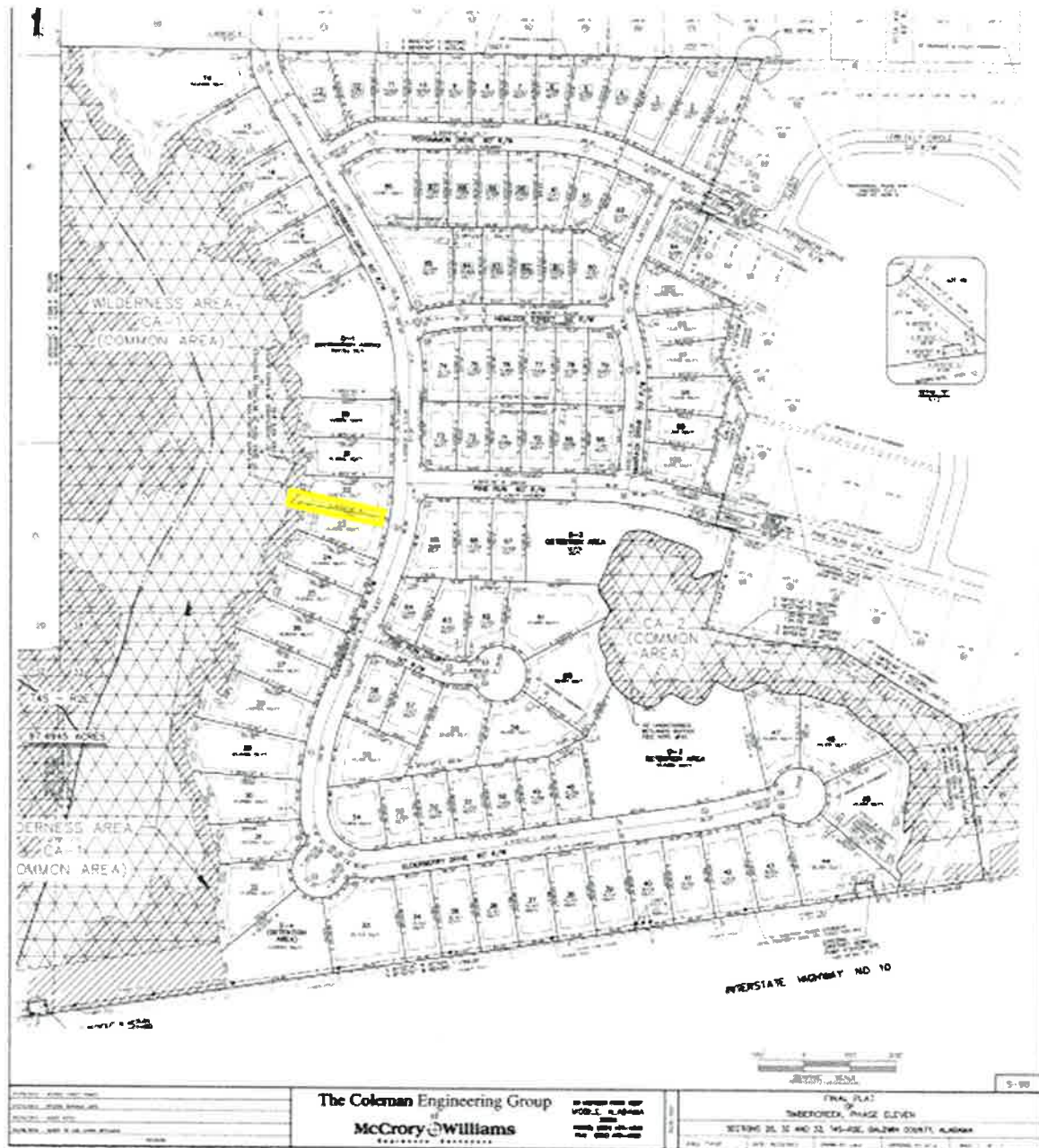
Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Vacation of Easement Petition
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Adjacent Property Owners List

VACATION OF RECORDED EASEMENT

INTERSTATE-BALDWIN INVESTMENTS, LLC TIMBERCREEK SUBDIVISION, UNIT 11, LOTS 22 & 23



ARTICLE XXIV

VACATION OF EASEMENT AND/OR RIGHT-OF-WAY

24-1 PROCEDURE

The City Council may, from time to time, after examination and review thereon, amend, supplement, or change the subdivision requirements in regard to easements and right-of-ways provided herein or subsequently established, whether initiated by the Planning Commission, or any person, firm, or a corporation shall be treated in accordance with the following procedure:

- (a) An application on the prescribed form shall be submitted in writing to the Department of Community Development thirty (30) days prior to the regularly scheduled meeting of the Planning Commission and must be accompanied by an adjacent property owners list, warranty deed (proof of ownership), legal description of the subject property, current survey, and a map of the subject property.
- (b) The application shall be reviewed by the Planning Commission at its next regular meeting.
- (c) Said Commission before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper notice as required by law. Due notice shall also be given to the parties in interest of the date, time, and place of said hearing.

Said notice of a vacation of easement or right-of-way shall be published in full for one (1) insertion in a newspaper of general circulation published in the municipality prior to the said public hearing by the City Council.

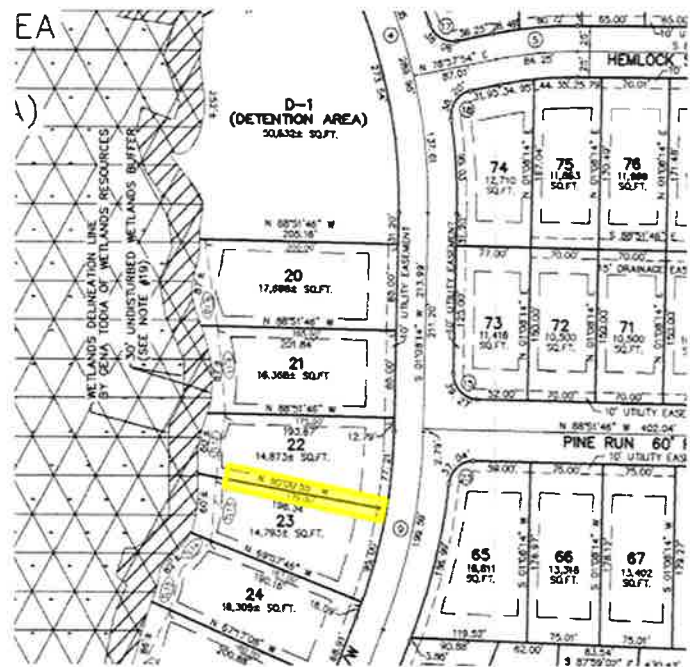
- (d) Said easement or right-of-way shall be vacated and/or relocated upon the recommendation of the Planning Commission and the acceptance by resolution of the City Council.
- (e) Any petition for vacation of easement and/or right-of-way may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized representative, firm, or corporation initiating such a request upon written notice to the Planning Coordinator in the Department of Community Development or City Clerk in the City Clerk's Office, whichever is applicable.

Vacation of Right-of-Way process is governed by Code of Alabama Sections 23-4-20 and 35-2-54 and Article 24 of the Land Use & Development Ordinance.

TIMBERCREEK SUBDIVISION, UNIT 11, LOTS 22 and 23 VACATION OF EASEMENT REVIEW

Proposal:

The applicant proposes to combine the two lots into one lot. In order to make the lot fully useable, the easement between the two lots must be removed. No entity has presented objectives; therefore, staff recommends approval.



Recommendations:

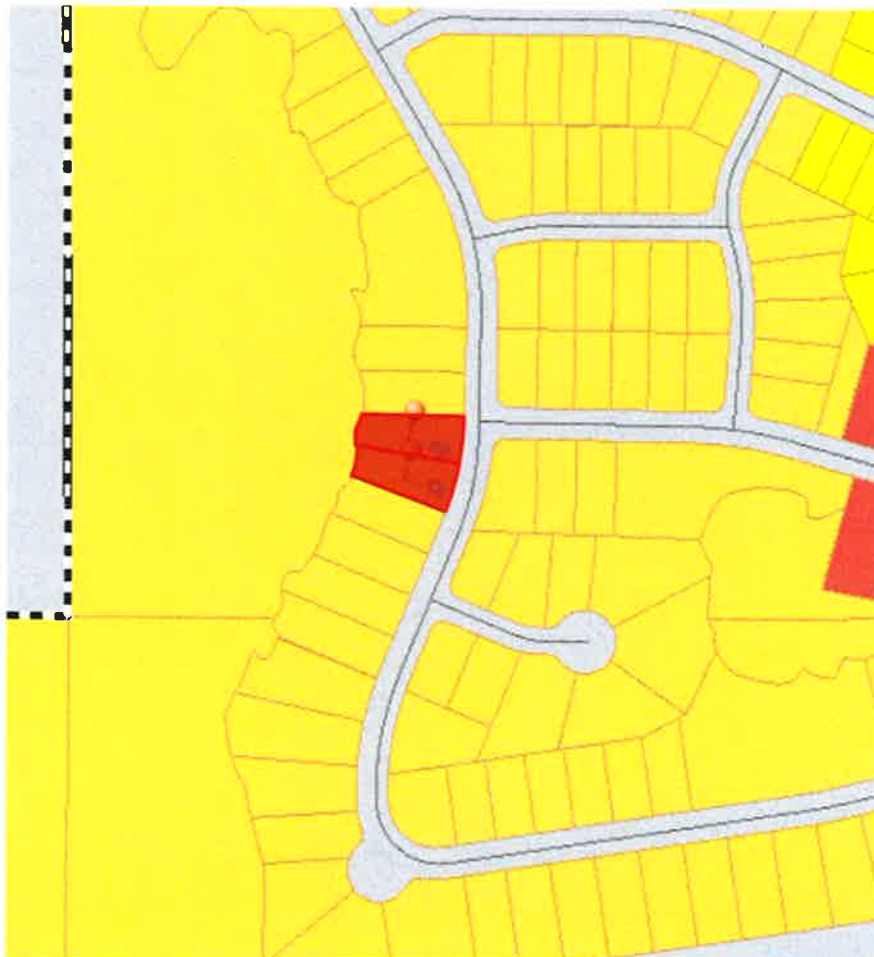
Staff recommends that the Planning Commission set forth a favorable recommendation to the City Council to vacate the five (5) foot wide utility easement between Lots 22 and 23 of TimberCreek Phase, Unit 11.

On 05/26/22, the Planning Commission concurred and rendered a unanimously favorable recommendation to Council to vacate the easements between Lots 22 and 23 of TimberCreek Phase, Unit 11.

Adjoining property owner notices have been distributed and the notice for a public hearing for this petition has been properly advertised in accordance with applicable sections of the Code of Alabama.

NOTES (CONTINUED):

5. ALL UTILITIES WILL BE CONSTRUCTED UNDERGROUND. FOR THE LOCATION OF ALL UTILITIES SEE CONSTRUCTION PLANS.
6. SIDEWALKS 5 FEET IN WIDTH WILL BE INSTALLED AT THE TIME OF RESIDENTIAL CONSTRUCTION.
7. CITY OF DAPHNE BOARD OF ZONING AND ADJUSTMENTS WILL REVIEW ALL SETBACK VARIANCES.
8. COMMON AREAS TO BE OWNED AND MAINTAINED BY TIMBERCREEK PROPERTY OWNERS ASSOCIATION AND NOT BY THE CITY OF DAPHNE.
9. COMMON AREAS ARE NOT INTENDED TO BE BUILDABLE LOTS FOR RESIDENTIAL USE.
10. THERE IS A TEN (10) FOOT UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO THE RIGHT OF WAY AND A FIVE (5) FOOT UTILITY EASEMENT ON ALL SIDE LOT LINES.



APPLICATION & SUPPLEMENTAL INFORMATION



Vacation of Easement Application

OFFICE USE ONLY	Application Number: VOE- <u>22-02</u>	Date Submitted: <u>May 12, 2022</u>
Planning Commission Decision:		Date Presented: <u>May 24, 2022</u>
Date Submitted to City Clerk:		
Council Resolution Approval Date:		RESOLUTION NUMBER#

Legibly print or type responses below. Indicate N/A where item is not applicable.

Property Owner(s): INTERSTATE-BALDWIN INVESTMENTS, LLC

If owner is an LLC or LLP, list managing member: Allen Cox

Mailing Address: 29891 Woodrow Ln., Suite 300, Spanish Fort, AL 36527

Daytime Phone: 251-625-1198 Alternate Phone: Fax:

Location: Elderberry Dr. Subdivision: Timbercreek Lot(s): 22-23 Unit or Phase: Eleven

Reason for request: Combine Lots 22 & 23 into one lot

To the best of your knowledge, are any utilities in the easement, including drainage ditches or pipes?

Check each item included with this submittal:

- ☒ Petition
- ☒ Recorded Plat or copy of the filed document that created the easement
- ☒ Legal description of area to be vacated
- ☒ Current Survey showing the easement(s) proposed to be vacated. Label this drawing, "Exhibit A"
- ☒ Easement Release Form from:
 - ☒ City of Daphne Division of Public Works
 - ☒ Utilities Board of the City of Daphne (Daphne Utilities)
 - ☒ Utilities Board of the City of Foley (Riviera Utilities)
 - ☒ AT&T
 - ☒ Cable Company (Mediacom)
 - ☐ Other
- ☒ Property Owners Association or similar body (if applicable)
- ☒ List of adjacent property owners. Also attach mailing address labels-1 set
- ☒ Fee

I hereby make application for vacation of certain easements on the above cited property. I understand that the City might not approve what I am applying for, or might set conditions on approval. All statements contained in this application are true to the best of my knowledge and belief. I have attached all documents listed above.

1st Owner's Signature/Date:  03/3/22

2nd Owner's Name & Signature/Date:

PETITION FOR VACATION OF EASEMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF DAPHNE, ALABAMA:

The undersigned INTERSTATE-BALDWIN INVESTMENTS, LLC is/are the owner(s) of said property and this is a statement and petition seeking vacation of certain drainage and utility easement(s). Aforesaid plat and/or restrictive covenants to said subdivision provides for drainage and utility easement(s) along lot lines. Owner(s) hereby petition, by the attached copies to vacate a certain drainage and utility easement(s) described as follows:

The 5 foot drainage and utility easement on each side of the lot line dividing Lot(s) 20/21 and 22/23, Unit 11 of Timbercreek Subdivision, as shown in Map Book 2509, Page A-C, Instrument # Slide in the Office of the Judge of Probate of Baldwin County, Alabama, said easements being located in Section 28, Township 4S South, Range 2 East.

All applicable utility providers in said subdivision, by instruments filed herewith, have consented to the vacation of said easement(s), and the hereinabove described portion of the said easement and the annulment of the dedication thereof as reflected on the said recorded plat and/or restrictive covenants.

The Petitioner further requests the Mayor and City Clerk be authorized and directed to execute a resolution which approves, ratifies, adopts, and confirms the vacation of the hereinabove described portion of the said easement.

IN WITNESS WHEREOF, the Petitioner(s) have hereto set their hand and seals on this the 03 day of 03, 2022

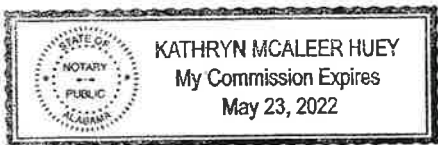
OWNER(S) SIGNATURE:

W. Allen Cox, Manager

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that W. Allen Cox, Manager whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 3rd day of March, 2022



Kathryn McAleer Huey
Notary Public
My Commission Expires May 23 2022

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, DAPHNE PUBLIC WORKS, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 20/22 and Lot 21/23 of Unit 11 of TIMBERCREEK Subdivision as set forth in the attached exhibit with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: CITY OF DAPHNE PUBLIC WORKS

By: Will Sj

Its: DEPUTY DIRECTOR

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that William Eringman, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 21st day of April, 2022

Denise Perry
Notary Public
My Commission Expires

Commission Expires 07/29/2023

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, INTERSTATE-BALDWIN INVESTMENTS, LLC, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 20/21 and Lot 22/23 of Unit Eleven of Timbercreek Subdivision as setforth in the attached exhibit with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME:

By:

Its:

DAPHNE Utilities

[Signature]

General Manager

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Scott Polk, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 29th day of March, 2022

Notary Public

My Commission Expires

Lori May Wilson

8/13/2022

STATE OF ALABAMA
COUNTY OF BALDWIN

CONSENT TO VACATION AND TERMINATION OF UTILITY EASEMENT

WHEREAS, there is a certain utility easement which was created or evidenced by that document recorded at/as Jun 27 12:56 pm '14 DF 1:00 Recorded at SLIDES 2509-A, B & C, Baldwin County Probate Records; and

WHEREAS, the **UTILITIES BOARD OF THE CITY OF FOLEY D/B/A RIVIERA UTILITIES** ("Riviera Utilities") has no present or expected future need for some or all of said utility easement as more particularly described below; and

WHEREAS, the owner of the land burdened by said utility easement has requested that Riviera Utilities execute this document consenting to the vacation and termination of said easement;

NOW, THEREFORE, in consideration of \$10.00 and other good and valuable consideration, Riviera Utilities does hereby agree as follows:

1. That Riviera Utilities does hereby consent to the vacation and termination of the portion of that certain utility easement described and/or depicted on Exhibit "A" which is attached hereto and incorporated herein by reference.
2. That no representation or warranty is made by Riviera Utilities as to whether any other parties have any rights in and to said easement, and this document is merely evidence that Riviera Utilities, for itself alone, consents to the vacation and termination of the utility easement from this point forward.

IN WITNESS WHEREOF, the undersigned has executed this instrument on this the 12th day of April, 2022 pursuant to authority duly conferred.

**UTILITIES BOARD OF THE CITY OF FOLEY D/B/A
RIVIERA UTILITIES**

Gary A. Carnley
By: Gary A. Carnley
Its: Engineer

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Gary A. Carnley, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument acknowledged that, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and seal of this 12th day of April, 2022

Danyelle Ripple
Notary Public
My Commission Expires: 1-26-26

Exhibit "A" attached hereto.

This document prepared by
The Utilities Board of the City of Foley
PO BOX 2050
Foley, AL 36536





March 28, 2022

Interstate-Baldwin Investments, LLC
Allen Cox
29891 Woodrow Lane
Suite 300
Daphne, AL 36527

RE: Replat Lots 20 & 21 AND Replat Lots 22 & 23

Dear Mr. Cox:

On March 8, 2022 the TimberCreek POA reviewed your application to re-plat lots 20 & 21 and lots 22 & 23, Phase 11 in TimberCreek. The POA Board is pleased to advise you that all members were in favor and approved the application to re-plat Lots 20 & 21 and Lots 22 & 23 in Phase 11. Your next step to re-plat the two lots would be to submit an application to the City of Daphne.

We want to thank you in advance for your consideration of the TimberCreek Covenants and Restrictions. We look forward to working with you in the future. If you have any questions, please feel free to contact 251-621-9927

Sincerely,


Lauren Lindner
POA Manager

Vacation of Easement
Timbercreek, Phase Eleven, Lots 22 & 23

Description Utility Easement to be Vacated:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 22, TIMBERCREEK PHASE ELEVEN, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2509-A, B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN N79°59'02"W, ALONG THE SOUTH LINE OF SAID LOT 22, A DISTANCE OF 10.00 FEET FOR THE POINT OF BEGINNING; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 490.00 FEET, AN ARC LENGTH OF 5.00 FEET, (CHORD BEARS S10°00'58"W, A CHORD LENGTH OF 5.00 FEET); THENCE RUN N79°59'02"W, A DISTANCE OF 187.51 FEET; THENCE RUN NORTHERLY, A DISTANCE OF 10.1 FEET, MORE OR LESS; THENCE RUN S79°59'02"E, A DISTANCE OF 189.27 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 490.00 FEET, AN ARC LENGTH OF 5.00 FEET, (CHORD BEARS S09°41'36"W, A CHORD LENGTH OF 5.00 FEET) TO THE POINT OF BEGINNING. CONTAINING 1,884 SQUARE FEET (0.04 ACRES), MORE OR LESS.

LEGAL DESCRIPTION OF LOTS:

LOTS 22 & 23 OF TIMBERCREEK, PHASE ELEVEN, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2509-A, B, & C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

INTERSTATE BALDWIN INVESTMENTS
VACATION OF EASEMENT, TIMBERCREEK, PHASE 11, LOTS 22-23
ADJACENT PROPERTY OWNERS LIST

DONALD & DEBRA MAYES
7783 PINE RUN
DAPHNE, AL 36526

3 MUSKETEERS
2891 WOODROW LANE, STE. 300
DAPHNE AL, 36526

TIMBERCREEK POA
9082 TIMBERCREEK BLVD.
DAPHNE, AL 36526

DEWBERRY ENGINEERS
ATTN: MELISSA CURRIE
25353 FRIENDSHIP ROAD
DAPHNE, AL 36526

COMMUNITY DEVELOPMENT



May 12, 2022

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for VACATION OF EASEMENT will be considered by the Daphne Planning Commission for the five-foot drainage easement on each side of Lots 22 & 23, TimberCreek Subdivision, Phase Eleven as shown on Slide No. 2509-A in the Office of the Judge of Probate, Baldwin County, Alabama. Said property is zoned R-6 (G), Garden/Patio Home.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, May 18 2022 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, May 26, 2022 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones, AICP,
Director of Community Development

Interstate-Baldwin Investments, LLC Vacation of Easement

Vacation of Easement
Timbercreek, Phase Eleven, Lots 22 & 23

Description Utility Easement to be Vacated:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 22, TIMBERCREEK PHASE ELEVEN, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2509-A, B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN N79°59'02"W, ALONG THE SOUTH LINE OF SAID LOT 22, A DISTANCE OF 10.00 FEET FOR THE POINT OF BEGINNING; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 490.00 FEET, AN ARC LENGTH OF 5.00 FEET, (CHORD BEARS S10°00'58"W, A CHORD LENGTH OF 5.00 FEET); THENCE RUN N79°59'02"W, A DISTANCE OF 187.51 FEET; THENCE RUN NORTHERLY, A DISTANCE OF 10.1 FEET, MORE OR LESS; THENCE RUN S79°59'02"E, A DISTANCE OF 189.27 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 490.00 FEET, AN ARC LENGTH OF 5.00 FEET, (CHORD BEARS S09°41'36"W, A CHORD LENGTH OF 5.00 FEET) TO THE POINT OF BEGINNING. CONTAINING 1,884 SQUARE FEET (0.04 ACRES), MORE OR LESS.

LEGAL DESCRIPTION OF LOTS:

LOTS 22 & 23 OF TIMBERCREEK, PHASE ELEVEN, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2509-A, B, & C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: May 31, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development

SUBJECT: Interstate-Baldwin Investments, L.L.C., Vacation of Easement between Lots 20 and 21, TimberCreek Subdivision, Unit Eleven

LOCATION: Northwest of the intersection of Pine Run and Elderberry Drive

RECOMMENDATION: At the May 26, 2022 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried unanimously for a favorable recommendation for the above captioned vacation of easement.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

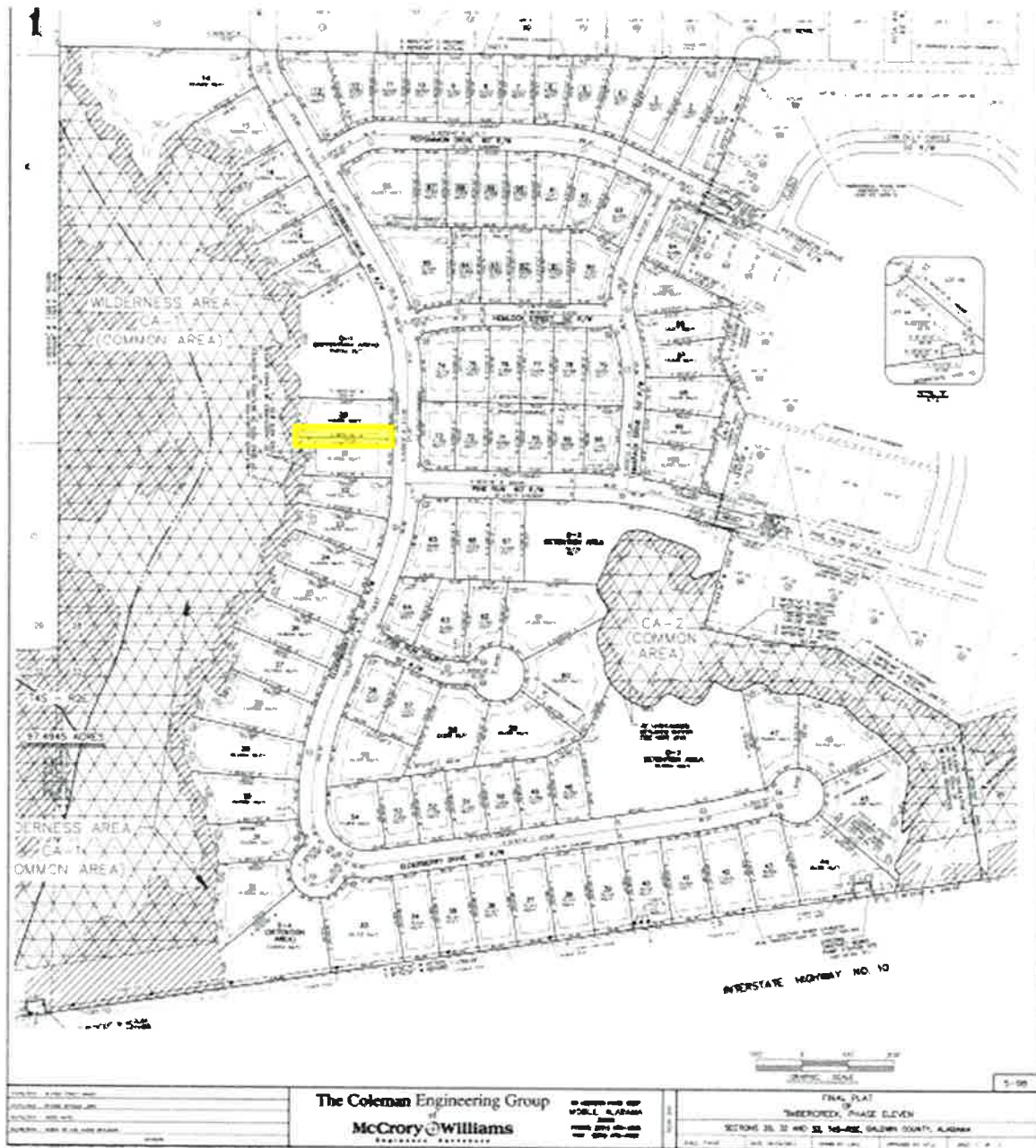
Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Vacation of Easement Petition
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Adjacent Property Owners List

VACATION OF RECORDED EASEMENT

INTERSTATE-BALDWIN INVESTMENTS, LLC TIMBERCREEK SUBDIVISION, UNIT 11, LOTS 20 & 21



ARTICLE XXIV

VACATION OF EASEMENT AND/OR RIGHT-OF-WAY

24-1 PROCEDURE

The City Council may, from time to time, after examination and review thereon, amend, supplement, or change the subdivision requirements in regard to easements and right-of-ways provided herein or subsequently established, whether initiated by the Planning Commission, or any person, firm, or a corporation shall be treated in accordance with the following procedure:

- (a) An application on the prescribed form shall be submitted in writing to the Department of Community Development thirty (30) days prior to the regularly scheduled meeting of the Planning Commission and must be accompanied by an adjacent property owners list, warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property.
- (b) The application shall be reviewed by the Planning Commission at its next regular meeting.
- (c) Said Commission before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper notice as required by law. Due notice shall also be given to the parties in interest of the date, time, and place of said hearing.

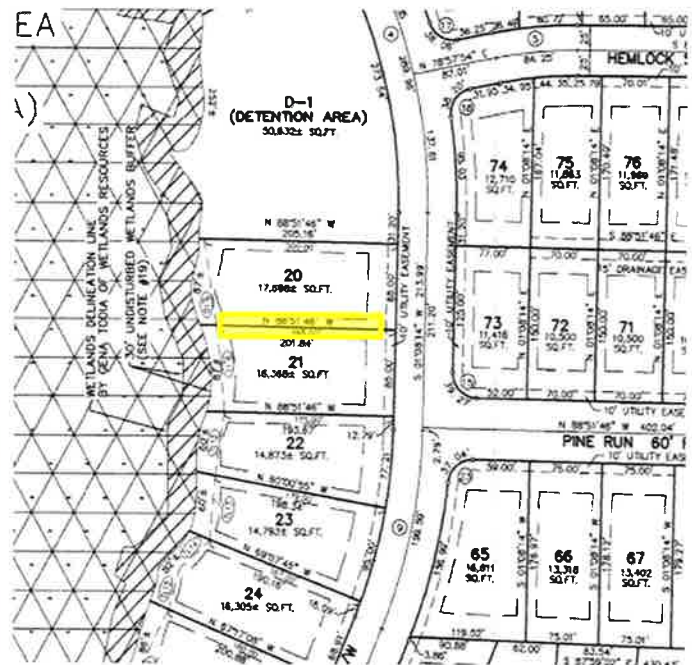
Said notice of a vacation of easement or right-of-way shall be published in full for one (1) insertion in a newspaper of general circulation published in the municipality prior to the said public hearing by the City Council.
- (d) Said easement or right-of-way shall be vacated and/or relocated upon the recommendation of the Planning Commission and the acceptance by resolution of the City Council.
- (e) Any petition for vacation of easement and/or right-of-way may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized representative, firm, or corporation initiating such a request upon written notice to the Planning Coordinator in the Department of Community Development or City Clerk in the City Clerk's Office, whichever is applicable.

Vacation of Right-of-Way process is governed by Code of Alabama Sections 23-4-20 and 35-2-54 and Article 24 of the Land Use & Development Ordinance.

TIMBERCREEK SUBDIVISION, UNIT 11, LOTS 20 & 21 VACATION OF EASEMENT REVIEW

Proposal:

The applicant proposes to combine the two lots into one lot. In order to make the lot fully useable, the easement between the two lots must be removed. Therefore, as no entity has presented objectives, staff recommends approval.



Recommendations:

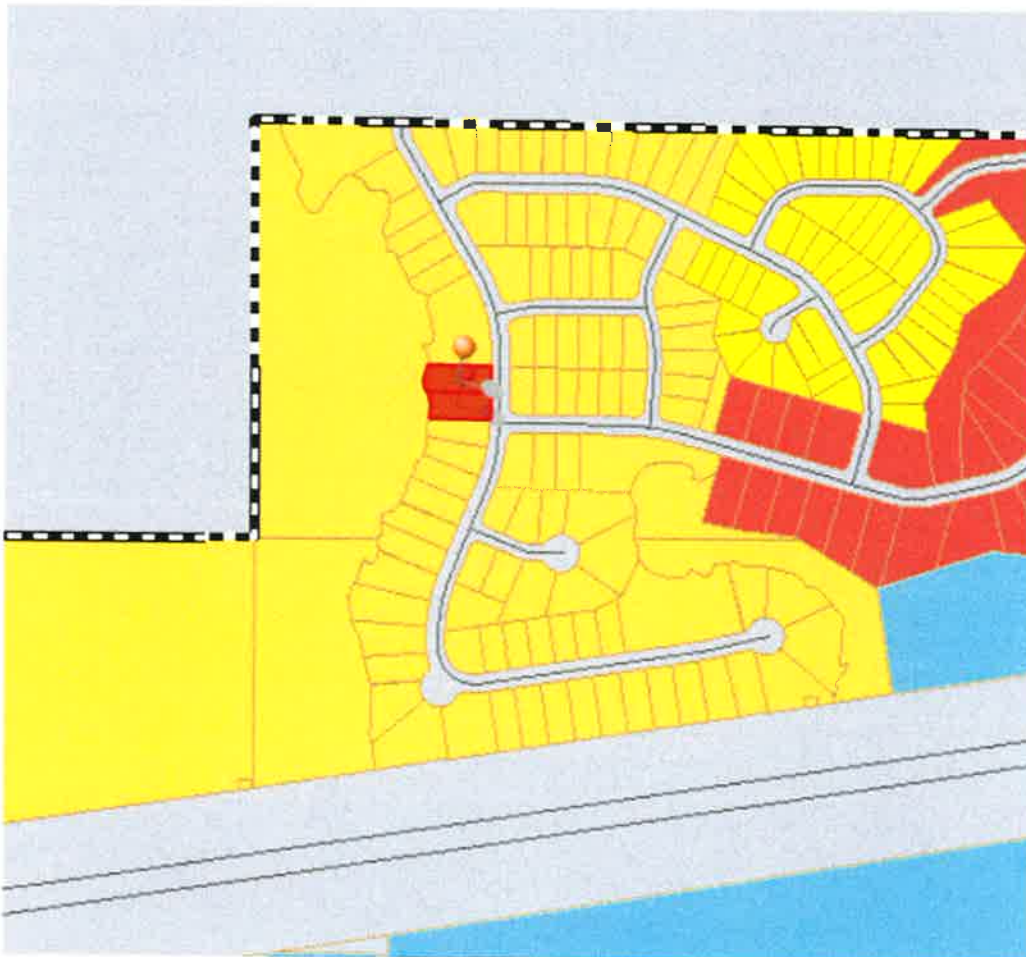
Staff recommends that the Planning Commission set forth a favorable recommendation to the City Council to vacate the five (5) foot wide utility easements between Lots 20 and 21 of TimberCreek Phase, Unit 11.

On 05/26/22, the Planning Commission concurred and rendered a unanimously favorable recommendation to Council to vacate the easements between Lots 20 and 21 of TimberCreek Phase, Unit 11.

Adjoining property owner notices have been distributed and the notice for a public hearing for this petition has been properly advertised in accordance with applicable sections of the Code of Alabama.

NOTES (CONTINUED):

5. ALL UTILITIES WILL BE CONSTRUCTED UNDERGROUND. FOR THE LOCATION OF ALL UTILITIES SEE CONSTRUCTION PLANS.
6. SIDEWALKS 5 FEET IN WIDTH WILL BE INSTALLED AT THE TIME OF RESIDENTIAL CONSTRUCTION.
7. CITY OF DAPHNE BOARD OF ZONING AND ADJUSTMENTS WILL REVIEW ALL SETBACK VARIANCES.
8. COMMON AREAS TO BE OWNED AND MAINTAINED BY TIMBERCREEK PROPERTY OWNERS ASSOCIATION AND NOT BY THE CITY OF DAPHNE.
9. COMMON AREAS ARE NOT INTENDED TO BE BUILDABLE LOTS FOR RESIDENTIAL USE.
10. THERE IS A TEN (10) FOOT UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO THE RIGHT OF WAY AND A FIVE (5) FOOT UTILITY EASEMENT ON ALL SIDE LOT LINES.



APPLICATION & SUPPLEMENTAL INFORMATION



Vacation of Easement Application

OFFICE USE ONLY	Application Number: VOE- 22-01	Date Submitted: April 24, 2022
Planning Commission Decision:		Date Presented: May 24, 2022
Date Submitted to City Clerk:		
Council Resolution Approval Date:		RESOLUTION NUMBER#

Legibly print or type responses below. Indicate N/A where item is not applicable.

Property Owner(s): INTERSTATE-BALDWIN INVESTMENTS, LLC

If owner is an LLC or LLP, list managing member: Allen Cox

Mailing Address: 29891 Woodrow Ln., Suite 300, Spanish Fort, AL 36527

Daytime Phone: 251-625-1198 Alternate Phone: Fax:

Location: Elderberry Dr. Subdivision: Timbercreek Lot(s): 20-21 Unit or Phase: Eleven

Reason for request: Combine Lots 20 & 21

To the best of your knowledge, are any utilities in the easement, including drainage ditches or pipes? NO

Check each item included with this submittal:

- ☒ Petition
- ☒ Recorded Plat or copy of the filed document that created the easement
- ☒ Legal description of area to be vacated
- ☒ Current Survey showing the easement(s) proposed to be vacated. Label this drawing, "Exhibit A"
- ☒ Easement Release Form from:
 - ☒ City of Daphne Division of Public Works
 - ☒ Utilities Board of the City of Daphne (Daphne Utilities)
 - ☒ Utilities Board of the City of Foley (Riviera Utilities)
 - ☒ AT&T
 - ☒ Cable Company (Mediacom)
 - ☐ Other _____
 - ☒ Property Owners Association or similar body (if applicable)
- ☒ List of adjacent property owners. Also attach mailing address labels-1 set
- ☒ Fee

I hereby make application for vacation of certain easements on the above cited property. I understand that the City might not approve what I am applying for, or might set conditions on approval. All statements contained in this application are true to the best of my knowledge and belief. I have attached all documents listed above.

1st Owner's Signature/Date: Allen Cox 03/23/22

2nd Owner's Name & Signature/Date: _____

PETITION FOR VACATION OF EASEMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF DAPHNE, ALABAMA:

The undersigned INTERSTATE-BALDWIN INVESTMENTS, LLC is/are the owner(s) of said property and this is a statement and petition seeking vacation of certain drainage and utility easement(s). Aforesaid plat and/or restrictive covenants to said subdivision provides for drainage and utility easement(s) along lot lines. Owner(s) hereby petition, by the attached copies to vacate a certain drainage and utility easement(s) described as follows:

The 5 foot drainage and utility easement on each side of the lot line dividing Slide Lot(s) 20/21 and 22/23, Unit 11 of Timbercreek Subdivision, as shown in Map Book 2509, Page A-C, Instrument# in the Office of the Judge of Probate of Baldwin County, Alabama, said easements being located in Section 28, Township 4S South, Range 2 East.

All applicable utility providers in said subdivision, by instruments filed herewith, have consented to the vacation of said easement(s), and the hereinabove described portion of the said easement and the annulment of the dedication thereof as reflected on the said recorded plat and/or restrictive covenants.

The Petitioner further requests the Mayor and City Clerk be authorized and directed to execute a resolution which approves, ratifies, adopts, and confirms the vacation of the hereinabove described portion of the said easement.

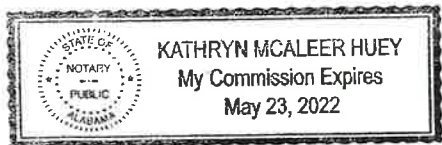
IN WITNESS WHEREOF, the Petitioner(s) have hereto set their hand and seals on this the 03 day of 03, 2022

OWNER(S) SIGNATURE: W Allen Cox, Manager

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that W. Allen Cox, Manager, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 3rd day of March, 2022



Kathryn McAleer Huey
Notary Public
My Commission Expires May 23 2022

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, DAPHNE PUBLIC WORKS, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 20/22 and Lot 21/23 of Unit 11 of TIMBERCREEK Subdivision as set forth in the attached exhibit with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: CITY OF DAPHNE PUBLIC WORKS

By: Will Sj

Its: DEPUTY DIRECTOR

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that William Eringman, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 21st day of April, 2022

Denise Pugh
Notary Public
My Commission Expires

Commission Expires 07/29/2023

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, INTERSTATE-BALDWIN INVESTMENTS, LLC, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 20/21 and Lot 22/23 of Unit Eleven of Timbercreek Subdivision as setforth in the attached exhibit with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: _____

DAPHNE Utilities

By: _____

Its: _____

[Signature]
General Manager

**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Scott Polk, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 29TH day of March, 2022

Notary Public

My Commission Expires

Lori May Wilson

8/13/2022

STATE OF ALABAMA
COUNTY OF BALDWIN

CONSENT TO VACATION AND TERMINATION OF UTILITY EASEMENT

WHEREAS, there is a certain utility easement which was created or evidenced by that document recorded at/as Jun 27 12:56 pm '14 DF 1:00 Recorded at SLIDES 2509-A, B & C, Baldwin County Probate Records; and

WHEREAS, the **UTILITIES BOARD OF THE CITY OF FOLEY D/B/A RIVIERA UTILITIES** ("Riviera Utilities") has no present or expected future need for some or all of said utility easement as more particularly described below; and

WHEREAS, the owner of the land burdened by said utility easement has requested that Riviera Utilities execute this document consenting to the vacation and termination of said easement;

NOW, THEREFORE, in consideration of \$10.00 and other good and valuable consideration, Riviera Utilities does hereby agree as follows:

1. That Riviera Utilities does hereby consent to the vacation and termination of the portion of that certain utility easement described and/or depicted on Exhibit "A" which is attached hereto and incorporated herein by reference.
2. That no representation or warranty is made by Riviera Utilities as to whether any other parties have any rights in and to said easement, and this document is merely evidence that Riviera Utilities, for itself alone, consents to the vacation and termination of the utility easement from this point forward.

IN WITNESS WHEREOF, the undersigned has executed this instrument on this the 12th day of April, 2022 pursuant to authority duly conferred.

**UTILITIES BOARD OF THE CITY OF FOLEY D/B/A
RIVIERA UTILITIES**

Gary A. Carnley
By: Gary A. Carnley
Its: Engineer

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Gary A. Carnley, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument acknowledged that, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and seal of this 12th day of April, 2022

Danyelle Rupple
Notary Public
My Commission Expires: 1-26-26

Exhibit "A" attached hereto.

This document prepared by
The Utilities Board of the City of Foley
PO BOX 2050
Foley, AL 36536





March 28, 2022

Interstate-Baldwin Investments, LLC
Allen Cox
29891 Woodrow Lane
Suite 300
Daphne, AL 36527

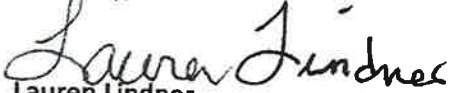
RE: Replat Lots 20 & 21 AND Replat Lots 22 & 23

Dear Mr. Cox:

On March 8, 2022 the TimberCreek POA reviewed your application to re-plat lots 20 & 21 and lots 22 & 23, Phase 11 in TimberCreek. The POA Board is pleased to advise you that all members were in favor and approved the application to re-plat Lots 20 & 21 and Lots 22 & 23 in Phase 11. Your next step to re-plat the two lots would be to submit an application to the City of Daphne.

We want to thank you in advance for your consideration of the TimberCreek Covenants and Restrictions. We look forward to working with you in the future. If you have any questions, please feel free to contact 251-621-9927

Sincerely,


Lauren Lindner
POA Manager

Vacation of Easement
Timbercreek, Phase Eleven, Lots 20&21

Description Utility Easement to be Vacated:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 20, TIMBERCREEK PHASE ELEVEN, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2509-A, B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN N88°51'55"W, ALONG THE SOUTH LINE OF SAID LOT 20, A DISTANCE OF 10.00 FEET FOR THE POINT OF BEGINNING; THENCE RUN S01°06'36"W, A DISTANCE OF 5.00 FEET; THENCE RUN N88°51'55"E, A DISTANCE OF 189.93; THENCE RUN NORTHWESTERLY, A DISTANCE OF 10.7 FEET, MORE OR LESS; THENCE RUN S88°51'55"E, A DISTANCE OF 193.78 FEET, THENCE RUN S01°06'36"W, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1,919 SQUARE FEET (0.04 ACRES), MORE OR LESS.

LEGAL DESCRIPTION OF LOTS:

LOTS 20 & 21 OF TIMBERCREEK, PHASE ELEVEN, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2509-A, B, & C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

INTERSTATE BALDWIN INVESTMENTS
VACATION OF EASEMENT, TIMBERCREEK, PHASE 11, LOTS 20-21
ADJACENT PROPERTY OWNERS LIST

FRANCES DIMARIO
7746 ELDERBERRY DRIVE
DAPHNE, AL 36526

TIMBERCREEK POA
9082 TIMBERCREEK BLVD.
DAPHNE, AL 36526

DEWBERRY ENGINEERS
ATTN: MELISSA CURRIE
25353 FRIENDSHIP ROAD
DAPHNE, AL 36526

COMMUNITY DEVELOPMENT



May 12, 2022

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for VACATION OF EASEMENT will be considered by the Daphne Planning Commission for the five-foot drainage easement on each side of Lots 21 & 22, TimberCreek Subdivision, Phase Eleven as shown on Slide No. 2509-A in the Office of the Judge of Probate, Baldwin County, Alabama. Said property is zoned R-6 (G), Garden/Patio Home.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, May 18 2022 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, May 26, 2022 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones, AICP,
Director of Community Development

Interstate-Baldwin Investments, LLC Vacation of Easement

Vacation of Easement
Timbercreek, Phase Eleven, Lots 21 & 22

Description Utility Easement to be Vacated:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 20, TIMBERCREEK PHASE ELEVEN, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2509-A, B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN N88°51'55"W, ALONG THE SOUTH LINE OF SAID LOT 20, A DISTANCE OF 10.00 FEET FOR THE POINT OF BEGINNING: THENCE RUN S01°06'36"W, A DISTANCE OF 5.00 FEET; THENCE RUN N88°51'55"E, A DISTANCE OF 189.93; THENCE RUN NORTHWESTERLY, A DISTANCE OF 10.7 FEET, MORE OR LESS; THENCE RUN S88°51'55"E, A DISTANCE OF 193.78 FEET, THENCE RUN S01°06'36"W, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1,919 SQUARE FEET (0.04 ACRES), MORE OR LESS.

LEGAL DESCRIPTION OF LOTS:

LOTS 20 & 21 OF TIMBERCREEK, PHASE ELEVEN, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2509-A, B, & C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2022-26**

**AUTHORIZING THE SUBMISSION OF AN FY 2022 ALABAMA TRANSPORTION
REHABILITATION AND IMPROVEMENT PROGRAM II GRANT TO THE ALABAMA
DEPARTMENT OF TRANSPORTATION TO CONSTRUCT US HIGHWAY 90
WIDENING PHASE 1**

WHEREAS, the State of Alabama has awarded the City of Daphne for FY 2022 Transportation Rehabilitation and Improvement Program II; and

WHEREAS, the City of Daphne has identified the need to widen and resurface US Highway 90 from west of State Highway 181 to near the Lowe's southern Entrance; and

WHEREAS, the total project cost is estimated at \$2,395,000, and if funded, the grant will pay \$2,00,000 and the City of Daphne will be responsible for providing or \$395,000; and

WHEREAS, if funded, the City will see this project through to completion and ALDOT will be responsible for providing long-term maintenance of this section of US Highway 90.

THEREFORE, BE IT RESOLVED BY the City of Daphne, IN REGULAR SESSION ASSEMBLED, that by this Resolution the City of Daphne authorizes submission of a TAP Grant to ALDOT requesting funds to construct new pedestrian facilities; and

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor to sign all required grant application documents on behalf of the City.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, on the _____ of _____, 2022.

Robin LeJeune, Mayor

Attest:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2022-27**

**AUTHORIZING THE SUBMISSION OF AN FY 2023 TRANSPORTATION
ALTERNATIVES SET-ASIDE PROGRAM GRANT TO THE ALABAMA
DEPARTMENT OF TRANSPORTATION TO CONSTRUCT ON POLLARD ROAD
AND PARK DRIVE**

WHEREAS, the Alabama Department of Transportation (ALDOT) is accepting applications from municipal governments for FY 2023 Transportation Alternatives Set-Aside Program (TAP) Grants; and

WHEREAS, the City of Daphne has identified the need to construct infrastructure to connect the sidewalk on Pollard Road and Park Drive to the City of Daphne's Sportsplex; and

WHEREAS, the total project cost is estimated at \$1,000,000, and if funded, the grant will pay 80% or \$800,000 and the City of Daphne will be responsible for providing 20% or \$200,000; and

WHEREAS, if funded, the City will see this project through to completion and will be responsible for providing long-term maintenance of the new facilities.

THEREFORE, BE IT RESOLVED BY the City of Daphne, IN REGULAR SESSION ASSEMBLED, that by this Resolution the City of Daphne authorizes submission of a TAP Grant to ALDOT requesting funds to construct new pedestrian facilities; and

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor to sign all required grant application documents on behalf of the City.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, on the _____ of _____, 2022.

Robin LeJeune, Mayor

Attest:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-32**

**Additional Appropriation: Construction of Bayfront Streetscape and Parking
Improvements Project**

WHEREAS, Ordinance 2021-49 approved and adopted the Fiscal Year 2022 Budget on September 20, 2021; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2022 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2022 budget; and

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for Bayfront grounds/property improvements; and

WHEREAS, the Bayfront Streetscape and Parking Improvement project meets such criteria; and

WHEREAS, the Bayfront Streetscape and Parking Improvements Project (Phases 1 -4) has been bid with a total cost of \$3,869,781 (Construction - \$3,512,382; Engineering - \$163,900; Miscellaneous and Contingency - \$193,499); and

WHEREAS, Ordinance 2020-19 previously appropriated funds for this project and \$1,575,047 in remaining funds is available from this appropriation. However, an additional appropriation of \$2,294,734 is needed to complete the Bayfront Streetscape and Parking Improvements Project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

1. Funds in the amount of **\$500,000** from the **Lodging Tax Fund** and **\$1,794,734** to be transferred **from the General Fund to Capital Reserve Fund** are appropriated and made a part of the Fiscal Year 2022 budget for the Bayfront Streetscape and Parking Improvements project.
2. The Mayor is hereby authorized to execute all documents required in order for the City of Daphne to participate in such project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA this ____ day of _____, 2022.

Attest:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-33**

ALPHONSE MEMORIAL VETERANS PARK FENCE REPLACEMENT

WHEREAS, Ordinance 2021-49 approved and adopted the Fiscal Year 2022 Budget on September 20, 2021; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2022 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2022 budget; and

WHEREAS, the fence and gates at Alphonse Memorial Veterans Park have significant visible damage due to age and several natural disasters throughout the past years and are in need of replacement; and

WHEREAS, staff has received multiple quotes to replace the gates and fencing with a commercial grade 4' high vinyl coated chain link at Alphonse Memorial Veterans Park; and

WHEREAS, the lowest quote received for this fencing replacement was \$12,900, and an appropriation is needed to complete this project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

- 1) Funds in the amount of **\$12,900** from the **General Fund** are hereby appropriated and made a part of the Fiscal Year 2022 Budget for the replacement of fencing and gates at Alphonse Memorial Veterans Park.
- 2) The Mayor is hereby authorized to execute all documents required for the project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2022.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-34**

SPLASH PAD MAINTENANCE SERVICES

WHEREAS, Ordinance 2021-49 approved and adopted the Fiscal Year 2022 Budget on September 20, 2021; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2022 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2022 budget; and

WHEREAS, the construction of the splash pad at Daphne Sports Complex has been completed and is scheduled to be open for public use in May; and

WHEREAS, daily maintenance of the splash pad will be needed to ensure proper care of the system and compliance with local health regulations; and

WHEREAS, quotes have been received for this maintenance at a monthly cost of \$4,461, which includes all chemicals and supplies.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

- 1) Funds in the amount of **\$25,000** from the **General Fund** are hereby appropriated and made a part of the Fiscal Year 2022 Budget for the maintenance of the Daphne Splash Pad.
- 2) The Mayor is hereby authorized to execute all documents required to enter into an agreement for these maintenance services.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2022.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-35**

ADDITIONAL APPROPRIATION: MAYDAY PARK KAYAK LAUNCH

WHEREAS, Ordinance 2021-49 approved and adopted the Fiscal Year 2022 Budget on September 20, 2021; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2022 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2022 budget; and

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for Bayfront grounds/property improvements; and

WHEREAS, the Mayday Kayak Launch project meets such criteria; and

WHEREAS, the City wishes to install a kayak launch at Mayday park for recreational use by its citizens and visitors; and

WHEREAS, staff has received quotes and obtained a total cost estimate to complete the kayak launch at Mayday Park in the amount of \$132,421; and

WHEREAS, the FY 2020 capital budget included an appropriation for \$85,000 from the Lodging Tax Fund for this project but an additional appropriation is needed in the amount of \$47,421.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

- 1) Funds in the amount of \$47,421 from the Lodging Tax Fund are hereby appropriated and made a part of the Fiscal Year 2022 Budget for the Mayday Park kayak launch.
- 2) The Mayor is hereby authorized to execute all documents required for this project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2022.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-36**

AMENDMENT TO THE LONGEVITY PAY FOR EMPLOYEES

WHEREAS, Ordinance 2021-52 established a new City of Daphne Classification and Compensation Plan; and

WHEREAS, additionally, Ordinance 2017-73 created longevity pay as a part of its overall compensation plan to recognize an employees' loyalty and service to the City; and

WHEREAS, to further recognize this loyalty and service to the City, the longevity compensation pay will be amended as follows:

Longevity pay is a benefit that recognizes a full-time employee's years of continuous service. Full-time employees who have completed five (5) years or more of continuous service will be eligible for longevity pay.

To determine whether an employee is eligible for longevity pay, the Human Resources department will determine as of October 1 of each year whether a full-time employee has completed five (5) or more years of continuous service with the City of Daphne. Longevity will be based on a fiscal year running October 1st through September 30th.

Employees that sever employment and then return to work may not use retroactive time to qualify. Time must be continuous service.

Longevity pay will be as follows:

- | | |
|---------------------|-------|
| 1) 5 – 9 years | \$250 |
| 2) 10 – 14 years | \$350 |
| 3) 15 or more years | \$500 |

The check will be issued from regular payroll and federal income tax, state income tax, social security contributions, and retirement will be deducted as the customary withholding rate for an employee.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2022.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk