

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, December 4, 2023
6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL

INVOCATION Carl Donnelly, Daphne PD Chaplain
PLEDGE OF ALLEGIANCE

PRESENTATION: Councilman Doug Goodlin

PRESENTATION: Fire Department Promotions: Deputy Fire Marshal Tommy Bozeman
Lieutenant Gerald Lanier
Apparatus Engineer Michael Purvis
Apparatus Engineer Bradley Reeves

PRESENTATION: Police Department Promotions: Assistant Chief Corrections Officer Lance Bradley
Telecommunicator II: Brynne Anderson
Kim Hirsch
Jennifer Jackson
Katie Nelson

3. APPROVE MINUTES: November 20, 2023 regular meeting

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Phillips

Review the minutes from the November 20th meeting.

Treasurer's Report for October 2023: Unrestricted Fund Balance - \$23,473,376;

Total Cash Balance - \$36,679,000

Sales Tax for September 2023: \$2,205,003.03; Lodging Tax for September 2023: \$109,088.71

Debt Summary – October 2023: Warrants - \$24,650,442

Capital Leases: General Fund - \$663,174; Enterprise Fund - \$723,300

B. BUILDINGS & PROPERTY COMMITTEE – Goodlin

C. PUBLIC SAFETY COMMITTEE – Hughes

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

E. PUBLIC WORKS COMMITTEE – Conaway

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DAPHNE PUBLIC SCHOOL COMMISSION – Conaway/Olen

Review the minutes from the October 23rd meeting.

C. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

D. INDUSTRIAL DEVELOPMENT BOARD – Scott

E. LIBRARY BOARD – Goodlin

F. PLANNING COMMISSION – Olen

Review the minutes from the October 26th meeting and the report from the November 16th meeting.

City Council Agenda – December 4, 2023

G. RECREATION BOARD – Hughes

H. UTILITY BOARD – Coleman

6. PUBLIC PARTICIPATION

7. MAYOR’S REPORT

8. CITY ATTORNEY REPORT

Reserve at Plantation Hills – Donation of Property.

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK’S REPORT

MOTION to approve the Women’s Care Medical Center Walk-a-thon on April 6, 2024 from 8:00am – 10:00am at Village Point Park.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2023 – 56 – Bid Award: Project No: 2023-W-STPSU-0042(539)-Access Management on US-98 from CR-64 to Van Avenue – John G. Walton Construction Company, Inc.

2023 – 57 – Appropriation: Access Management on US-98 from CR-64 to Van Avenue - \$3,417,468

2023 – 58 – Appropriation: Security Lights – Hwy 98 and Johnson Road - \$10,000

2023 – 59 – Surplus: 2005 Spreader-EQ#1146/1426, 1996 Bucket-EQ#1373, 1994 Mortar Mixer-EQ#0-219, 2007 Cat Broom-EQ#1217-L, Cat (Skid Steer) Attachment

2023 – 60 – Surplus: 2015 Mack 28CY Garbage Truck-V#1550

2023 – 61 – Donation of Real Property to the City of Daphne – Reserve at Plantation Hills

2023 – 62 – Resolution Authorizing Facility Use Agreement with the Civil Air Patrol at the Overlook Building

B. 2nd READ ORDINANCES:

2023 – 41 – Ordinance Authorizing the Execution of a Permanent Utility Easement to Daphne Utilities

2023 – 42 – Ordinance Authorizing the Execution of a Permanent Utility Easement to the Utilities Board of the City of Foley d/b/a Riviera Utilities

1st READ ORDINANCES:

12. COUNCIL COMMENTS

13. ADJOURN

**November 20, 2023
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 Steve Olen called the meeting to order at 6:00pm.

2. ROLL CALL:

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

COUNCIL MEMBERS ABSENT: Doug Goodlin

Also Present: Candace Antinarella, City Clerk; Scott Hetrick, City Attorney; Mayor LeJeune; Chief Brian Gulsby, Police; Troy Strunk, City Development; Chief Tacon, Fire; Adrienne Jones, Planning; Ange Baggett, Marketing and Events; Kelli Reid, Finance; Kent Ward, Junior Councilmember; Trinity Lofton, Junior Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Reverend Thack Dyson, St. Paul's Episcopal Church.

3. APPROVAL OF MINUTES:

The minutes from the November 6, 2023 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Phillips said the Committee met earlier.

MOTION by Councilwoman Phillips to award the RFQ-Daphne ADA Transition Plan Update (Phase II) to Overstreet and Associates PLLC for engineering services and to authorize the Mayor to sign all related documents for the project. No second was needed.

MOTION CARRIED UNANIMOUSLY.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Goodlin was absent. Council President Olen said the minutes from the October 2023 meeting and the October 2023 new Construction and Building Reports were in the packet. He said out of the reports were 32 certificates of occupancy, 224 permits issued and from the permits were 23 new residential home permits and \$83,798.35 collected in fees.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is December 11th at 4:30pm.

MOTION by Councilman Hughes to authorize the Mayor to execute Mutual Service Agreement, Transaction Account Acknowledgement, and Memorandum of Confirming Authority between City of Daphne and Bail Buddy LLC for jail credit card payment services. No second was needed.

MOTION CARRIED UNANIMOUSLY.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Scott said the next meeting is December 4th at 4:30pm.

November 20, 2023
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E. PUBLIC WORKS COMMITTEE

Councilwoman Conaway said the minutes from the October meeting are in the packet and the next meeting is December 4th at 5:15pm.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said the Board will meet on December 5th at 6:00pm.

B. Daphne Public School Commission

Councilwoman Conaway said the next meeting will be November 27th at 5:30pm at W J. Carroll Intermediate School.

C. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is December 21st at 5:30pm.

D. Industrial Development Board

Councilman Scott said the next meeting is December 19th at 4:30pm.

E. Library Board

Councilman Goodlin was absent.

F. Planning Commission

Councilman Olen said the next meeting is December 21st at 5:00pm.

G. Recreation Board

Councilman Hughes said the December meeting is cancelled.

H. Utility Board

Councilman Coleman said the next meeting is November 29th at 5:00pm.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:08pm. No one came forward to speak.

Public Participation closed at 6:08pm.

7. MAYOR'S REPORT:

Mayor LeJeune wished everyone a Happy Thanksgiving. He invited everyone to the City's Christmas Tree Lighting event on November 30th and said Bayfront should be opening sometime in December

MOTION by Councilman Scott to recommend Luis Planas to the ESMPO Bicycle and Pedestrian Advisory Committee. Seconded by Councilwoman Conaway. MOTION CARRIED UNANIMOUSLY.
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8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

**November 20, 2023
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9. DEPARTMENT HEAD COMMENTS:

Chief Gulsby, Police, shared the officers in training are doing well.

Chief Tacon, Fire, shared about recent hires and said the burn ban has been lifted.

Ange Baggett, Marketing, invited everyone to upcoming holiday events throughout the City and at the Civic Center.

Adrienne Jones, Planning, thanked the Council for discussing the Envision Daphne 2042 plan.

Troy Strunk, City Development, shared the Highway 98/Lavender Lane Project should be starting mid-January.

Kent Ward, Junior Council, gave an update on the Junior Council as well as the podcast.

10. CITY CLERK'S REPORT:

MOTION by Councilman Coleman to approve the City of Daphne Annual Tree Lighting road closure of Main Street in front of City Hall on November 30, 2023 from 6:00pm – 8:00pm. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to approve the City of Daphne Christmas Parade on December 2, 2023 at 11:00am. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

City Clerk announced that she, along with the Planning Commission, had received a letter withdrawing the application for the pre-zone and annexation of Carillon Oaks Baldwin, LLC.

11. RESOLUTIONS & ORDINANCES:

A. RESOLUTIONS:

B. ORDINANCES:

2nd READ ORDINANCES:

1ST READ ORDINANCES:

2023 – 41 – Ordinance Authorizing the Execution of a Permanent Utility Easement to Daphne Utilities

2023 – 42 – Ordinance Authorizing the Execution of a Permanent Utility Easement to the Utilities Board of the City of Foley d/b/a Riviera Utilities

12. COUNCIL COMMENTS:

Councilwoman Conaway wished everyone a Happy Thanksgiving.

Councilman Coleman commended the two Junior Councilmembers who were recognized as Students of the Month at Daphne High School. He expressed his gratitude for the Councilmembers and City staff.

Councilman Scott thanked the City for honoring Thanksgiving and wished everyone a Happy Thanksgiving.

Councilman Hughes wished everyone a Happy Thanksgiving.

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Councilwoman Phillips echoed Councilman Coleman's comments.

Mayor LeJeune thanked Council and City staff for their work.

Council President Olen echoed Councilman Coleman's comments and wished everyone a Happy Thanksgiving.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:24PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Steve Olen, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
NOVEMBER 20, 2023
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. Angie Phillips
Councilwoman Mrs. Tommie Conaway
Councilman Mr. Steve Olen

Councilman Mr. Ron Scott
Councilman Mr. Ben Hughes

Also Present: Mayor Robin LeJeune, Finance Director Mrs. Kelli Reid, Accountant III Mrs. Suzânn Henson, Human Resource Senior Specialist Ms. Jensen Graddick, City Clerk Mrs. Candace Antinarella, Executive Director of City Development Mr. Troy Strunk, Fire Chief Mrs. LeAnn Tacon, Director of Events and Marketing Mrs. Ange Baggett, City Attorney Mr. Scott Hetrick, Engineer Andy Bobe, Dewberry Engineers, and Junior City Council – Trinity Lofton.

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous meeting minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Ms. Graddick reviewed the Human Resources Report:

- Posted/Reposted Positions – 13
- Reviewing/Testing/Interviewing/Background check - 13
- Promotion/Internal Transfer - 12
- New Hires – 7

Ms. Graddick presented the monthly Safety Committee meeting topics and discussed other Human Resources projects and events.

- Safety Committee: Coordinating Live Power Line training with Public Works, Fire & Police; tentative date December 13. Flu Vaccine Clinic held on October 18. Developing Safety Metrics/KPIs. Developing basic safety training course list for all City employees. Researching Defensive Driving courses and or instructor certification to hold training in-house. Next Safety Committee meeting November 29, 2023.
- Other HR Projects/Meetings/Events: Updating onboarding experience for new hires to reflect streamlined online benefits enrollment, Job Fair 11/7/2023, Fire Lieutenant Oral Board: 11/08/2023

Mr. Hughes asked about some Police and Fire positions concerning how many applications were received.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – October, 2023

Mrs. Reid reviewed the following reports and information:

- Code enforcement issued 12 warnings resulting in businesses becoming compliant and \$2,435.94 in revenue.
- New Businesses with a physical location in Daphne - 6
- Simplified Sellers Use Tax collections - \$172,656.29
- Total Business Licenses issued were 48 new and 24 renewals for a total of 72 in October 2023

Mrs. Reid noted that the process for making payments for business licenses and taxes is now available online and noted that other options like donating to the Animal Shelter will be added soon.

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: September, 2023

Mrs. Henson reviewed the Sales & Use Tax Reports: \$2,205,003.03 was collected for September, 2023 which was down (\$31,616.61) from September 2022's collections:

- YTD Variance over Budget - \$2,435,641.36

Discussion was made that collections were down for September.

B. Lodging Tax Collections, September, 2023

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for September, 2023 were \$109,088.71 which is up (\$5,583.49) from September 2022's collections.

- YTD Variance over Budget - (\$42,406.23)

C. Daphne Hotel Quarterly Occupancy Report, August-October, 2023

Mrs. Baggett reviewed the Daphne Hotel Quarterly Occupancy Report. Mrs. Baggett noted they are tracking all major events in the City including sports events. Mrs. Baggett discussed the Discover Daphne commercial that will be shown nationally. The Mayor explained that 68 Ventures donated an advertising spot and an advertising company was hired to shoot the commercial. Mrs. Brannon noted the commercial will also be posted on the City's website. Mrs. Baggett discussed the Discover Daphne table that was set up at the Jubilee Festival and a recent Welcome Center Retreat as well as other events. Mrs. Phillips discussed putting a scanable code (QR Code) at the parks for visitors to scan and access City information like local events and restaurants. Mr. Scott asked about installing electric charging stations at the parks and other City locations.

D. Lodging Tax Analysis Report, October, 2023

Mrs. Reid reviewed the Lodging Tax Analysis report:

- Recreation balance for related purchases - \$489,965.40
- Reserved balance for Bayfront related purchases - \$2,126,517.24
- Reserved balance for Occupancy Fee - \$214,007.50

Discussion was made on outstanding projects funded by the Lodging Tax Fund.

VII. FINANCIAL SCHEDULES & REPORTS**A. Financial Reports****1. Treasurer's Report: October, 2023**

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of October 31, 2023					
Account Type/Title	10/31/2023	9/30/2023	Increase (Decrease) from last Month	10/31/2022	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 13,364,392	\$ 14,713,384	\$ (1,348,992)	\$ 13,691,700	\$ (327,308)
INVESTMENT FUND	10,108,984	10,144,051	(35,066)	10,100,456	\$ 8,528
Total Unrestricted Cash Balance	23,473,376	24,857,435	(1,384,059)	23,792,156	(318,780)
SPECIAL REVENUE FUNDS					
4 CENT GAS TAX	276,441	270,596	5,844	212,952	63,489
7 CENT GAS TAX	252,241	244,946	7,295	163,564	88,677
10 CENT GAS TAX	174,549	156,385	18,164	269,797	(95,248)
TREE & FLOWER	22,660	22,660	-	22,660	-
COVID RELIEF FUND	122,600	338,798	(216,199)	3,371,993	(3,249,393)
ANIMAL SHELTER FUND	2,788,923	3,007,583	(218,660)	862,208	1,926,715
MOBILE INFIRMARY BUILDING	54,380	35,041	19,339	-	54,380
FEDERAL DRUG FORFEITURES	194,146	191,017	3,129	199,525	(5,379)
LOCAL DRUG FORFEITURES	95,435	91,843	3,592	76,045	19,390
LIBRARY	45,644	44,305	1,339	19,335	26,309
COURT TRAINING & EQUIPMENT	40,600	40,039	561	42,867	(2,267)
COURT/CORRECTION	546,016	553,508	(7,492)	547,290	(1,274)
LODGING TAX	2,830,490	3,240,835	(410,345)	3,310,573	(480,083)
AGENCY FUNDS					
SELF INSURANCE	228,519	227,442	1,077	229,151	(632)
FLEX SPENDING	-	-	-	24,208	(24,208)
OPEB TRUST INVESTMENT FUND	1,154,203	1,179,071	(24,868)	887,174	267,029
	8,826,846	9,644,069	(817,223)	10,239,342	(1,412,496)
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	3,630,404	4,215,370	(584,966)	8,024,430	(4,394,026)
	3,630,404	4,215,370	(584,966)	8,024,430	(4,394,026)
DEBT SERVICE FUNDS					
DEBT SERVICE	748,373	495,199	253,174	676,410	71,963
Total Restricted Cash Balance	13,205,624	14,354,638	(1,149,014)	18,940,182	(5,734,558)
Total City Cash Balance	\$ 36,679,000	\$ 39,212,073	\$ (2,533,073)	\$ 42,732,338	\$ (6,053,338)
Encumbrance Total as of			10/31/2023	\$ 204,655.50	

Mrs. Reid noted the Capital Reserve fund is down due to completing several projects. Mrs. Reid noted the remaining funds in the COVID Relief Fund are down to \$122,600.

The Treasurer's Report as of October, 2023 Total Unrestricted Cash Balance - \$23,473,376 and Total City Cash Balance - \$36,679,000 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance - \$204,655.50 as of October, 2023.

Mrs. Reid reviewed the Encumbrance Report projects listed and noted the amount of line items remaining is lower than it has been for several years.

3. Outstanding Appropriations

Mrs. Reid reviewed the projects listed on the Outstanding Appropriations Report.

4. Financial Overview: Debt Summaries & Monthly Financial Statements

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), October, 2023
 - Outstanding Warrant Balance as of October, 2023: \$24,650,442
 - Outstanding Capital Lease Balance as of October, 2023:
 - General Fund: \$663,174
 - Enterprise Fund: \$723,300
- Monthly Financial Statements, September 2023
 - General Fund YTD Budgetary Net Income: pending final confirmation of annual property tax payment.
 - Solid Waste Fund \$608,025
 - Civic Center Fund \$400,198

5. Summary of Budgetary Amendments

Mrs. Reid noted there are no amendments for the FY2024 Budget.

6. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary.

B. Bills Paid Reports – October, 2023

The Bills Paid Report was previously presented electronically.

VIII. BIDS & APPROPRIATION REQUESTS (Resolution)

A. 2023-W-STPSU-0042(539)-Access Management on US-98 from CR-64 to Van Ave

Mrs. Reid reviewed the STPSU-0042(539)-Access Management on US-98 from CR-64 to Van Avenue bid and the appropriation in the amount of \$3,417,467.31 that would be needed. Mr. Strunk presented a drawing of the project areas that would be under construction for approximately 16 months. Mrs. Henson noted that ALDOT's approval/concurrence letter is still pending but is anticipated to be received soon.

MOTION BY Mr. Scott to recommend to Council to award the 2023-W-STPSU-0042(539)-Access Management on US-98 from CR-64 to Van Ave bid to John G. Walton Construction Company in the amount of \$4,788,027.27 as bid. Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

MOTION BY Mr. Scott to recommend to Council to adopt a Resolution amending the budget to appropriate \$3,417,467 from the General Fund and transferred to the Capital Reserve Fund for the 2023-W-STPSU-0042(539)-Access Management on US-98 from CR-64 to Van Ave. Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

B. Security Lights – Hwy 98 & Johnson Road - \$10,000

Mr. Strunk discussed the need to appropriate \$10,000 for the purchase of security lights for Hwy 98 & Johnson Road.

MOTION BY Mrs. Conaway to recommend to Council to adopt a Resolution amending the budget to appropriate \$10,000 from the General Fund for security lights for Hwy 98 & Johnson Road. Seconded by Mr. Scott.
MOTION CARRIED UNANIMOUSLY

IX. SURPLUS

A. Surplus: 2005 Spreader-EQ#1146/1426, 1996 bucket-EQ#1373, 1994 Mortar Mixer-EQ#0-219, 2007 Cat Broom-EQ#1217-L, Cat (Skid Steer) Attachment

Mrs. Henson reviewed the equipment that was being submitted as surplus. Mrs. Henson noted that the Street Department has been cleaning out some old attachment equipment.

MOTION BY Mr. Hughes to recommend to Council to declare certain property surplus and authorize the Mayor to dispose of the following surplus property: 2005 Spreader-EQ#1146/1426, 1996 bucket-EQ#1373, 1994 Mortar Mixer-EQ#0-219, 2007 Cat Broom-EQ#1217-L, Cat (Skid Steer) Attachment. Seconded by Mrs. Conaway.

MOTION CARRIED UNANIMOUSLY

A. Surplus: 2015 Mack 28CY Garbage Truck-V#1550

Mrs. Henson presented the 2015 Mack 28CY Garbage Truck for surplus.

MOTION BY Mrs. Conaway to recommend to Council to declare certain property surplus and authorize the Mayor to dispose of the following surplus property: 2015 Mack 28CY Garbage Truck-V#1550. Seconded by Mr. Hughes.

MOTION CARRIED UNANIMOUSLY

X. NEW BUSINESS

A. Property Donation for property adjacent to The Reserve at Plantation Hills – 207-54

Mr. Strunk discussed some property that is pending donation. Mr. Strunk noted it is 207.54 acres adjacent to The Reserve at Plantation Hills. Discussion continued that this property had some wetlands and also may provide some waterway access.

XI. OLD BUSINESS

There was no old business.

XII. ADJOURN The meeting adjourned at 5:45 p.m.

DAPHNE PUBLIC SCHOOL COMMISSION

Regular Meeting

October 23, 2023

Belforest Elementary School, 11364 CR 64, Daphne, AL 36526

Meeting called to order at 5:30pm.

MEMBERS PRESENT: Chairperson Richard Perry, Marina Simpson, Tommie Conaway, Andrea Lomax, Steve Olen, Marissa Rennaker

MEMBERS NOT PRESENT: Andrea Ramey, Valerie Stickney

Others in attendance: Administrators representing each of the six schools in the Daphne feeder pattern: Comer (DHS), Edwards (DMS), Ellis (Belforest), Herron (DES), Bottoms (WJC), Doherty (DEES),

Also in attendance: Beth Dunn (SEEDS)

Richard Perry welcomed everyone and brought the meeting to order. Mr. Ellis welcomed everyone to Belforest Elementary school.

MOTION: Marina Simpson made a motion to approve the meeting minutes from August as written. Seconded by Andrea Lomax

VOTED: 6 in favor, 0 opposed. The motion passed.

MOTION: Tommie Conaway made a motion to approve the meeting minutes from September as written. Seconded by Andrea Lomax

VOTED: 6 in favor, 0 opposed. The motion passed.

The meeting was opened up to the administrators for the review/approval of revised and/or new proposals.

Ms. Herron (DES) had a request for \$17,000 for a part time reading/ math instructor interventionist, with the proposal amended to accurately show the number of students impacted be increased from 1 to 160.

MOTION: Tommie Conaway made a motion to approve the proposal. Seconded by Steve Olen.

VOTED: 6 in favor, 0 opposed. The motion passed.

Mr. Comer (DHS) had nine proposals (see attached funding request sheet)

General discussion about each of the proposals and/ or modifications. Andrea Lomax suggested putting parameters in place for athletics and asked if the coaches were all aware of the athletic mini-grants. Comer stated they all should be aware as it has been openly discussed.

MOTION: Marina Simpson made a motion for the Daphne Public School commission to agree to fund athletic grants at an amount not to exceed 50% of the total cost and with the conditions that the other 50% is provided by the sport requesting the grant and each sport is only eligible to receive funding once every 3 years. The motion was seconded by Steve Olen.

VOTED: 6 in favor, 0 opposed. The motion passed.

Marina Simpson made a motion to approve amending the proposal item #5 titled: request to Amend section by adding "OR Laptop." The motion was seconded by Marissa Rennaker.

VOTED: 6 in favor, 0 opposed. The motion passed.

Tommie Conaway made a motion to approve the proposal items: 1,2,3,4,6,7,8 as written. The motion was second by Marissa Rennaker.

VOTED: 6 in favor, 0 opposed. The motion passed.

Marina Simpson made a motion to fund the grant for the cheer mats based on the agreed upon funding of athletics at 50% of the cost of the mats. The motion was seconded by Steve Olen.

VOTED: 6 in favor, 0 opposed. The motion passed.

Updates from each of the schools on the implementation of the approved school projects/grants.

Mr. Ellis (Belforest Elementary) gave a video presentation on the 3 mil money in action at Belforest Elementary including a hands on VR headset presentation.

Richard Perry stated that the distribution model will be updated with the new population data by the November meeting.

Meeting adjourned at 6:30pm.

NEXT MEETING

The November 27, 2023 meeting will be held at WJ Carroll Elementary at 5:30pm

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: November 17, 2023
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 "AJ", 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 the October 26, 2023 and the report of the regular meeting of November 16, 2023 for placement on the December 4, 2023 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 October 26, 2023
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

In the absence of Andrew Prescott, the Commission Chairman, John Peterson, the Vice Chairman, presided over the meeting. Mr. Peterson called the regular meeting of the City of Daphne Planning Commission to order at 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs, Secretary
Ronnie Huskey
John Peterson, Vice Chairman, presiding officer
Richard Johnson
Steve Olen
Nathan Jones

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Joshua Newman, City Engineer

The Vice Chairman asked for input regarding the September 28, 2023 regular meeting minutes presented by staff. There being none, minutes stand approved as submitted.

The Vice Chairman called for the next order of business: No Off Season Site Plan Review.

An introductory presentation was given by the owners, Gavin Willisson and Brannon Willisson. They summarized the proposed site plan as presented on the meeting agenda and commented on the evolution of the development of training services and the growth of the facility and the desire to expand. With the presentation of a site plan, a traffic impact study was required which stated that the expansion of this business would be of a low impact and that no traffic mitigations are warranted, but were advised by staff that improvements are required to the intersection of County Road 64 and Friendship Road.

Mr. Olen asked the owners whether they will financially contribute to traffic improvements at the intersection of County Road 64 and Friendship Road. Gavin Willisson stated once the other businesses along Friendship Road participate, then they will be happy to contribute.

Mr. Olen said that staff advised him of the owner's willingness to contribute a percentage of the cost of the improvements based on an estimate that the owner provided and asked what the proposed contribution would be. Gavin Willisson responded four-point five percent of three hundred thousand dollars.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of October 26, 2023
Council Chamber, City Hall - 5:00 P.M.**

Mr. Olen stated that he had been informed by staff that their agreement was to contribute ten percent of three hundred and fifty-thousand dollars. Gavin Willisson said they changed their decision from ten percent after the meeting to four-point five percent of the total cost and expressed sentiments that the cost of the traffic study should be discounted from the cost of road improvements.

Mrs. Jones verified that the original agreement presented by the owners was ten percent of the cost of road improvements. She also said that staff would be willing to present to the Planning Commission a reconsideration of the financial contribution based upon future site plan or subdivision developments that would also warrant improvements to the intersection prior to the issuance of the Certificate of Occupancy.

The Vice Chairman questioned staff comments. Mr. Newman advised that his comments have been addressed, except for those outlined in the updated traffic impact study.

The Vice Chairman stated with regard to the traffic impact study that no improvements are proposed to their existing entrance on Friendship Road, but improvements are required at the intersection of County Road 64 and Friendship Road. Mr. Newman confirmed Mr. Peterson's statement.

Mr. Johnson quoted the Land Use Ordinance saying, "If a traffic impact study is required and there are warrants, then the warrants shall be a condition of the approval".

Mr. Spriggs commented that it is unfair to place the burden of a public improvement on one business, and that the owners should only be responsible for an access to their business.

Hearing no further comments from the Commissioners, the Vice Chairman called for a motion.

A motion was made by Mr. Spriggs to approve No Off Season site plan without a contribution to improve the intersection at County Road 64 and Friendship Road. The motion failed due to the lack of a second.

A motion was made by Mr. Peterson and seconded by Mr. Olen to approve No Off Season site plan with a condition that the owner shall contribute ten percent of the estimated cost of the three hundred and fifty-thousand dollar intersection improvements at County Road 64 and Friendship Road. There was no discussion on the motion. The Motion carried with four in favor and two opposed. Mr. Peterson and Mr. Spriggs voted nay.

The Vice Chairman called for the next order of business: The Reserve at Plantation Hills, Phases 1 and 2, Preliminary Subdivision Plat Reviews.

An introductory presentation was given by the agent, Cathy Barnette. She summarized the proposed subdivisions as presented on the meeting agenda and stated both phases were approved approximately two years ago, with the same zoning and lot layout.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of October 26, 2023
Council Chamber, City Hall - 5:00 P.M.**

Mrs. Barnette stated that storm water detention consists of infiltration trenches in the first phase, detention ponds in the second phase and will tie into the existing sanitary sewer with no impact to the wetlands.

Mr. Johnson asked whether these phases have a separate property owners association from the adjacent subdivision. Mrs. Barnette stated yes.

The Vice Chairman asked about the sanitary sewer system. Mrs. Barnette stated it is a low-pressure system and ties into a force main.

Mr. Johnson suggested that sanitary sewer should be added to the master plan review criteria and since these applications were presented and approved they should be allowed to move forward with the proposed design.

The Vice Chairman asked for staff comments. Mr. Newman advised that his staff comments have been addressed.

The Vice Chairman opened the floor for public hearing. The floor was closed after no one came forward to speak.

Hearing no further comments from the commissioners, the Vice Chairman called for a motion.

A motion was made by Mr. Spriggs and seconded by Mr. Johnson to approve The Reserve at Plantation Hills, Phase 1, preliminary subdivision plat. There was no discussion. The motion carried unanimously.

A motion was made by Mr. Spriggs and seconded by Mr. Jones to approve The Reserve at Plantation Hills, Phase 2, preliminary subdivision plat. There was no discussion. The motion carried unanimously.

The Vice Chairman called for the next order of business: Proposed Amendments to the Land Use and Development Ordinance.

Mrs. Jones provided an overview of the proposed amendments to the Land Use and Development Ordinance and noted modifications discussed at the site preview meeting presented for review and discussion.

The Vice Chairman recommended that a master plan include a reference to the type of sanitary sewer proposed. Mrs. Jones agreed to add this to the recommendations as will be presented to the City Clerk's office.

Hearing no comments from the commissioners, the Vice Chairman called for a motion.

A motion was made by Mr. Olen and seconded by Mr. Johnson to set forth a favorable recommendation to the City Council to amend Article 8, Article 11, Article 13, Article 15, Article 17, Article 18, Article 21, Article 30, and Article 34, of the Land Use Ordinance as presented. There was no discussion on the motion. The motion carried unanimously.

The Vice Chairman called for the next order of business: The Official Zoning Map and Official Street Map Update.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of October 26, 2023
Council Chamber, City Hall - 5:00 P.M.**

Mrs. Jones provided a list of amendments to codify the Official Zoning Map and Official Street Map from June 1, 2021 through October 31, 2023 and noted that they include all modifications resulting from changes to zoning, annexations, street acceptances and subdivisions.

Hearing no comments from the commissioners, the Vice Chairman called for a motion.

A motion was made by Mr. Jones and seconded by Mr. Spriggs to set forth a favorable recommendation to City Council to amend the Official Zoning Map and Official Street Map. There was no discussion on the motion. The motion carried unanimously.

The Vice Chairman called for the next order of business: public participation.

The Vice Chairman opened the floor for public participation. The floor was closed after no one came forward to speak.

The Vice Chairman called for the next order of business: attorney's report.

Mr. Dungan had no report.

The Vice Chairman called for the next order of business: commissioner's comments.

Mr. Spriggs commented that it is unfair to place the burden of a public improvement on a private development in our community. The Vice Chairman recommended developing language that specifically defines the level of participation necessary for a development when off-site improvements are warranted by a traffic impact study. Mr. Johnson reiterated the Land Use and Development Ordinance regarding the requirement for traffic impacts. The Commissioners generally agreed that future discussions and amendment are warranted.

The Vice Chairman called for the next order of business: director's comments.

Director presented the upcoming meeting dates: Site Preview is November 8, and the Regular Meeting is November 16, 2023. She thanked the Commissioners for their attendance at the Envision Daphne 2042 presentation on October 4, and advised that another presentation will be given at the City Council Work Session on November 13, 2023.

There being no further business, the meeting was adjourned at 6:00 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 26, 2023
Council Chamber, City Hall - 5:00 P.M.

Approved: November 16, 2023



Andrew Prescott, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 16, 2023
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report



1. **CALL TO ORDER:** 5:00 p.m.
2. **CALL OF ROLL:** Andrew Prescott, Ronnie Huskey, Steve Olen, Kevin Spriggs, Nathan Jones and Richard Johnson
3. **APPROVAL OF MINUTES:**

Review of minutes of the regular meeting of October 26, 2023. (**Approved**)
4. **NEW BUSINESS:**
 - A. **PRELIMINARY/FINAL SUBDIVISION PLAT REVIEW:**
 1. File SDPF23-11: (**Approved**)

Subdivision: Resubdivision of Lot 2, DISC

Zoning: *B-3, Professional Business*

Location: Southwest of the intersection of Innovation Way and Champions Way
Area: 23 Acres $\pm$, (2) lots
Owner(s): The City of Daphne - Mayor Robin LeJeune
Surveyor: Sawgrass Consulting - Jay Robertson
 - B. **HOPE VINEYARD, PHASES 1A AND 3 FINAL SUBDIVISION PLAT REVIEW AND STREET ACCEPTANCE:**
 1. File SDF23-04: (**Tabled until the regular meeting of December 14, 2023**)

Subdivision: Hope Vineyard, Phase 1A

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

Location: East of County Road 13
Area: 36.60 Acres $\pm$, (70) lots
Owner: Hope Vineyard Partners, L.L.C. - Michael Neal
Agent: Dewberry - Jason Estes
Surveyor: Dewberry - Victor Germain
Engineer: Dewberry - Justin Britt
 2. File AP23-10: (**Tabled until the regular meeting of December 14, 2023**)

Presentation to be given by Jason Estes, Dewberry, recommending acceptance of all rights-of-way contained within Hope Vineyard, Phase 1A. Said rights-of-way being Shadowridge Drive (2,095 linear feet), Cakebread Avenue (184 linear feet), Ziobaffa Drive (188 linear feet), Dominus Drive (1,380 linear feet), and Caymus Drive (95 linear feet).
 3. File SDF23-05: (**Tabled until the regular meeting of December 14, 2023**)

Subdivision: Hope Vineyard, Phase 3
Zoning: *R-6(G), Garden or Patio Home*
Location: West of the intersection of Songbird Drive and Avernus Loop
Area: 8.73 Acres $\pm$, (27) lots
Owner: Hope Vineyard Partners, L.L.C. - Michael Neal
Agent: Dewberry - Jason Estes
Surveyor: Dewberry - Victor Germain
Engineer: Dewberry - Justin Britt

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 16, 2023
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

4. File AP23-11: (Tabled until the regular meeting of December 14, 2023)

Presentation to be given by Jason Estes, Dewberry, recommending acceptance of all rights-of-way contained within Hope Vineyard, Phase 3. Said rights-of-way being Avernus Loop (841 linear feet) and Songbird Drive (157 linear feet).

5. PUBLIC PARTICIPATION: None presented.
6. ATTORNEY'S REPORT: No report.
7. COMMISSIONER'S COMMENTS: None presented.
8. DIRECTOR'S COMMENTS: Happy Thanksgiving
9. ADJOURNMENT: 5:30 p.m.

68Venturës

68V Reserve at Plantation Hills 2021, LLC
707 Belrose Ave
Daphne, AL 36526

To Whom It May Concern,

I, Nathan L. Cox, Manager of 68V Reserve at Plantation Hills 2021, LLC, an Alabama limited liability company, do hereby declare that our company wishes to donate the property known as Reserve at Plantation Hills to The City of Daphne.

The legal description for the property is as follows:

Lots 1, 2, 4 and 5, The Reserve at Plantation Hills, according to the map or plat thereof recorded as Slide 2866-A in the Office of the Judge of Probate, Baldwin County, Alabama.

This donation is made without any conditions or expectations, and 68V Reserve at Plantation Hills 2021, LLC willingly transfers all ownership and rights associated with the aforementioned property to The City of Daphne.

Please feel free to contact us for any further clarification or details regarding this donation.

Sincerely,
68V Reserve at Plantation Hills 2021, LLC



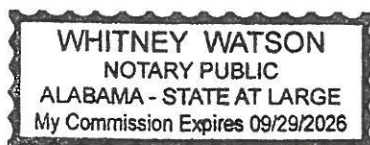
Nathan L. Cox, Manager

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned authority, a Notary Public in and for said county in said State, hereby certify that Nathan L. Cox, whose name as the Manager of 68V Reserve at Plantation Hills 2021, LLC, an Alabama limited liability company, 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 said instrument, he/she, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this 27th day of November 2023.

AFFIX SEAL



Notary Public

My commission expires: Sept. 29, 2026

68Ventures

68V Baldwin Land Holdings, LLC
707 Belrose Ave
Daphne, AL 36526

To Whom It May Concern,

I, Nathan L. Cox, Manager of 68V Baldwin Land Holdings, LLC, an Alabama limited liability company, do hereby declare that our company wishes to donate the property known as Reserve at Plantation Hills to The City of Daphne.

The legal description for the property is as follows:

Lot 3, The Reserve at Plantation Hills, according to the map or plat thereof recorded as Slide 2866-A in the Office of the Judge of Probate, Baldwin County, Alabama.

This donation is made without any conditions or expectations, and 68V Baldwin Land Holdings, LLC willingly transfers all ownership and rights associated with the aforementioned property to The City of Daphne.

Please feel free to contact us for any further clarification or details regarding this donation.

Sincerely,
68V Baldwin Land Holdings, LLC

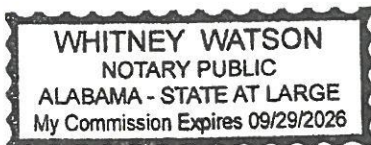


Nathan L. Cox, Manager

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned authority, a Notary Public in and for said county in said State, hereby certify that Nathan L. Cox, whose name as the Manager of 68V Baldwin Land Holdings, LLC, an Alabama limited liability company, 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 said instrument, he/she, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this 27th day of November 2023.



AFFIX SEAL



Notary Public

My commission expires: Sept. 29, 2026



PREMIER APPRATSALS

APPRAISAL REPORT OF AN APPRAISAL OF REAL PROPERTY

The Reserve at Plantation Hills (±258 Acres)

Daphne, AL 36526

AS OF

November 27, 2023

PREPARED FOR

Mr. Caldwell Cunningham

Chief of Staff

68 Ventures

707 Belrose Avenue

Daphne, Alabama 36526

PREPARED BY

Premier Appraisals - Mobile

PO Box 850742

Mobile, Alabama 36685

(251) 406-8876

www.apremiercompany.com

TRACKING NUMBERS

Premier Reference: LND-23-668





PREMIER APPRAISALS - MOBILE

PO Box 850742

Mobile, Alabama 36685

(251) 406-8876

www.apremiercompany.com

November 27, 2023

Mr. Caldwell Cunningham
Chief of Staff
68 Ventures
707 Belrose Avenue
Daphne, Alabama 36526

Re: Appraisal Report of an Appraisal of Real Property
The Reserve at Plantation Hills (±258 Acres)
Daphne, Baldwin County, AL, 36526
Premier Reference: LND-23-668

Dear Mr. Cunningham,

At your request and authorization, we have performed an appraisal of the above referenced property. The appraisal was conducted, and the attached appraisal report was written, to conform to generally accepted appraisal standards as evidenced by the Uniform Standards of Professional Appraisal Practice (USPAP) promulgated by the Appraisal Standards Board of the Appraisal Foundation, the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, and the requirements of the IRS and the Alabama Real Estate Appraisers Board.

The purpose of this appraisal was to estimate the Fair Market Value of the fee simple interest in the subject property. The effective date of value of the Fair Market Value opinion is November 27, 2023.

The intended users of this appraisal include the Client and representatives working directly for and on behalf of the Client. The IRS is also an intended user of this appraisal. The intended use of this appraisal is to establish a Fair Market Value for income tax purposes. The following appraisal report was written to comply with the reporting requirements set forth in Standards Rule 2-2(a) of the USPAP. This format provides a depth of discussion specific to the needs of the client. This report also complies with reporting standards of the IRS.

Property Overview

The subject property consists of ±258.42 acres of undeveloped residential land located on the south side of US-90 east of AL-181 behind the Plantation Hills subdivision, in Daphne, Alabama. The site consists of gently rolling topography and has access to all utilities. The subject is suitable and has been contemplated for development of a 481-lot subdivision known as The Reserve at Plantation Hills, which contains (7) 1-acre+ residential estate lots zoned R-1, (425) 52'x125' residential lots zoned R6-G, and (49) 80'x150' residential lots zoned R-3. Baldwin County currently identifies the subject property as five separate parcels numbered 43-01-01-0-000-001.012, 43-01-01-0-000-001.598, 43-01-12-0-000-001.000, 43-01-12-0-000-001.001, and 43-01-12-0-000-001.002. Please refer to the Site Analysis chapter for complete descriptions and discussions of the subject property.



PREMIER APPRAISALS - MOBILE

PO Box 850742

Mobile, Alabama 36685

(251) 406-8876

www.apremiercompany.com

Value Conclusions

Your attention is directed to the Limiting Conditions and Assumptions section of this report. Acceptance of this report constitutes an agreement with these conditions and assumptions. Based on the appraisal described in the accompanying report, subject to the Limiting Conditions and Assumptions, Extraordinary Assumptions and Hypothetical Conditions (if any), we have developed the following value opinion(s):

Fair Market Value:

The Fair Market Value of the fee simple estate of the subject property, as of November 27, 2023, is:

Six Million One Hundred Fifty Thousand Dollars
(\$6,150,000)

Thank you for the opportunity to be of service.

Respectfully submitted,

PREMIER APPRAISALS - MOBILE

A handwritten signature in black ink that reads "Joseph Vegliacich".

Joseph Vegliacich, MAI, AI-GRS
AL-Certified General
Real Estate Appraiser #G01026
Expires September 30, 2024



A handwritten signature in black ink that reads "Nicholas Davis".

Nicholas Davis
AL-Certified General
Real Estate Appraiser #G01512
Expires September 30, 2024

OWNERS/DEVELOPERS:
(OWNER #1):
68V BALDWIN LAND HOLDINGS, LLC
29891 WOODROW LN STE 300
SPANISH FORT, AL 36527
PARCEL ID#: 05-43-01-12-0-000-001.000
(OWNER #2):
68V RESERVE AT PLANTATION HILLS 2021, LLC
29891 WOODROW LN STE 300
SPANISH FORT, AL 36527
PARCEL ID#: 05-43-01-01-0-000-001.012

SURVEYOR/ENGINEER:
DEWBERRY
25353 FRIENDSHIP RD
DAPHNE, ALABAMA 36526
VICTOR L. GERMAN, PLS LIC. NO. 38473
JASON N. ESTES P.E. LIC. NO. 22714

SITE DATA
CURRENT ZONING: R-3
MINIMUM LOT SIZE: 12,000 SF
LIN. FT. STREETS: 2,861 LF
SMALLEST LOT: 0.72 AC
LARGEST LOT: 207.54 AC
NUMBER OF LOTS: 5
TOTAL ACRES: 258.43 AC

REQUIRED SETBACKS:
FRONT: 30 FT
REAR: 30 FT
SIDE: 10 FT

UTILITY PROVIDERS:
WATER SERVICE: LOXLEY WATER
SEWER SERVICE: BALDWIN COUNTY SEWER SERVICE
ELECTRIC SERVICE: RIVIERA UTILITIES
TELEPHONE SERVICE: AT&T

BALDWIN COUNTY, ALABAMA
HARRY P. OLIVE, JR., PROBATE JUDGE
FILED: 10/23/2024 1:10 PM
TOTAL 2 PAGES

SLIDE 0002866-B

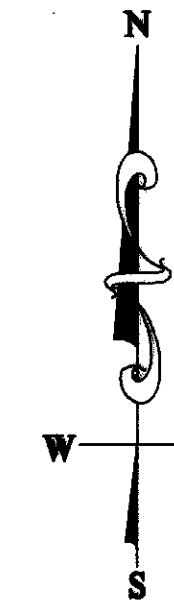
PLANTATION HILLS SOUTH, PHASE 2
(SLIDE 2020-B & 2020-C)

BAY BRANCH ESTATES, PHASE 5
(SLIDE 2011-B & 2011-C)

LOT 31 LOT 30 LOT 29 LOT 28

S89°50'01"E 1478.44'

S89°50'01"E 341.00'



LEGEND:
CMF = CONCRETE MONUMENT FOUND IN PLACE
CTIF = CRIMP TOP IRON PIN FOUND IN PLACE
RBF = REBAR FOUND
DOF = DOGGER CHAIN IRON FOUND IN PLACE
CRF = CAPPED IRON PIN FOUND IN PLACE
OEPF = OPEN END IRON PIPE FOUND
ORS = 5/8" ORNIPED REBAR SET (CA-1109-LS)
ORS = NAIL AND SHINER FOUND
W = WETLAND FLAG
W = MEASURED BEARING AND DISTANCE
DWC = DEED RECORDED BEARING & DISTANCE
WREC = MAP OF SURVEY BY MACGOWRY & WILLIAMS
DATED 3-8-12 BEARING AND DISTANCE
CEC = CONSTRUCTION ENGINEERS CONSULTANTS
CPP = CORRUGATED PLASTIC PIPE
E = EXISTING FIRE HYDRANT
P = PROPOSED FIRE HYDRANT
D = DRAINAGE MANHOLE
G = GUY WIRE
S = SEWER MANHOLE
U = UTILITY POLE
DPL = OVERHEAD POWER LINE
SL = 10" PVC SEWER LINE
W = UNDERGROUND WATER LINE

WETLANDS
ZONE "A"
ZONE "A" (SHADED)
ZONE "AE"
FLOODWAY AREA IN ZONE "AE"

CERTIFICATION OF OWNERSHIP AND DEDICATION (OWNER #1):
STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT I (WE), THE UNDERSIGNED, AM (ARE) THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I (WE) HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED, AND GRANT ALL EASEMENTS AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS 15th DAY OF December 2022

68V BALDWIN LAND HOLDINGS, LLC

BY: Norman L. Cox ITS: Manager
SIGNATURE

CERTIFICATION OF OWNERSHIP AND DEDICATION (OWNER #2):
STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT I (WE), THE UNDERSIGNED, AM (ARE) THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I (WE) HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED, AND GRANT ALL EASEMENTS AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS 15th DAY OF December 2022

68V RESERVE AT PLANTATION HILLS 2021, LLC

BY: Norman L. Cox ITS: Manager
SIGNATURE

ACKNOWLEDGEMENT OF NOTARY PUBLIC (OWNER #1):

I, Sandra L. Kurowski, a Notary Public in and for the County of Baldwin, State of Alabama, do hereby certify that the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he/she/they as such member, and with full authority execute the same voluntarily for and as the act of said bank.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 15th DAY OF December 2022

Sandra L. Kurowski
NOTARY PUBLIC
MY COMMISSION EXPIRES: 10-23-2024

ACKNOWLEDGEMENT OF NOTARY PUBLIC (OWNER #2):

I, Sandra L. Kurowski, a Notary Public in and for the County of Baldwin, State of Alabama, do hereby certify that the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he/she/they as such member, and with full authority execute the same voluntarily for and as the act of said bank.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 15th DAY OF December 2022

Sandra L. Kurowski
NOTARY PUBLIC
MY COMMISSION EXPIRES: 10-23-2024

MORTGAGEE'S ACCEPTANCE: OWNER #1

IN WITNESS WHEREOF, Sandra L. Kurowski, Notary Public in and for the County of Baldwin, State of Alabama, has hereunto duly authorized on this the 15th day of December 2022.

BY: [Signature] AS ITS: Manager

ACKNOWLEDGEMENT OF NOTARY PUBLIC (OWNER #1):

I, Sandra L. Kurowski, a Notary Public in and for the County of Baldwin, State of Alabama, do hereby certify that the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he/she/they as such member, and with full authority execute the same voluntarily for and as the act of said bank.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 15th DAY OF December 2022

Sandra L. Kurowski
NOTARY PUBLIC
MY COMMISSION EXPIRES: 10-23-2024

MORTGAGEE'S ACCEPTANCE: OWNER #2

IN WITNESS WHEREOF, Sandra L. Kurowski, Notary Public in and for the County of Baldwin, State of Alabama, has hereunto duly authorized on this the 15th day of December 2022.

BY: [Signature] AS ITS: President

ACKNOWLEDGEMENT OF NOTARY PUBLIC (OWNER #2):

I, Sandra L. Kurowski, a Notary Public in and for the County of Baldwin, State of Alabama, do hereby certify that the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he/she/they as such member, and with full authority execute the same voluntarily for and as the act of said bank.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 15th DAY OF December 2022

Sandra L. Kurowski
NOTARY PUBLIC
MY COMMISSION EXPIRES: 10-23-2024

SEE SHEET 1 OF 2 FOR OVERALL BOUNDARY

SEE LINE B FOR CONTINUATION NORTH

SEE LINE A FOR CONTINUATION SOUTH

CURVE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	113.25'	S89°50'01"E	104.28'
C2	28.19'	S89°50'01"E	26.72'
C3	113.25'	S89°50'01"E	104.28'
C4	113.25'	S89°50'01"E	104.28'
C5	113.25'	S89°50'01"E	104.28'
C6	113.25'	S89°50'01"E	104.28'
C7	113.25'	S89°50'01"E	104.28'
C8	113.25'	S89°50'01"E	104.28'
C9	113.25'	S89°50'01"E	104.28'
C10	113.25'	S89°50'01"E	104.28'
C11	113.25'	S89°50'01"E	104.28'
C12	113.25'	S89°50'01"E	104.28'
C13	113.25'	S89°50'01"E	104.28'
C14	113.25'	S89°50'01"E	104.28'
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C24	113.25'	S89°50'01"E	104.28'
C25	113.25'	S89°50'01"E	104.28'
C26	113.25'	S89°50'01"E	104.28'
C27	113.25'	S89°50'01"E	104.28'
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C31	113.25'	S89°50'01"E	104.28'
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C34	113.25'	S89°50'01"E	104.28'
C35	113.25'	S89°50'01"E	104.28'
C36	113.25'	S89°50'01"E	104.28'
C37	113.25'	S89°50'01"E	104.28'
C38	113.25'	S89°50'01"E	104.28'
C39	113.25'	S89°50'01"E	104.28'
C40	113.25'	S89°50'01"E	104.28'
C41	113.25'	S89°50'01"E	104.28'

CERTIFICATE OF APPROVAL BY TELEPHONE (AT&T):

THE UNDERSIGNED, AS AUTHORIZED BY AT&T HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 15th DAY OF December 2022.

BY: [Signature] AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (ELECTRIC):

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 15th DAY OF December 2022.

BY: [Signature] AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY TOWN OF LOXLEY (WATER):

THE UNDERSIGNED, AS AUTHORIZED BY THE TOWN OF LOXLEY HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 15th DAY OF December 2022.

BY: [Signature] AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY BCSS (SEWER):

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY SEWER SERVICE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 15th DAY OF December 2022.

BY: [Signature] AUTHORIZED REPRESENTATIVE

- GENERAL NOTES:
- FOR THE LOCATION OF ALL UTILITIES, SEE CONSTRUCTION PLANS.
 - 5 FT. CONCRETE SIDEWALKS TO BE INSTALLED BY CONTRACTOR AT THE TIME OF HOUSE CONSTRUCTION. BUT SHALL BE MAINTAINED BY THE RESERVE AT PLANTATION HILLS HOMEOWNERS ASSOCIATION.
 - STORMWATER DETENTION AREAS AND COMMON AREAS ARE NOT THE RESPONSIBILITY OF CITY OF DAPHNE BUT SHALL BE MAINTAINED BY THE RESERVE AT PLANTATION HILLS HOMEOWNERS ASSOCIATION.
 - ALL UTILITIES WILL BE CONSTRUCTED UNDERGROUND.
 - THERE EXISTS A 10 FOOT UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO RIGHT-OF-WAYS.
 - THE CITY OF DAPHNE RESERVES THE RIGHT TO REQUIRE THE MAINTENANCE OF ALL PRIVATE DRAINAGE FACILITIES TO PREVENT POTENTIAL FLOODING AND/OR ELIMINATE PUBLIC HEALTH AND SAFETY THREATS OR NUISANCE CAUSED BY SAID DRAINAGE FACILITIES.
 - ALL SIDEWALKS WITHIN THIS DEVELOPMENT SHALL BE ADA COMPLIANT.
 - THIS SUBDIVISION IS PART OF A MULTI-PHASE DEVELOPMENT. A MASTER PLAN ILLUSTRATING THE OVERALL DEVELOPMENT IS ON FILE IN THE DEPARTMENT OF COMMUNITY DEVELOPMENT.
 - ON CORNER LOTS, THE BUILDING ORIENTATION WILL DICTATE THE LOCATION OF FRONT, REAR INTERIOR SIDE AND CORNER YARD SETBACKS AND WILL BE VERIFIED DURING THE BUILDING PERMIT PROCESS.
 - THE MINIMUM FINISHED FLOOR ELEVATION ON ALL LOTS SHALL BE 18" ABOVE THE HIGHEST ADJACENT CENTERLINE OF THE ROADWAY.
 - AN EASEMENT MAY SERVE AS THE BUILDING SETBACK LINE WHEN THE WIDTH OF THE EASEMENT IS GREATER THAN OR EQUAL TO THE WIDTH OF THE REQUIRED SETBACK.

DIRECTOR OF COMMUNITY DEVELOPMENT:

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

THE UNDERSIGNED, AS DIRECTOR OF THE DAPHNE COMMUNITY DEVELOPMENT DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 15th DAY OF December 2022.

BY: [Signature] PC APPROVAL DATE Nov. 17, 2022

JORDEN G. JONES

CERTIFICATION OF APPROVAL FOR RECORDING:

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE DAPHNE LAND USE AND DEVELOPMENT ORDINANCE WITH THE EXCEPTION OF SUCH MODIFICATIONS, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND WRITTEN UPON SAID PLAT AND THAT IT HAS BEEN APPROVED FOR THE RECORDING IN THE OFFICE OF THE BALDWIN COUNTY JUDGE OF PROBATE.

DATED THIS 15th DAY OF December 2022

BY: [Signature]

PLANNING COMMISSION CHAIRMAN OR AUTHORIZED REPRESENTATIVE

THE RESERVE AT
PLANTATION HILLS
NOVEMBER 29, 2022
PRELIMINARY - FINAL PLAT

BOUNDARY SURVEY AND PLAT OF SUBDIVISION

DESIGN	M.A.C.	DRAWN	A.E.F.	CHKD.	V.L.G.
ENG	J.N.E.	SURVEYOR	V.L.G.	PROJ. MGR	C.C.B.
					SCALE 1"=100'
25353 Friendship Road Daphne, AL 36526					PROJ. NO. 50158465
251.990.9950 fax 251.929-9815					FILE RESERVE AT PLANTATION HILLS
					SHEET 2 OF 2



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: Women's Care Medical Center
APPLICANT NAME: Sue Leavins
STREET: P.O. Box 11610 18555 Carolina St. CITY, STATE, ZIP: Robertsdale, AL 36567
CONTACT PHONE: 251-947-2111 EMAIL: admin@womenscaremedicalcenter.org
"ON SITE" CONTACT PERSON DAY OF EVENT: Denise Mann
CELL PHONE: 251-802-9041 EMAIL: denise.mann@womenscaremedicalcenter.org

EVENT INFORMATION

EVENT NAME: Walk-a-thon
TYPE OF/PURPOSE OF EVENT: Fundraiser for Women's Care Medical Center
EVENT DATE: April 6, 2024 TIME (START- END): 8:00 am to 10:00 am
ASSEMBLY TIME: 7:30 Set up # PARTICIPANTS/VEHICLES: 50-60 (not all at once, come and go)
EVENT LOCATION: Village Point Park
FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): Fundraising Walk, use gazebo
Participants come and walk and drop off
pledge forms.

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. SA

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: Denise Mann CONTACT PHONE: 251-947-2111

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: _____

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: _____

11/16/23

INTERNAL USE ONLY

DATE REC'D: 11-16-2023

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

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2023-56**

**PROJECT NO: 2023-W-STPSU-0042(539)-ACCESS MANAGEMENT ON US-98 FROM CR-64
TO VAN AVE**

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$100,000; and

WHEREAS, the City of Daphne acknowledges that the STPSU-0042(539)-Access Management on US-98 from CR-64 to Van Ave project will exceed \$100,000; and

WHEREAS, the City of Daphne did receive and review bids for the STPSU-0042(539)-Access Management on US-98 from CR-64 to Van Ave and has determined that the bid for construction and materials (\$4,788,027.27) as presented is reasonable; and

WHEREAS, the City was awarded a pass-through grant for Project #STPOA-0042(539) from the Alabama Department of Transportation in the amount of \$2,202,506 for construction cost related to the STPSU-0042(539)-Access Management on US-98 from CR-64 to Van Ave project; and

WHEREAS, staff recommends the bid for the STPSU-0042(539)-Access Management on US-98 from CR-64 to Van Ave project be awarded to John G. Walton Construction Company, Inc.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accept the bid from **John G. Walton Construction Company, Inc.** in the amount of **\$4,788,027.27** as specified in **BID SPECIFICATION NO. 2023-W-STPSU-0042(539)-ACCESS MANAGEMENT ON US-98 FROM CR-64 TO VAN AVE.**

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2023.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2023- 57**

**APPROPRIATION: ACCESS MANAGEMENT ON US-98 FROM CR-64 TO VAN
AVENUE**

WHEREAS, Ordinance 2023-35 approved and adopted the Fiscal Year 2024 Budget on September 18, 2023; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2024 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2024 budget; and

WHEREAS, the City was awarded a pass-through grant for Project #STPOA-0042(539) from the Alabama Department of Transportation in the amount of \$2,202,506 for the construction costs related to the Access Management on US-98 from CR-64 to Van Avenue ; and

WHEREAS, the Access Management on US-98 from CR-64 to Van Avenue has been bid with a total project cost of \$5,619,974 (Construction Bid - \$4,788,028; Engineering - \$478,795; Riviera Utilities Pole Relocation - \$113,750; Contingency - \$239,401); and

WHEREAS, an additional appropriation of \$3,417,468 is needed to complete this project for costs in excess of grant funds received; and

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

1. Funds in the amount of **\$3,417,468** from the **General Fund and transferred to the Capital Reserve Fund** are appropriated and made a part of the Fiscal Year 2024 budget for the City's portion of the project herein described.
2. The Mayor is hereby authorized and directed to do or perform or cause to be done or performed in the name of and behalf of the City such other acts, and to execute, deliver, file and record such other instruments, documents, certificates, notifications and related documents, all as shall be required by law or necessary or desirable to carry out the provisions and purposes of this resolution.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this ____ day of _____, 2023.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2023-58**

**APPROPRIATION FOR ADDITIONAL LIGHTING AT JOHNSON ROAD AND US HIGHWAY
98 INTERSECTION**

WHEREAS, Ordinance 2023-35 approved and adopted the Fiscal Year 2024 Budget on September 18, 2023; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2024 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2024 budget; and

WHEREAS, additional lighting is needed at the intersection of Johnson Road and US Highway 98 due to current inadequate lighting provided at the intersection which could cause safety and security concerns; and

WHEREAS, a quote has been obtained for additional lighting and installation from Riviera Utilities in the amount of \$10,000.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

- 1) Funds in the amount \$10,000 from the **General Fund** are hereby appropriated and made part of the Fiscal Year 2024 Budget for the purchase and installation of additional lighting at the intersection of Johnson Road and US Highway 98.
- 2) The Mayor is hereby authorized and directed to do or perform or cause to be done or performed in the name of and behalf of the City such other acts, and to execute, deliver, file and record such other instruments, documents, certificates, notifications and related documents, all as shall be required by law or necessary or desirable to carry out the provisions and purposes of this resolution.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2023.

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2023 - 59**

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND
AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY**

WHEREAS, the management of the City of Daphne has determined that the items listed below are no longer required for public or municipal purposes; and

WHEREAS, the items listed below are recommended for disposal.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that

1. The property listed below are hereby declared to be surplus property; and

DEPT	EQ/VEH/#	DESCRIPTION	VIN/SN
Street	1146/1426	2005 SPREADER-TAILGATE-TGC-18 W/SPINR	TGC-18
Street	1373	1996 BUCKET, MULTI-PURP-BIT-2MQ-95S160-BALD	3JL06877
Street	0-219	1994 STONE MORTAR MIXER	0-219
Street	1217-L	2007 CAT BA25 BROOM (IT28)	1217-L
Street		CAT BH30W SKID STEER BACKHOE ATTACHMEN	B3W00465

2. The Mayor is authorized to advertise and accept bids through Govdeals.com/Liquidity Services Operations LLC as contracted for the sale of such personal property; and
3. The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the appropriate City fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder and sign all necessary documents.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
THIS _____ day of _____, 2023.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2023 - 60**

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND
AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY**

WHEREAS, the management of the City of Daphne has determined that the item listed below is no longer required for public or municipal purposes; and

WHEREAS, the item listed below is recommended for disposal.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that

1. The property listed below is hereby declared to be surplus property; and

DEPT	EQ/VEH/#	DESCRIPTION	VIN/SN
Garbage	1550	2015 MACK LEU613-28CY AUTOMATED GARB TK	1M2AU02COFM009309

2. The Mayor is authorized to advertise and accept bids through Govdeals.com/Liquidity Services Operations LLC as contracted for the sale of such personal property; and
3. The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the appropriate City fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder and sign all necessary documents.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
THIS _____ day of _____, 2023.**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE
RESOLUTION 2023-61**

**DONATION OF REAL PROPERTY TO CITY OF DAPHNE
(Reserve at Plantation Hills)**

WHEREAS, 68V Baldwin Land Holdings, LLC, an Alabama limited liability company, and 68V Reserve at Plantation Hills 2021, LLC, an Alabama liability company (collectively, the “Grantors”), have expressed a desire to convey and donate two (2) remnants of real property to the City of Daphne, an Alabama municipal corporation; and

WHEREAS, said real property is located within the corporate limits of the City of Daphne, Alabama and comprised of approximately 258 ± acres, and is more particularly described as follows:

68V Baldwin Land Holdings, LLC property:

LOT 3, THE RESERVE AT PLANTATION HILLS, PER THE MAP OR PLAT
THEREOF RECORDED AT SLIDE 2866-A RECORDED IN THE OFFICE OF
THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

68V Reserve at Plantation Hills 2021, LLC property:

LOTS 1, 2, 4 AND 5, THE RESERVE AT PLANTATION HILLS, PER THE
MAP OR PLAT THEREOF RECORDED AT SLIDE 2866-A RECORDED IN
THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY,
ALABAMA.

(hereinafter, collectively, the “Property”); and

WHEREAS, the City of Daphne has investigated, reviewed, and determined that the Property would be of benefit to the City of Daphne; and

WHEREAS, the City of Daphne recognizes that the Property was recently appraised by Premier Appraisals - Mobile, and that as of November 27, 2023, the Property had an appraised fair market value of Six Million, One Hundred Fifty Thousand and No/100 Dollars (\$6,150,000); and

WHEREAS, the City of Daphne does hereby accept the gratuitous donation and transfer of the Property to the City and the City agrees to complete and execute those provisions of appropriate IRS forms acknowledging this conveyance, and the City further acknowledges that it has not provided any goods, services or any other inducements in return for the acceptance of this donated Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the above-described Property be and is hereby accepted by the City of Daphne and the Mayor of the City is hereby authorized to execute such documents related to the closing and acceptance of the Property as a charitable contribution for the Grantors’ tax purposes.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF DECEMBER, 2023.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE
RESOLUTION 2023-62**

**RESOLUTION AUTHORIZING FACILITY USE
AGREEMENT FOR OVERLOOK BUILDING**

WHEREAS, the City of Daphne, Alabama (hereinafter referred to as the "City") owns a facility known as "the Overlook" located at 29750 Larry Dee Cawyer Drive, Daphne, Alabama, which consists of public parking, a public gazebo, and overlook areas as well as a structure that the City desires to use as a Community Facility; and

WHEREAS, the CIVIL AIR PATROL, a not-for-profit corporation organized and existing under the laws of the State of Alabama (hereinafter referred to as the "User"), is an established organization that provides Leadership and Character Development training to young people age 12-18 as part of the Cadet Program, Aerospace Education to organization members and members of the local community, and Emergency Services such as search and rescue, disaster assistance, and communications support to local communities and the nation; and

WHEREAS, the City Council has determined that the services provided by the User serve a public purpose that promotes the culture, education, morals, prosperity, commitment, and general welfare of the community; and

WHEREAS, the City believes that the User's efforts will be aided by having a location for (i) having a facility to conduct meetings, and (ii) having an office to conduct general business and storage of appropriate paperwork; and

WHEREAS, the City wishes to permit the User to utilize designated space in the Overlook building, subject to the terms and conditions of a Facility Use Agreement and the City's policies regarding facility use.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

1. The Mayor is hereby authorized to execute a Facility Use Agreement between the City of Daphne and the Civil Air Patrol.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF DECEMBER, 2023.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-41**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF
A PERMANENT UTILITY EASEMENT TO DAPHNE UTILITIES**

WHEREAS, the Utilities Board of the City of Daphne, a public corporation (“Daphne Utilities”), has requested a permanent utility easement from the City of Daphne (the “City”) for (1) ingress, (2) egress, (3) placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining its equipment, lines, utilities, anodes, and appurtenances thereto, (4) storage of equipment and materials related to placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining said equipment, anodes, lines, utilities and appurtenances thereto, and (5) any other use necessary for the operation of Daphne Utilities’ utilities and anodes, on, over, under and across the soil of a strip of land running across a parcel of land lying and being in the County of Baldwin, State of Alabama, being more particularly described as follows:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, LODEE ESTATES, AS RECORDED AT SLIDE 2094-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN S89°40'44"E, ALONG THE SOUTH LINE OF SAID LOT 1 AND ALONG THE NORTH LINE OF TAX PARCEL # 05-43-04-20-3-000-051.000, 164.89 FEET TO THE POINT OF BEGINNING; THENCE RUN N49°44'50"E, LEAVING SAID NORTH LINE, 27.04 FEET TO A POINT; THENCE RUN N43°58'28"E, 104.33 FEET TO A POINT; THENCE RUN S88°22'45"E, 315.26 FEET TO A POINT; THENCE RUN S01°37'15"W, 15.00 FEET TO A POINT; THENCE RUN N88°22'45"W, 308.64 FEET TO A POINT; THENCE RUN S43°58'28"W, 98.46 FEET TO A POINT; THENCE RUN S49°44'50"W, 55.98 FEET TO A POINT; THENCE RUN S00°19'16"W, 9.73 FEET TO A POINT; THENCE RUN N89°40'44"W, 22.00 FEET TO A POINT; THENCE RUN N00°19'16"E, 10.64 FEET TO A POINT; THENCE RUN N49°44'50"E, 44.30 FEET TO THE POINT OF BEGINNING, CONTAINING 7,379 SQ. FT.±.

(hereinafter referred to as the “Easement”); and

WHEREAS, the City Council of the City has determined that the granting of the Easement to Daphne Utilities will serve a public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

1. The Mayor and Clerk of the City are each hereby authorized to execute the Easement to Daphne Utilities, in substantially the form attached hereto as Exhibit A.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2023.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

EXHIBIT A

Easement to Daphne Utilities

(attached)

STATE OF ALABAMA)

COUNTY OF BALDWIN)

TERMINATION OF EASEMENT

This TERMINATION OF EASEMENT (this “Termination”) is given as of this ____ day of _____, 2023, by **THE UTILITIES BOARD OF THE CITY OF DAPHNE**, a public corporation of Alabama (the “Board”).

WHEREAS, the **CITY OF DAPHNE**, an Alabama municipal corporation (the “City”), previously granted to the Board a certain easement dated as of February 6, 2023, and recorded as Instrument No. 2046763 in the Office of the Probate Judge of Baldwin County, Alabama (the “Easement”); and

WHEREAS, pursuant to the terms of the Easement, the City and the Board mutually agree to terminate the Easement and replace it with a new easement over a different portion of real property owned by the City.

NOW, THEREFORE, in consideration of the sum of One and No/100 (\$1.00) Dollar and other good and valuable consideration in hand paid at the time of the execution hereof, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, the Board hereby agrees as follows:

1. Recitations. The foregoing recitations are true and correct and are incorporated herein by reference.
2. Termination of Easement. The Board hereby terminates, releases and relinquishes all easements and other rights created or reserved in favor of the Board by virtue of the Easement.
3. Binding Effect. The covenants contained in this Termination are not personal but shall run with the land and shall be binding upon the Board and inure to the benefit of the City, and each of their respective transferees, successors or assigns.

IN WITNESS WHEREOF, this Termination of Easement has been executed as of the date first written.

[Signature Page Follows]

[Signature Page for Termination of Easement]

**THE UTILITIES BOARD OF
THE CITY OF DAPHNE**

By: _____
Its: _____

STATE OF ALABAMA }
COUNTY OF BALDWIN }

I hereby certify, that on this day, before me, a Notary Public, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____, as _____ of the Utilities Board of the City of Daphne, to me known to be person described in and who executed the foregoing instrument and acknowledged before me that, being informed of the content of the same, voluntarily signed and delivered the within and foregoing instrument on the day and year therein mentioned, by and for the Utilities Board of the City of Daphne.

Given under my hand and official seal, this _____ day of _____, 2023.

Notary Public
My Commission Expires: _____

CITY:
CITY OF DAPHNE
ATTN: MAYOR ROBIN LEJEUNE
1705 MAIN STREET
DAPHNE, AL 36526

BOARD:
THE UTILITIES BOARD OF THE CITY OF DAPHNE
ATTN: SCOTT POLK
900 DAPHNE AVENUE
DAPHNE, AL 36526

THIS INSTRUMENT WAS PREPARED BY:
Adams and Reese LLP
11 N Water St, Ste 23200
Mobile, AL 36602

without the benefit of a title search, survey, or inspection, and who makes no representation regarding the status of title or condition of the property that would otherwise be discoverable by an inspection, a survey, a title search, or other inquiry, and who makes no representation regarding any other legal or other consequence that may result upon this conveyance.

STATE OF ALABAMA }

EASEMENT

COUNTY OF BALDWIN }

KNOW ALL MEN BY THESE PRESENTS, that **THE CITY OF DAPHNE**, a municipality in the State of Alabama, (hereinafter collectively referred to as “GRANTOR”), for and in consideration of the amount of One and No/100 (\$1.00) Dollars and other good and valuable consideration in hand paid to the GRANTOR by **THE UTILITIES BOARD OF THE CITY OF DAPHNE**, a public corporation of Alabama, (hereinafter referred to as “GRANTEE”), the receipt and sufficiency whereof is hereby acknowledged by the said GRANTOR, and for the further consideration of the general benefit which will accrue to the public and the benefit which may accrue to the GRANTOR by reason of the utilities installed, does hereby, subject to terms hereinafter contained, **GRANT, BARGAIN, SELL AND CONVEY** unto the said GRANTEE, its successors or assigns, a right and easement for (1) ingress, (2) egress, (3) placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining its equipment, lines, utilities, anodes, and appurtenances thereto, (4) storage of equipment and materials related to placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining said equipment, anodes, lines, utilities and appurtenances thereto, and (5) any other use necessary for the operation of GRANTEE’S utilities and anodes, on, over, under and across the soil of a strip of land running across a parcel of land lying and being in the County of Baldwin, State of Alabama, being more particularly described as follows:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, LODEE ESTATES, AS RECORDED AT SLIDE 2094-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN S89°40'44"E, ALONG THE SOUTH LINE OF SAID LOT 1 AND ALONG THE NORTH LINE OF TAX PARCEL # 05-43-04-20-3-000-051.000, 164.89 FEET TO THE POINT OF BEGINNING; THENCE RUN N49°44'50"E, LEAVING SAID NORTH LINE, 27.04 FEET TO A POINT; THENCE RUN N43°58'28"E, 104.33 FEET TO A POINT; THENCE RUN S88°22'45"E, 315.26 FEET TO A POINT; THENCE RUN S01°37'15"W, 15.00 FEET TO A POINT; THENCE RUN N88°22'45"W, 308.64 FEET TO A POINT; THENCE RUN S43°58'28"W, 98.46 FEET TO A POINT; THENCE RUN S49°44'50"W, 55.98 FEET TO A POINT; THENCE RUN S00°19'16"W, 9.73 FEET TO A POINT; THENCE RUN N89°40'44"W, 22.00 FEET TO A POINT; THENCE RUN N00°19'16"E, 10.64 FEET TO A POINT; THENCE RUN N49°44'50"E, 44.30 FEET TO THE POINT OF BEGINNING, CONTAINING 7,379 SQ. FT.±.

(hereinafter referred to as the “EASEMENT”). The EASEMENT is further described on the Sawgrass Consulting, LLC survey dated September 19, 2023, and attached hereto as **Exhibit A**.

TO HAVE AND TO HOLD the above-described EASEMENT unto the said GRANTEE, its successors and assigns, forever.

The said GRANTOR, for itself, its successors and assigns, does hereby covenant with the GRANTEE, its successors and assigns, that the GRANTOR is seized of an indefeasible estate in fee simple in said EASEMENT, and that the GRANTOR does hereby warrant and will forever defend the above-described easement and rights unto the GRANTEE, its successors and assigns, against the lawful claims of all persons.

GRANTEE does hereby obtain all rights and privileges necessary or convenient, as determined in the sole discretion of GRANTEE, for the full enjoyment and use of said easement, including the

right to place, locate, replace, relocate, construct, operate, inspect, repair and maintain its lines, mains, manholes, utilities, and appurtenances, and any other use necessary for operation of its utility system and the right of necessary and reasonable ingress and egress by the agents, employees, and equipment of GRANTEE, its successors and assigns, over and across EASEMENT. GRANTOR, its successors and assigns further grant to GRANTEE reasonable ingress and egress over the real property subject to said EASEMENT as may be reasonably required to access such EASEMENT.

The GRANTOR, its successors and assigns, reserve the right to use and enjoy the surface of said easement subject to the following: GRANTOR, its successors and assign shall not excavate, construct or permit to be constructed on, over or under said Easement, any structure, plantings, fencing, utilities or other improvement without written approval from said GRANTEE, said approval to be given at GRANTEE'S sole discretion.

IN WITNESS WHEREOF, this instrument is executed this the _____ day of _____, 2023.

ROBIN LEJEUNE, MAYOR

STATE OF ALABAMA }
COUNTY OF BALDWIN }

I hereby certify, that on this day, before me, a Notary Public, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Robin LeJeune, as mayor of the City of Daphne, to me known to be person described in and who executed the foregoing instrument and acknowledged before me that, being informed of the content of the same, voluntarily signed and delivered the within and foregoing instrument on the day and year therein mentioned, by and for the City of Daphne.

Given under my hand and official seal, this _____ day of _____, 2023.

Notary Public
My Commission Expires: _____

GRANTOR:
CITY OF DAPHNE
ATTN: MAYOR ROBIN LEJEUNE
1705 MAIN STREET
DAPHNE, AL 36526

GRANTEE:
THE UTILITIES BOARD OF THE CITY OF DAPHNE
ATTN: SCOTT POLK
900 DAPHNE AVENUE
DAPHNE, AL 36526

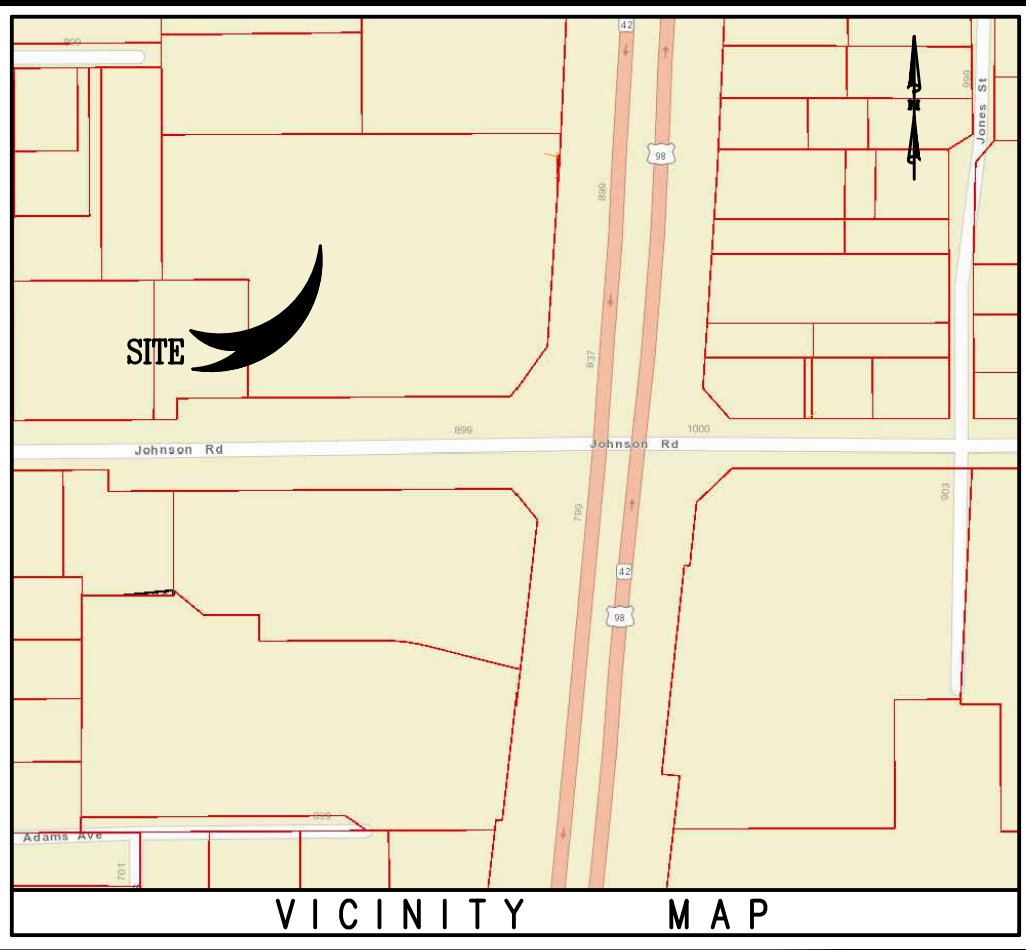
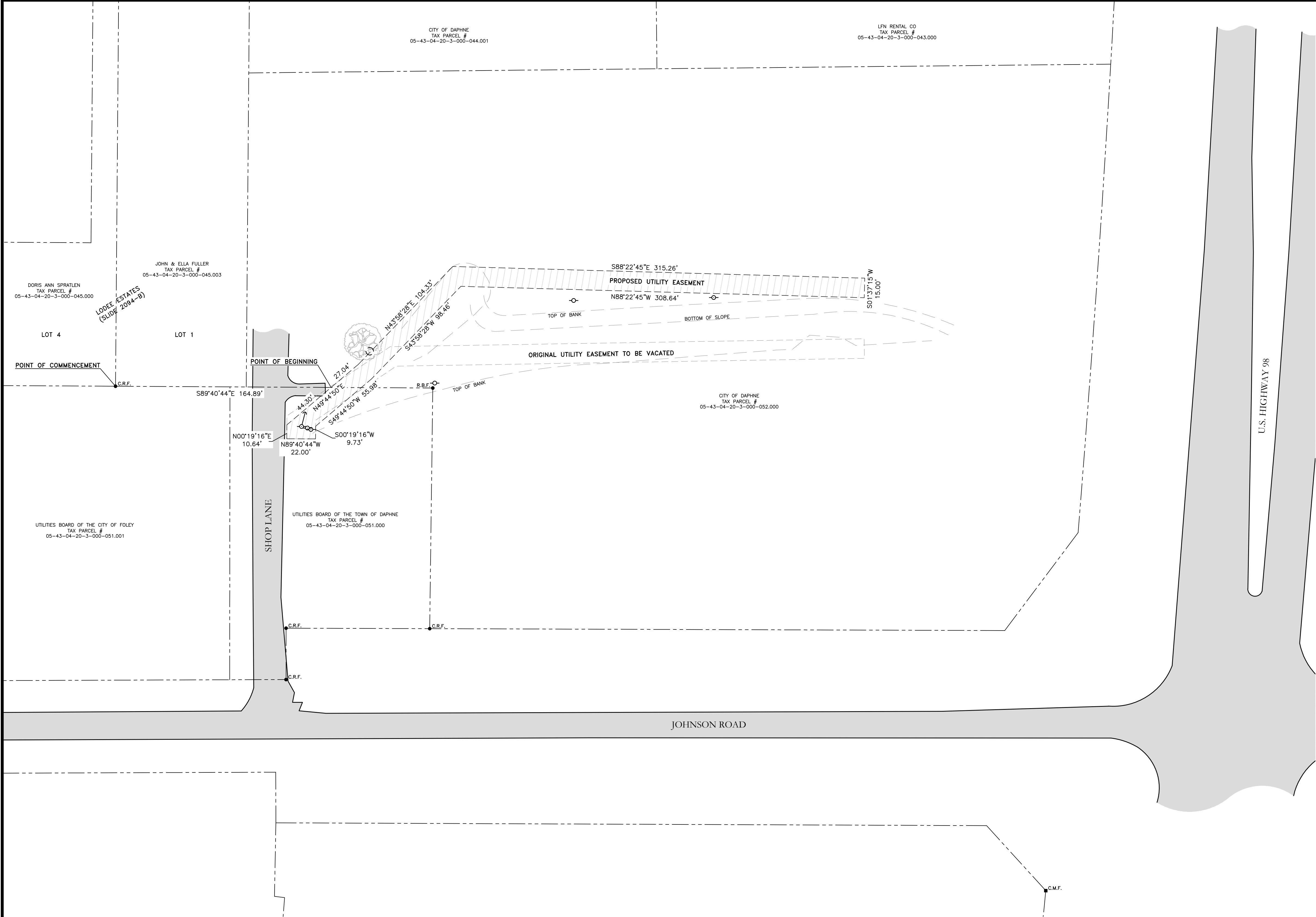
THIS INSTRUMENT WAS PREPARED BY:
Adams and Reese LLP
11 N Water St, Ste 23200
Mobile, AL 36602

without the benefit of a title search, survey, or inspection, and who makes no representation regarding the status of title or condition of the property that would otherwise be discoverable by an inspection, a survey, a title search, or other inquiry, and who makes no representation regarding any other legal or other consequence that may result upon this conveyance.

EXHIBIT A

Easement to Daphne Utilities

(attached)



- LEGEND**
- PROPERTY LINE
 - R.B.F. REBAR FOUND
 - C.R.F. CAPPED REBAR FOUND
 - C.M.F. CONCRETE MONUMENT FOUND
 - POWER POLE
 - ← GUY WIRE

- GENERAL SURVEYORS NOTES:
- SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS FIRM, SURVEYS BY OTHER FIRMS AND INFORMATION FURNISHED BY CLIENT. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT TIME OF SURVEY.
 - ALL BEARINGS ARE BASED ON THE GRID NORTH AS DETERMINED BY RTK GPS AND REFERENCED TO NAD83, ALABAMA WEST STATE PLANE COORDINATES.
 - FIELD WORK FOR THIS SURVEY WAS PERFORMED SEPTEMBER 2022 AND SEPTEMBER 2023.

DESCRIPTION OF EASEMENT:

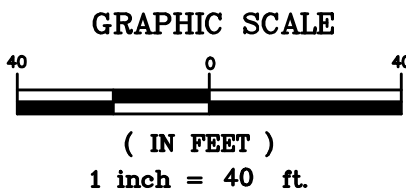
COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, LODEE ESTATES, AS RECORDED AT SLIDE 2094-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN S89°40'44"E, ALONG THE SOUTH LINE OF SAID LOT 1 AND ALONG THE NORTH LINE OF TAX PARCEL # 05-43-04-20-3-000-051.000, 164.89 FEET TO THE POINT OF BEGINNING; THENCE RUN N49°44'50"E, LEAVING SAID NORTH LINE, 27.04 FEET TO A POINT; THENCE RUN N43°58'28"E, 104.33 FEET TO A POINT; THENCE RUN S88°22'45"E, 315.26 FEET TO A POINT; THENCE RUN S01°37'15"W, 15.00 FEET TO A POINT; THENCE RUN N88°22'45"W, 308.64 FEET TO A POINT; THENCE RUN S43°58'28"W, 98.46 FEET TO A POINT; THENCE RUN S49°44'50"W, 55.98 FEET TO A POINT; THENCE RUN S00°19'16"W, 9.73 FEET TO A POINT; THENCE RUN N89°40'44"W, 22.00 FEET TO A POINT; THENCE RUN N00°19'16"E, 10.64 FEET TO A POINT; THENCE RUN N49°44'50"E, 44.30 FEET TO THE POINT OF BEGINNING, CONTAINING 7,379 SQ. FT.±

NUMBER:	REVISION:	DATE:



ENGINEERING - SURVEYING - CONSTRUCTION MANAGEMENT

30673 Sgt. E. I. "Boots" Thomas Drive, Spanish Fort, AL 36527 Phone: (251) 544-7900



PROPOSED UTILITY EASEMENT
7145 JOHNSON RD, DAPHNE, AL
DAPHNE UTILITIES

SCALE:	1"=40'
DATE:	SEPTEMBER 19, 2023
DRAWN BY:	QM
CHECKED BY:	
SHEET:	1 OF 1

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-42**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A PERMANENT UTILITY
EASEMENT TO THE UTILITIES BOARD OF THE CITY OF FOLEY d/b/a RIVIERA
UTILITIES**

WHEREAS, the Utilities Board of the City of Foley, a public corporation (“Riviera Utilities”), has requested a permanent utility easement from the City of Daphne (the “City”) for (1) ingress, (2) egress, (3) placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining its equipment, lines, utilities, anodes, and appurtenances thereto, (4) storage of equipment and materials related to placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining said equipment, anodes, lines, utilities and appurtenances thereto, and (5) any other use necessary for the operation of Riviera Utilities’ utilities and anodes, on, over, under and across the soil of a strip of land running across a parcel of land lying and being in the County of Baldwin, State of Alabama, being more particularly described as follows:

Commencing at the Northeast corner of said legal described property; thence N.180°0'0"E. for 66.27 feet; thence N.89°42'28"W. for 8.00 feet; thence N.0°9'26"W. for 66.28 feet; thence S.89°41'8"E. for 8.00 feet. SEC 41-T5S-R2E

(hereinafter referred to as the “Easement”); and

WHEREAS, the City Council of the City has determined that the granting of the Easement to Riviera Utilities will serve a public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

1. The Mayor and Clerk of the City are each hereby authorized to execute the Easement to Riviera Utilities, in substantially the form attached hereto as Exhibit A.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2023.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

EXHIBIT A

Easement to Riviera Utilities

(attached)

GRANTEE:
The Utilities Board of the City of Foley
d/b/a Riviera Utilities
P. O. Box 2050
Foley, AL 36536

GRANTOR:
THE CITY OF DAPHNE, ALABAMA

P.O. BOX 400
DAPHNE, AL 36526-0400

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that THE CITY OF DAPHNE, ALABAMA, AN ALABAMA MUNICIPAL CORPORATION, hereinafter referred to as GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, this day cash in hand paid by THE UTILITIES BOARD OF THE CITY OF FOLEY, a corporation, hereinafter referred to as GRANTEE, the receipt whereof is hereby acknowledged, does hereby grant unto said GRANTEE, its successors and assigns, the right to construct, operate and maintain electric distribution and communication lines and all towers, poles, conduits, conductors, cables, insulators, anchors, guy wires, counterpoise conductors, and all other appliances necessary or convenient in connection therewith from time to time over, under and across the land hereinafter described, and a right of survey to determine the boundaries of said strip together with all the rights and privileges necessary or convenient for the full enjoyment or use thereof for the purposes above described, including the right to ingress and egress to and from said strip and the right to cut, remove, or otherwise kill, and keep clear by any means, including chemicals, all trees and undergrowth and all other obstructions under, on or above said strip and danger trees adjacent thereto which now or may hereafter injure, endanger or interfere with any of the works on said strip, and the right to install, maintain and use anchors and guy wires on land adjacent to said strip.

The land which is located in BALDWIN COUNTY, ALABAMA described on Exhibit “A”, attached hereto and by reference, made a part thereof.

TO HAVE AND TO HOLD unto said GRANTEE, its successors and assigns, FOREVER.

The said GRANTOR further agrees that the GRANTEE may let and allow other corporations to attach wires to said poles and towers of the GRANTEE and further agrees that if it becomes necessary or desirable for the GRANTEE to move its poles, towers or appurtenances in order to allow for improvement or construction of any public road or highway in proximity to its line of poles and towers, that the easement and rights herein granted will be extended automatically on the property of the GRANTOR, its successors and assigns, outside and adjacent to the boundary of the public road or otherwise as established or reestablished from time to time.

The GRANTOR hereby covenants and warrants that it has full right to grant the use and enjoyment of the property as herein done.

WITNESS the hands and seals of the GRANTOR on this the ____ day of _____, ____.

CITY OF DAPHNE, ALABAMA
An Alabama Municipal Corporation

By: _____
Its: _____

I, _____, a Notary Public in and for said County in said State, hereby certify that _____, whose name 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/They) executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal hereto affixed by me on this the ____ day of _____, ____.

Notary Public, Baldwin County
State of Alabama

(Affix Seal)

EXHIBIT "A"

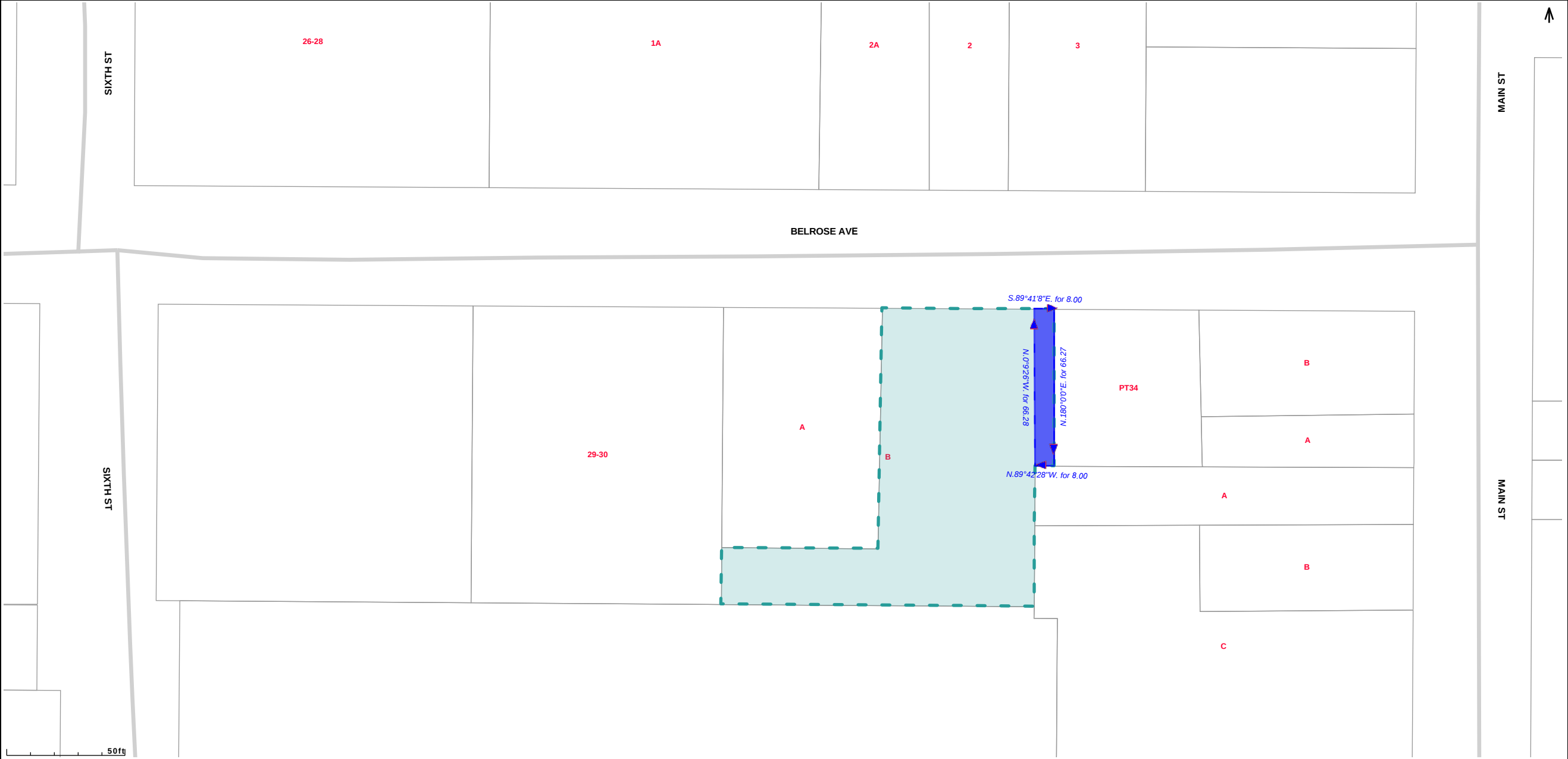
DESCRIPTION OF REAL PROPERTY

LOT B, RE-PLAT OF LOTS 31, 32 AND A PORTION OF LOT 33 OF YUILLE SUBDIVISION, BELROSE WHARF, ACCORDING TO THE PLAT THEREOF RECORDED AS SLIDE 2709-A, IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.
SEC 41-T5S-R2E

DESCRIPTION OF EASEMENT

Commencing at the Northeast corner of said legal described property; thence N.180°0'0"E. for 66.27 feet; thence N.89°42'28"W. for 8.00 feet; thence N.0°9'26"W. for 66.28 feet; thence S.89°41'8"E. for 8.00 feet.
SEC 41-T5S-R2E

This instrument prepared by:
Amanda Overstreet
Riviera Utilities
Electric Engineering Dept.
413 East Laurel Ave.
Foley, Al 36535



RIVIERA UTILITIES
413 East Laurel Ave.
Foley, Alabama 36535
1(251) 943-5001

W.O. #: ELE43349-1

"Exhibit A"
NOT TO SCALE
Not performed by a licenced surveyor

 Right of Way Easment Width Dimensions As Indicated