

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, November 4, 2024 at 6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE

PROMOTION: Corporal Jamie Huffman

Corrections Officers: Karen Johnson
Charles "Alex" Phipps

3. APPROVE MINUTES: October 21, 2024 regular meeting

4. REPORTS OF STANDING COMMITTEES

- A. FINANCE COMMITTEE** – Phillips
- 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
- C. DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
- D. INDUSTRIAL DEVELOPMENT BOARD** – Scott
- E. LIBRARY BOARD** – Goodlin
- F. PLANNING COMMISSION** – Olen
Review the minutes from the September 26th meeting and the report from the October 24th meeting.
- G. RECREATION BOARD** – Hughes
- H. UTILITY BOARD** – Coleman

6. PUBLIC PARTICIPATION

7. MAYOR'S REPORT

8. CITY ATTORNEY REPORT

City Council Agenda – November 4, 2024

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK’S REPORT

MOTION to approve the 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premises Only) to Alabama Chips to Go LLC dba Jubilee Shell located at 6851 US Highway 90, Daphne, Alabama.

MOTION to approve the 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premises Only) to Alabama Chips to Go LLC dba Lake Forest Shell located at 29279 US Highway 98, Daphne, Alabama.

MOTION to approve the 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premises Only) to Alabama Chips to Go LLC dba Malbis Shell located at 29640 State Highway 181, Daphne, Alabama.

MOTION to approve the SEEDS Annual Crawfish Boil on March 22, 2025 located on the Daphne City Hall front lawn.

MOTION to approve the publication and set a public hearing on December 16, 2024 for the Official City of Daphne Zoning Map Update.

MOTION to approve the publication and set a public hearing on December 16, 2024 for the Bayside Academy, Inc Pre-Zoning Amendment located Southeast of Friendship Road and County Road 64.

MOTION to approve the publication and set a public hearing on December 16, 2024 for the Bayside Academy, Inc. Annexation Petition located Southeast of Friendship Road and County Road 64.

MOTION to approve the publication and set a public hearing on December 16, 2024 for the Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Annexation Petition located Southeast of the intersection of Milton Jones Road and Alabama Highway 181.

MOTION to approve the publication and set a public hearing on December 16, 2024 for the Bertolla Properties, LLC Pre-Zoning Amendment located Southeast of the intersection of Austin Road and Alabama Highway 181.

MOTION to approve the publication and set a public hearing on December 16, 2024 for the Bertolla Properties, LLC Annexation Petition located Southeast of the intersection of Austin Road and Alabama Highway 181.

MOTION to approve the publication and set a public hearing on December 16, 2024 for the Bertolla Properties, LLC Vacation of Right-of-Way located East of the intersection of Austin Road and Alabama Highway 181.

11. RESOLUTIONS:

2024 – 50 – Revision to the Official City of Daphne Street Map

12. 2nd READ ORDINANCES:

2024 – 34 – Ordinance to Re-Zone Property Located Southeast of the Intersection of Whispering Pines and US Highway 98

2024 – 35 – Ordinance Amending City’s Employee Handbook – Section 9.8

City Council Agenda – November 4, 2024

13. 1st READ ORDINANCES:

2024 – 36 – Ordinance to Amend the City’s Military Leave Policy, Adopt an Accommodation Policy and Reorganize Chapter 1 of the City’s Employee Handbook

14. ELECTION OF OFFICERS

MOTION to Elect Council President

MOTION to Elect Council Pro Tem

15. COUNCIL COMMENTS

16. ADJOURN

**October 21, 2024
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: Tommie Conaway, Joel Coleman, Ron Scott, Steve Olen, Doug Goodlin, Ben Hughes and Angie Phillips

Also Present: Patrick Dungan, City Attorney; Mayor LeJeune; Candace Antinarella, City Clerk; Chief Tacon, Fire; Charlie McDavid, Recreation; Adrienne Jones, Planning; Emmie Powell, Library; Ange Baggett, Marketing/Tourism; Vickie Hinman, Human Resources; Ronnie Huskey, Public Works; Troy Strunk, City Development; Kristin Andrews, Police; Lamar Green, Fire Department; Dareon Maynard, Junior City Councilmember; Schuyler Smith, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Battalion Chief, Lamar Green, Daphne Fire Department.

PROMOTION: Jaynae Nichols, Police Communications, Police Lieutenant Kristin Andrews and Mayor LeJeune recognized Telecommunicator II Elizabeth Christie on her recent promotion.

RECOGNITION: Mayor LeJeune recognized Boy Scouts Collin Peak and Jameson Peak on their participation with the “infant tree squad”.

PUBLIC HEARING: Adrienne Jones presented on the AMERCO Real Estate Zoning Amendment located Southeast of the Intersection of Whispering Pine and U.S. Highway 98.

Public hearing opened at 6:10pm.

Council discussed.

Richard Davis, representing AMERCO/U-Haul, spoke to the Council about the property.

No one from the public came forward to speak.

Public hearing closed at 6:41pm.

3. APPROVAL OF MINUTES:

The minutes from the October 7, 2024 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Phillips said the Committee didn’t meet earlier, but the next meeting is November 18th at 4:30.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Goodlin said the next meeting is November 12th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is November 12th at 4:30pm and the September minutes are in the packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

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

**October 21, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

E. PUBLIC WORKS COMMITTEE

Councilwoman Conaway said the next meeting is November 4th at 5:15pm.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said there is no report.

B. Daphne Public School Commission

Councilwoman Conaway said the next meeting is October 28th at Daphne High School at 5:30pm.

C. Downtown Redevelopment Authority

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

D. Industrial Development Board

Councilman Scott said the next meeting is October 22nd at 4:30pm.

E. Library Board

Councilman Goodlin said the next meeting is November 14th at 4:30pm at the Library.

F. Planning Commission

Councilman Olen said the next meeting is October 24th at 5:00pm.

G. Recreation Board

Councilman Hughes said the Recreation Board will be presenting at the next Council Work Session, so the next month's meeting is cancelled.

H. Utility Board

Councilman Coleman said the next meeting is October 30th at 5:00pm.

6. PUBLIC PARTICIPATION:

Public participation opened at 6:44pm.

Nancy Johnson, 308 North Summit St., Fairhope, and Sandy Tormon, 105 Ashton Court, Fairhope, spoke on the resolution regarding bicycle paths and asked the Council if they would consider supporting.

Milton Watson, 1310 Warren Drive, said their mailbox placement required by the City has become dangerous with speeding traffic on the road.

Public participation closed at 6:54pm.

7. MAYOR'S REPORT:

Mayor LeJeune said the Jubilee Festival was a great event and mentioned upcoming events: October 26th – Turkey Trot, October 26th – Children's Business Fair, October 27th – Daphne Witches' Ride. He said there is a road closure in Old Field Subdivision due to the City installing speed tables.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

**October 21, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
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9. DEPARTMENT HEAD COMMENTS:

Chief Tacon, Fire, said they recently had a driver's practical test.

Ange Baggett, Marketing and Tourism, thanked all departments and individuals who helped with the Jubilee Festival. She updated the Council on Civic Center events and said Brown Bag by the Bay continues.

Emmie Powell, Library, said the Fall Festival was a great success and thanked all departments involved. She also shared about upcoming events at the Library.

Vickie Hinman, Human Resources, said the Employee Flu Clinic is coming up on Wednesday and there is a Special Called Meeting for the Council on Monday.

Ronnie Huskey, Public Works, updated the Council on multiple projects throughout the City.

Adrienne Jones, Planning, reminded everyone the Planning Commission meeting is Thursday.

Junior Council, Schuyler Smith, said the Junior Council just finished recording their podcast and that the next meeting is November 13th at 5:00pm.

10. CITY CLERK'S REPORT:

City Clerk said the Council will hold a Special Called Meeting on October 28, 2024 at 4:30pm. She also said the City is now accepting City Judge letters of intent and can be turned in to the Clerk's office until October 30th at 5:00pm.

**MOTION by Councilwoman Phillips to approve the Miles for Missions 5k on March 8, 2025 from 8:00am – 12:00pm. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

11. RESOLUTIONS:

12. 2ND READ ORDINANCES:

1ST READ ORDINANCES:

2024 – 34 – Ordinance to Re-Zone Property Located Southeast of the Intersection of Whispering Pines and US Highway 98

2024 – 35 – Ordinance Amending City's Employee Handbook – Section 9.8

13. COUNCIL COMMENTS:

Councilwoman Phillips thanked the Department Heads for their reports.

Councilman Scott thanked the Boy Scouts for their involvement with the "infant tree squad" project.

Councilman Goodlin said the Baldwin Prep Academy is a great new addition to the County and School System.

Councilman Coleman thanked all those involved with the Jubilee Festival.

Councilwoman Conaway thanked the Boy Scouts for working on the project and for coming to the meeting.

Mayor LeJeune said he appreciates Civic Center staff for their work. He mentioned the City received an \$800,000 Tap Grant for sidewalks.

October 21, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
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Councilman Olen thanked the Scouts for coming. He recognized Noel Yoho for his involvement with the “infant tree squad” project. He thanked the Library for the Fall Festival and said the Jubilee Festival went great.

14. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:13PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Steve Olen, Council President

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: October 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Planning Commission Minutes and Report

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

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of the September 26, 2024 and the report of the regular meeting of October 24, 2024 for placement on the November 4, 2024 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 September 26, 2024
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

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

Call of Roll:

Members Present:

Kevin Spriggs, Secretary
Ronnie Huskey
Adam Manning
Oliver Roberts
*John Peterson, Vice Chairman
Andrew Prescott, Chairman
**Richard Johnson

*Mr. Peterson arrived at 5:11 p.m. and Mr. Johnson was excused at 6:27 p.m.

Staff Present:

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

The Chairman asked for input regarding the August 22, 2024 regular meeting minutes presented by staff. There being none, minutes stand approved as submitted.

The Chairman called for the next order of business: Fortuna Investments, LLC, Industrial Development Board and the City of Daphne Zoning Amendment.

An introductory presentation was given by the agent, Drew Dolan. Mr. Dolan summarized the rezoning request as presented on the meeting agenda and provided an overview of the revisions to the proposed PUD. He stated that the PUD ties directly into the vision for this area as outlined in the Envision 2042 Comprehensive Plan with a mixture of different uses and development types, shared and on-street parking, enhanced streetscape, open space, public and private open park area, and amenities to include pickle ball courts, improvements to Champions Way, and the addition of sidewalks along Alabama Highway 181.

The Chairman asked about staff comments. Mr. Strunk advised that staff is satisfied with the proposed revisions.

Mr. Spriggs commented on the elimination of the invasive species in the wetlands and regulating on-street parking. Mr. Dolan responded that Fortuna Investments does not intend to disturb the natural habitat in the wetlands and advised that the City does not regulate on-street parking.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of September 26, 2024
Council Chamber, City Hall - 5:00 P.M.**

The Chairman opened the floor for public hearing.

Sam Ledbetter, 9630 Canterbury Road, spoke in opposition with concerns regarding: additional traffic on Alabama Highway 181 and Champions Way created by this development and the church and asked about the effect on the plans if Novelis is not a part of the PUD.

Ethan Bertagnolli, Chamberlain Trace, spoke in opposition with concerns regarding: traffic and the safety of his fellow students.

Miles Paisant, 9614 Poet's Corner and Canterbury Place POA President, spoke in opposition with concerns regarding: traffic from this development and the church, and the effect on the school.

Benjamin Neely, 9540 Cambria Drive, spoke in opposition with concerns regarding: safety, traffic from this development and the church, and the effect on the school.

Wayne Mockel, 1412 Second Street, spoke in opposition with concerns regarding: the character of the hotel to be located within this development.

Laurel MacMinn Anderson, 27799 Moniac Cove, spoke in opposition with concerns regarding: the initial design for an industrial center was create jobs.

The Chairman closed the floor to the public hearing and offered the agent the opportunity for rebuttal.

During rebuttal, Mr. Dolan noted that traffic improvements will be designed for Champions Way in accordance with the recommendation of the traffic impact study.

Mr. Johnson commended the PUD for providing live/work units, amenities, and the streetscape and landscape design and for providing the buffer against Canterbury Place Subdivision.

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

A motion was made by Mr. Spriggs and seconded by Mr. Manning to set forth a favorable recommendation to the City Council to rezone the subject property for Fortuna Investments, LLC, Industrial Development Board and the City of Daphne to a PUD, Planned Unit Development. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: Oak Grove Estates, Phase One, Planning Commission Approval.

An introductory presentation was given by the agent, Jason Wooten. He provided an overview of a request for Planning Commission approval as presented on the meeting agenda. He advised that he is requesting approval of a low-pressure system in lieu of gravity sewer in response to comments received from Daphne Utilities regarding an issue with maintaining a gravity force main located in the wetlands.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of September 26, 2024
Council Chamber, City Hall - 5:00 P.M.**

A motion was made by Mr. Prescott and seconded by Mr. Roberts to grant Planning Commission Approval to Oak Grove Estates, Phase One. There was no discussion. The motion carried. Mr. Peterson dissented.

The proposed amendment and noted modifications to the Comprehensive Plan are related to the zoning request associated with East Fish River, LLC. Ms. Jones deferred to the representative of the project for the presentation.

The Chairman called for the next order of business: East Fish River, LLC.

An introductory presentation was given by the agent, Craig Johnson. Mr. Johnson summarized the amendment to the comprehensive plan and rezoning request as presented on the meeting agenda. He noted that the proposed development requires an amendment to the comprehensive plan to change the Placetype from Estate Residential to a Suburban Neighborhood and Natural Areas/Open Space. He also provided a detailed presentation of the proposed PUD. The PUD is five hundred and ten acres, and includes fifteen phases, several amenities and cooperation with Baldwin County to improve County Road 64. He also noted that potable water and sanitary sewer are served by the City of Loxley and students will attend Loxley schools.

The Chairman opened the floor for public hearing regarding the amendment to the comprehensive plan.

Susan Brackin, 12351 High Plains Drive, commented about overcrowding of schools and hospitals, quality of life and traffic.

The Chairman closed the floor to the public hearing and opened the floor for public hearing regarding the rezoning request.

Susan Brackin, 12351 High Plains Drive, spoke in opposition, to express her concerns about overcrowding of schools and hospitals, that the City of Loxley cannot provide service to the subdivision, and requested that the use of the property remain single family residential.

Eric Lazzari, 25568 Austin Road, commented about traffic.

Joe Tate, 8820 Bain Bridge Drive, commented about traffic, preservation of the wetlands, and noted that this property is located in the headwater of Fish River.

The Chairman closed the floor to the public hearing and offered the agent the opportunity for rebuttal.

During rebuttal, Mr. Inge, an owner and managing partner, stated that they purchased the property in 2006 as an investment and annexed it into the City of Daphne in 2019. Based on the school system and property values they decided that a PUD was the best choice for the development of this property.

Hearing no comments from the commissioners, the Chairman called for a motion regarding the Comprehensive Plan Resolution.

The City of Daphne
Planning Commission Minutes
Regular Meeting of September 26, 2024
Council Chamber, City Hall - 5:00 P.M.

A motion was made by Mr. Spriggs and seconded by Mr. Peterson to approve an amendment to the Envision Daphne 2042 Comprehensive Plan regarding land located five hundred feet northeast of the intersection of County Road 64 and Dixon Lane (PPIN# 27122, 26, 252259 and 27121) from an Estate Residential Placetype to Suburban Neighborhood and Natural Areas/Open Space Placetype. There was no discussion on the motion.

Upon roll call vote,

Mr. Spriggs	Aye
Mr. Huskey	Aye
Mr. Manning	Nay
Mr. Peterson	Aye
Mr. Prescott	Aye
Mr. Roberts	Nay
Mr. Johnson	Nay

The motion for Resolution #2024-04 failed due to the lack of a supermajority vote of the members present. The vote was four in favor and three opposed.

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

A motion was made by Mr. Spriggs and seconded by Mr. Huskey to table East Fish River, LLC application to the October 24, 2024 Regular Planning Commission meeting. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: Rowan Oak Master Plan Review.

An introductory presentation was given by the agent, Chloe Kelly. Mrs. Kelly provided a summarization of the master plan review as presented on the meeting agenda. She stated the master plan revised drawing clearly defines the sidewalk location along with the addition of sidewalks on the south side of the property and behind the detention pond.

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

A motion was made by Mr. Manning and seconded by Mr. Spriggs to approve the master plan review for Rowan Oak. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: Hope Vineyard, Phase 2 Preliminary Plat Review.

An introductory presentation was given by the agent, Cathy Barnette. Mrs. Barnette provided a summary of the preliminary subdivision plat review as presented on the meeting agenda.

Mrs. Barnette asked for preliminary plat approval of a forty-four point one-one acre development and requested an exemption from the changes the Land Use and Development Ordinance changes regarding easement widths.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of September 26, 2024
Council Chamber, City Hall - 5:00 P.M.**

The 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 Chairman called for a motion.

A motion was made by Mr. Roberts and seconded by Mr. Huskey to approve the preliminary plat for Hope Vineyard, Phase 2. There was no discussion on the motion. The Motion carried unanimously.

The Chairman called for the next order of business: Bayfront Master Plan, Modification and Waiver to the Wetland Buffer Areas, and Bayfront Park Expansion and Improvement Plan Site Plan Review.

Mrs. Cathy Barnette and Mr. Bobe provided a summary of the master plan review, modification and waiver to the wetland buffer areas, and site plan review as presented on the meeting agenda, and Mrs. Barnette provided an overview of the process for USCOE permitting and mitigation measures taken to offset the encroachment and modification of the wetland buffers.

Hearing no further comments from the commissioners, the Chairman called for a motion on each related request.

A motion was made by Mr. Prescott and seconded by Mr. Spriggs to approve the master plan for Bayfront Park. There was no discussion. The motion carried unanimously.

A motion was made by Mr. Spriggs and seconded by Mr. Huskey to approve the modification and waiver to the wetland areas for Bayfront Park. There was no discussion. The motion carried unanimously.

A motion was made by Mr. Spriggs and seconded by Mr. Manning to approve the site plan for the Bayfront Park Expansion and Improvement Plan. There was no discussion. The motion carried unanimously.

The next order of business is the election of officers.

The Chairman opened the nominations for Chairman. Mr. Spriggs nominated Mr. Prescott. The nominations were closed. With no other nominations, Mr. Prescott is Chairman.

The Chairman opened the nominations for Vice Chairman. Mr. Spriggs nominated Mr. Peterson. The nominations were closed. With no other nominations, Mr. Peterson is Vice Chairman.

The Chairman opened the nominations for Secretary. Mr. Peterson nominated Mr. Spriggs. The nominations were closed. With no other nominations, Mr. Spriggs is Secretary.

The Chairman called for the next order of business: public participation. None presented.

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

**The City of Daphne
Planning Commission Minutes
Regular Meeting of September 26, 2024
Council Chamber, City Hall - 5:00 P.M.**

Mr. Dungan had no report.

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

None presented.

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

None presented.

Mr. Strunk announced that Andy Bobe has been hired as the new City Engineer.

There being no further business, the meeting was adjourned at 6:42 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: October 24, 2024


Andrew Prescott, Chairman

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 24, 2024
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report



1. **CALL TO ORDER:** 5:05 p.m.
2. **CALL OF ROLL:** Andrew Prescott, Steve Olen, John Peterson, Kevin Spriggs, Ronnie Huskey, Oliver Roberts and Nathan Jones
3. **APPROVAL OF MINUTES:**
Review of minutes of the regular meeting of September 26, 2024. (**Approved**)
4. **OLD BUSINESS:**

A. EAST FISH RIVER, LLC ZONING AMENDMENT:

1. File ZA24-05: (**Tabled by applicant until the regular meeting of November 14, 2024**)

Applicant: East Fish River, LLC

Present Zoning: *R-1, Low Density Single Family Residential*

Proposed Zoning: *PUD, Planned Unit Development*

Location: Five hundred feet northeast of the intersection of County Road 64 and Dixon Lane

Area: 510.17 Acres $\pm$

Agent: Engineering Design Group - Craig Johnson or Austin Lutz

Developer: Gaskin Banks - Todd Malphrus

Owner: East Fish River, LLC - Richard Inge

5. **NEW BUSINESS:**

A. SITE PLAN REVIEW:

1. File SP24-08: (**Approved**)

Site: Eastern Shore Academy of Excellence

Zoning: *B-2, General Business*

Location: Southeast of the intersection of Pollard Road and Well Road

Area: 0.26 Acres $\pm$

Owner: Jamie Snowden

Engineer: Lieb Engineering - Chris Lieb

2. File SP24-09: (**Approved contingent upon satisfying requirements pertaining to the existing stormwater detention**)

Site: D.T. Read Steel

Zoning: *C/I, Commercial/Industrial*

Location: Southeast of Stanton Road and Profit Drive

Area: 1.72 Acres $\pm$

Owner: D.T. Read Steel - Donald Read

Engineer: TTL, Inc. - Newman Bailey or Andy McCartney

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 24, 2024
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report

B. ROWAN OAK PRELIMINARY/FINAL SUBDIVISION PLAT AND PRELIMINARY SUBDIVISION PLATS REVIEW:

1. File SDPF24-05:

(Approved)

Subdivision: Rowan Oak Parcel Division

Zoning: *PUD, Planned Unit Development*

Location: Southwest of the intersection of Milton Jones and County Road 13
Area: 134.31 Acres $\pm$, (6) lots
Owner: 68V Land Holdings, Sharon and John Christopher Boni, Frederick and Thomas Boni
Agent: S. E. Civil - Aaron Collins
Developer: 68 Ventures - Chloe Kelly
Surveyor: S.E. Civil - David Diehl

2. File SDP24-02:

(Approved with a condition to stay out of the wetland and wetland buffer areas until such time the City receives confirmation regarding the jurisdictional determination)

Subdivision: The Hamlet at Rowan Oak, Phase 1

Zoning: *PUD, Planned Unit Development*

Location: Southwest of the intersection of Milton Jones and County Road 13
Area: 46.76 Acres $\pm$, (118) lots
Owner: Sharon and John Christopher Boni and Frederick and Thomas Boni
Agent: S. E. Civil - Aaron Collins
Developer: 68 Ventures - Chloe Kelly
Surveyor: S.E. Civil - David Diehl
Engineer: S.E. Civil - Dave Lavery

3. File SDP24-03:

(Approved with a condition to stay out of the wetland and wetland buffer areas until such time the City receives confirmation regarding the jurisdictional determination and satisfying the minor landscaping issues)

Subdivision: Faulkners Place at Rowan Oak, Phase 4

Zoning: *PUD, Planned Unit Development*

Location: Southwest of the intersection of Milton Jones and County Road 13
Area: 10.46 Acres $\pm$, (66) lots
Owner: Sharon and John Christopher Boni
Agent: S. E. Civil - Aaron Collins
Developer: 68 Ventures - Chloe Kelly
Surveyor: S.E. Civil - David Diehl
Engineer: S.E. Civil - Jonathan McGehee

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 24, 2024
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report

C. BAYSIDE ACADEMY, INC. PRE-ZONING AMENDMENT AND ANNEXATION:

1. File PZA24-08: (Favorable recommendation to City Council)

Applicant: Bayside Academy, Inc.

Present Zoning: *RSF-2, Residential Single Family, and B-1, Professional Business, Baldwin County District 15*

Proposed Zoning: *C-2, Outdoor Amusement*

Location: Southeast of Friendship Road and County Road 64

Area: 22.93 Acres $\pm$

Agent: Jade Consulting - Trey Jinright or Paul Marcinko

Owner: Bayside Academy, Inc. - Dr. Scott Phillipps

2. File ANX24-09: (Favorable recommendation to City Council)

A presentation to be given by Trey Jinright or Paul Marcinko, Jade Consulting, requesting annexation of a twenty-two point nine-three acre parcel owned by Bayside Academy, Inc. located southeast of the Friendship Road and County Road 64. The subject property is currently zoned RSF-2, Residential Single Family, and B-1, Professional Business, Baldwin County District 15.

D. IRON GATE MASTER PLAN REVIEW:

1. File MPR24-02: (Approved)

Presentation to be given by Chloe Kelly, 68 Ventures, requesting master plan review of Irongate.

E. BERTOLLA PROPERTIES, LLC, YOTA PROPERTIES, LLC, FREDERICK G. & THOMAS BONI, AND SHARON AND JOHN CHRISTOPHER ANNEXATION PETITION:

1. File ANX24-08: (Favorable recommendation to City Council)

A presentation to be given by Chloe Kelly, 68 Ventures, requesting annexation of a one hundred and seventy-five point two-one acre parcel owned by Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni located southeast of the intersection of Milton Jones Road and Alabama Highway 181. The subject property is currently zoned RSF-E, Residential Single Family Estate, RSF-3, Residential Single Family, and B-3, General Business, Baldwin County District 15.

F. BERTOLLA PROPERTIES, LLC PRE-ZONING AMENDMENT AND ANNEXATION PETITION:

1. File PZA24-09: (Favorable recommendation to City Council)

Applicant: Bertolla Properties, LLC

Present Zoning: *RSF-2, Residential Single Family, Baldwin County District 15*

Proposed Zoning: *B-2(a), General Business Alternate*

Area: 25.22 Acres $\pm$

Location: Southeast of the intersection of Austin Road and Alabama Highway 181

Owner: Bertolla Properties, LLC - Alexander Bertolla

Developer: 68 Ventures - Chloe Kelly

Agent: S.E. Civil - Aaron Collins

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 24, 2024
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report

2. File ANX24-10: (Favorable recommendation to City Council)

A presentation to be given by Chloe Kelly, 68 Ventures, requesting annexation of a twenty-five point two-two acre parcel owned by Bertolla Properties, LLC located southeast of the intersection of Austin Road and Alabama Highway 181. The subject property is currently zoned RSF-2, Residential Single Family.

G. VACATION OF RIGHT-OF-WAY:

1. File VOR24-01: (Favorable recommendation to City Council)

Applicant: Bertolla Properties, LLC
Location: East of the intersection of Austin Road and Alabama Highway 181
Area: 1.40 Acres ±
Owner: Bertolla Properties, LLC - Alexander Bertolla
Agent: 68 Ventures - Chloe Kelly

H. OFFICIAL ZONING AND STREET MAP UPDATE:

1. File AP24-15: (Favorable recommendation to City Council)

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

6. **PUBLIC PARTICIPATION:** None presented.
7. **ATTORNEY'S REPORT:** No report.
8. **COMMISSIONER'S COMMENTS:** Ed Griffith commented about city infrastructure (see minutes for details).
9. **DIRECTOR'S COMMENTS:** None presented.
10. **ADJOURNMENT:** 5:47 p.m.



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002102543924



Type License: 050 - RETAIL BEER (OFF PREMISES ONLY) State: County:
Type License: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY) State: County:
Trade Name: JUBILEE SHELL Filing Fee:
Applicant: ALABAMA CHIPS TO GO LLC Transfer Fee: \$100.00
Location Address: 6851 US HIGHWAY 90 DAPHNE, AL 36526
Mailing Address: 6851 US HIGHWAY 90 DAPHNE, AL 36526
County: BALDWIN Tobacco sales: YES Tobacco Vending Machines: 0
Product Type: 03 Type Ownership: LLC
Book, Page, or Document info: 001-137-090
Do you sell Draft Beer?:
Date Incorporated: 05/20/2024 State incorporated: AL County Incorporated: BALDWIN
Date of Authority: 05/20/2024
Federal Tax ID: 99-3154410 Alabama State Sales Tax ID: R012201110

Name:	Title:	Date and Place of Birth:	Residence Address:
MICK S PATEL 070176818 - GA	OWNER	11/25/1976 INDIA	2403 LIVELY TRL NE ATLANTA, GA 30345

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: CHIRAG I PATEL
Business Phone: 772-643-7193
Fax:

Home Phone: 772-643-7193
Cell Phone:
E-mail: ALABAMACHIPSTOGO@GMAIL.COM

PREVIOUS LICENSE INFORMATION:
Trade Name: CHIPS TO GO
Applicant: JUBILEE SHELL LLC

Previous License Number(s)
License 1: 012131802
License 2: 012131802



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002102543924



If applicant is leasing the property, is a copy of the lease agreement attached? YES

Name of Property owner/lessor and phone number: LAVIGNE OIL COMPANY OF BATON ROUGE LLC 225-952-7900

What is lessors primary business? OIL COMPANY

Is lessor involved in any way with the alcoholic beverage business? NO

Is there any further interest, or connection with, the licensee's business by the lessor? YES

Does the premise have a fully equipped kitchen? NO

Is the business used to habitually and principally provide food to the public? NO

Does the establishment have restroom facilities? YES

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? NO

Will the business be operated primarily as a package store? NO

Building Dimensions Square Footage: 3000 Display Square Footage:

Building seating capacity: 0 Does Licensed premises include a patio area? NO

License Structure: SINGLE STRUCTURE License covers: ENTIRE STRUCTURE

Number of licenses in the vicinity: 0 Nearest: 0

Nearest school: Nearest church: Nearest residence: 0 blocks

Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)? NO

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002102543924



Initial each

Signature page

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

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

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

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

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

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

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

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

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

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

Applicant Name (print): **MICK PATEL**

Signature of Applicant:

Notary Name (print): **R. RAJ MEHTA**

Notary Signature:

R. Raj Mehta
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires 09/12/2026

Commission expires: **09/12/2026**

Application Taken: App. Inv. Completed:
Submitted to Local Government:
Received in District Office: Reviewed by Supervisor:

Forwarded to District Office:
Received from Local Government:
Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
Confirmation Number: 20241002102543924



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
JUBILEE SHELL LLC
Address: 6851 US HIGHWAY 90
DAPHNE, AL 36526
Telephone: 334-414-0457

NEW APPLICANT:
ALABAMA CHIPS TO GO LLC
Address: 6851 US HIGHWAY 90
DAPHNE, AL 36526
Telephone: 772-643-7193

Current License No: 012131802
012131802

LICENSED PREMISES ADDRESS: 6851 US HIGHWAY 90 DAPHNE, AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 7 day of October, 2024.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

AMIT KUMAR RAMESHBHAI PATEL

Print Name:
Title: OWNER

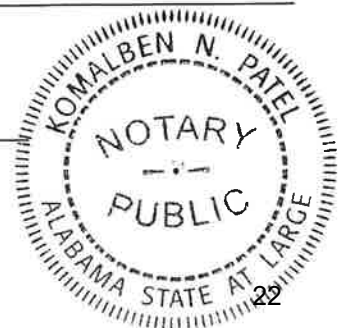
MICK PATEL

Print Name:
Title: OWNER

WITNESS: (By ABC Enforcement)
Revised 9/08

Komalben N Patel

My Commission
Expires May 15, 2027





STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002102543924



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

Is there any further interest in, or connection with, the licensee's business by the lessor?: LANDLORD HAS TERMS IN LEASE PREDICATED ON GROSS SALES

CASE NO. 2024-14

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 10/15/24 (initial) CAE

DATE FORWARDED TO POLICE DEPT. 10/16/24 CAE

DATE RECEIVED BY POLICE DEPT. 10/16/24 KCF

DATE: 10/16/24 APPROVED ☒ DISAPPROVED ☐

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 10/16/24 KCF

DATE FORWARDED TO CITY CLERK 10/16/24 CAE

DATE RECEIVED BY CITY CLERK _____

SCHEDULED DATE ON AGENDA _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002161741126



Type License: 050 - RETAIL BEER (OFF PREMISES ONLY) State: County:
Type License: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY) State: County:
Trade Name: LAKE FOREST SHELL Filing Fee:
Applicant: ALABAMA CHIPS TO GO LLC Transfer Fee: \$100.00
Location Address: 29279 US HIGHWAY 98 DAPHNE, AL 36526
Mailing Address: 29279 US HIGHWAY 98 DAPHNE, AL 36526
County: BALDWIN Tobacco sales: YES Tobacco Vending Machines: 0
Product Type: 03 Type Ownership: LLC
Book, Page, or Document info: 001-137-090
Do you sell Draft Beer?:

Date Incorporated: 05/20/2024 State incorporated: AL County Incorporated: BALDWIN
Date of Authority: 05/20/2024
Federal Tax ID: 99-3154410 Alabama State Sales Tax ID: R012201110

Name:	Title:	Date and Place of Birth:	Residence Address:
MICK S PATEL 070176818 - GA	OWNER	11/25/1976 INDIA	2403 LIVELY TRL NE ATLANTA, GA 30345

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: CHIRAG I PATEL
Business Phone: 772-643-7193
Fax:

Home Phone: 772-643-7193
Cell Phone:
E-mail: ALABAMACHIPSTOGO@GMAIL.COM

PREVIOUS LICENSE INFORMATION:
Trade Name: CHIPS TO GO
Applicant: LAKE FOREST 1 LLC

Previous License Number(s)
License 1: 012128702
License 2: 012128702



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002161741126



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**

Name of Property owner/lessor and phone number: **LAVIGNE OIL COMPANY OF BATON ROUGE LLC 225-952-7900**

What is lessors primary business? **OIL COMPANY**

Is lessor involved in any way with the alcoholic beverage business? **NO**

Is there any further interest, or connection with, the licensee's business by the lessor? **YES**

Does the premise have a fully equipped kitchen? **NO**

Is the business used to habitually and principally provide food to the public? **NO**

Does the establishment have restroom facilities? **YES**

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **NO**

Will the business be operated primarily as a package store? **NO**

Building Dimensions Square Footage: **3500**

Display Square Footage:

Building seating capacity: **0**

Does Licensed premises include a patio area? **NO**

License Structure: **SINGLE STRUCTURE**

License covers: **ENTIRE STRUCTURE**

Number of licenses in the vicinity: **0**

Nearest: **0**

Nearest school:

Nearest church:

Nearest residence: **0 blocks**

Location is within: **CITY LIMITS**

Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)? **NO**

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002161741126



Initial each

Signature page

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

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

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

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

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

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

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

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

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

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

Applicant Name (print): **MICK PATEL**

Signature of Applicant:

Notary Name (print): **R. RAJ MEHTA**

Notary Signature:

R. Raj Mehta
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires 09/12/2026

Commission expires: **09/12/2026**

Application Taken: App. Inv. Completed:

Submitted to Local Government:

Forwarded to District Office:
 Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
Confirmation Number: 20241002161741126



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
LAKE FOREST 1 LLC
Address: 29279 US HIGHWAY 98
DAPHNE, AL 36526
Telephone: 334-414-0457

NEW APPLICANT:
ALABAMA CHIPS TO GO LLC
Address: 29279 US HIGHWAY 98
DAPHNE, AL 36526
Telephone: 772-643-7193

Current License No: 012128702
012128702

LICENSED PREMISES ADDRESS: 29279 US HIGHWAY 98 DAPHNE, AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 7 day of October, 2024.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

AMITKUMAR RAMESHBHAI PATEL

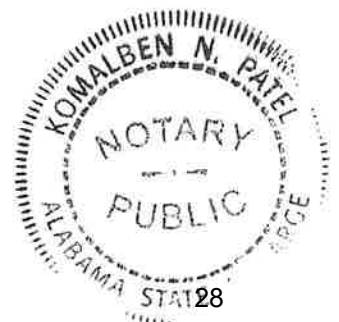
Print Name:
Title: OWNER

MICK PATEL

Print Name:
Title: OWNER

WITNESS: (By ABC Enforcement) Komalben N Patel
Revised 9/08

My Commission
Expires May 15, 2027





STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002161741126



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

Is there any further interest in, or connection with, the licensee's business by the lessor?: LANDLORD HAS % INTEREST IN GROSS SALES FOR THE APPLICANT

List of Current Member

The following individual is the only member of:

Alabama Chips to Go LLC

NAME: MICK PATEL

TITLE: OWNER

MICK PATEL

PRINTED NAME OF MEMBER

B

SIGNATURE OF MEMBER

10/11/2024

DATE

CASE NO. 2024-15

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 10/15/24 (initial) CAC

DATE FORWARDED TO POLICE DEPT. 10/16/24 CAC

DATE RECEIVED BY POLICE DEPT. 10/16/24 KRF

DATE: 10/16/24 APPROVED ☒ DISAPPROVED ☐

POLICE DEPT SIGNATURE 

DATE RETURNED TO REVENUE DIV. 10/16/24 KRF

DATE FORWARDED TO CITY CLERK 10/16/24 CAC

DATE RECEIVED BY CITY CLERK _____

SCHEDULED DATE ON AGENDA _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002151758689



Type License: 050 - RETAIL BEER (OFF PREMISES ONLY) State: County:
Type License: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY) State: County:
Trade Name: **MALBIS SHELL** Filing Fee:
Applicant: **ALABAMA CHIPS TO GO LLC** Transfer Fee: \$100.00
Location Address: 29640 STATE HIGHWAY 181 DAPHNE, AL 36526
Mailing Address: 29640 STATE HIGHWAY 181 DAPHNE, AL 36526
County: BALDWIN Tobacco sales: YES Tobacco Vending Machines: 0
Product Type: 03 Type Ownership: LLC
Book, Page, or Document info: 001-137-090
Do you sell Draft Beer?:
Date Incorporated: 05/20/2024 State incorporated: AL County Incorporated: BALDWIN
Date of Authority: 05/20/2024
Federal Tax ID: 99-3154410 Alabama State Sales Tax ID: R012201110

Name:	Title:	Date and Place of Birth:	Residence Address:
MICK S PATEL 070176818 - GA	OWNER	11/25/1976 INDIA	2403 LIVELY TRL NE ATLANTA, GA 30345

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: CHIRAG I PATEL
Business Phone: 772-643-7193
Fax:

Home Phone: 772-643-7193
Cell Phone:
E-mail: ALABAMACHIPSTOGO@GMAIL.COM

PREVIOUS LICENSE INFORMATION:
Trade Name: CHIPS TO GO
Applicant: MALBIS SHELL LLC

Previous License Number(s)
License 1: 012127802
License 2: 012127802



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002151758689



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**

Name of Property owner/lessor and phone number: **LAVIGNE OIL COMPANY OF BATON ROUGE LLC 225-952-7900**

What is lessors primary business? **OIL COMPANY**

Is lessor involved in any way with the alcoholic beverage business? **NO**

Is there any further interest, or connection with, the licensee's business by the lessor? **YES**

Does the premise have a fully equipped kitchen? **NO**

Is the business used to habitually and principally provide food to the public? **NO**

Does the establishment have restroom facilities? **YES**

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **NO**

Will the business be operated primarily as a package store? **NO**

Building Dimensions Square Footage: **4500**

Display Square Footage:

Building seating capacity: **0**

Does Licensed premises include a patio area? **NO**

License Structure: **SINGLE STRUCTURE**

License covers: **ENTIRE STRUCTURE**

Number of licenses in the vicinity: **0**

Nearest: **0**

Nearest school:

Nearest church:

Nearest residence: **0 blocks**

Location is within: **CITY LIMITS**

Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)? **NO**

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002151758689



Initial each

Signature page

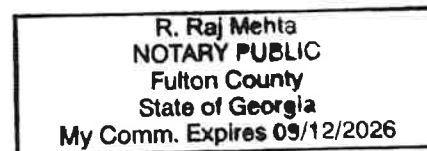
MP MP MP MP MP MP MP MP MP	In reference to law violations, I attest to the truthfulness of the responses given within the application. In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application. In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application. In reference to Special Retail or Special Events retail license, Wine Festival and Wine Festival Participant Licenses, and Food or Beverage Truck Licenses, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application. In reference to the Club Application information, I attest to the truthfulness of the responses given within the application. In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement. In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record. The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board. I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.
--	---

Applicant Name (print): **MICK PATEL**

Signature of Applicant:

Notary Name (print): **R. RAJ MEHTA**

Notary Signature: **R. Raj Mehta**



Commission expires: **09/12/2026**

Application Taken: App. Inv. Completed:
 Submitted to Local Government:
 Received in District Office: Reviewed by Supervisor:

Forwarded to District Office:
 Received from Local Government:
 Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
Confirmation Number: 20241002151758689



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
MALBIS SHELL LLC
Address: 29640 STATE HIGHWAY 181
DAPHNE, AL 36526
Telephone: 334-414-0457

NEW APPLICANT:
ALABAMA CHIPS TO GO LLC
Address: 29640 STATE HIGHWAY 181
DAPHNE, AL 36526
Telephone: 772-643-7193

Current License No: 012127802
012127802

LICENSED PREMISES ADDRESS: 29640 STATE HIGHWAY 181 DAPHNE, AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 7 day of October, 2024.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

AMJIKUMAR RAMESHBHAI PATEL

Print Name:

Title: OWNER

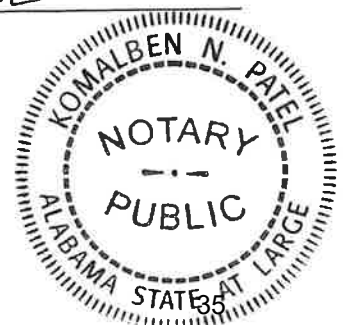
MICK PATEL

Print Name:

Title: OWNER

WITNESS: (By ABC Enforcement) Komalben N Patel
Revised 9/08

My Commission
Expires May 15, 2027





STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20241002151758689



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

Is there any further interest in, or connection with, the licensee's business by the lessor?: LANDLORD HAS INTEREST IN GROSS SALES TO THE APPLICANT.

CASE NO. 2024-16

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 10/15/24 CAC (initial)

DATE FORWARDED TO POLICE DEPT. 10/16/24 CAC

DATE RECEIVED BY POLICE DEPT. 10/16/24 ICRF

DATE: 10/16/24 APPROVED ☒ DISAPPROVED ☐

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 10/16/24 ICRF

DATE FORWARDED TO CITY CLERK 10/16/24 CAC

DATE RECEIVED BY CITY CLERK _____

SCHEDULED DATE ON AGENDA _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



City of Daphne

Event Permit Application

TYPE OF PERMIT: ☒ Special Event/Fundraiser ☐ Parade/Run (Streets Use) ☐ Walk (Sidewalks Only)
☐ Athletic Complex/Sporting Event ☐ Other: _____

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: Supporting Educational Enrichment in Daphne Schools, Inc.

APPLICANT NAME: Beth Dunn, Executive Director

STREET: 25122 Jernigan Street

CITY, STATE, ZIP: Daphne, AL 36526

CONTACT PHONE: 251-802-5002

EMAIL: seedsindaphne@gmail.com

"ON SITE" CONTACT PERSON DAY OF EVENT: Beth Dunn

CELL PHONE: 251-802-5002

EMAIL: seedsindaphne@gmail.com

EVENT INFORMATION

EVENT NAME: SEEDS ANNUAL CRAWFISH BOIL

TYPE OF/PURPOSE OF EVENT: Ticketed Crawfish Boil Fundrasier for Daphne Schools

EVENT DATE: March 22, ~~2024~~ 2025

TIME (START- END): 4-7

ASSEMBLY TIME: Set up 11am

PARTICIPANTS/VEHICLES: Est. 800

EVENT LOCATION: Daphne City Hall lawn and surrounding parking lot.

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

BE USED ON-SITE):

SEEDS 's annual Crawfish Boil benefiting Daphne's Public Schools. SEEDS will rent a stage for the live band, inflatables from Eastern Shore Inflatables, as well as portable sinks and restrooms. Beer will be sold for \$5 a beer limit 2 beer purchase at one time. Beer will only be available to consume inside the barracated event space.
SEEDS board members will be checking ID's placing yellow armbands on 21 and over guests. SEEDS will hire two Daphne Police officers for crowd control and to enforce IDs.

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: _____

30 to 40 barricades securing the entire event space providing for one entrance on the side of City Hall next to Mancini's.

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' # 5 _____ X \$123.00/EACH

TABLES: 8' L # 20 _____ X \$45.00/EACH CHAIRS: # 100 _____ X \$12.00/EACH

OTHER SPECIAL REQUESTS: We request 15 trash cans and access to a dumpster, we will provide additional trash bags.

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: BD

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

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

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

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

NAME: _____ CONTACT PHONE: _____

OTHER MARKETING REQUESTS: May we include the City of Daphne's logo on all marketing materials, please share event information on all City Of Daphne publications/online sites, and ask Mayor LeJeune to record short video inviting Daphne residents to participate.

REVENUE/BUSINESS LICENSE

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

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

SEEDS Crawfish Boil

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: Beth Dunn DATE: 10/25/2024

INTERNAL USE ONLY

DATE REC'D: 10-25-2024 CITY CLERK: Candace Antinavala
FIRE DEPT: L. S. Towner APPROVED ROUTE: _____
POLICE DEPT: [Signature] ROUTE MAP ATTACHED: ☐ Yes ☐ No
PUBLIC WORKS: _____
SPORTS & RECREATION: _____ EVENT FEE: ☐ Paid \$ _____ CHK# _____
MARKETING & EVENTS: _____ ☐ Waived: _____
** REVENUE: _____ PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

COMMUNITY DEVELOPMENT INTERNAL MEMORANDUM



DATE: October 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Official City of Daphne Zoning Map Update

At the October 25, 2024 regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously to set forth a favorable recommendation to approve the Official City of Daphne Zoning Map (codifications were approved between May 1 through October 31, 2024).

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

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

Thank you,
ADJ/jv

Attachment(s)

cc: file

OFFICIAL ZONING MAP AMENDMENT

Background:

This map update includes amendments which have resulted from annexation, pre-zoning and rezoning that were been approved by the City Council between the months of May and October 2024.

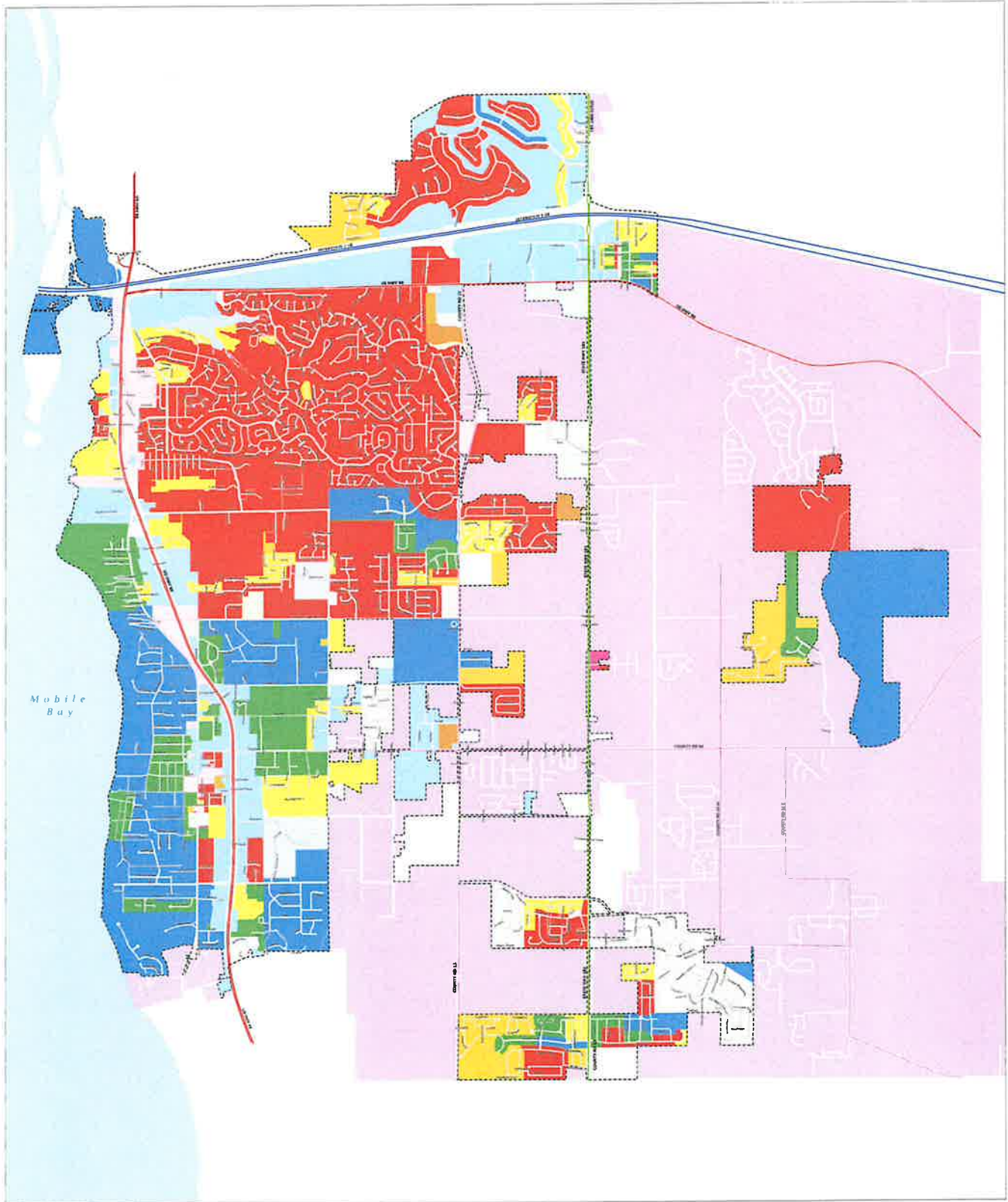
Staff Recommendation:

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

Planning Commission Recommendation:

On October 24, 2024, the Planning Commission unanimously voted to set forth a favorable recommendation to Council to amend the Official Zoning Map.

Annexation by Council Action	Council Approval Date	Council Action Ordinance #		Property Size (Acres)
Estate of Georgianne Simms	5/20/24	2024-09		0.75
Malbis Plantation, Inc	6/03/24	2024-15		28
68V, Boni, Boni Estate	6/17/24	2024-20		134.31
68V Baldwin Land Holdings, Inc	8/05/24	2024-28		24.93
				Sum=187.99
Prezoning	Council Approval Date	Ordinance #	Zoning Classification	Property Size (Acres)
Estate of Georgianne Simms	5/20/24	2024-08	B-2(A)	0.75
Malbis Plantation, Inc	6/03/24	2024-14	B-2(A)	28
68V, Boni, Boni Estate	6/17/24	2024-19	PUD	134.31
68V Baldwin Land Holdings, Inc	8/05/24	2024-27	R-6(G)	24.93
Bertolla, YOTA, Boni, Boni	8/19/24	2024-25	PUD	175.21
				363.2
Rezoning Petitions	Council Approval Date	Ordinance #	Old/New Zoning Classification	Property Size (Acres)
John Tolbert	8/19/24	2024-30	B-2/R-2	0.35



Map uses a survey resolution of 100 feet and is not intended to be used for legal purposes.

The information shown on this map is for informational purposes only. The City of Daphne is not responsible for any errors or omissions on this map. The City of Daphne is not responsible for any damages or losses resulting from the use of this map. The City of Daphne is not responsible for any damages or losses resulting from the use of this map.

As of January 1, 2025, the City of Daphne is responsible for the information shown on this map. The City of Daphne is not responsible for any damages or losses resulting from the use of this map. The City of Daphne is not responsible for any damages or losses resulting from the use of this map.

Zoning as of 1/1/2024

- Residential Single-Family (RS) - Residential Medium-Density (RM) - Residential High-Density (RH) - Community Center (CC) - Office (O) - Professional Office (PO) - General Business (GB) - Light Industrial (LI) - Heavy Industrial (HI) - Transportation (T) - Public Use (PU) - Special Use (SU) - Unincorporated Area (UA)	- Residential Single-Family (RS) - Residential Medium-Density (RM) - Residential High-Density (RH) - Community Center (CC) - Office (O) - Professional Office (PO) - General Business (GB) - Light Industrial (LI) - Heavy Industrial (HI) - Transportation (T) - Public Use (PU) - Special Use (SU) - Unincorporated Area (UA)
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**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: October 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Bayside Academy, Inc. Pre-Zoning Amendment

PRESENT ZONING: RSF-2, Single Family Residential, and B-1, Professional Business, Baldwin County District 15

PROPOSED PRE-ZONING: C-2, Outdoor Amusement

LOCATION: Southeast of Friendship Road and County Road 64

RECOMMENDATION: At the October 24, 2024 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried unanimously for a favorable recommendation for the above captioned zoning amendment.

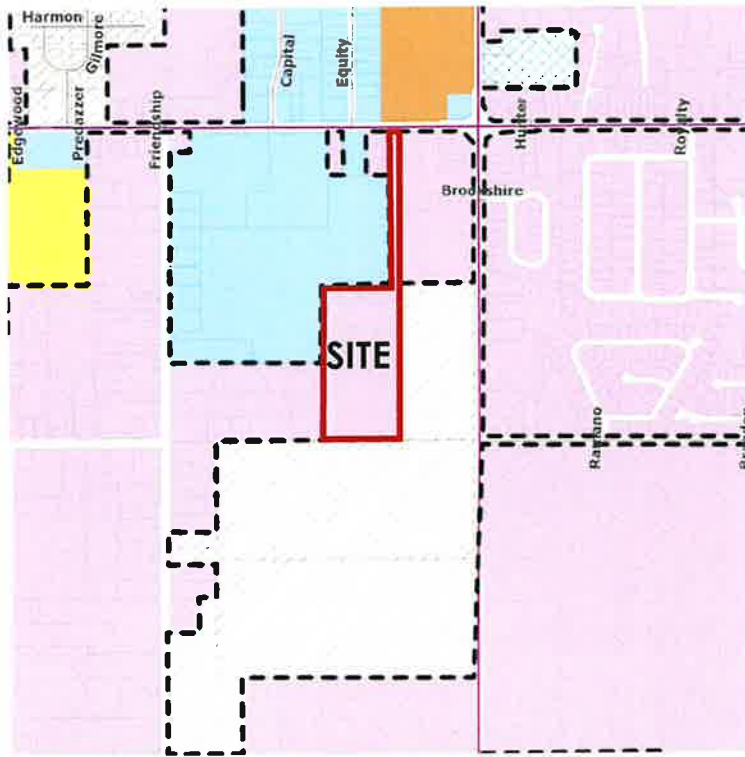
Attached please find the appropriate documentation and action of the Daphne Planning Commission.

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

Thank you,
ADJ/jv

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

BAYSIDE ACADEMY, INC. PREZONING PETITION



BAYSIDE ACADEMY, INC.
Prezoning Amendment

Zoning Classification:

RSF-2, Residential Single Family and B-1, Professional Business, District in Baldwin County District 15 Planning Area

Surrounding Zonings/Uses:

- **North**-B-2, General Business/undeveloped
- **South** and **East**- Rowan Oak PUD/undeveloped
- **West**- B-2, General Business and RSF-2, Residential Single Family Residential/residence

Existing Utility Service

Providers: Daphne Utilities, Riviera Utilities, AT&T , Belforest Water

Affected City Service Providers:

Fire Station 3, Police Beat 3

Staff Recommendation to PC:

Favorable

Proposed Zoning:

C-2, Outdoor Amusement

Development Concept:

Sports Complex

Council District: 4

Existing Conditions:

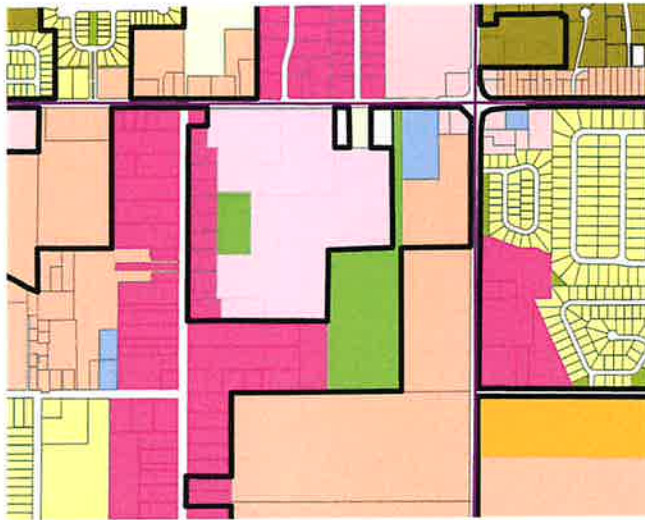
22.93 acres

Planning Commission

Recommendation Favorable

PROPOSAL:

The applicant proposes to prezone the subject property to C-2, Outdoor Amusement, in order to expand the existing educational sports venue. The Envision Daphne 2042 Comprehensive Plan designates these parcels as Parks and Recreation. A sports complex would be consistent with this placetype. Therefore staff recommends that the Planning Commission set forth a favorable recommendation to prezone the site as requested.



MIXED-USE

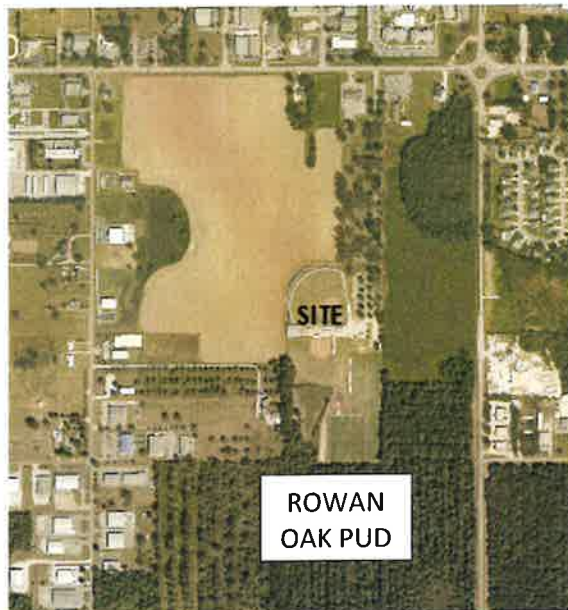
- Mixed-Use Corridor
- Traditional Neighborhood Development
- Olde Towne Core

SPECIAL AREAS

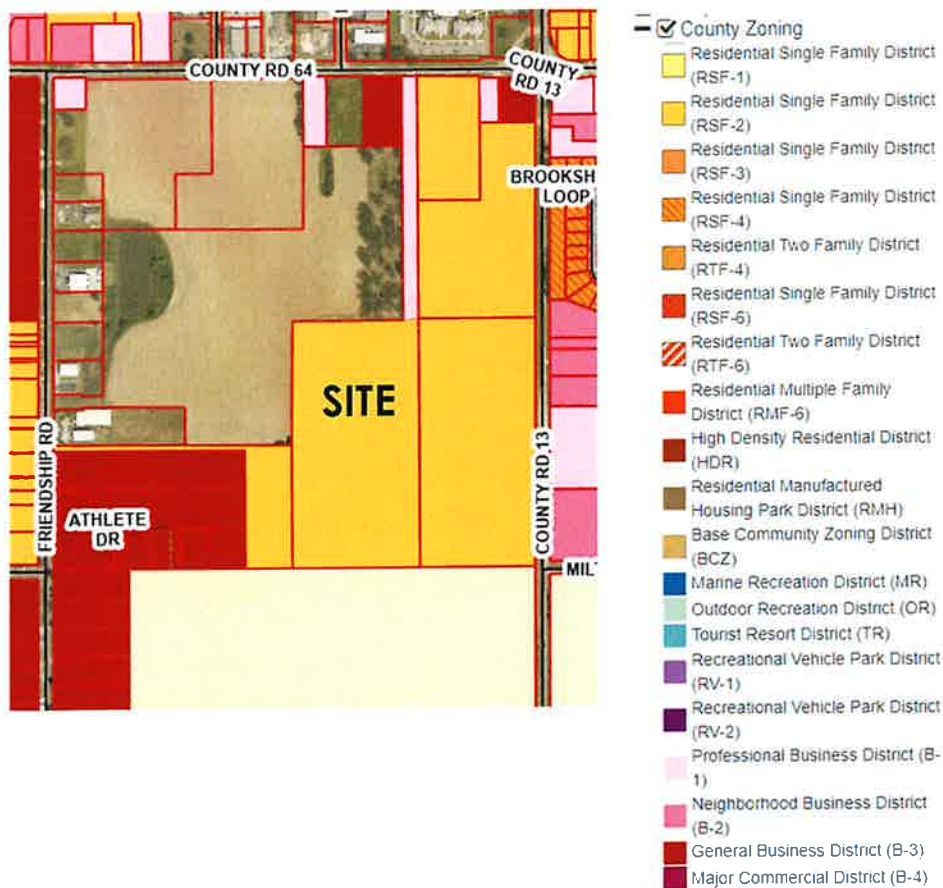
- Civic and Institutional
- Parks and Recreation
- Natural Areas and Open Space

EMPLOYMENT CENTERS

- Employment - Business Park
- Employment - Industrial/Service Commercial



Excerpt from County's Online map



APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Application Number:

ZA- or PZA-24-08

Date Submitted Sept. 24, 2024

Planning Commission Public

Hearing Date: Oct. 24, 2024

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

SITE DATA

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

PPIN#(s): 242500

8850 CO RD 64

Gross Site Area (acreage): 22.93

Requested Zoning or Pre-Zoning: C-2

Current Zoning Designation(s):

County RSF-2 & B1

Amended Request:

Initials: Date:

Current Land Use: Sports Complex

Anticipated Land Use: Sports Complex

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

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: Bayside Academy Inc.

sphillipps@bayside

Mailing Address: 303 Dryer Ave. Daphne, AL 36526

Phone/Fax: academy.org
E-mail:

Name of Authorized Agent: JADE Consulting, LLC

251-928-3443

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

Phone/Fax: sruth@jadengineers.com
E-mail:

Name of Developer*: Bayside Academy Inc.

Phone/Fax:
E-mail:

Other:

Phone/Fax:
E-mail:

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

Applicant's Signature:

Date 8/23/24

Agent's Signature:

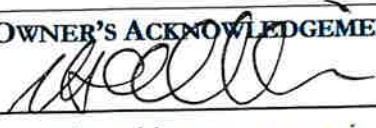
Date 9/19/24

REVERSIONARY CLAUSE ACKNOWLEDGEMENT

SKIP THIS PAGE IF REQUESTING PRE-ZONING OR PLANNED UNIT DEVELOPMENT ZONING

Pursuant to Article 22-2 of the Land Use & Development Ordinance, zoning and rezoning may revert back to prior designation if certain conditions are not met. Said conditions are specified in Article 22 of the Land Use Ordinance. Legibly sign and print/type responses below. Indicate N/A or an "X" where item is not applicable. **Submit with rezoning request where applicable.**

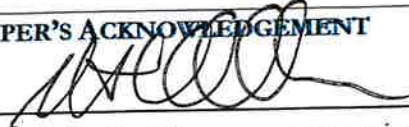
CURRENT OWNER'S ACKNOWLEDGEMENT

I, , acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 9/4/24

Dr. Scott Phillipps

PRINTED NAME OF CURRENT OWNER/PETITIONER

DEVELOPER'S ACKNOWLEDGEMENT

I, , acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 9/4/24

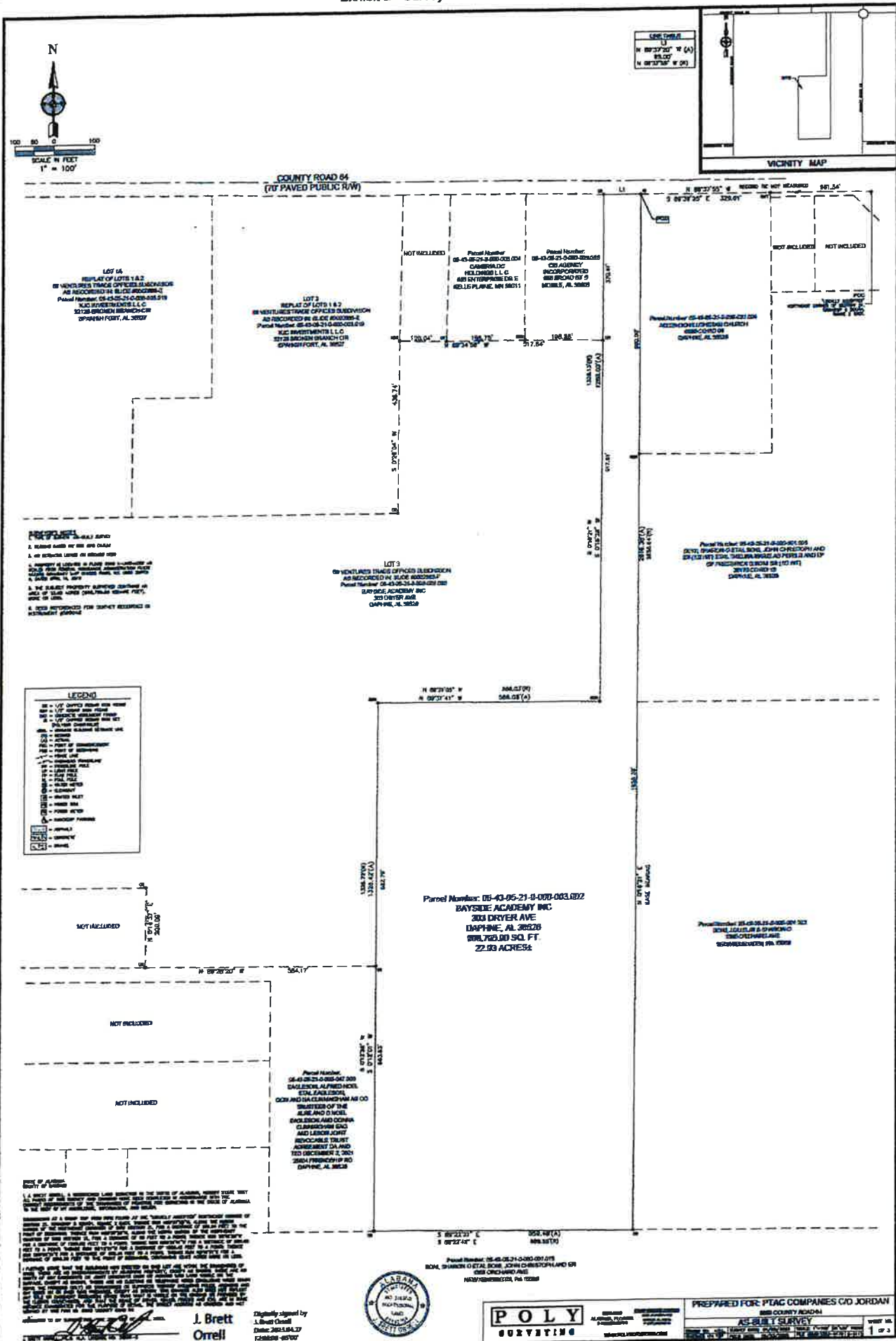
Dr. Scott Phillipps

PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s): 242500

Exhibit A – Legal

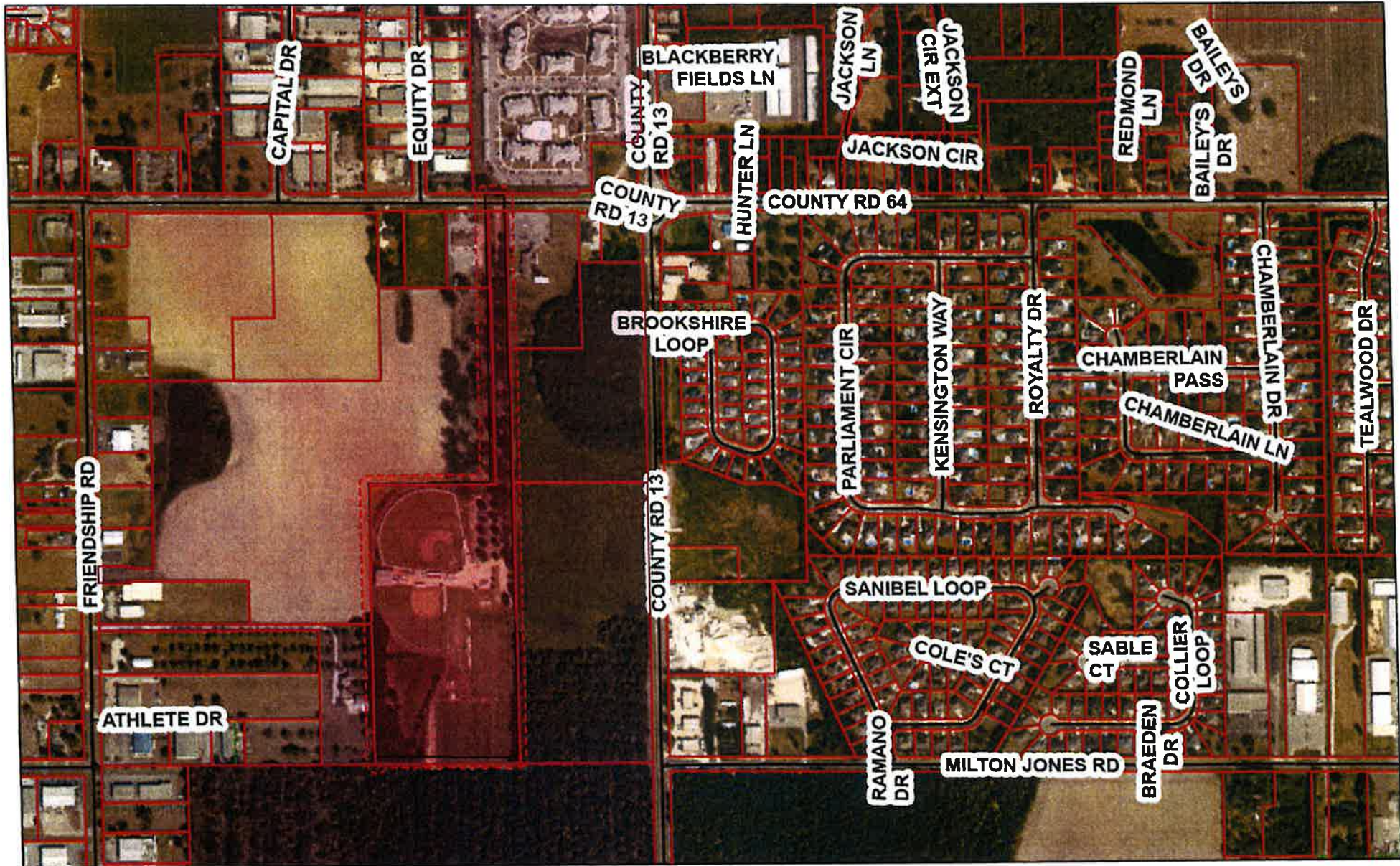
COMMENCING AT A CRIMP TOP IRON PIPE FOUND AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, THENCE RUN $N89^{\circ}37'55''W$, ALONG THE NORTH MARGIN OF THE NORTHEAST QUARTER OF SAID SECTION 21, FOR A DISTANCE OF 661.54 FEET TO THE POINT OF BEGINNING; THENCE RUN $N89^{\circ}37'20''W$, ALONG THE NORTH MARGIN OF THE NORTHEAST QUARTER OF SAID SECTION 21, FOR A DISTANCE OF 95 FEET TO A POINT; THENCE RUN $S0^{\circ}16'28''W$ FOR A DISTANCE OF 1288.02 FEET TO A POINT; THENCE RUN $N89^{\circ}31'41''W$ FOR A DISTANCE OF 566.08 FEET TO A POINT; THENCE RUN $S89^{\circ}22'21''E$ FOR A DISTANCE OF 659.46 FEET TO A POINT; THENCE RUN $N0^{\circ}16'21''E$ FOR A DISTANCE OF 2616.38 FEET TO THE POINT OF BEGINNING; CONTAINING 22.93 ACRES MORE OR LESS



[illegible]

RSF-E

Viewer Map



August 16, 2024

polygonLayer

Override 1

polygonLayer

Override 1

polygonLayer

Override 1

Parcels

Centerlines

Coastal Control Line

Lot Lines

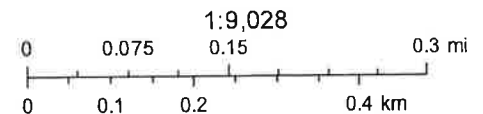


Conflicts



County Boundary

KCS, Pictometry
KCS



Adjacent Property Owners List

Bayside

Parcel Number	Pin	Owner Name	Address	City	State	Zip
05-43-05-21-0-000-001.004	241310	ASCENSION LUTHERAN CHURCH	8888 CO RD 64	DAPHNE	AL	36526
05-43-05-21-0-000-003.002	242500	BAYSIDE ACADEMY INC	303 DRYER AVE	DAPHNE	AL	36526
05-43-05-21-0-000-003.000	10505					
05-43-05-16-0-000-021.000	34571	BELFOREST APARTMENTS L L C	PO BOX 1667	SHREVEPORT	LA	71165
05-43-05-21-0-000-001.002	3724	BONI, LOUIS JR & SHARON O	1365 ORCHARD AVE	NEW KENSINGTON	PA	15068
05-43-05-21-0-000-001.015	256846					
05-43-05-21-0-000-001.005	241311	BONI, SHARON O ETAL BONI, JOHN CHRISTOPH AND ER (1/2 INT) ETAL THELMA MARIE AS PERS R AND EP OF FREDERICK G BONI SR (1/2 INT)	25170 CO RD 13	DAPHNE	AL	36526
05-43-05-21-0-000-003.003	300200	CIS AGENCY INCORPORATED	950 BROAD ST S	MOBILE	AL	36603
05-43-05-21-0-000-047.000	43199	EAGLESON, ALFRED NOEL ETAL EAGLESON, DON AND NA CUNNINGHAM AS CO TRUSTEES OF THE ALRE AND D NOEL EAGLESON AND DONNA CUNNINGHAM EAG AND LESON JOINT REVOCABLE TRUST AGREEMENT DA AND TED DECEMBER 2, 2021	25604 FRIENDSHIP RD	DAPHNE	AL	36526
Engineer		JADE Consulting	208 N. Greeno Rd, Ste. C	Fairhope	AL	36532

COMMUNITY DEVELOPMENT



October 11, 2024

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Bayside Academy, Inc. containing 22.93 acres +/- located southeast of Friendship Road and County Road 64 to be pre-zoned to C-2, Outdoor Amusement. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, October 16, 2024 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, October 24, 2024 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

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

Bayside Academy, Inc. Pre-Zoning Amendment

Exhibit A – Legal

COMMENCING AT A CRIMP TOP IRON PIPE FOUND AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANCE 2 EAST, THENCE RUN N89°37'55"W, ALONG THE NORTH MARGIN OF THE NORTHEAST QUARTER OF SAID SECTION 21, FOR A DISTANCE OF 661.54 FEET TO THE POINT OF BEGINNING; THENCE RUN N89°37'20"W, ALONG THE NORTH MARGIN OF THE NORTHEAST QUARTER OF SAID SECTION 21, FOR A DISTANCE OF 95 FEET TO A POINT; THENCE RUN S0°16'28"W FOR A DISTANCE OF 1288.02 FEET TO A POINT; THENCE RUN N89°31'41"W FOR A DISTANCE OF 566.08 FEET TO A POINT; THENCE RUN S89°22'21"E FOR A DISTANCE OF 659.46 FEET TO A POINT; THENCE RUN N0°16'21"E FOR A DISTANCE OF 2616.38 FEET TO THE POINT OF BEGINNING; CONTAINING 22.93 ACRES MORE OR LESS

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: October 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Bayside Academy, Inc. Annexation Petition

Aj

PRESENT ZONING: RSF-2, Single Family Residential, and B-1, Professional Business, Baldwin County District 15

LOCATION: Southeast of Friendship Road and County Road 64

RECOMMENDATION: At the October 24, 2024 regular meeting of the City of Daphne Planning Commission, seven members were present and the motion carried unanimously for a favorable recommendation for the above mentioned annexation petition.

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

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

Thank you,
ADJ/jv

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

BAYSIDE ACADEMY, INC. ANNEXATION PETITION

BAYSIDE ACADEMY, INC ANNEXATION REQUEST

The applicant proposes to annex the subject property into the corporate limits. The site meets the contiguity requirement because it abuts land already in the City including County Road 64 right of way, 68 Ventures Trade Offices Subdivision to the north and Rowan Oak PUD to the south.

RECOMMENDATIONS

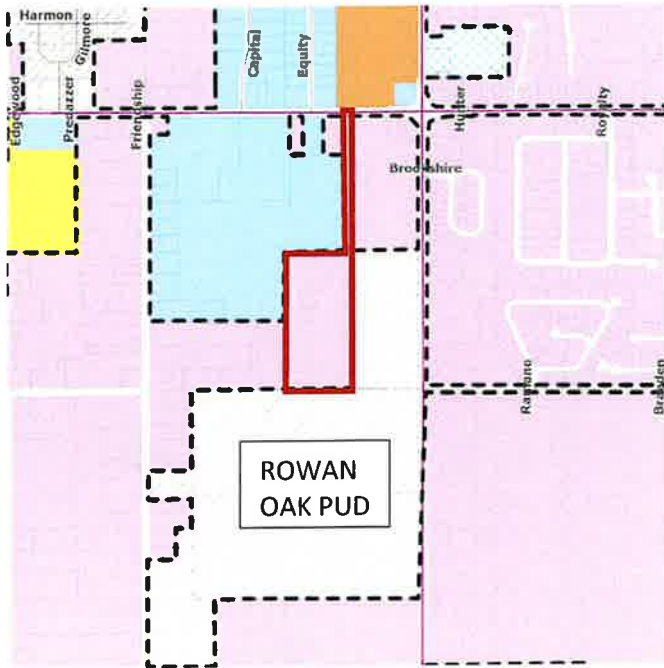
The Comprehensive Plan identifies the city's Expansion Priorities. Expansion priorities are all areas the City desires to annex in the near future. The subject property is in Expansion Area 1, therefore, staff recommends that the Planning Commission render a favorable recommendation to Council to annex this property into the City of Daphne. The Planning Commission set forth a unanimously favorable recommendation on October 24, 2024.

EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

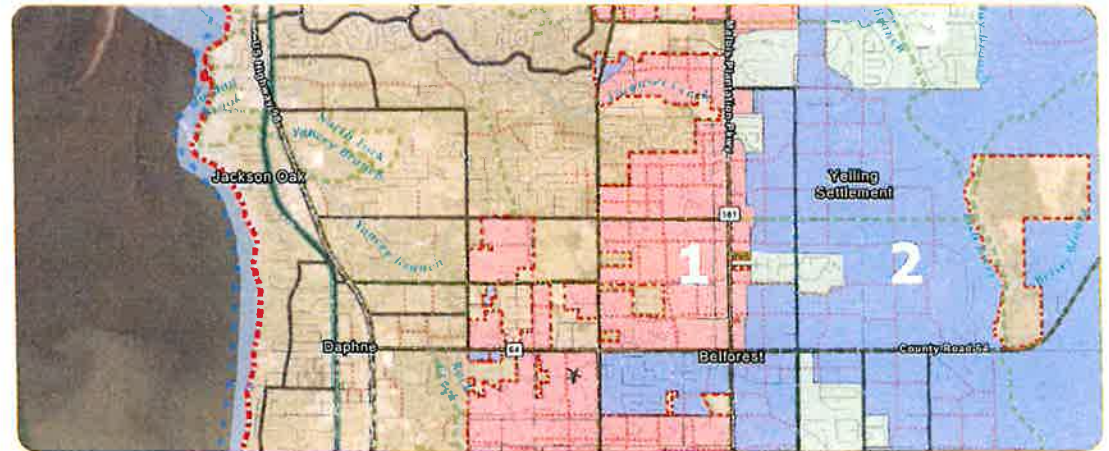


EXPANSION PRIORITIES

Envision Daphne 2042 includes detailed study and planning for areas not currently in the City Limits. Based on the cumulative results of planning study, community engagement, and Daphne's planning vision and themes, expansion is required to fully achieve Daphne's envisioned future. This section illustrates the prioritized expansion of Daphne's City Limits and outlines options for achieving that expansion.

Above Right: Priority Expansion Area 1
Opposite: Priority Expansion Area 2

Methods of Extending Municipal Corporate Limits



Annexation Options

Growing cities must expand their boundaries to accommodate continued growth. Rapid growth in Daphne's planning area has led to a demonstrated need for expansion to achieve the purposes of Envision Daphne 2042. This section offers three options for annexation as summarized below. Expansion entitled "Methods of Extending Municipal Corporate Limits" introduced by the 1901 Alabama League of Municipalities and revised in 2017 provides details of Alabama's annexation options. The three options are summarized below:

1. Annexation by Local Act of the Legislature

Section 10-1-18 of the Constitution of Alabama of 1901 specifically allows the extension of municipal boundaries by local act of the legislature. The Alabama Municipal League recommends that since a city has discussed the proposed annexation with its legislative delegation, the city should seek approval to work with Legislative Referendum Services (RLS) to prepare the annexation bill.

2. Annexation by Referendum

Sections 11-1-2 through 11-1-24 of the Code of Alabama provide for an annexation referendum. Essential requirements include: written consent of at least 2 electors and property owners or 50 percent of the owners; a map of area; Council resolution; and Certification of Mayor to Probate Judge (no election required) or unanimous consent. Probate Judge determines if no objection filed, and election scheduled. Probate Judge determines and records election results, and municipal resolution recording results.

Annexation by Petition of 100% of Property Owners

Sections 11-1-20 through 11-1-24 of the Alabama Code allows annexation upon unanimous consent of the property owning property in the area. The area to be considered for annexation must actually be contiguous to the corporate limits of the municipality.

Priority Expansion Areas

Priority Expansion Area 1

Priority Expansion Area 1 includes territory immediately east of and adjacent to the current City Limits of Daphne. This area includes the unincorporated sections along the Highway 131 corridor.

Priority Expansion Area 2

Priority Expansion Area 2 consists of land to the east of the Highway 131 corridor and lands south of the Bellfort neighborhood. This expansion area extends eastward to the limits of the planning area.

Priority Expansion Area 3

Priority Expansion Area 3 includes the buildings and land in the planning area. These areas are characterized by mature development.

SURVEYOR'S CERTIFICATION OF CURRENT FEMA SPECIAL FLOOD HAZARD AREA ZONE

THE PROPERTY DESCRIBED HEREIN IS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP NO. 090700022 W & 010900000 IN DATED 11/19/19, AND IS SHOWN TO BE IN FLOOD ZONE "A-UNSHAD"

CERTIFICATION OF APPROVAL FOR RECORDING

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

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN 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 14th DAY OF November 2022

PLANNING COMMISSION CHAIRMAN OR AUTHORIZED REPRESENTATIVE

DIRECTOR OF COMMUNITY DEVELOPMENT

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

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 14th DAY OF November 2022

Redemptio Personal 8/10/22

GENERAL NOTES:

- OWNER OF RECORD: P.C. INVESTMENTS, LLC, 26001 PIEDMONT LANE, STE A DAPHNE, AL 36526 (251) 524-1146
- NAME AND REGISTRATION NO. OF SURVEYOR: MARK A. WATNER - PLS 20064
- ANCEL IDENTIFICATION NUMBER: PPL01 102025 05-43-05-21-0-000-003.000 PPL01 125023 05-43-05-21-0-000-003.000 PPL01 125026 05-43-05-21-0-000-003.000 PPL01 125027 05-43-05-21-0-000-003.010 PPL01 125028 05-43-05-21-0-000-003.010 PPL01 125029 05-43-05-21-0-000-003.010

- THE CITY OF DAPHNE SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF COMMON AREAS
- 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 HAZARDS CAUSED BY SAID DRAINAGE FACILITIES
- THIS SURVEY DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS NEARLY CORRECT ON THE SURFACE OR PROVIDED BY THE CLIENT
- ELEVATIONS SHOWN HEREIN ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83) AND WERE ESTABLISHED ON-SITE VIA STATIC GPS OBSERVATIONS
- BOUNDARIES SHOWN HEREIN ARE STATE PLANE COORDINATE GRID BOUNDARIES, ALABAMA WEST ZONE

UTILITY COMPANIES:

COMMUNICATION AT&T
ELECTRIC PEDESTAL UTILITIES
WATER BELFLOREST WATER SYSTEM
SEWER & GAS UTILITIES BOUND OF THE CITY OF DAPHNE

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF PROPERTY

STATE OF ALABAMA
COUNTY OF BALDWIN
CITY OF DAPHNE

I, MARK A. WATNER, A LICENSED SURVEYOR OF MOBILE COUNTY, ALABAMA, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY STATED IN BALDWIN COUNTY, ALABAMA AND DESCRIBED AS FOLLOWS:

STATE OF ALABAMA
COUNTY OF BALDWIN

COMMENCING AT A CAPPED REBAR (ALLEGIBLE) AT THE SOUTHWEST CORNER OF LOT 2 ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, AS RECORDED ON SLIDE 2438-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89-49-38" WEST ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 290.42 FEET TO A CAPPED REBAR (HWM) AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE RUN NORTH 00-11-50" EAST ALONG THE WEST LINE OF SAID LOT 2, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD (80' R/W) A DISTANCE OF 145.34 FEET TO A CAPPED REBAR (HWM) AT THE NORTHWEST CORNER OF SAID LOT 2 AND THE SOUTHWEST CORNER OF LOT 1 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00-10-50" EAST ALONG THE WEST LINE OF SAID LOT 1 AND ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 196.27 FEET TO A CAPPED REBAR (HWM) AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN SOUTH 89-37-02" EAST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 169.65 FEET TO A CAPPED REBAR (ALLEGIBLE) AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN NORTH 00-13-54" EAST A DISTANCE OF 169.99 FEET TO A CAPPED REBAR (ALLEGIBLE) AT THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 84 (80' R/W); THENCE RUN SOUTH 89-38-50" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1,164.70 FEET TO A CAPPED REBAR (ALLEGIBLE); THENCE RUN SOUTH 00-25-10" WEST A DISTANCE OF 369.94 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 89-34-38" EAST A DISTANCE OF 317.65 FEET TO A CAPPED REBAR (CHASER); THENCE RUN SOUTH 00-10-47" WEST A DISTANCE OF 917.64 FEET TO A CAPPED REBAR (ALLEGIBLE); THENCE RUN NORTH 89-31-03" WEST A DISTANCE OF 360.00 FEET TO A CAPPED REBAR (ALLEGIBLE); THENCE RUN SOUTH 00-12-14" WEST A DISTANCE OF 462.87 FEET TO A CAPPED REBAR (ALLEGIBLE) AT THE NORTHEAST CORNER OF LOT 4; THENCE TRACE, AS RECORDED ON SLIDE 1094-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89-28-37" WEST ALONG THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 504.07 FEET TO A CAPPED REBAR (DOORUS) AT THE SOUTHWEST CORNER OF LOT 10-A, AMENDED PLAT, ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, REBUILT AT LOT 10, AS RECORDED ON SLIDE 1778-B OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00-13-38" EAST ALONG THE EAST LINE OF SAID LOT 10-A A DISTANCE OF 700.00 FEET TO A CAPPED REBAR (HWM) AT THE NORTHEAST CORNER OF SAID LOT 10-A; THENCE RUN NORTH 89-27-54" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 820.03 FEET TO A CAPPED REBAR (HWM); THENCE RUN NORTH 89-31-08" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 39.76 FEET TO A CAPPED REBAR (HWM) AT THE SOUTHWEST CORNER OF A PARCEL LABELED "RESERVED FOR FUTURE RIGHT-OF-WAY" AS SHOWN ON THE PLAT OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN CONTINUOUS NORTH 89-31-08" WEST ALONG SAID "RESERVED" PARCEL A DISTANCE OF 110.31 FEET TO A CAPPED REBAR (HWM); THENCE RUN SOUTH 00-26-40" WEST ALONG SAID "RESERVED" PARCEL A DISTANCE OF 100.00 FEET TO A CAPPED REBAR (HWM); THENCE RUN NORTH 89-31-45" WEST ALONG SAID "RESERVED" PARCEL A DISTANCE OF 149.91 FEET TO A CAPPED REBAR (ALLEGIBLE) AT THE SOUTHWEST CORNER OF SAID "RESERVED" PARCEL AND THE EAST RIGHT-OF-WAY LINE OF SAID FRIENDSHIP ROAD; THENCE RUN NORTH 00-10-50" EAST ALONG THE WEST LINE OF SAID "RESERVED" PARCEL AND ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 80.00 FEET TO A CAPPED REBAR (HWM) AT THE NORTHEAST CORNER OF SAID "RESERVED" PARCEL; THENCE RUN SOUTH 89-30-48" EAST ALONG SAID "RESERVED" PARCEL A DISTANCE OF 150.04 FEET TO A CAPPED REBAR (HWM); THENCE RUN SOUTH 00-28-12" WEST ALONG SAID "RESERVED" PARCEL A DISTANCE OF 10.00 FEET TO A CAPPED REBAR (HWM); THENCE RUN SOUTH 00-32-37" EAST ALONG SAID "RESERVED" PARCEL A DISTANCE OF 110.20 FEET TO A CAPPED REBAR (HWM) AT THE NORTHEAST CORNER OF SAID "RESERVED" PARCEL; THENCE RUN NORTH 00-11-43" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 391.20 FEET TO A CAPPED REBAR (HWM) AT THE SOUTHWEST CORNER OF LOT 7 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00-13-07" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 782.34 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 54.95 ACRES, MORE OR LESS.

AND THAT THE PLAT OR MAP CONTAINED HEREIN IS A TRUE AND CORRECT MAP SHOWING THE SUBDIVISION INTO WHICH THE PROPERTY DESCRIBED IS DIVIDED, SHOWING THE LENGTH AND BEARINGS OF EACH LOT AND EASEMENT AND ITS NUMBER AND SHOWING THE STREETS, ALLEYS AND PUBLIC ROADS AND CHAINS, THE BEARINGS, LENGTH, NORTH AND NAMES OF THE STREETS, SAID MAP FURTHER SHOWS THE RELATION OF THE LAND SO PLATTED TO THE GOVERNMENT SURVEY, AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED AT POINTS MARKED HEREON (O) AS HEREON SHOWN. I FURTHER CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALABAMA TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

WITNESS MY HAND AND SEAL ON 14th DAY OF November 2022

SURVEYOR
MARK A. WATNER
ALABAMA LICENSE # PLS 20064



CERTIFICATION OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT I, THE UNDERSIGNED, AS MEMBER OF P.C. INVESTMENTS, LLC, OWNER OF THE LAND SHOWN AND DESCRIBED ON THIS PLAT, 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 AGREE 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 COMMENTS NOTED BELOW ON ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS 17th DAY OF November 2022

Kimberly J. Cop
P.L.S. 20067

ACKNOWLEDGEMENT OF NOTARY PUBLIC

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

I, Sandra L. Kuopurski, a Notary Public in and for the County of Baldwin, in the State of Alabama, DO HEREBY CERTIFY THAT SANDRA L. COP, WHOSE NAME IS SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION AS MEMBER OF P.C. INVESTMENTS, LLC, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT SHE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HER FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

OTHER UNDER MY HAND AND NOTARIAL SEAL THIS 17th DAY OF November 2022.

Sandra L. Kuopurski
NOTARY PUBLIC



CERTIFICATION OF APPROVAL - SEWER & GAS SERVICE

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

I, SCOTT POLK, GENERAL MANAGER FOR THE UTILITIES BOUND OF THE CITY OF DAPHNE, ALABAMA, DO HEREBY CERTIFY THAT THE ATTACHED FINAL PLAT HAS BEEN EXAMINED BY ME AND ALSO THAT THE SURVEYOR'S PLANS AND SPECIFICATIONS APPEAR TO COMPLY WITH THE MINIMUM REQUIREMENTS OF THE UTILITIES BOUND.

DATED THIS 18th DAY OF November 2022

Scott Polk
CITY OF DAPHNE

CERTIFICATE OF APPROVAL - ELECTRIC

THE UNDERSIGNED, AS AUTHORIZED BY PEDESTAL UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 18th DAY OF November 2022.

Don A. Pardy
AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL - COMMUNICATION

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 17th DAY OF November 2022.

John S. Sells
AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL - WATER

THE UNDERSIGNED, AS AUTHORIZED BY BELFLOREST WATER SYSTEM, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 18th DAY OF November 2022.

John S. Sells
AUTHORIZED REPRESENTATIVE

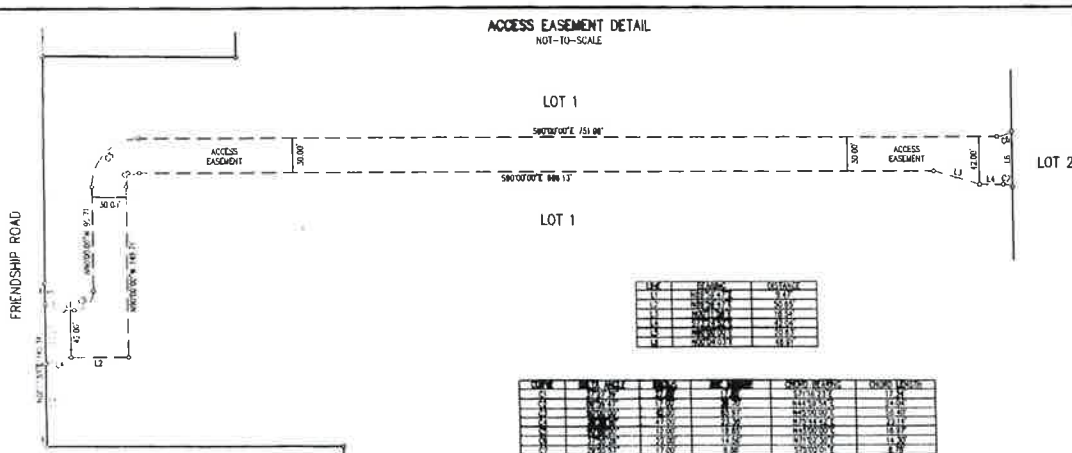
PRELIMINARY/FINAL PLAT 68 VENTURES TRADE OFFICES SUBDIVISION

SECTION 21, T-5-S, R-2-E
BALDWIN COUNTY, ALABAMA

AUGUST 18 2022

WATNER SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
CREATED: 08/18/2022 10:00:00 AM
1218 Daphne Lane N., Suite B
Daphne, Alabama 36526 251-560-2840

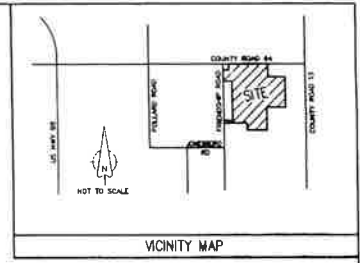
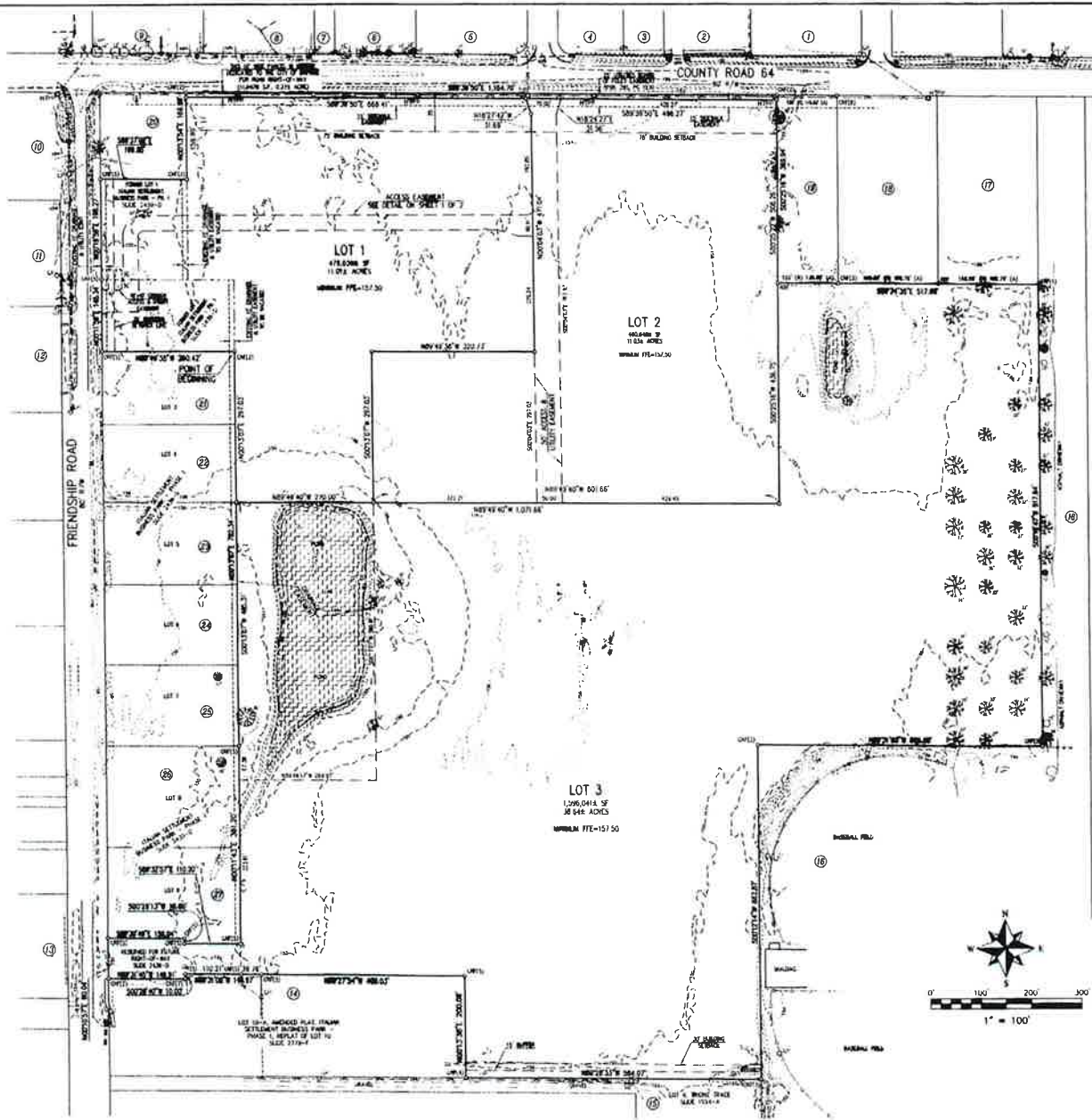
SHEET 1 OF 2



BALDWIN COUNTY, ALABAMA
 PRELIMINARY PLAT
 17 Pages
 SLIDE 0002863-F

ADJACENT OWNERS DATA

1	CHANDLER, WALTER D. LLC BALDWIN, AL 36506
2	FAW BUILDING CORP. 1000 1ST AVE S.W. MOBILE, AL 36688
3	THE INDIANAPOLIS LLC 1000 1ST AVE S.W. BALDWIN, AL 36506
4	THE INDIANAPOLIS LLC 1000 1ST AVE S.W. BALDWIN, AL 36506
5	CHANDLER, WALTER D. LLC BALDWIN, AL 36506
6	CHANDLER, WALTER D. LLC BALDWIN, AL 36506
7	CHANDLER, WALTER D. LLC BALDWIN, AL 36506
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25	CHANDLER, WALTER D. LLC BALDWIN, AL 36506
26	CHANDLER, WALTER D. LLC BALDWIN, AL 36506
27	CHANDLER, WALTER D. LLC BALDWIN, AL 36506



SITE DATA TABLE:

ACREAGE IN TOTAL TRACT	58.93 ACRES
TOTAL NUMBER OF LOTS	3
AVERAGE LOT SIZE	852.033 SF 19.63 ACRES
ZONING DISTRICT	32 - GENERAL BUSINESS
MINIMUM BUILDING SETBACKS:	
FRONT	75' ON COUNTY ROAD 64
FRONT	25' ON FRIENDSHIP ROAD
SIDE	0'
REAR	0' EXCEPT WHERE ADJUTING RESIDENTIAL DISTRICT
0' WHEN ADJUTING RESIDENTIAL DISTRICT	
BUFFER REQUIREMENTS:	
12' WHEN ADJUTING A RESIDENTIAL DISTRICT	

LEGEND

(X)	BOUNDARY BEARING OR DISTANCE
(A)	ACTUAL BEARING OR DISTANCE
CH(1)	CAPPED BEARING POINT (CAPS)
CH(2)	CAPPED BEARING POINT (BUBBLES)
CH(3)	CAPPED BEARING POINT (HUBS)
CH(4)	CAPPED BEARING POINT (HUBS)
CH(5)	CAPPED BEARING POINT (HUBS)
CH(6)	CAPPED BEARING POINT (HUBS)
CH(7)	CAPPED BEARING POINT (HUBS)
CH(8)	CAPPED BEARING POINT (HUBS)
CH(9)	CAPPED BEARING POINT (HUBS)
CH(10)	CAPPED BEARING POINT (HUBS)
CH(11)	CAPPED BEARING POINT (HUBS)
CH(12)	CAPPED BEARING POINT (HUBS)
CH(13)	CAPPED BEARING POINT (HUBS)
CH(14)	CAPPED BEARING POINT (HUBS)
CH(15)	CAPPED BEARING POINT (HUBS)
CH(16)	CAPPED BEARING POINT (HUBS)
CH(17)	CAPPED BEARING POINT (HUBS)
CH(18)	CAPPED BEARING POINT (HUBS)
CH(19)	CAPPED BEARING POINT (HUBS)
CH(20)	CAPPED BEARING POINT (HUBS)
CH(21)	CAPPED BEARING POINT (HUBS)
CH(22)	CAPPED BEARING POINT (HUBS)
CH(23)	CAPPED BEARING POINT (HUBS)
CH(24)	CAPPED BEARING POINT (HUBS)
CH(25)	CAPPED BEARING POINT (HUBS)
CH(26)	CAPPED BEARING POINT (HUBS)
CH(27)	CAPPED BEARING POINT (HUBS)
CH(28)	CAPPED BEARING POINT (HUBS)
CH(29)	CAPPED BEARING POINT (HUBS)
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PRELIMINARY/FINAL PLAT
 68 VENTURES TRADE OFFICES SUBDIVISION
 SECTION 21, T-5-S, R-2-E
 BALDWIN COUNTY, ALABAMA

AUGUST 18, 2022
WATNER SURVEYING, INC.
 PROFESSIONAL LAND SURVEYORS
 4320 Greenway Loop N., Suite 101
 Mobile, Alabama 36620
 251-942-2940

SHEET 2 OF 2

APPLICATION & SUPPLEMENTAL INFORMATION

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

(_____)
The undersigned corporation, Bayside Academy Inc., files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, 05-43-05-21-0-000-003.002, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (**the "Property"**).

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, Bayside Academy Inc., is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

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

Any other conditions which may apply upon annexation:

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

DATED this 23rd day of August, 2024

Respectfully submitted,

Bayside Academy Inc.

Name of Corporation

By: Dr Scott Phillipps

Its: HEAD OF SCHOOL

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Jo Ann Weller, the undersigned Notary Public in and for said county and state, hereby certify that Dr Scott Phillipps whose name as _____ of Bayside Academy Inc., an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 23rd day of August, 2024.

Jo Ann Weller
NOTARY PUBLIC

My commission expires: 11-17-24

Corporation's Address

303 PRYOR AVE
DAPHNE, AL 36526

ADDITIONAL INFORMATION

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

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

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

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

SELECT ONE OF THE FOLLOWING OPTIONS

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

Or

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

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 23 day of August, 2024.

Legal Description Attached (Exhibit A)? yes Map or Survey Attached (Exhibit B)? yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? NA Acreage 22.93
Subdivision Name NA Lot Number(s) NA

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

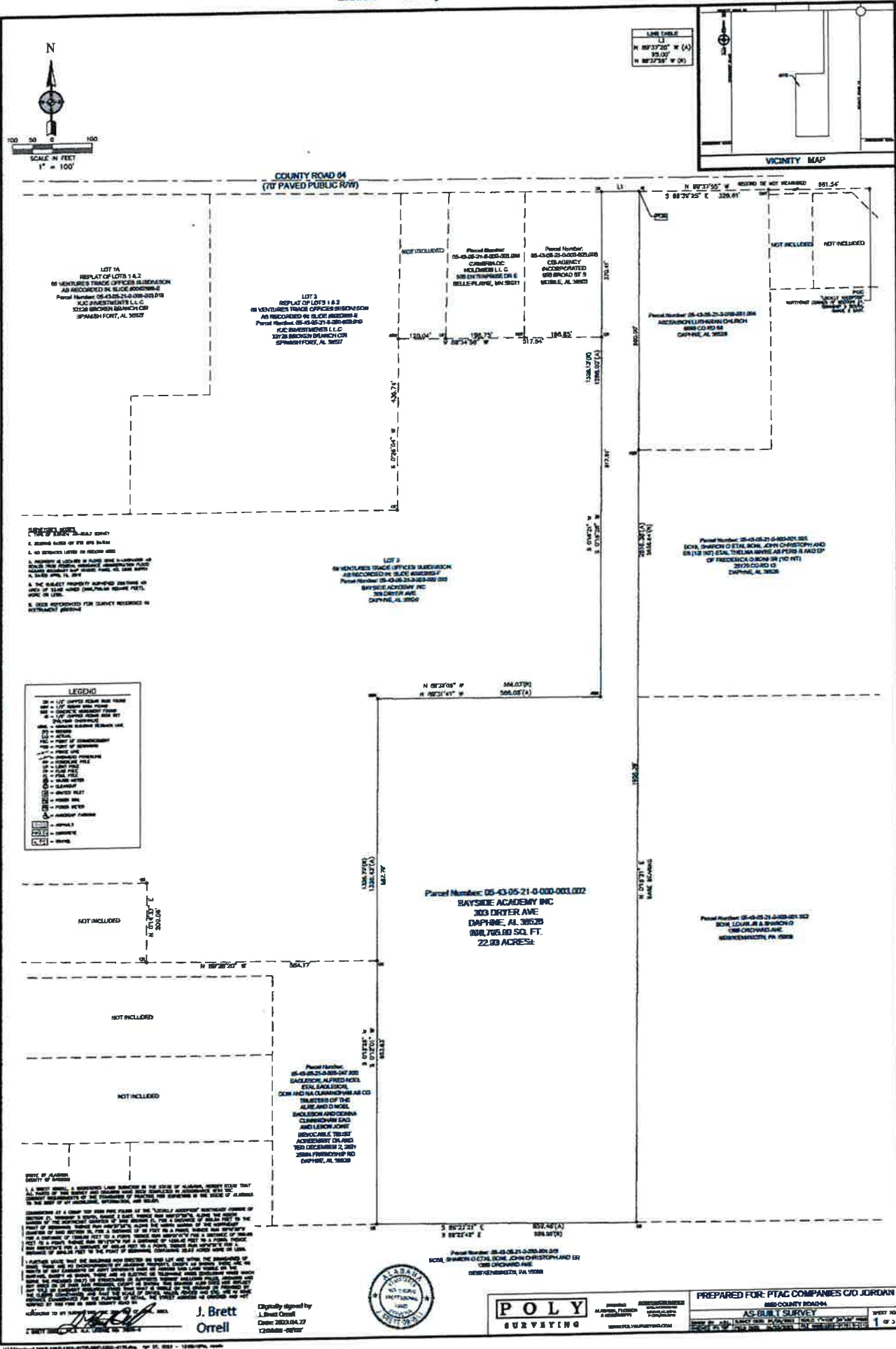
Signature: [Signature] Signature: _____

Printed Name: Dr. Scott P. [Signature] Printed Name: _____

Mailing Address: 303 Dryer Ave. Daphne, AL 36526 Mailing Address: _____

Exhibit A – Legal

COMMENCING AT A CRIMP TOP IRON PIPE FOUND AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, THENCE RUN N89°37'55"W, ALONG THE NORTH MARGIN OF THE NORTHEAST QUARTER OF SAID SECTION 21, FOR A DISTANCE OF 661.54 FEET TO THE POINT OF BEGINNING; THENCE RUN N89°37'20"W, ALONG THE NORTH MARGIN OF THE NORTHEAST QUARTER OF SAID SECTION 21, FOR A DISTANCE OF 95 FEET TO A POINT; THENCE RUN S0°16'28"W FOR A DISTANCE OF 1288.02 FEET TO A POINT; THENCE RUN N89°31'41"W FOR A DISTANCE OF 566.08 FEET TO A POINT; THENCE RUN S89°22'21"E FOR A DISTANCE OF 659.46 FEET TO A POINT; THENCE RUN N0°16'21"E FOR A DISTANCE OF 2616.38 FEET TO THE POINT OF BEGINNING; CONTAINING 22.93 ACRES MORE OR LESS



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: October 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Annexation Petition

Bertolla Properties, L.L.C., YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni, subject property was pre-zoned as a PUD, Planned Unit Development, by City Council on August 19, 2024, Ordinance # 2024-25, pending an annexation hearing.

PRESENT ZONING: RSF-E, Residential Single Family Estate, RSF-3, Residential Single Family, and B-3, General Business, Baldwin County District 15

LOCATION: Southeast of the intersection of Milton Jones Road and Alabama Highway 181

RECOMMENDATION: At the October 24, 2024 regular meeting of the City of Daphne Planning Commission, seven members were present and the motion carried for a favorable recommendation for the above mentioned annexation petition.

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

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

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. PUD Pre-Zone Ordinance # 2024-25
3. PUD Master Plan Revision
4. Petition for Annexation
5. Legal Description (Exhibit A)
6. Boundary Survey (Exhibit B)

ANNEXATION PETITION

(ASSOCIATED WITH IRONGATE PUD PREZONING ORDINANCE 2024-25)

BERTOLLA PROPERTIES, LLC & YOTA PROPERTIES, LLC

BONI (FREDERICK G. & THOMAS; CHRISTOPHER & SHARON)

BERTOLLA PROPERTIES, LLC; YOTA PROPERTIES, LLC; BONI-FREDERICK G., THOMAS, SHARON AND JOHN CHRISTOPHER ANNEXATION REQUEST

The applicant proposes to annex the subject property into the corporate limits. The site meets the contiguity requirement because it abuts the old portion of Austin Road and the new segment of Austin Road, both road rights-of-way which are inside the Daphne city limits. The site also abuts Highway 181 across from the intersection of Milton Jones Road.

RECOMMENDATIONS

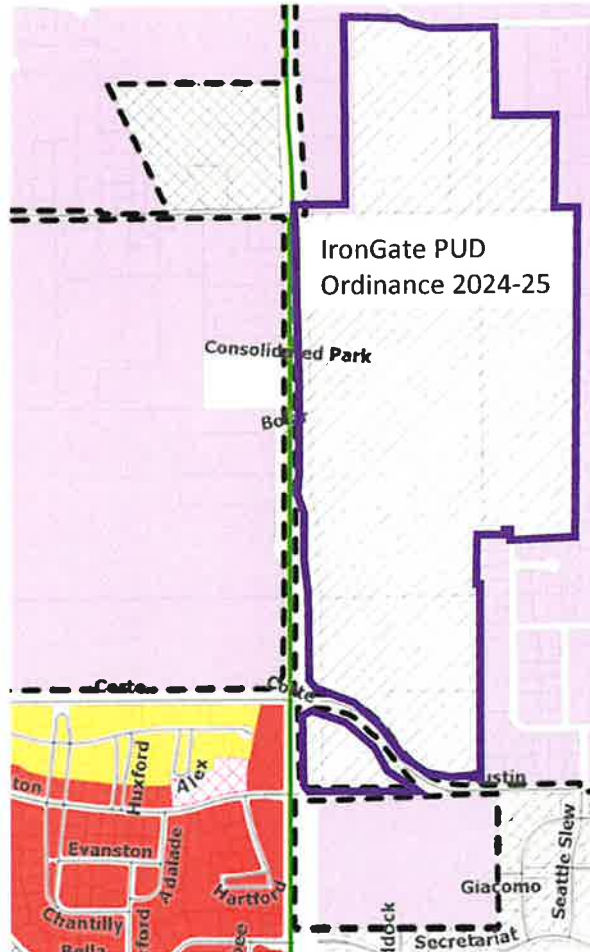
The Comprehensive Plan identifies the city's Expansion Priorities. Expansion priorities are all areas the City desires to annex in the near future. The subject property is in Expansion Area 2, therefore, staff recommends that the Planning Commission render a favorable recommendation to Council to annex this property into the City of Daphne. On October 24, 2024, the Planning voted unanimously to set forth a favorable recommendation.

EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

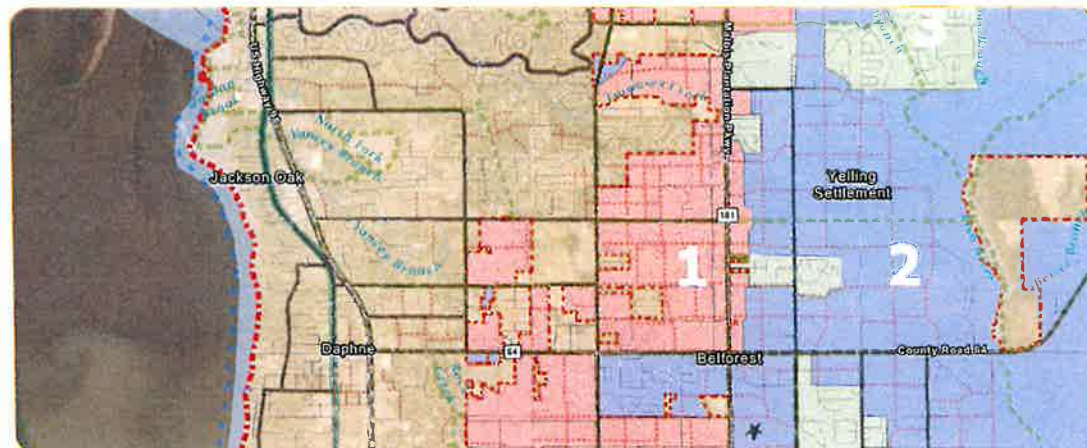


EXPANSION PRIORITIES

Envision Daphne 2042 includes detailed study and planning for areas not currently in the City Limits. Based on the cumulative results of planning study, community engagement, and Daphne's planning vision and themes, expansion is required to fully achieve Daphne's envisioned future. This section illustrates the prioritized expansion of Daphne's City Limits and outlines options for achieving that expansion.

Above Right: Daphne Expansion Areas
Opposite: Necessary Area

Methods of Extending Municipal Corporate Limits



Annexation Options

Growing cities must expand their boundaries to accommodate continued growth. Rapid growth in Daphne's planning area has led to a demonstrated need for expansion to achieve the priorities of Envision Daphne 2042. Alabama offers three options for annexation as summarized below. A report entitled "Methods of Extending Municipal Corporate Limits" produced by the The Alabama League of Municipalities and revised in 2017 provides details of Alabama's annexation options. The three options are summarized below:

1. Annexation by Local Act of the Legislature

Section 10-1-12 of the Constitution of Alabama (1901) specifically allows the extension of municipal boundaries by local act of the legislature. The Alabama Municipal League recommends that annexation by local act of the legislature be used only when the city has demonstrated the proper annexation with its legislative delegation; the city should seek approval to work with Legislative Reference Service (LRS) to prepare the annexation bill.

2. Annexation by Referendum

Sections 11-4-20 through 11-4-24 of the Code of Alabama provide for an annexation referendum. Essential requirements include: written consent of at least 2 electors and property owners of 60 percent of the present area or plan of area; Council resolution; and certification of Mayor to Probate Judge (no election required) or circuit court (probate judge declines the petition of probate judge and electors consent to Probate Judge's determination and no election required) and issuance of final resolution and final results.

Annexation by Petition of 100% of Property Owners

Sections 11-4-20 through 11-4-24 of the Alabama Code allows annexation upon unanimous consent of the persons owning property in the area. The area to be considered for annexation must actually be contiguous to the corporate limits of the municipality.

Priority Expansion Areas

Priority Expansion Area 1

Priority Expansion Area 1 includes territory immediately east of and adjacent to the current City Limits of Daphne. This area includes the important future sections along the Highway 181 corridor.

Priority Expansion Area 2

Priority Expansion Area 2 consists of land to the east of the Highway 181 corridor and lands south of the Bellair neighborhood. This expansive area extends eastward to the limits of the planning area.

Priority Expansion Area 3

Priority Expansion Area 3 consists of the lands to the north in the planning area. These areas are characterized by major development.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-25**

**Ordinance to Pre-Zone Property Located Southeast of the intersection of Milton Jones
Road and Alabama Highway 181
Bertolla Properties, LLC YOTA Properties, LLC, Frederick G. & Thomas Boni, and
Sharon and John Christopher Boni**

WHEREAS, Bertolla Properties, LLC YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned by the County as RSF-E, Residential Single Family Estate, Residential Single Family and B-3 General Business, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as PUD, Planned Unit Development, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Southeast of the intersection of Milton Jones Road and Alabama Highway 181, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

PARCEL 1 DESCRIPTION:

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE MARKER AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 05 DEGREES 43 MINUTES 41 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 232.06 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 12 MINUTES 02 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 325.02 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 19 DEGREES 31 MINUTES 58 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 133.06 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 13 MINUTES 33 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 642.92 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 02 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 106.69 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 875.16 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 04 DEGREES 27 MINUTES 30 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 304.35 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE ALONG SAID EAST RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 9629.51 FEET, AN ARC LENGTH OF 88.46 FEET, (CHORD BEARS NORTH 01 DEGREES 51 MINUTES 58 SECONDS WEST, A DISTANCE OF 88.46 FEET); THENCE DEPARTING SAID EAST RIGHT-OF-WAY, RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 72.33 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1018.00 FEET, AN ARC LENGTH OF 76.27 FEET, (CHORD BEARS SOUTH 88 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 76.26 FEET); THENCE RUN SOUTH 86 DEGREES 02 MINUTES 44 SECONDS EAST, A DISTANCE OF 69.17 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 982.00 FEET, AN ARC LENGTH OF 73.58 FEET, (CHORD BEARS SOUTH 88 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 73.56 FEET); THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 47.00 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 505.24 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (SMITH-CLARK); THENCE RUN NORTH 00 DEGREES 14 MINUTES 08 SECONDS EAST, A DISTANCE OF 793.10 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE); THENCE RUN NORTH 89 DEGREES 45 MINUTES 39 SECONDS EAST, A DISTANCE OF 353.14 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS) ON THE SOUTH RIGHT-OF-WAY OF REBEL ROAD; THENCE

ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 363.27 FEET, AN ARC LENGTH OF 206.85 FEET, (CHORD BEARS SOUTH 71 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 204.07 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE RUN SOUTH 87 DEGREES 46 MINUTES 29 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 129.87 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 1710.45 FEET, AN ARC LENGTH OF 185.00 FEET, (CHORD BEARS NORTH 88 DEGREES 33 MINUTES 54 SECONDS EAST, A DISTANCE OF 184.91 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 1882.12 FEET, AN ARC LENGTH OF 135.42 FEET, (CHORD BEARS NORTH 87 DEGREES 31 MINUTES 40 SECONDS EAST, A DISTANCE OF 135.39 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00 DEGREES 17 MINUTES 19 SECONDS EAST, A DISTANCE OF 625.89 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (10675); THENCE RUN NORTH 89 DEGREES 45 MINUTES 56 SECONDS EAST, A DISTANCE OF 397.33 FEET TO A THREE-QUARTER INCH CRIMP TOP IRON PIPE FOUND; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 15 SECONDS EAST, A DISTANCE OF 645.62 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL); THENCE RUN NORTH 89 DEGREES 35 MINUTES 52 SECONDS EAST, A DISTANCE OF 148.35 FEET TO A THREE-QUARTER INCH CRIMP TOP IRON PIPE FOUND; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 2278.21 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR) ON THE NORTH LINE OF WATERFORD PHASE II SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDE 2320-A, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 12 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 440.18 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR); THENCE RUN NORTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 51.36 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL); THENCE RUN SOUTH 89 DEGREES 54 MINUTES 53 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE); THENCE RUN SOUTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 19.04 FEET; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 11 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 170.44 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (PREBLE-RISH) TO THE WEST LINE OF SAID WATERFORD PHASE II SUBDIVISION; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 27 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 352.91 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR); THENCE RUN NORTH 89 DEGREES 11 MINUTES 54 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 20.09 FEET TO A ONE-HALF INCH REBAR FOUND (NO CAP); THENCE RUN SOUTH 00 DEGREES 06 MINUTES 42 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 1344.98 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR) ON THE NORTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 20.19 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 00 DEGREES 07 MINUTES 10 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 9.72 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 36 MINUTES 55 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 132.40 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE ALONG SAID NORTH RIGHT-OF-WAY AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 472.01 FEET, (CHORD BEARS NORTH 63 DEGREES 16 MINUTES 37 SECONDS WEST, A DISTANCE OF 454.67 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 36 DEGREES 13 MINUTES 13 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 189.66 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE ALONG SAID NORTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 524.56 FEET, (CHORD BEARS NORTH 57 DEGREES 42 MINUTES 39 SECONDS WEST, A DISTANCE OF 512.37 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 40 DEGREES 24 MINUTES 07 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 69.42 FEET TO A FIVE-EIGHTHS INCH REBAR FOUND (NO CAP) ON THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN NORTH 00 DEGREES 05 MINUTES 56 SECONDS EAST, A DISTANCE OF 597.92 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 169.62 ACRES, MORE OR LESS.

PARCEL 2 DESCRIPTION

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE MARKER AT THE SOUTHWEST

CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 56 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 769.38 FEET TO A FIVE-EIGHTHS INCH REBAR (NO CAP) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 47 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 474.78 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 23 DEGREES 39 MINUTES 46 SECONDS EAST, A DISTANCE OF 61.83 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE NORTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 698.62 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY) ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 580.00 FEET, AN ARC LENGTH OF 260.92 FEET, (CHORD BEARS NORTH 49 DEGREES 07 MINUTES 14 SECONDS WEST, A DISTANCE OF 258.72 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 36 DEGREES 13 MINUTES 13 SECONDS WEST, A DISTANCE OF 189.65 FEET TO A FIVE-EIGHTHS INCH REBAR FOUND (DEWBERRY); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 620.00 FEET, AN ARC LENGTH OF 450.09 FEET, (CHORD BEARS NORTH 57 DEGREES 02 MINUTES 23 SECONDS WEST, A DISTANCE OF 440.27 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 50 DEGREES 10 MINUTES 14 SECONDS WEST, A DISTANCE OF 57.95 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 5.59 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on May 23, 2024, the Commission considered said request and voted to set forth a favorable recommendation to the City Council to pre-zone the property PUD, Planned Unit Development; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, and a public hearing was held before the City Council on July 15, 2024; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property and as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby pre-zoned PUD, Planned Unit Development, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map shall be amended to reflect said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed into the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was as RSF-E, Residential Single Family Estate, Residential Single Family and B-3 General Business, Baldwin County District 15, Exterritorial Planning Jurisdiction.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

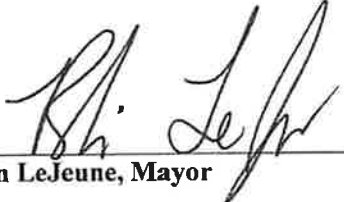
SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the subject property shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the subject property is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law, this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS 19th day of August, 2024.**



Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, MMC, City Clerk



VICINITY MAP
1 inch = 1 mile

Owners
Sharon and John Christopher Boni
1365 Orchard Dr
New Kensington, PA 15068

Thelma Marie Boni (Trustee)
25170 Co Rd 13
Daphne, AL 36526

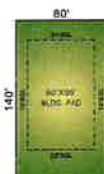
Bertolla Properties LLC
PO Box 1327
Daphne, AL 36526

YOTA Properties, LLC
28607 Co Rd 65
Loxley, AL 36551

Developer
68 Ventures
707 Belrose Avenue
Daphne, AL 36526

Engineer/Surveyor
S.E. Civil Engineering & Surveying
9969 Windmill Road
Fairhope, AL 36532
Larry Smith, PE Lic 26348
David Diehl, PLS Lic 26014

*NOTE: THE LOCATION OF THE PROPOSED ROUNDABOUT WILL BE ESTABLISHED DURING THE MASTER PLAN REVIEW PROCESS.



Building Setbacks
Front 25 Ft.
Rear 20 Ft.
Side 10 Ft.
Side Street 20 Ft.

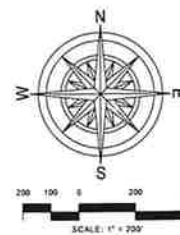


Building Setbacks
Front 25 Ft.
Rear 20 Ft.
Side 10 Ft.
Side Street 20 Ft.



Building Setbacks
Front 25 Ft.
Rear 20 Ft.
Side 6 Ft.
Side Street 15 Ft.

Typical Lots



IG
IRON GATE
DAPHNE

A Planned Unit Development

TOTAL AREA	175.21 Acres
Current Zoning	RSF-3, RSF-E & B3 (Baldwin County)
Proposed Zoning	P.U.D. (Daphne)
Commercial Area (B-2)	70.05 Ac
Residential Area	102.50 Ac
The Preserve	253
52'x130's	160
76'x135's	14
80'x140's	20
TOTAL	447
Residential Density	4.36 / Ac
Open Space (Res)	21.73 Ac (21%)
Impervious Area	30.3 Acres (30%)

Residential Parking

The Enclave		
2 Sp / unit	278	
Additional	32	
The Cottages		Handicap Parking is provided for each Phase and Building Type based on current Daphne Land Use Ordinance
2 Sp / unit	110	
Additional	41	
The Preserve		
2 Sp / unit	506	
Additional	66	
Total Parking	1033	

Utility Providers

Water	Belforest Water
Sewer	Baldwin County Sewer
Power	Riviera
Telephone	AT&T

Building Data

Type	Max. Bldg. Ht.	Max. Stories	Max. Coverage
Single Family	35 Ft.	2-1/2	35% (Lot)
Big House	40 Ft.	2-1/2	30% (Site)
Slak House	40 Ft.	2-1/2	30% (Site)

Landscaping

Detailed Landscaping Plans will be provided for each Plat and Site Plan submitted for approval in accordance with Article 19 of the Daphne Land Use Development Ordinance.



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

(_____)
The undersigned corporation, YOTA PROPERTIES, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, IRON GATE PUD (PIN #92957), to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (the "**Property**").

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, YOTA PROPERTIES, LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: PUD

Any other conditions which may apply upon annexation: _____

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

DATED this 19 day of AUGUST, 2024

Respectfully submitted,

YOTA PROPERTIES, LLC
Name of Corporation

By: [Signature] DAVID E DIEHL

Its: AGENT

STATE OF ALABAMA
COUNTY OF BALDWIN

I, JAMES A. FREGO, the undersigned Notary Public in and for said county and state, hereby certify that DAVID E. DIEHL whose name as AGENT of YOTA PROPERTIES, LLC, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 19th day of AUGUST, 2024.

[Signature]
NOTARY PUBLIC

My commission expires: 4/5/2026

Corporation's Address

28607 Co. Rd. 65
Loxley, AL 36551



ADDITIONAL INFORMATION

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

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

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

Initials: DED

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

Initials: DED

SELECT ONE OF THE FOLLOWING OPTIONS

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

Or

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

Initials: _____

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 19 day of AUGUST, 2024

Legal Description Attached (Exhibit A)? YES Map or Survey Attached (Exhibit B)? YES
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? NO Acreage _____
Subdivision Name _____ Lot Number(s) _____

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

Signature: [Signature] Signature: _____

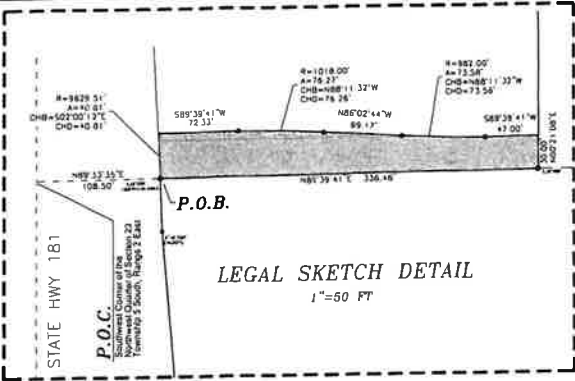
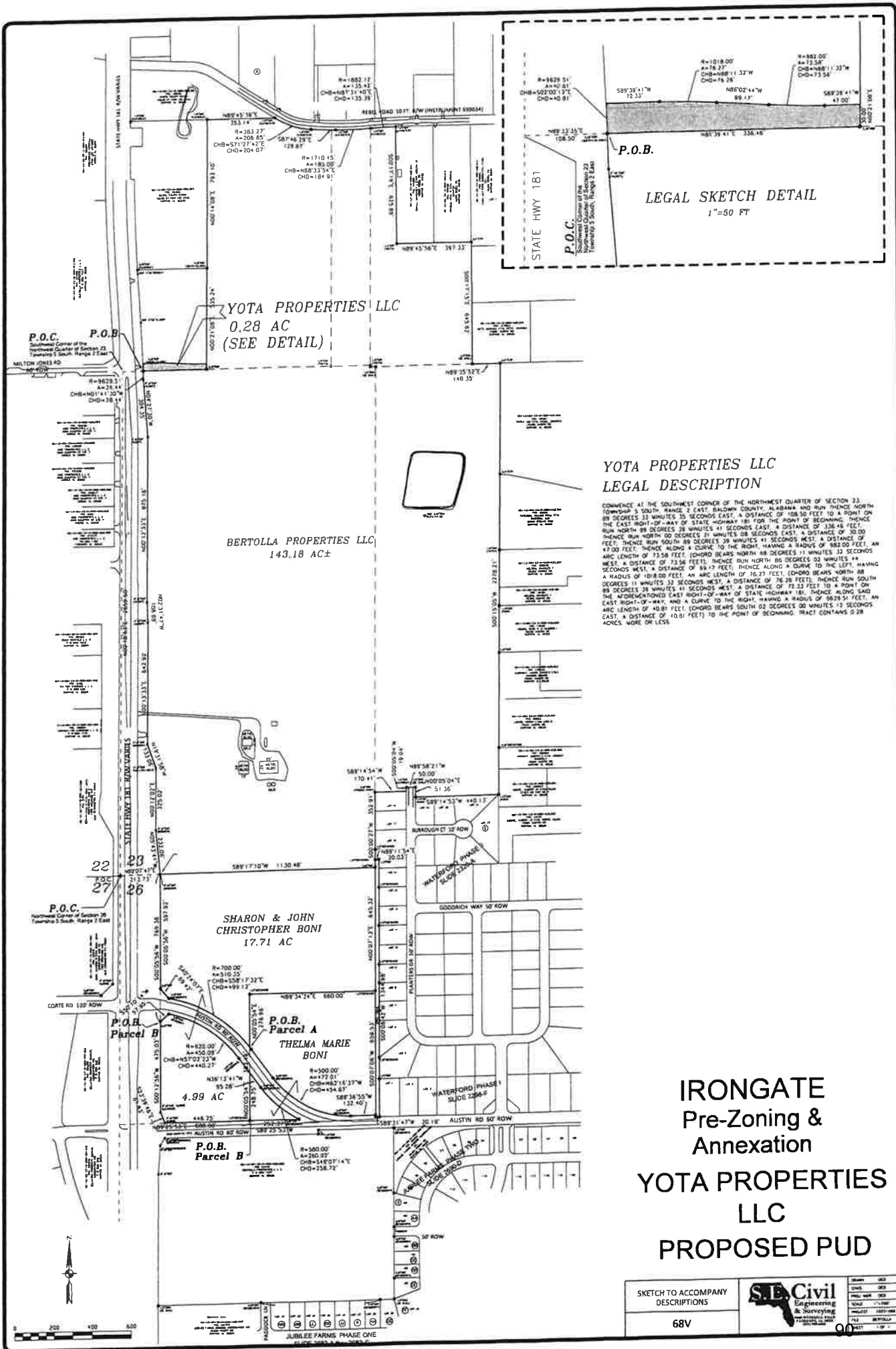
Printed Name: DAVID E DIEHL Printed Name: _____

Mailing Address: 9969 WINDMILL RD Mailing Address: _____

FAIRHOPE AL 36532

IRON GATE
A Planned Unit Development
YOTA Properties
Legal Description

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 33 MINUTES 35 SECONDS EAST, A DISTANCE OF 108.50 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 336.46 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 30.00 FEET; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 41 SECONDS WEST, A DISTANCE OF 47.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 982.00 FEET, AN ARC LENGTH OF 73.58 FEET, (CHORD BEARS NORTH 88 DEGREES 11 MINUTES 32 SECONDS WEST, A DISTANCE OF 73.56 FEET); THENCE RUN NORTH 86 DEGREES 02 MINUTES 44 SECONDS WEST, A DISTANCE OF 69.17 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1018.00 FEET, AN ARC LENGTH OF 76.27 FEET, (CHORD BEARS NORTH 88 DEGREES 11 MINUTES 32 SECONDS WEST, A DISTANCE OF 76.26 FEET); THENCE RUN SOUTH 89 DEGREES 39 MINUTES 41 SECONDS WEST, A DISTANCE OF 72.33 FEET TO A POINT ON THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE ALONG SAID EAST RIGHT-OF-WAY, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 9629.51 FEET, AN ARC LENGTH OF 40.81 FEET, (CHORD BEARS SOUTH 02 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 40.81 FEET) TO THE POINT OF BEGINNING. TRACT CONTAINS 0.28 ACRES, MORE OR LESS.



**YOTA PROPERTIES LLC
LEGAL DESCRIPTION**

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 33 MINUTES 15 SECONDS EAST, A DISTANCE OF 108.50 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 38 MINUTES 41 SECONDS EAST, A DISTANCE OF 338.48 FEET; THENCE RUN NORTH 89 DEGREES 31 MINUTES 08 SECONDS EAST, A DISTANCE OF 30.00 FEET; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 41 SECONDS WEST, A DISTANCE OF 47.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 982.00 FEET, AN ARC LENGTH OF 73.58 FEET, (CHORD BEARS NORTH 88 DEGREES 11 MINUTES 32 SECONDS WEST, A DISTANCE OF 73.58 FEET); THENCE RUN NORTH 89 DEGREES 02 MINUTES 44 SECONDS WEST, A DISTANCE OF 89.13 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1018.00 FEET, AN ARC LENGTH OF 76.27 FEET, (CHORD BEARS NORTH 88 DEGREES 11 MINUTES 32 SECONDS WEST, A DISTANCE OF 76.27 FEET); THENCE RUN SOUTH 88 DEGREES 11 MINUTES 32 SECONDS WEST, A DISTANCE OF 76.27 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 32 SECONDS WEST, A DISTANCE OF 76.27 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 32 SECONDS WEST, A DISTANCE OF 76.27 FEET; THENCE ALONG SAID THE AFORESAID EAST RIGHT-OF-WAY OF STATE HIGHWAY 181, THENCE ALONG SAID EAST RIGHT-OF-WAY, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 982.91 FEET, AN ARC LENGTH OF 40.81 FEET, (CHORD BEARS SOUTH 02 DEGREES 00 MINUTES 13 SECONDS EAST, A DISTANCE OF 40.81 FEET) TO THE POINT OF BEGINNING. TRACT CONTAINS 5.28 ACRES, MORE OR LESS.

**IRONGATE
Pre-Zoning &
Annexation
YOTA PROPERTIES
LLC
PROPOSED PUD**

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

(_____)

The undersigned, Sharon A. & John Christopher Boni, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, IRON GATE PUD (pin # 3718), to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (**the "Property"**).

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, Sharon A. & John Christopher Boni, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall specifically include the conditions requested below upon annexing the property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: PUD

Any other conditions which may apply upon annexation:

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

DATED this 19TH day of AUGUST, 2024

Respectfully submitted by,

JOHN CHRISTOPHER BONI

Name of Owner (Print)

[Signature] (AGENT)

Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, JAMES A. FREGO, the undersigned Notary Public in and for said county and state, hereby certify that Aaron Collins has 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 19TH day of AUGUST, 2024

[Signature]
NOTARY PUBLIC

My commission expires: 4/5/2026

Owner's Address

1365 ORCHARD AVE.
NEW KENSINGTON, PA. 15068



DATED this 19th day of AUGUST, 2024

Respectfully submitted by,

Name of Owner (Print) SHARON A. BONI

Name of Owner (Signature) *Sharon A. Boni*

STATE OF ALABAMA
COUNTY OF BALDWIN

I, JAMES A. FREGO, the undersigned Notary Public in and for said county and state, hereby certify that Arnon Collins has 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 executed the same voluntarily on the day the same bears date.

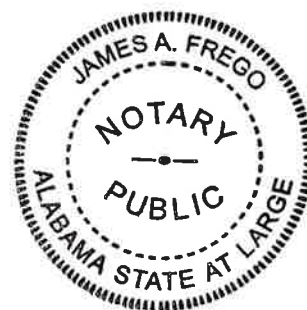
Given under my hand and official seal this the 19th day of AUGUST, 2024

NOTARY PUBLIC *[Signature]*

My commission expires: 4/5/2024

Owner's Address

126 IRON BRIDGE ROAD
SARVER PA. 16055



ADDITIONAL INFORMATION

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

Initials: AK

We certify that the property is a single or multiple parcels under single or multiple ownership. Initials: PL

Initials: PK _____

Initials: JK

Initials: _____

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 19th day of August, 2024.

Names and Signature of ALL property owners:

Signature: Nashwan (Agent) Signature: _____

Printed Name: Araron S. Collins Printed Name: _____

Mailing Address: 9969 WINDMILL RD
FAIRHOPE, AL. 36532

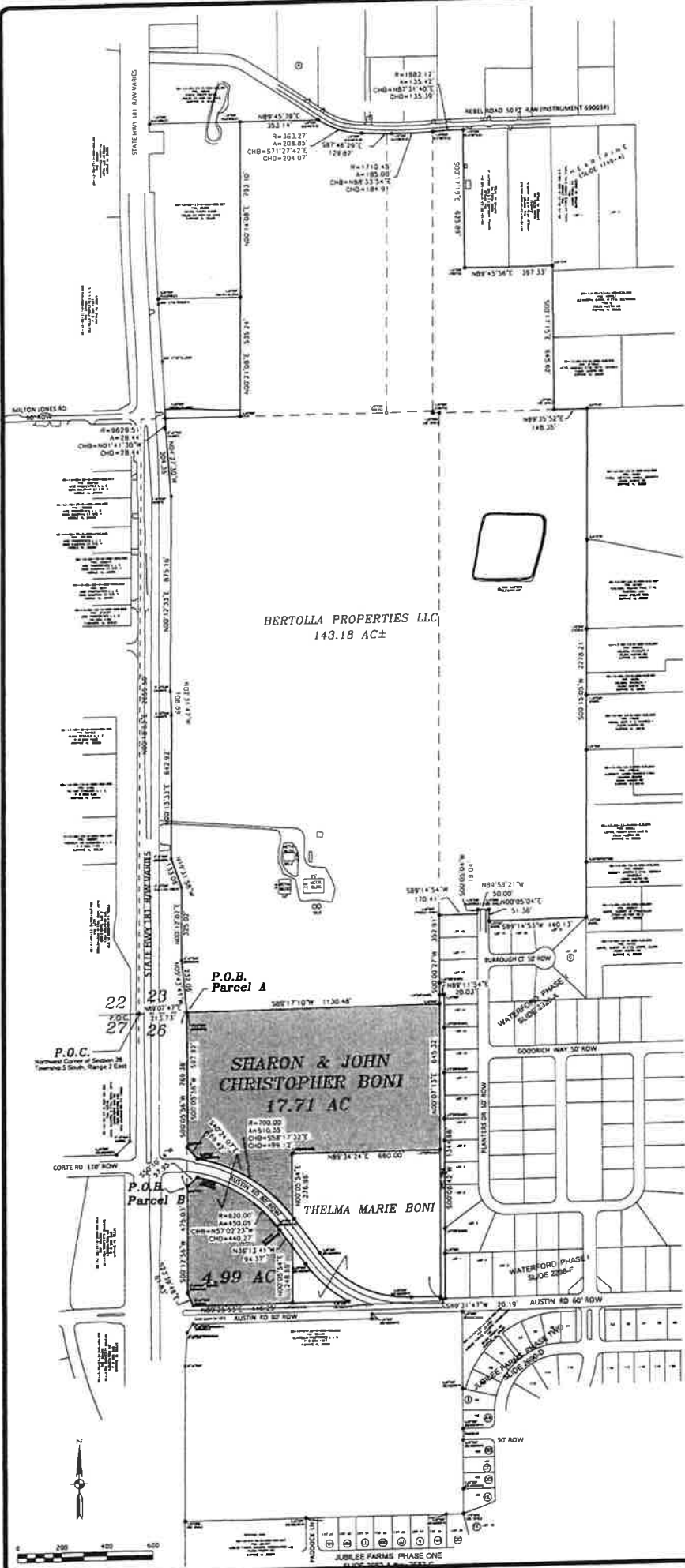
IRON GATE
A Planned Unit Development
Sharon & John Christopher Boni
Legal Description

PARCEL A

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 56 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 597.92 FEET; THENCE RUN SOUTH 40 DEGREES 24 MINUTES 07 SECONDS EAST, A DISTANCE OF 69.42 FEET TO A POINT ON THE NORTH MARGIN OF AUSTIN ROAD; THENCE ALONG SAID NORTH MARGIN, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 510.35 FEET, (CHORD BEARS SOUTH 58 DEGREES 17 MINUTES 32 SECONDS EAST, A DISTANCE OF 499.12 FEET); THENCE CONTINUING ALONG SAID NORTH MARGIN OF AUSTIN ROAD, RUN NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 276.96 FEET; THENCE DEPARTING SAID NORTH MARGIN, RUN NORTH 89 DEGREES 34 MINUTES 24 SECONDS EAST, A DISTANCE OF 660.00 FEET; THENCE RUN NORTH 00 DEGREES 07 MINUTES 13 SECONDS EAST, A DISTANCE OF 645.32 FEET; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 10 SECONDS WEST, A DISTANCE OF 1130.48 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 17.71 ACRES, MORE OR LESS.

PARCEL B

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 56 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 769.38 FEET FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 12 MINUTES 56 SECONDS WEST, A DISTANCE OF 475.03 FEET; THENCE RUN SOUTH 23 DEGREES 39 MINUTES 46 SECONDS EAST, A DISTANCE OF 61.83 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 446.25 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 248.69 FEET TO A POINT ON THE SOUTH MARGIN OF AUSTIN ROAD; THENCE RUN NORTH 36 DEGREES 13 MINUTES 41 SECONDS WEST, ALONG SOUTH MARGIN, A DISTANCE OF 94.37 FEET; THENCE ALONG SAID SOUTH MARGIN, AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 620.00 FEET, AN ARC LENGTH OF 450.09 FEET, (CHORD BEARS NORTH 57 DEGREES 02 MINUTES 23 SECONDS WEST, A DISTANCE OF 440.27 FEET); THENCE RUN SOUTH 50 DEGREES 10 MINUTES 14 SECONDS WEST, A DISTANCE OF 57.95 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 4.99 ACRES, MORE OR LESS,



SHARON & JOHN CHRISTOPHER BONI LEGAL DESCRIPTION

Parcel A

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST A DISTANCE OF 353.53 FEET TO A POINT ON THE EAST WARDON OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING, THENCE RUN SOUTH 00 DEGREES 00 MINUTES 58 SECONDS WEST, ALONG SAID EAST WARDON, A DISTANCE OF 597.92 FEET, THENCE RUN SOUTH 10 DEGREES 24 MINUTES 07 SECONDS EAST, A DISTANCE OF 54.43 FEET TO A POINT ON THE NORTH WARDON OF AUSTIN ROAD, THENCE ALONG SAID NORTH WARDON, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 310.35 FEET, (CHORD BEARS SOUTH 56 DEGREES 17 MINUTES 22 SECONDS EAST, A DISTANCE OF 499.17 FEET), THENCE CONTINUING ALONG SAID NORTH WARDON OF AUSTIN ROAD, RUN NORTH 00 DEGREES 05 MINUTES 34 SECONDS EAST, A DISTANCE OF 278.96 FEET, THENCE DEPARTING SAID NORTH WARDON, RUN NORTH 89 DEGREES 34 MINUTES 24 SECONDS EAST, A DISTANCE OF 680.00 FEET, THENCE RUN NORTH 00 DEGREES 07 MINUTES 13 SECONDS EAST, A DISTANCE OF 845.32 FEET, THENCE RUN SOUTH 89 DEGREES 17 MINUTES 10 SECONDS WEST, A DISTANCE OF 1130.48 FEET, TO THE POINT OF BEGINNING, TRACT CONTAINS 17.71 ACRES, MORE OR LESS.

Parcel B

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A POINT ON THE EAST WARDON OF STATE HIGHWAY 181, THENCE RUN SOUTH 00 DEGREES 05 MINUTES 58 SECONDS WEST, ALONG SAID EAST WARDON, A DISTANCE OF 789.28 FEET FOR THE POINT OF BEGINNING, THENCE RUN SOUTH 00 DEGREES 12 MINUTES 56 SECONDS WEST, A DISTANCE OF 415.03 FEET, THENCE RUN SOUTH 23 DEGREES 38 MINUTES 46 SECONDS EAST, A DISTANCE OF 618.83 FEET, THENCE RUN NORTH 89 DEGREES 25 MINUTES 33 SECONDS EAST, A DISTANCE OF 148.88 FEET TO A POINT ON THE SOUTH WARDON OF AUSTIN ROAD, THENCE RUN NORTH 36 DEGREES 13 MINUTES 41 SECONDS WEST, ALONG SAID SOUTH WARDON, A DISTANCE OF 84.37 FEET, THENCE ALONG SAID SOUTH WARDON, AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 620.00 FEET, AN ARC LENGTH OF 450.09 FEET, (CHORD BEARS NORTH 51 DEGREES 32 MINUTES 33 SECONDS WEST, A DISTANCE OF 440.27 FEET), THENCE RUN SOUTH 50 DEGREES 10 MINUTES 14 SECONDS WEST, A DISTANCE OF 37.85 FEET TO THE POINT OF BEGINNING, TRACT CONTAINS 4.99 ACRES, MORE OR LESS.

IRONGATE
Pre-Zoning &
Annexation
SHARON & JOHN
CHRISTOPHER BONI
PROPOSED PUD

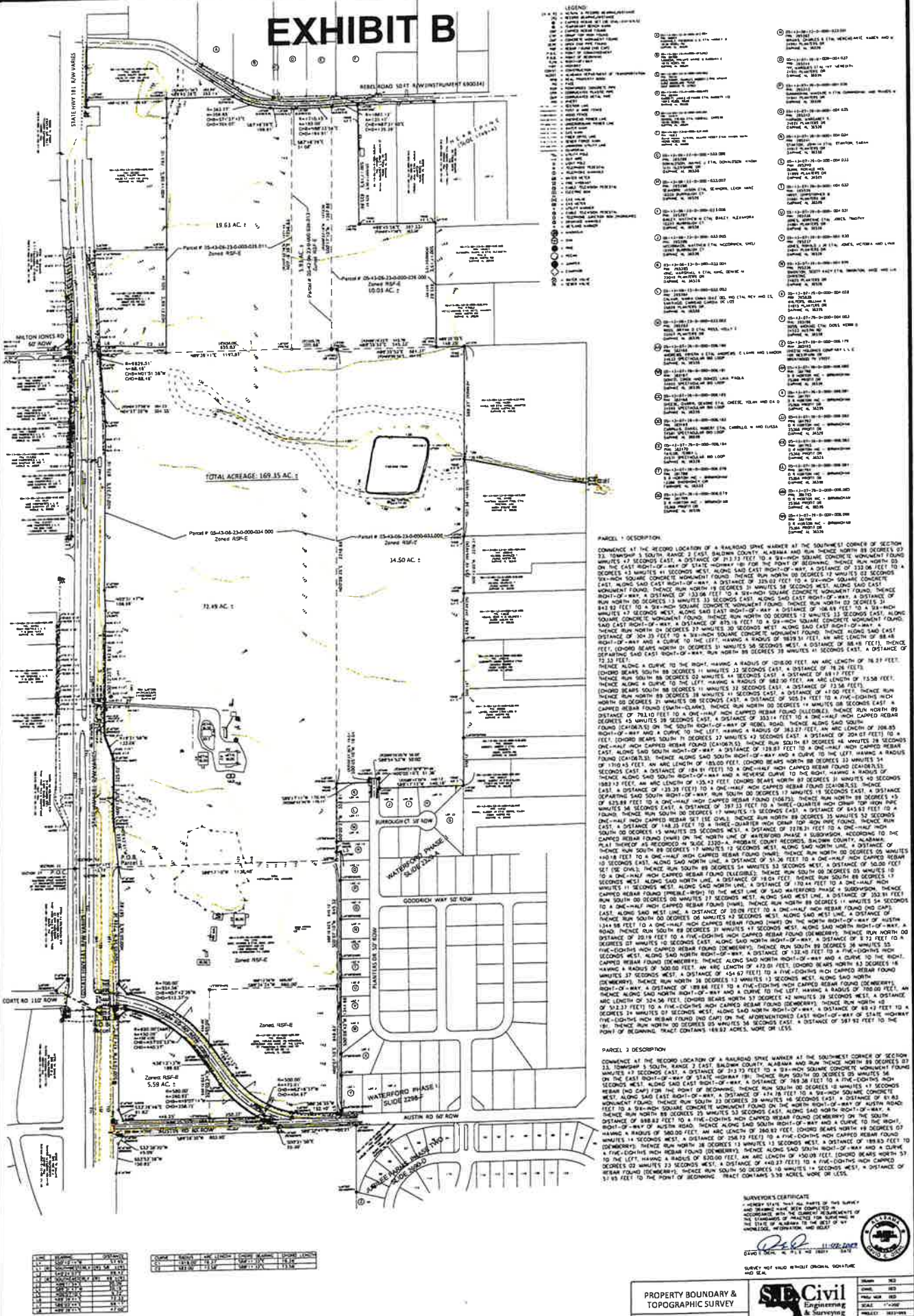
SKETCH TO ACCOMPANY
DESCRIPTIONS

68V

S.E. Civil
Engineering
& Surveying
1111 11th St.
Tomball, TX 77375
Tel: 281-291-1111
Fax: 281-291-1112

DATE	05/01/01
PROJECT	68V
SCALE	1"=100'
PROJECTED	05/01/01
FILE	68V01A
SHEET	1 OF 1

EXHIBIT B



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

(_____)

The undersigned, Frederick G. & Thomas Boni, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, IRON GATE PUD (PIN # 256935), to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

Requested zoning, if other than R-1: PUD

Any other conditions which may apply upon annexation:

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

DATED this 19 day of AUGUST, 2024

Respectfully submitted by,

Name of Owner (Print) THOMAS BONI

Name of Owner (Signature) [Signature]
(AGENT)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, JAMES A. FREGO, the undersigned Notary Public in and for said county and state, hereby certify that DAVID E. DIEHL has 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 19th day of AUGUST, 2024

NOTARY PUBLIC

My commission expires: 4/5/2026

Owner's Address

1208 BELLE CHENE DR.
MOBILE, AL. 36693



DATED this 19 day of AUGUST, 2024

Respectfully submitted by,

FREDERICK G. BONI

Name of Owner (Print)

(AGENT)

Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, JAMES A. FREGG, the undersigned Notary Public in and for said county and state, hereby certify that DAVID E. DIEHL has 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 executed the same voluntarily on the day the same bears date.

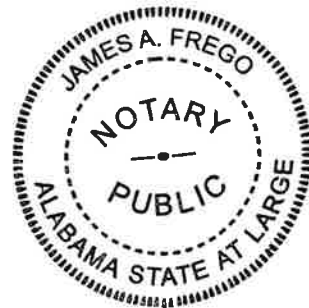
Given under my hand and official seal this the 19th day of AUGUST, 2024

J A Fregg
NOTARY PUBLIC

My commission expires: 4/5/2026

Owner's Address

2605 SPRINGHILL AVE.
MOBILE, AL. 36607



ADDITIONAL INFORMATION

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

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

We certify that the property is a single or multiple parcels under single or multiple ownership. Initials: DED

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

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

Or

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

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 19 day of AUGUST 2024

Legal Description Attached (Exhibit A)? YES Map or Survey Attached (Exhibit B)? YES
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? NO Acreage _____
Subdivision Name _____ Lot Number(s) _____

Names and Signature of ALL property owners:

Signature: [Signature] (AGENT) Signature: _____

Printed Name: DAVID E. DIEHL Printed Name: _____

Mailing Address: 9969 WINDMILL RD Mailing Address: _____
FAIRHOPE, AL 36532

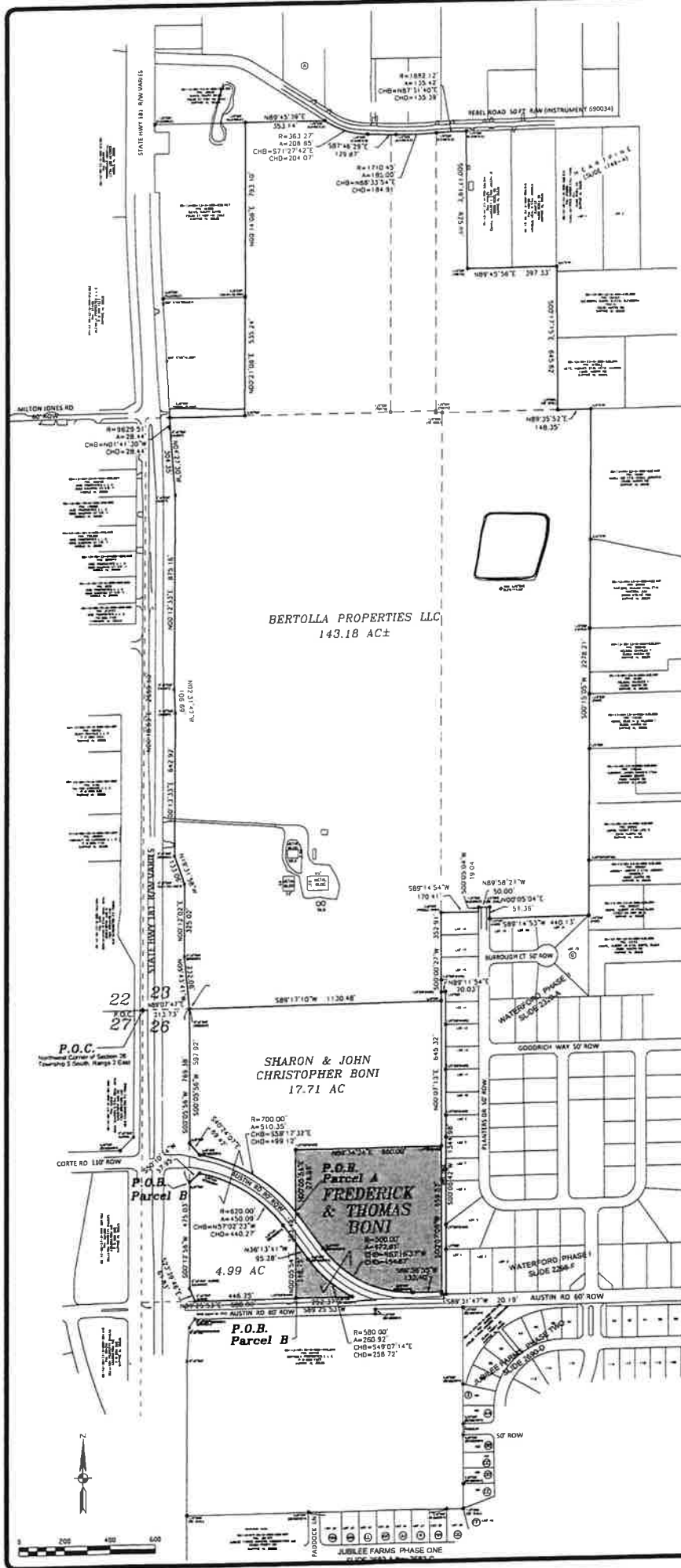
IRON GATE
A Planned Unit Development
Frederick & Thomas Boni
Legal Description

PARCEL A

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 1300.21 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 688.80 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 383.49 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 276.96 FEET; THENCE RUN NORTH 89 DEGREES 34 MINUTES 24 SECONDS EAST, A DISTANCE OF 660.00 FEET; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 06 SECONDS WEST, A DISTANCE OF 649.82 FEET TO A POINT ON THE NORTH MARGIN OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 55 SECONDS WEST, ALONG SAID NORTH MARGIN, A DISTANCE OF 132.40 FEET; THENCE CONTINUING ALONG SAID NORTH MARGIN, AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 472.01 FEET, (CHORD BEARS NORTH 63 DEGREES 16 MINUTES 37 SECONDS WEST, A DISTANCE OF 454.67 FEET); THENCE RUN NORTH 36 DEGREES 16 MINUTES 10 SECONDS WEST, A DISTANCE OF 203.87 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 8.45 ACRES, MORE OR LESS.

PARCEL B

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 1300.21 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 688.80 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 248.75 FEET TO A POINT ON THE SOUTH MARGIN OF AUSTIN ROAD; THENCE RUN SOUTH 36 DEGREES 12 MINUTES 21 SECONDS EAST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 95.33 FEET; THENCE CONTINUING ALONG SAID SOUTH MARGIN, AND A CURVE TO THE LEFT, HAVING A RADIUS OF 580.00 FEET, AN ARC LENGTH OF 260.92 FEET, (CHORD BEARS SOUTH 49 DEGREES 07 MINUTES 14 SECONDS EAST, A DISTANCE OF 258.72 FEET); THENCE RUN SOUTH 89 DEGREES 25 MINUTES 53 SECONDS WEST, A DISTANCE OF 252.37 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.60 ACRES, MORE OR LESS.



FREDERICK & THOMAS LEGAL DESCRIPTION

Parcel A

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 1300.21 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 588.80 FEET; THENCE RUN NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 383.45 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 270.56 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 588.80 FEET; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 645.82 FEET TO A POINT ON THE NORTH MARSH OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 25 MINUTES 53 SECONDS WEST, ALONG SAID NORTH MARSH, A DISTANCE OF 132.40 FEET; THENCE CONTINUING ALONG SAID NORTH MARSH, AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 472.01 FEET, (CHORD BEARS NORTH 65 DEGREES 16 MINUTES 37 SECONDS WEST, A DISTANCE OF 454.67 FEET); THENCE RUN NORTH 34 DEGREES 18 MINUTES 10 SECONDS WEST, A DISTANCE OF 203.87 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 8.43 ACRES, MORE OR LESS.

Parcel B

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 1300.21 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 588.80 FEET TO THE POINT OF BEGINNING. THENCE RUN NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 248.75 FEET TO A POINT ON THE SOUTH MARSH OF AUSTIN ROAD; THENCE RUN SOUTH 18 DEGREES 15 MINUTES 21 SECONDS EAST, ALONG SAID SOUTH MARSH, A DISTANCE OF 35.33 FEET; THENCE CONTINUING ALONG SAID SOUTH MARSH, AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 580.00 FEET, AN ARC LENGTH OF 260.93 FEET, (CHORD BEARS SOUTH 49 DEGREES 25 MINUTES 14 SECONDS EAST, A DISTANCE OF 258.72 FEET); THENCE RUN SOUTH 89 DEGREES 25 MINUTES 53 SECONDS WEST, A DISTANCE OF 252.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.60 ACRES, MORE OR LESS.

IRONGATE Pre-Zoning & Annexation FREDERICK & THOMAS BONI PROPOSED PUD

SKETCH TO ACCOMPANY DESCRIPTIONS	68V		SHEET NO. 103 DATE: 11/11/2011 DRAWN BY: [illegible] CHECKED BY: [illegible] SCALE: 1"=100' PROJECT: IRONGATE FILE: IRONGATE
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**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(_____)
The undersigned corporation, BERTOLLA PROPERTIES, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, IRON GATE PUD (PIN #'s attached), to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (the "Property").

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, Bertolla Properties, LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: PUD

Any other conditions which may apply upon annexation:



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

DATED this 19 day of AUGUST, 2024

Respectfully submitted,

BERTOLLA PROPERTIES, LLC
Name of Corporation

By: [Signature] DAVID E DIEHL

Its: AGENT

STATE OF ALABAMA
COUNTY OF BALDWIN

I, JAMES A. FREGO, the undersigned Notary Public in and for said county and state, hereby certify that DAVID E. DIEHL whose name as AGENT of BERTOLLA PROPERTIES, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

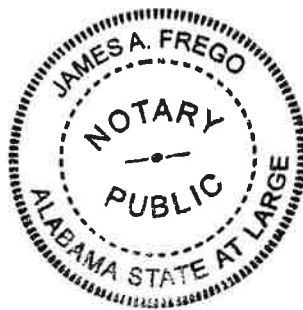
Given under my hand and official seal this the 19th day of AUGUST, 2024.

[Signature]
NOTARY PUBLIC

My commission expires: 4/15/2026

Corporation's Address

P.O. Box 1527
DAPHNE, AL. 36526



ADDITIONAL INFORMATION

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

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

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

Initials: DED

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

Initials: DED

SELECT ONE OF THE FOLLOWING OPTIONS

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

Or

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

Initials: _____

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 19 day of AUGUST, 2024

Legal Description Attached (Exhibit A)? YES Map or Survey Attached (Exhibit B)? YES
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? NO Acreage _____
Subdivision Name _____ Lot Number(s) _____

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

Signature: (AGENT) Signature: _____

Printed Name: DAVID E. DIEHL Printed Name: _____

Mailing Address: 9969 WINDMILL RD Mailing Address: _____
FAIRHOPE, AL 36532

IRON GATE
A Planned Unit Development
Bertolla Properties, LLC
Legal Description

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 33 MINUTES 35 SECONDS EAST, A DISTANCE OF 108.50 FEET POINT ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 336.46 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 535.24 FEET; THENCE RUN NORTH 00 DEGREES 14 MINUTES 08 SECONDS EAST, A DISTANCE OF 793.10 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 39 SECONDS EAST, A DISTANCE OF 353.14 FEET TO A POINT ON THE SOUTH MARGIN OF REBEL ROAD; THENCE RUN ALONG SAID SOUTH MARGIN, THE FOLLOWING DESCRIBED COURSES:

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 363.27 FEET, AN ARC LENGTH OF 206.85 FEET, (CHORD BEARS SOUTH 71 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 204.07 FEET);

SOUTH 87 DEGREES 46 MINUTES 29 SECONDS EAST, A DISTANCE OF 129.87 FEET;

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1710.45 FEET, AN ARC LENGTH OF 185.00 FEET, (CHORD BEARS NORTH 88 DEGREES 33 MINUTES 54 SECONDS EAST, A DISTANCE OF 184.91 FEET);

THENCE ALONG A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 1882.12 FEET, AN ARC LENGTH OF 135.42 FEET, (CHORD BEARS NORTH 87 DEGREES 31 MINUTES 40 SECONDS EAST, A DISTANCE OF 135.39 FEET);

THENCE DEPARTING SAID SOUTH MARGIN OF REBEL ROAD, RUN SOUTH 00 DEGREES 17 MINUTES 19 SECONDS EAST, A DISTANCE OF 625.89 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 56 SECONDS EAST, A DISTANCE OF 397.33 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 15 SECONDS EAST, A DISTANCE OF 645.62 FEET; THENCE RUN NORTH 89 DEGREES 35 MINUTES 52 SECONDS EAST, A DISTANCE OF 148.35 FEET; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 2278.21 FEET TO A POINT ON THE NORTH LINE OF WATERFORD PHASE II, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2320-A BALDWIN COUNTY PROBATE RECORDS; THENCE ALONG THE NORTH AND WEST LINE OF SAID WATERFORD PHASE II, THE FOLLOWING DESCRIBED COURSES:

SOUTH 89 DEGREES 17 MINUTES 12 SECONDS WEST, A DISTANCE OF 440.18 FEET;

NORTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, A DISTANCE OF 51.36 FEET;

SOUTH 89 DEGREES 54 MINUTES 53 SECONDS WEST, A DISTANCE OF 50.00 FEET;

SOUTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, A DISTANCE OF 19.04 FEET;

SOUTH 89 DEGREES 17 MINUTES 11 SECONDS WEST, A DISTANCE OF 170.44 FEET;

SOUTH 00 DEGREES 00 MINUTES 06 SECONDS EAST, A DISTANCE OF 352.91 FEET;

NORTH 89 DEGREES 11 MINUTES 54 SECONDS EAST, A DISTANCE OF 20.03 FEET;

SOUTH 00 DEGREES 06 MINUTES 42 SECONDS WEST, A DISTANCE OF 1344.98 FEET TO A POINT

ON THE NORTH MARGIN OF AUSTIN ROAD;

THENCE RUN SOUTH 89 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID NORTH MARGIN, A DISTANCE OF 20.19 FEET; THENCE DEPARTING SAID NORTH MARGIN, RUN NORTH 00 DEGREES 07 MINUTES 10 SECONDS EAST, A DISTANCE OF 1304.86 FEET; THENCE RUN SOUTH 89 DEGREES 17

MINUTES 10 SECONDS WEST, A DISTANCE OF 1130.48 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181; THENCE RUN ALONG SAID EAST MARGIN THE FOLLOWING DESCRIBED COURSES:

NORTH 05 DEGREES 43 MINUTES 41 SECONDS WEST, A DISTANCE OF 232.06 FEET;
NORTH 00 DEGREES 12 MINUTES 02 SECONDS EAST, A DISTANCE OF 325.02 FEET;
NORTH 19 DEGREES 31 MINUTES 58 SECONDS WEST, A DISTANCE OF 133.06 FEET;
NORTH 00 DEGREES 13 MINUTES 33 SECONDS EAST, A DISTANCE OF 642.92 FEET;
NORTH 02 DEGREES 31 MINUTES 47 SECONDS WEST, A DISTANCE OF 106.69 FEET;
NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, A DISTANCE OF 875.16 FEET;
NORTH 04 DEGREES 27 MINUTES 30 SECONDS WEST, A DISTANCE OF 304.35 FEET;
THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 9629.51 FEET, AN ARC
LENGTH OF 47.66 FEET, (CHORD BEARS NORTH 01 DEGREES 44 MINUTES 56 SECONDS
WEST, A DISTANCE OF 47.66 FEET) TO THE POINT OF BEGINNING.

TRACT CONTAINS 143.18 ACRES, MORE OR LESS.

EXHIBIT A

IRON GATE

PLANNED UNIT DEVELOPMENT ZONING

OVERALL LEGAL DESCRIPTION

PARCEL 1 DESCRIPTION:

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE MARKER AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 05 DEGREES 43 MINUTES 41 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 232.06 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 12 MINUTES 02 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 325.02 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 19 DEGREES 31 MINUTES 58 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 133.06 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 13 MINUTES 33 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 642.92 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 02 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 106.69 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 875.16 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 04 DEGREES 27 MINUTES 30 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 304.35 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE ALONG SAID EAST RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 9629.51 FEET, AN ARC LENGTH OF 88.46 FEET, (CHORD BEARS NORTH 01 DEGREES 51 MINUTES 58 SECONDS WEST, A DISTANCE OF 88.46 FEET); THENCE DEPARTING SAID EAST RIGHT-OF-WAY, RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 72.33 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1018.00 FEET, AN ARC LENGTH OF 76.27 FEET, (CHORD BEARS SOUTH 88 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 76.26 FEET); THENCE RUN SOUTH 86 DEGREES 02 MINUTES 44 SECONDS EAST, A DISTANCE OF 69.17 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 982.00 FEET, AN ARC LENGTH OF 73.58 FEET, (CHORD BEARS SOUTH 88 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 73.56 FEET); THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 47.00 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 505.24 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (SMITH-CLARK); THENCE RUN NORTH 00 DEGREES 14 MINUTES 08 SECONDS EAST, A DISTANCE OF 793.10 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE); THENCE RUN NORTH 89 DEGREES 45 MINUTES 39 SECONDS EAST, A DISTANCE OF 353.14 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS) ON THE SOUTH RIGHT-OF-WAY OF REBEL ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 363.27 FEET, AN ARC LENGTH OF 206.85 FEET, (CHORD BEARS SOUTH 71 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 204.07 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE RUN SOUTH 87 DEGREES 46 MINUTES 29 SECONDS EAST,

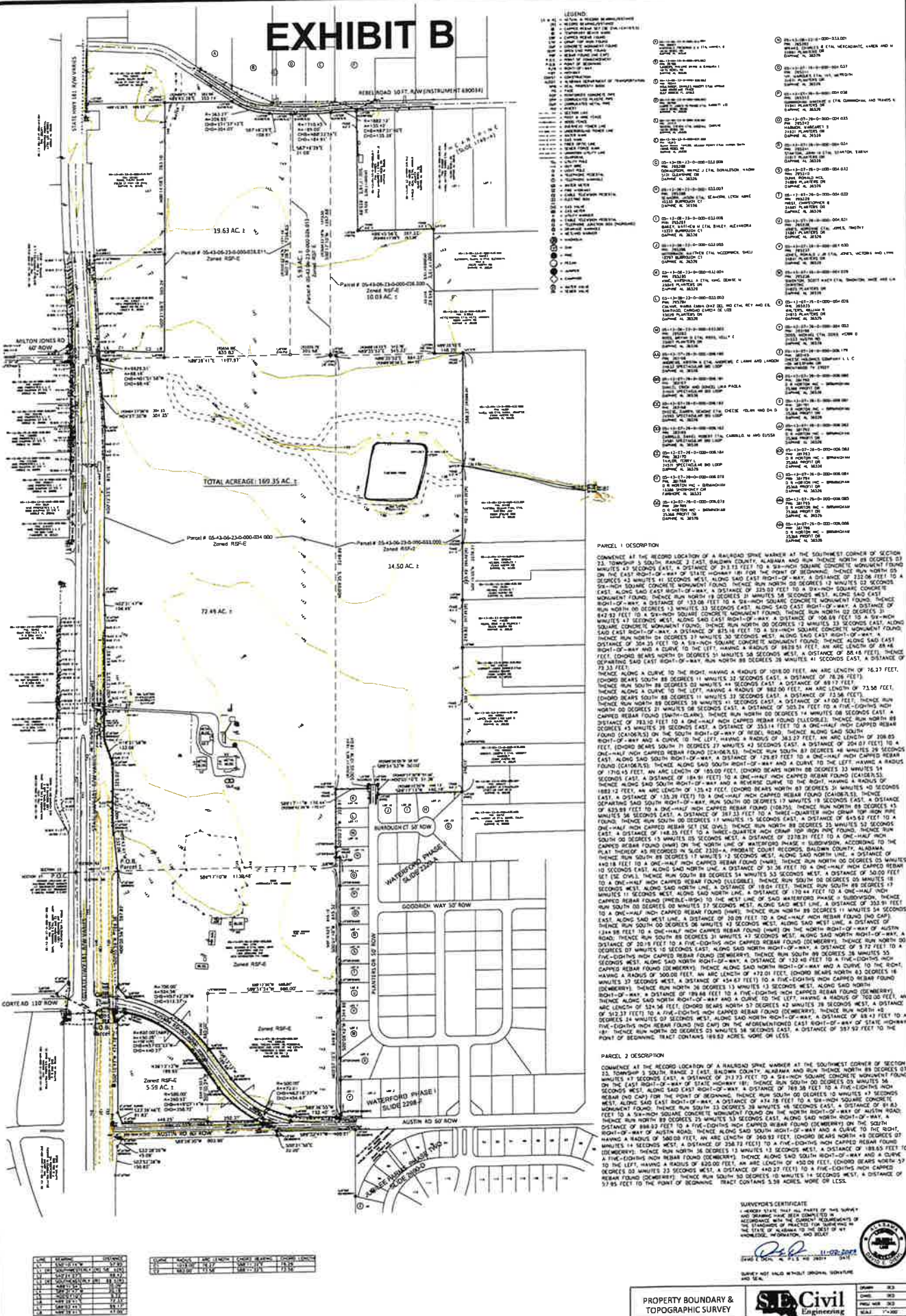
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PARCEL 2 DESCRIPTION

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EXHIBIT B



SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYORS IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

11-02-20

[illegible]

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE
 AND SEAL

 Civil

Engineering & Surveying
can make a difference

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Journal of Internal Medicine 255: 103–110

100

PROPERTY BOUNDARY &
TOPOGRAPHIC SURVEY

S.E. Civil
Engineering

Engineering & Surveying
 1000 West 10th Street
 Fort Worth, TX 76102
 (817) 335-1000

100

EXHIBIT A

IRON GATE

PLANNED UNIT DEVELOPMENT ZONING

OVERALL LEGAL DESCRIPTION

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**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: October 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Bertolla Properties, LLC Pre-Zoning Amendment

PRESENT ZONING: RSF-2, Residential Single Family, Baldwin County District 15
PROPOSED PRE-ZONING: B-2(a), General Business Alternate
LOCATION: Southeast of the intersection of Austin Road and Alabama Highway 181
RECOMMENDATION: At the October 24, 2024 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried for a favorable recommendation for the above captioned pre-zoning amendment.

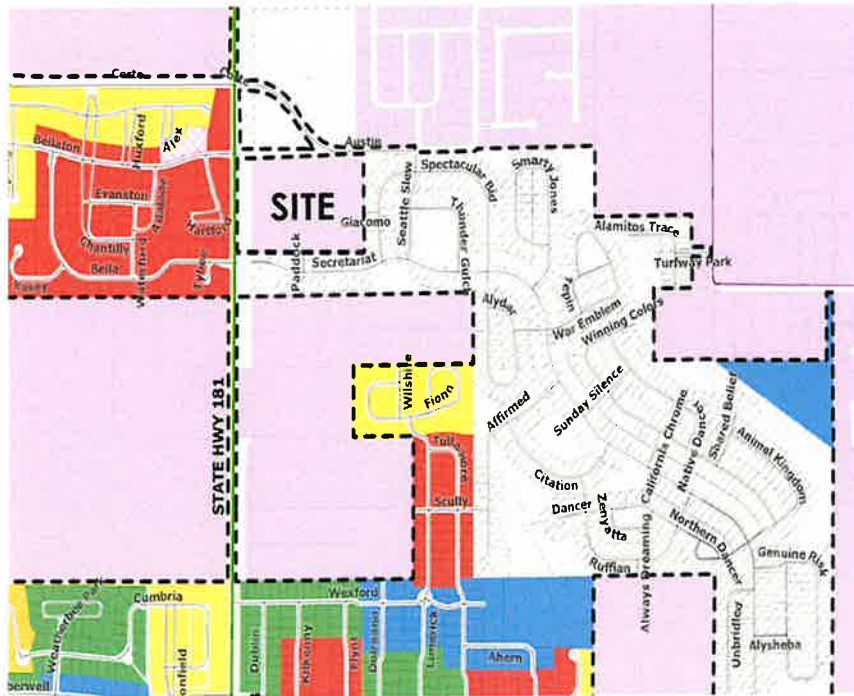
Attached please find the appropriate documentation and action of the Daphne Planning Commission.

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

Thank you,
ADJ/jv

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

BERTOLLA PROPERTIES, LLC PREZONING AMENDMENT



BERTOLLA, LLC

Prezoning Amendment

Zoning Classification:

RSF-2, Residential Single Family District in Baldwin County District 15 Planning Area

Surrounding Zonings/Uses:

- **North**-RSF-2, Residential Single Family District (PUD zoning subject to annexation-IronGate)
- **South and East**- PUD - Jubilee Farms
- **West**-R-3, High Density Single Family Residential/Bellatone

Existing Utility Service

Providers: Daphne Utilities, Riviera Utilities, AT&T , Belforest Water, Baldwin County Sewer, Fairhope Gas

Affected City Service Providers:

Fire Station 3, Police Beat 3

Staff Recommendation to PC:

Favorable

Proposed Zoning:

B-2(A), General Business Alternate

Development Concept:

General Business

Council District: 4

Existing Conditions:

25.22 acres

Planning Commission

Recommendation Favorable

PROPOSAL:

The applicant proposes to prezone the subject property to B-2(A), General Business Alternate. No specific use has been proposed at this time. The Envision Daphne 2042 Comprehensive Plan designates the parcel as Neighborhood Center. Commercial, office, and mixed use are the primary land uses permissible in the Neighborhood Center placetype and the secondary land uses are institutional, assembly, and single family attached. Uses permissible by right and by Planning Approval in the B-2(A) zoning classification would be consistent with the commercial and office uses that are allowed in the Neighborhood Commercial placetype. B-2(A) zoning classification would be considered consistent with the Comprehensive Plan. It would also be consistent with the commercial portion of the Irongate PUD and proposed master plan.

The City Council granted approval of the Irongate PUD zoning per Ordinance 2024-25. The site has not been annexed into the city yet; however, the annexation petition for said property received a favorable recommendation from the Planning Commission on October 24, 2024.



NEIGHBORHOOD CENTER

A Neighborhood Center is a concentrated node of commercial buildings and activity, often at key intersections, which provides consumer goods and services to surrounding neighborhoods. Neighborhood centers provide a setting for a variety of residential, commercial, and institutional activities. The Neighborhood Center incorporates mixed commercial uses to encourage efficient use of infrastructure, allow for smaller lot development, and provide for close proximity to other public uses which may locate near the center such as schools, neighborhood parks, or other public and institutional uses. Neighborhood Centers may include professional offices, single and multi-family dwellings, small-scale commercial uses, and public open spaces and parks, all located within a concentrated area. Neighborhood Centers do not include uses which traditionally locate on high-volume commercial strips such as large retail outlets or heavy service commercial such as outdoor storage or intensive vehicle repair.

Above, Below and Right: Neighborhood Center Examples
Opposite Page: Neighborhood Center
Thematic Map



Planned Characteristics

Primary Land Uses	Commercial Office, Retail, Institutional, Assembly, Single Family, Attached
Secondary Uses	Various based on use typically building type do not exceed 30 percent of site
Intensity Range	Low to medium intensity, medium to high density, mixed design (no intention, permeable surfaces, multi-use areas, site plan and design to mix)
Development Policies	

Essential Building Character

Building Placement	Shallow build to lines
Frontage and Height	Articulate, street facing facade, 5 stories maximum

Essential Site Character

Parking and Access	Stacking between buildings and primary streets is limited to one double-headed aisle. Parking areas have a perimeter for on-site buffer where adjacent to streets. Direct street frontage.
Landscape	Green parking lot (include trees canopy, street trees)

Planned Characteristics

Amenities	Public open space and recreational areas for attached dwellings, if not within a mile of city park
Mobility (see Future Mobility Network)	
Street Types	Local, Collector, Arterial
Bike/Pedestrian	Easy access to major transit, local mobility, section for play, Bike used community



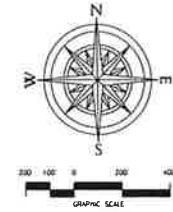


Excerpt from County's Online map



- ☒ County Zoning
- Rural District (RR)
- Rural Agricultural District (RA)
- Conservation Resource District (CR)
- Residential Single Family Estate District (RSF-E)
- Residential Single Family District (RSF-1)
- Residential Single Family District (RSF-2)
- Residential Single Family District (RSF-3)
- Residential Single Family District (RSF-4)

Phasing Summary



Jubilee Farms

A Planned Unit Development

Daphne, Alabama

(AMENDED) NOVEMBER 19, 2020

Development Summary

Current Zoning: RSF-2 & RA (B.C. Dist. 15)

Proposed Zoning: P.U.D. (Daphne)

Streets: 45,558 L.F.

Total Acreage: 347.65 Ac.

Open Space:

Formal: 23.05 Ac. (6.7%)

Passive: 50.08 Ac. (14.5%)

Wetlands (J.D.): 5.23 Ac. (1.5%)

TOTAL: 78.36 Ac. (22.6%)

Lot Summary

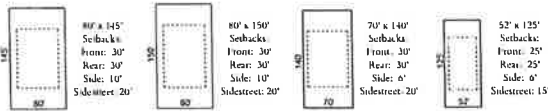
80 x 145's/150's 134 (15%)

70 x 140's 382 (42%)

52 x 125's 390 (43%)

TOTAL 906

Conceptual Trail Location
Conceptual Passive Trail Location



Typical Lots

Adjacent Property Owners PIN #62440

Parcel Number	Pin	Owner Name	Address	City	State	Zip
05-43-07-26-0-000-004.003	295196	DOSS, MICHAEL ETAL DOSS, KERRI D	24523 AUSTIN RD	DAPHNE	AL	36526
05-43-07-26-0-000-004.001	203385	BERTOLLA PROPERTIES L L C	P O BOX 1527	DAPHNE	AL	36526
05-43-08-27-0-000-003.066	267766	BELLATON PROPERTY OWNERS ASSOCIATION INC	P O BOX 668	DAPHNE	AL	36526
05-43-07-26-0-000-005.000	3718	BONI, SHARON O ETAL BONI, JOHN CHRISTOPH AND ER	1365 ORCHARD AVE	NEW KENSINGTON	PA	15068
05-43-07-26-0-000-005.001	256935	BONI, THELMA MARIE AS PERSONAL REPRESENT AND ATIVE OF TH	25170 CO RD 13	DAPHNE	AL	36526
05-43-07-26-0-000-006.088	381802	JUBILEE FARMS OWNERS ASSOCIATION INC	25366 PROFIT DR	DAPHNE	AL	36526
05-43-07-26-0-000-006.180	382166	ANDREWS, KRISTIN K ETAL ANDREWS, C LAKIN AND LONDON	24633 SPECTACULAR BID LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-006.078	381788	D R HORTON INC - BIRMINGHAM	13386 SHOSHONEY CIR	FAIRHOPE	AL	36532
05-43-07-26-0-000-006.183	382169	CARRILLO, DANIEL ROBERT ETAL CARRILLO, M AND ELISSA	24581 SPECTACULAR BID LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-006.179	382165	CHEESE, MICHAEL A TENNESSEE INVESTMENT SERVICES TRUST	24645 SPECTACULAR BID LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-006.182	382168	CHEESE, DARRYL DEMONE ETAL CHEESE, YOLAN AND DA D	24595 SPECTACULAR BID LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-006.184	382170	TAYLOR, TERRY L	24571 SPECTACULAR BID LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-006.181	382167	DONCEL ERICK AND DONCEL LINA PAOLA	24605 SPECTACULAR BID LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-006.081	381791	D R HORTON INC - BIRMINGHAM SE CIVIL	22500 TOWN CENTER AVE STE 103 9969 WINDMILL ROAD	SPANISH FORT FAIRHOPE	AL AL	36527 36532

COMMUNITY DEVELOPMENT



October 11, 2024

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Bertolla Properties, LLC containing 25.22 acres +/- located southeast of the intersection of Alabama Highway 181 and Milton Jones Road 13 to be pre-zoned to B-2(a), General Business Alternate. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, October 16, 2024 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, October 24, 2024 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

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

Bertolla Properties, LLC Pre-Zoning Amendment

APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted Sept. 24, 2024

Application Number:

Planning Commission Public

ZA- or PZA- 24-09

Hearing Date: Oct. 24, 2024

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

SITE DATA

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

PPIN#(s): 62440

St. Hwy. 181 at Austin Road

Gross Site Area (acreage): 25.22 AC.

Requested Zoning or Pre-Zoning: B-2(A)

Current Zoning Designation(s):

Amended Request:

RSF-2

Initials: Date:

Current Land Use:

Anticipated Land Use:

Vacant land

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

See attached.

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

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

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: Bertolla Properties, LLC

Mailing Address: PO Box 1527, Daphne AL. 36526

Phone/Fax:
E-mail:

Name of Authorized Agent: Aaron Collins (SE Civil)

Mailing Address: 9969 Windmill Road Fairhope AL. 36532

Phone/Fax: 251-990-6566
E-mail: acollins@secivileng.com

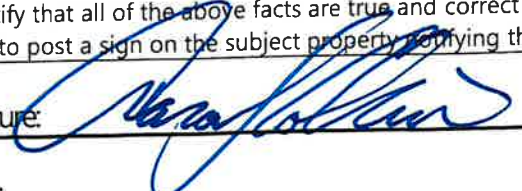
Name of Developer*:

Phone/Fax:
E-mail:

Other:

Phone/Fax:
E-mail:

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

Applicant's Signature: 

Date 9/17/24

Agent's Signature:

Date

BERTOLLA PROPERTIES, LLC PRE-ZONING AND ANNEXATION

25.22 ACRES ±

BEGINNING AT A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL) AT THE NORTHWEST CORNER OF COMMON AREA ONE OF JUBILEE FARMS, PHASE ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDES 2682-A, 2682-B, AND 2682-C, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 34 MINUTES 31 SECONDS EAST, ALONG THE NORTH LINE OF SAID COMMON AREA AND LOT 32 THRU LOT 39, A DISTANCE OF 1240.44 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL) AT THE SOUTHWEST CORNER OF JUBILEE FARMS, PHASE TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDES 2690-D, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 03 MINUTES 18 SECONDS EAST, ALONG THE WEST LINE OF SAID JUBILEE FARMS, PHASE TWO, A DISTANCE OF 902.14 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY) ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 32 MINUTES 41 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 400.21 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 21 MINUTES 50 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 20.00 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 26 MINUTES 30 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 803.90 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 33 DEGREES 38 MINUTES 20 SECONDS WEST, A DISTANCE OF 45.09 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN SOUTH 03 DEGREES 52 MINUTES 38 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 150.82 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 44 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 692.30 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 25.22 ACRES, MORE OR LESS.

EXHIBIT "C"

PRE-ZONING AMENDMENT & ANNEXATION

Bertolla Properties, LLC

SURVEYOR'S NOTES:

- 8 THERE MAY BE RECORDED OR UNRECORDED DEEDS,
EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH
COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
SURVEY WAS CONDUCTED IN AUGUST 2004, AND IS RECORDED
IN ELECTRONIC FILE NUMBER 967.
- 9 BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED"
FROM ACTUAL FIELD TRAVERSES, AND ARE BASED ON STATE
PLANE GRID, ALABAMA WEST ZONE USING GPS OBSERVATIONS
AND UTILITY INFORMATION SHOWN ON RECORDS OBTAINED BY
SURVEYING AND PLOTTING THE MOBILE ABOVE GROUND UTILITY
FEATURES.
- THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH
THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR
SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY
1, 2017

LEGEND

- CHT = COVERED REBAR FOUND
 CRY = CORUSP TOP IRON FOUND
 CUL = CONCRETE CURBMENT FOUND
 CPT = ASPEN END PIPE FOUND
 RIF = REBAR FOUND (NO CAP)
 P.O. = POINT OF DISCONTINUITY
 P.O.B. = POINT OF BEGINNING
 ALD01 ALABAMA DEPARTMENT OF TRANSPORTATION
 RCP = REINFORCED CONCRETE PIPE
 CP = CORRUGATED PLASTIC PIPE
 CMP = CORRUGATED METAL PIPE
 W = FIRE HYDRANT
 DG = ONE VALUE
 E = TELEPHONE JUNCTION BOX
 P = PNEUMATIC PISTOL
 W = WATER VALVE
 ----- POST & RAIL FENCE
 O = CONCRETE ABUTMENT
 N = GAPPED REBAR FOUND
 * = COVERED REBAR SET (24" x 14")

LEGAL DESCRIPTION
25.22 ACRES ±

[illegible]

SURVEYOR'S CERTIFICATE

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

DAYO E GEN AL PLS NO JSDIN DATE 08-22-2024

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE
AND SEAL

FLOOD STATEMENT

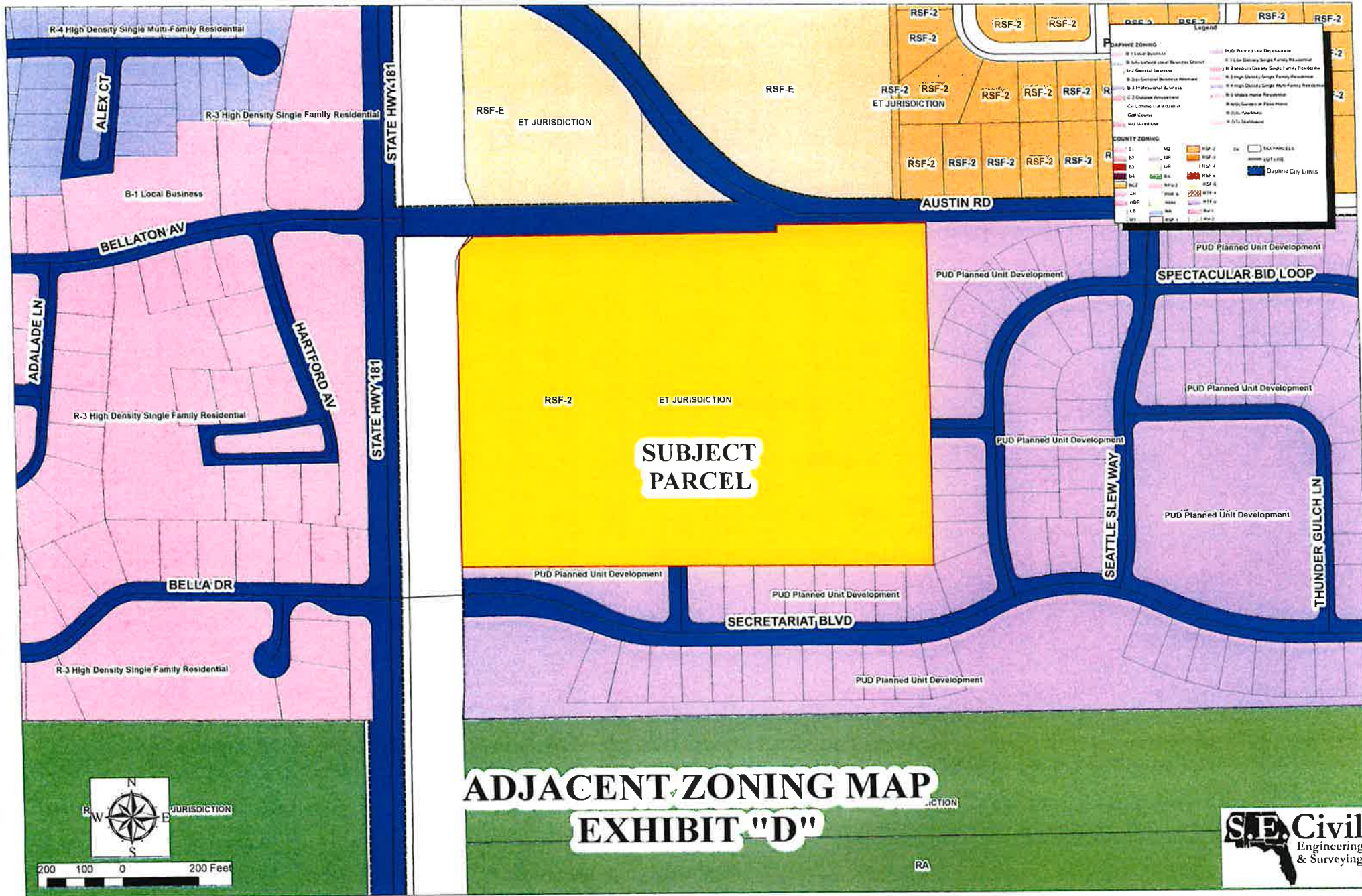
PROPERTY LIES IN FLOOD ZONE "X" (UNSHADED)
AS SCALED FROM FLOOD INSURANCE RATE MAP
NUMBER D1003C08534, COMMUNITY NUMBER
D15000, PANEL 0655, SUFFIX "M". MAP REVISED
DATE APRIL 19, 2019

PROPERTY BOUNDARY SURVEY

BERTOLLA PROPERTIES, LLC



S.E. Civil
Engineering & Surveying
1000 W. US Highway 90
Fort Lauderdale, FL 33304
(954) 575-1111



BERTOLLA PROPERTIES, LLC
PRE-ZONING AND ANNEXATION

25.22 ACRES ±

BEGINNING AT A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL) AT THE NORTHWEST CORNER OF COMMON AREA ONE OF JUBILEE FARMS, PHASE ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDES 2682-A, 2682-B, AND 2682-C, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 34 MINUTES 31 SECONDS EAST, ALONG THE NORTH LINE OF SAID COMMON AREA AND LOT 32 THRU LOT 39, A DISTANCE OF 1240.44 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL) AT THE SOUTHWEST CORNER OF JUBILEE FARMS, PHASE TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDES 2690-D, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 03 MINUTES 18 SECONDS EAST, ALONG THE WEST LINE OF SAID JUBILEE FARMS, PHASE TWO, A DISTANCE OF 902.14 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY) ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 32 MINUTES 41 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 400.21 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 21 MINUTES 50 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 20.00 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 26 MINUTES 30 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 803.90 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 33 DEGREES 38 MINUTES 20 SECONDS WEST, A DISTANCE OF 45.09 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN SOUTH 03 DEGREES 52 MINUTES 38 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 150.82 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 44 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 692.30 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 25.22 ACRES, MORE OR LESS.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: October 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Bertolla Properties, LLC Annexation Petition

A handwritten signature in black ink, appearing to be "AJ", located next to the "FROM" line.

PRESENT ZONING: RSF-2, Residential Single Family, Baldwin County District 15

LOCATION: Southeast of the intersection of Austin Road and Alabama Highway 181

RECOMMENDATION: At the October 24, 2024 regular meeting of the City of Daphne Planning Commission, seven members were present and the motion carried for a favorable recommendation for the above mentioned annexation petition.

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

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

Thank you,
ADJ/jv

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

BERTOLLA PROPERTIES, LLC ANNEXATION PETITION

BERTOLLA PROPERTIES, LLC ANNEXATION REQUEST

The applicant proposes to annex the subject property into the corporate limits. The site meets the contiguity requirement because it abuts land that is already in the City including Jubilee Farms subdivision, Highway 181 and the old portion of Austin Road, a road right-of-way which is inside the Daphne city limits.

RECOMMENDATIONS

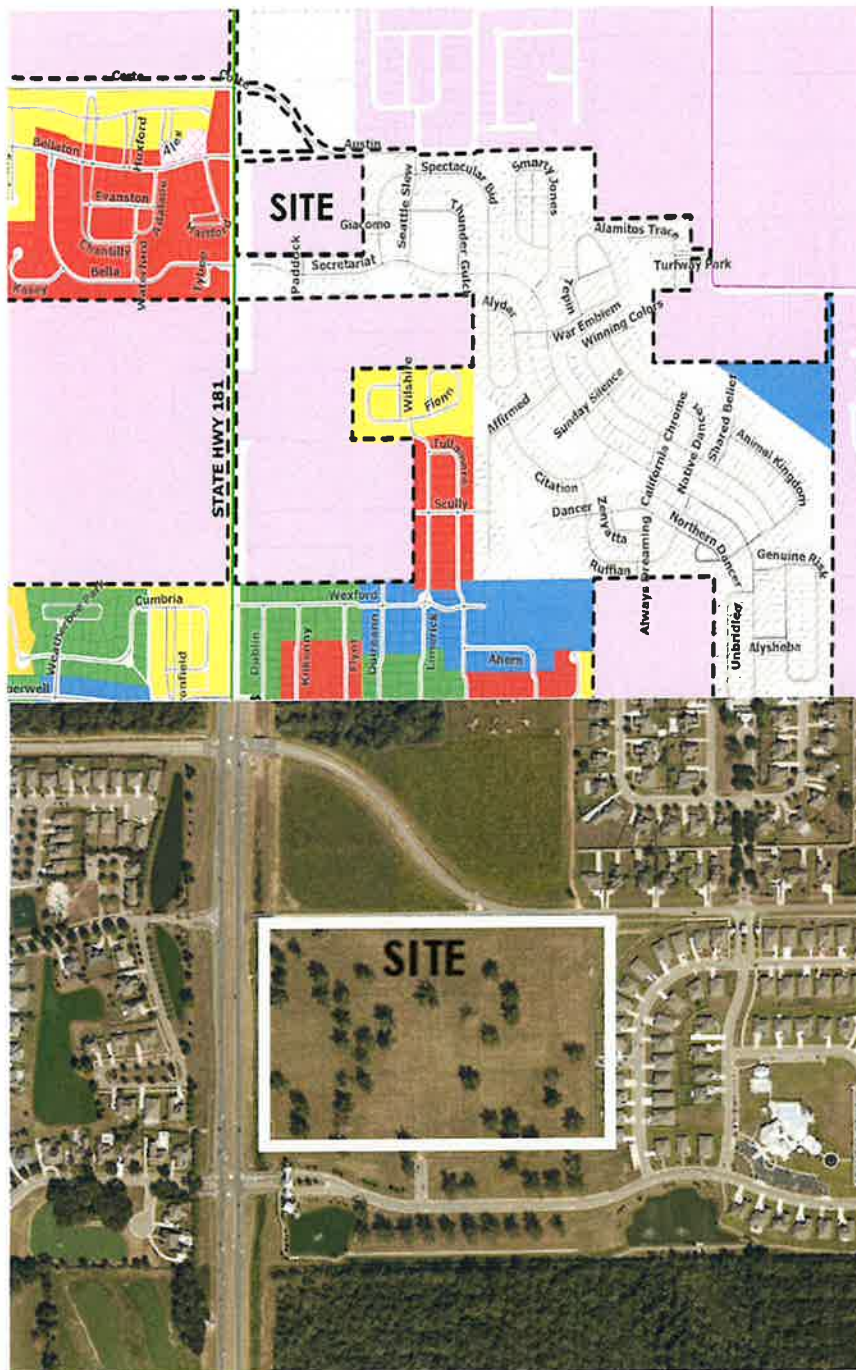
The Comprehensive Plan identifies the city's Expansion Priorities. Expansion priorities are all areas the City desires to annex in the near future. The subject property is in Expansion Area 2, therefore, staff recommends that the Planning Commission render a favorable recommendation to Council to annex this property into the City of Daphne. On October 24, 2024, the Planning voted unanimously to set forth a favorable recommendation.

EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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



APPLICATION & SUPPLEMENTAL INFORMATION

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

(_____)
The undersigned corporation, BERTOLLA PROPERTIES, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, PID# 05-43-07-26-0-000-006.000, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (**the "Property"**).

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, BERTOLLA PROPERTIES, LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

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

Any other conditions which may apply upon annexation: _____

Contingent upon the simultaneous vacation of Old Austin Road.

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

DATED this 22nd day of August, 2024

Respectfully submitted,

Name of Corporation Bertola Properties LLC

By: Alexander A. Bertola

Its: Sole Member

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Jessica M. McDill, the undersigned Notary Public in and for said county and state, hereby certify that Alexander A. Bertola whose name as Sole Member of Bertola Properties LLC an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 22nd day of August, 2024.

Jessica M. McDill
NOTARY PUBLIC

My commission expires: 9/16/2027

Corporation's Address

P.O. Box 1527
Daphne, AL 36526



ADDITIONAL INFORMATION

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

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

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

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

SELECT ONE OF THE FOLLOWING OPTIONS

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

Or

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

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the _____ day of _____, 20____.

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

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

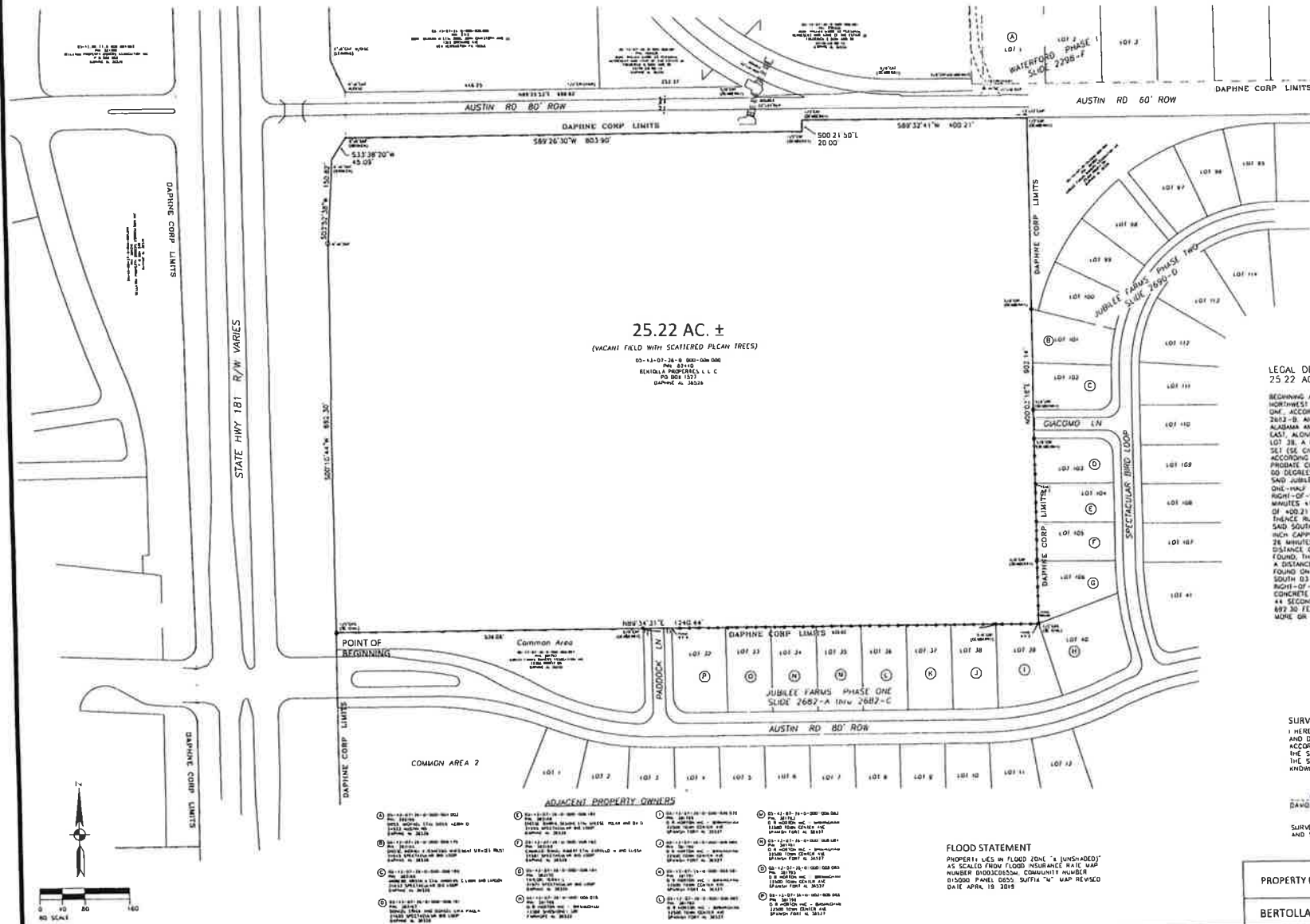
Bertolka Properties, L.L.C.
Signature: Alexander A. Bertolka Signature: _____
Printed Name: Alexander A. Bertolka Printed Name: _____
Mailing Address: P.O. Box 1527 Mailing Address: _____
Daphne, AL 36526

BERTOLLA PROPERTIES, LLC PRE-ZONING AND ANNEXATION

25.22 ACRES ±

BEGINNING AT A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL) AT THE NORTHWEST CORNER OF COMMON AREA ONE OF JUBILEE FARMS, PHASE ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDES 2682-A, 2682-B, AND 2682-C, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 34 MINUTES 31 SECONDS EAST, ALONG THE NORTH LINE OF SAID COMMON AREA AND LOT 32 THRU LOT 39, A DISTANCE OF 1240.44 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL) AT THE SOUTHWEST CORNER OF JUBILEE FARMS, PHASE TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDES 2690-D, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 03 MINUTES 18 SECONDS EAST, ALONG THE WEST LINE OF SAID JUBILEE FARMS, PHASE TWO, A DISTANCE OF 902.14 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY) ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 32 MINUTES 41 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 400.21 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 21 MINUTES 50 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 20.00 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 26 MINUTES 30 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 803.90 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 33 DEGREES 38 MINUTES 20 SECONDS WEST, A DISTANCE OF 45.09 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN SOUTH 03 DEGREES 52 MINUTES 38 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 150.82 FEET TO A SIX INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 44 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 692.30 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 25.22 ACRES, MORE OR LESS.

EXHIBIT "B"



SURVEYOR'S NOTES:

THERE MAY BE RECORDS OF UNRECORDED DEEDS.
EASEMENTS RIGHT-OF-WAYS OR OTHER INSTRUMENTS WHICH
COULD AFFECT THE BOUNDARIES OF SAID PARCELS
SURVEY WAS CONDUCTED IN AUGUST 2021 AND IS RECORDED
IN THE PUBLIC FIELD BOOKS.
BARNARDS AND DISTANCES SHOWN HEREIN WERE "COMPILED"
FROM ACTUAL FIELD TRANCES, AND ARE BASED ON STATE
PRACTICES. HOWEVER, SOME USING GPS OBSERVATIONS
THE UTILITY INFORMATION SHOWN HEREON WAS OBTAINED BY
SURVEYING AND PLOTTING THE VISIBLE ABOVE GROUND UTILITY
FEATURES.
THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH
THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR
SURVEYING IN THE STATE OF ALABAMA EFFECTIVE JANUARY
1 2017

[illegible]

LEGAL DESCRIPTION
25.22 ACRES ±

[illegible]

SURVEYOR'S CERTIFICATE

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

DAVID E. GEMAL AL PLS NO 38014 DATE 08-22-2024

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE
 AND SEAL

FLOOD STATEMENT

PROPERTY LIES IN FLOOD ZONE "A (UNSHADE)"
AS SCALED FROM FLOOD INSURANCE RATE MAP
NUMBER 01003C0652. COMMUNITY NUMBER
015000 PANEL 0655. SUFFIX "M" MAP REVISED
DATE APRIL 19 2015

PROPERTY BOUNDARY SURVEY

BERTOLLA PROPERTIES, LLC



S.E. Civil
Engineering
& Surveying
10000 W. US Highway 1
Tampa, FL 33607
(813) 888-8888

[illegible]



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: October 24, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development *AJ*

SUBJECT: Bertolla Properties, LLC Vacation of Right-of-Way

LOCATION: East of the intersection of Austin Road and Alabama Highway 181

RECOMMENDATION: At the October 24, 2024 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried unanimously for a favorable recommendation for the above captioned vacation of right-of-way.

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

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

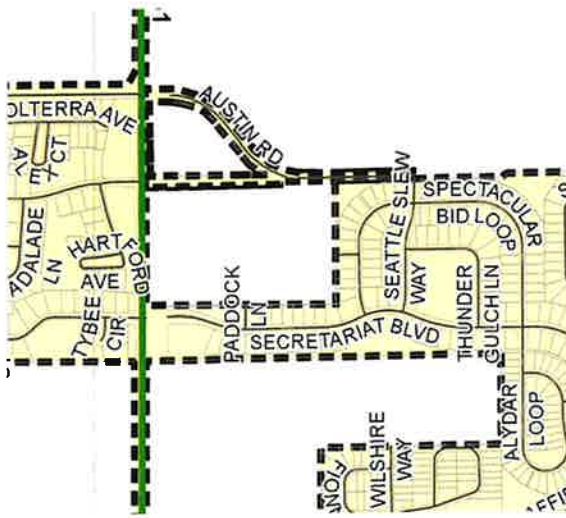
Thank you,
ADJ/jv

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

BERTOLLA PROPERTIES, LLC VACATION OF RIGHT OF WAY

VACATION OF RIGHT OF WAY

The applicant proposes to vacate the old portion of the Austin Road Right of Way. It has been barricaded off since the construction of the bridge (also during the construction of the bridge) along Highway 181 was completed and since the new portion of Austin Road opened to travelers.



ARTICLE XXIV

VACATION OF EASEMENT AND/OR RIGHT-OF-WAY

24-1 PROCEDURE

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

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

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

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

24-2 FEES

An application to the Planning Commission for vacation of easement and/or right-of-way shall be accompanied by the appropriate fee as more specifically enumerated in *Article 34, Schedule of Fees*.

APPLICATION & SUPPLEMENTAL INFORMATION

COMMUNITY DEVELOPMENT



October 11, 2024

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A Petition for VACATION OF RIGHT-OF-WAY will be considered by the Daphne Planning Commission. The request, if approved, would authorize the vacation of the old portion of Austin Road located due south of the intersection of Austin Road and Alabama Highway 181, and the new portion of Austin Road. Said right-of way is 1.40 acres in area.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code Sections 23-4-20 and 35-2-54. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, October 16, 2024 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, October 24, 2024 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

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

Bertolla Properties, LLC Vacation of the Old Portion of Austin Road

APO's R/W Vacation Old Austin Road

Parcel Number	Pin	Owner Name	Address	City	State	Zip
05-43-07-26-0-000-005.000	3718	BONI, SHARON O ETAL BONI, JOHN	1365 ORCHARD AVE	NEW KENSINGTON	PA	15068
05-43-08-27-0-000-004.011	284217	BELLATON PROPERTY OWNERS ASS	P O BOX 668	DAPHNE	AL	36526
05-43-07-26-0-000-005.001	256935	BONI, THELMA MARIE AS PERSONA	25170 CO RD 13	DAPHNE	AL	36526
05-43-07-26-0-000-006.000	62440	BERTOLLA PROPERTIES L L C	PO BOX 1527	DAPHNE	AL	36526



Vacation of Right-of-Way Application

OFFICE USE ONLY	Application Number: VOR-01	Date Submitted: Sept. 24, 2024
Planning Commission Decision:		Date Presented: Oct. 24, 2024
Date Submitted to City Clerk:		
Council Resolution Approval Date:		RESOLUTION NUMBER#

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

Property Owner(s): Bertolla Properties, L.L.C.

If owner is an LLC or LLP, list managing member: Alexander A. Bertolla, Sole Member

Mailing Address: P. O. Box 1527, Daphne, Alabama 36526

Daytime Phone: 251-990-7722 Alternate Phone: 251-610-0031 Fax:

Location: Subdivision: Lot(s): Unit or Phase:

Reason for request: Vacate a closed portion of Austin Road

To the best of your knowledge, are any utilities in the right-of-way or ingress/egress easement (including drainage ditches or pipes)?

Check each item included:

- ☒ Completed application form with non-refundable fee
- ☒ Notarized Declaration of Vacation of Right-of-Way completed by the applicant(s)
- ☒ Recorded subdivision plat or recording instrument by which such right-of-way or easement was dedicated
- ☒ Metes and bounds description of the property to be vacated & calculations of the total area in square feet
- ☒ 1 copy of a survey of the area proposed to be vacated prepared by an Alabama registered surveyor
- ☒ Right of Way Release Form from City of Daphne Division of Public Works
- ☒ Completed Easement Release Form from applicable utility providers:
 - ☐ Utilities Board of the City of Daphne (Daphne Utilities)
 - ☐ Park City Water Authority
 - ☐ Belforest Water System
 - ☐ Utilities Board of the City of Foley (Riviera Utilities)
 - ☐ AT&T
 - ☐ Cable Company (Mediacom)
 - ☐ Other _____
 - ☐ Property Owners Association or similar body (if applicable)

☒ List of adjacent property owners. Also attach mailing address labels

☒ Completed Consent to Vacate forms from all owners abutting the right-of-way that is to be vacated

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

Signature/Date:

PETITION TO VACATE
A PORTION OF AUSTIN ROAD RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS, that, WHEREAS, SHARON O. BONI, JOHN CHRISTOPHER BONI, FREDERICK G. BONI, JR., THOMAS F. L. BONI, and BERTOLLA PROPERTIES, L.L.C. (hereinafter sometimes referred to collectively as the "Petitioners"), hereby petition the City of Daphne, Alabama to adopt a resolution vacating all of the public rights in and to a portion of Austin Road, created by instruments recorded at Real Property Book 391, Pages 1306-1307, and Instrument 1107111 in the Office of the Judge of Probate in Baldwin County, Alabama. In support of this petition, your Petitioners would show the following, to-wit:

1. That Petitioners are all the owners of the fee simple title to the property which abuts or touches the closed portion of Austin Road that they hereby seek to vacate, which is more particularly described as follows, to-wit:

COMMENCE AT THE RECORD LOCATION OF A RAILROAD
SPIKE MARKER AT THE NORTHWEST CORNER OF
SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST,

PETITION TO VACATE A
PORTION OF AUSTIN ROAD
Page 1 of 10

BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 18 SECONDS WEST, A DISTANCE OF 1300.23 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 243.85 FEET TO A CONCRETE MONUMENT AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 AND THE NORTH RIGHT-OF-WAY OF AUSTIN ROAD FOR THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY, RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 698.62 FEET TO A CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 60 DEGREES 24 MINUTES 04 SECONDS EAST, A DISTANCE OF 119.65 FEET TO A CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 21 MINUTES 50 SECONDS EAST, A DISTANCE OF 20.00 FEET TO A CAPPED REBAR FOUND (DEWBERRY) ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 26 MINUTES 30 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 803.90 FEET TO A CONCRETE MONUMENT FOUND ON THE AT THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY AND THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN NORTH 00 DEGREES 47 MINUTES 47 SECONDS EAST, A DISTANCE OF 80.01 FEET TO THE POINT OF BEGINNING. CONTAINING 1.4 ACRES, MORE OR LESS (hereafter "Closed Portion of Austin Road").

2. A survey of the Closed Portion of Austin Road herein at issue is attached hereto as Exhibit "A" and incorporated herein by reference.

3. The Closed Portion of Austin Road is located within the corporate limits of the City of Daphne, Alabama.

4. It is in the interest of the public that the Closed Portion of Austin Road be vacated.

5. The vacation requested hereby shall not deprive other property owners of convenient and reasonable means of ingress and egress to and from their property.

6. That Petitioners, pursuant to Act No. 73-386 of the Alabama Legislature and Section 23-4-20 of the Code of Alabama (2016 Repl. Vol.), herein desire to vacate the public's rights in and to the above-described right-of-way and, pursuant to applicable law, to destroy the force and effect of the dedication thereof and to divest all public rights therefrom.

7. That the owners of the lands abutting the portion of the right-of-way to be vacated are the Petitioners, as depicted on Exhibit "B" hereto, and whose addresses are as follows:

SHARON O. BONI
1365 Orchard Avenue
New Kensington, Pennsylvania 15068;

JOHN CHRISTOPHER BONI
1365 Orchard Avenue
New Kensington, Pennsylvania 15068;

FREDERICK G. BONI, JR.
25170 County Road 13
Daphne, Alabama 36526;

THOMAS F. L. BONI
1208 Belle Chene Drive
Mobile, Alabama 36693-4511; and

BERTOLLA PROPERTIES, L.L.C.
P. O. BOX 1527
Daphne, Alabama 36526.

8. That the names and addresses of utilities known to have infrastructure within the portion of the right-of-way to be vacated, whose rights are not impaired by the vacation sought hereunder pursuant to Code of Alabama § 23-4-20, are as follows:

BELFOREST WATER SYSTEM, INC. (water only)
980 County Road 64
Daphne, Alabama 36526

DAPHNE UTILITIES (gas only)
900 Daphne Avenue
Daphne, Alabama 36526

AT&T
Attn: Wade Mitchell
2001 Main Street
Daphne, Alabama 36526

RIVIERA UTILITIES
413 East Laurel Avenue
Foley, Alabama 36535

WHEREFORE, the Petitioners, constituting the owners of the fee simple title to the property abutting or touching the Closed Portion of Austin Road, being desirous that the subject right-of-way be vacated and annulled pursuant to the provisions of Section 23-4-20, et seq., of the Code of Alabama (2016 Repl. Vol.), do, by the execution hereof, petition the City of Daphne, Alabama to set their petition for public hearing; that such public hearing will be held following notice being given by the City as follows: (a) the posting of a notice in a reasonable location or by any other reasonable method of notice to the public of such hearing for a period of thirty (30) days pursuant

to Section 36-25A-3 of the Code of Alabama (2013 Repl. Vol.); (b) publication of notice once a week for three (3) consecutive weeks in The Courier, a newspaper of general circulation published in Baldwin County, Alabama which is nearest the right-of-way which is the subject of the proposed vacation pursuant to Act No. 73-386 of the Alabama Legislature; and (c) mailing of notice of public hearing to the abutting owners and utilities, if any, by U.S. mail at least thirty (30) days prior the scheduled meeting pursuant to Section 23-4-20(a) of the Code of Alabama (2016 Repl. Vol.); upon such consideration of the petition, to adopt a resolution vacating the above-described portion of the subject right-of-way pursuant to Section 23-4-2(b) of the Code of Alabama, which resolution shall be thereafter recorded in the Office of the Judge of Probate; and publication of notice of the action taken upon this petition in The Courier within fourteen (14) days of the adoption of any such resolution.

[Remainder of page intentionally blank. Signature pages follow.]

BERTOLLA PROPERTIES, L.L.C.

By: _____

Alexander A. Bertolla,
As Its Sole Member

STATE OF ALABAMA

COUNTY OF BALDWIN

I, Jessica M. McDill, a Notary Public, hereby certify that Alexander A. Bertolla whose name as Sole Member of **BERTOLLA PROPERTIES, L.L.C.**, 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 the instrument, he, as such member and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said company.

Given under my hand and seal this 11 day of September, 2024.

Jessica M. McDill
NOTARY PUBLIC
My Commission Expires: 9/16/2027



Sharon O. Boni (SEAL)
Sharon O. Boni

STATE OF PA

COUNTY OF BUTLER

I, VANCE WAGNER, a Notary Public,
hereby certify that **SHARON O. BONI**, 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, she executed the same voluntarily on the day the same
bears date.

Given under my hand and seal this 20 day of
SEPT, 2024.

Commonwealth of Pennsylvania - Notary Seal
Vance Wagner, Notary Public
Butler County
My commission expires December 22, 2024
Commission number 1211810
Member, Pennsylvania Association of Notaries

V. Wagner
NOTARY PUBLIC

My Commission Expires: 12/22/2024

John Christopher Boni (SEAL)
John Christopher Boni

STATE OF PA

COUNTY OF BUTLER

I, VANCE WAGNER, a Notary Public,
hereby certify that **JOHN CHRISTOPHER BONI**, 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 executed the same voluntarily on the day the same
bears date.

Given under my hand and seal this 20 day of
Sept, 2024.

Commonwealth of Pennsylvania - Notary Seal
Vance Wagner, Notary Public
Butler County
My commission expires December 22, 2024
Commission number 1211810
Member, Pennsylvania Association of Notaries

V. Wagner
NOTARY PUBLIC
My Commission Expires: 12/22/2024

Frederick G. Boni, Jr. (SEAL)
Frederick G. Boni, Jr.

STATE OF Alabama

COUNTY OF Baldwin

I, Sydney Marie Hulett, a Notary Public,
hereby certify that **FREDERICK G. BONI, JR.**, 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 executed the same voluntarily on the day the same
bears date.

Given under my hand and seal this 19 day of
September, 2024.

Sydney Marie Hulett
NOTARY PUBLIC
My Commission Expires: Feb 18 2026

SYDNEY MARIE HULETT
NOTARY PUBLIC, ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES FEB. 18, 2026

PETITION TO VACATE A
PORTION OF AUSTIN ROAD
Page 9 of 10

Thomas F. L. Boni

(SEAL)

STATE OF Alabama

COUNTY OF Baldwin

I, Sydney Marie Hulet, a Notary Public, hereby certify that **THOMAS F. L. BONI**, 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 executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 23 day of September, 2024.

Sydney Marie Hulet
NOTARY PUBLIC
My Commission Expires: Feb 18 2026

00041086.WPDver2

SYDNEY MARIE HULETT
NOTARY PUBLIC, ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES FEB. 18, 2026

PETITION TO VACATE A
PORTION OF AUSTIN ROAD
Page 10 of 10

EXHIBIT A AUSTIN ROAD VACATION

22 23
27 26

P.O.C.

RECORD LOCATION OF
RAILROAD SPIKE MARKER AT
THE NORTHWEST CORNER OF
SECTION 26, TOWNSHIP 5
SOUTH, RANGE 2 EAST

LINE	BEARING	DISTANCE
L1	S60°24'04"E	119.65'
L2	S00°21'50"E	20.00'
L3	N00°47'47"E	80.01'

N89°25'53"E
243.85'

6"x6"CMF W/DISC
(LEANING)

P.O.B.

6"x6"CMF
W/DISC

N89°25'53"E 698.62'

1.40 AC. ±

AUSTIN RD 80' R.O.W.

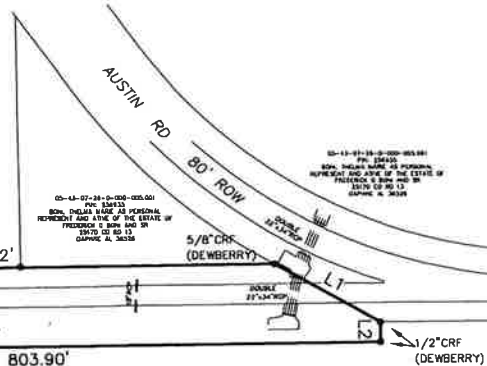
S89°26'30"W 803.90'

6"x6"CMF
(BROKEN)

6"x6"CMF
(BROKEN)

05-43-07-26-0-000-006.000
PIN: 52440
BERTOLLA PROPERTIES L.L.C.
PO BOX 15227
DAPHNE AL 36526

STATE HWY 181
R.O.W. VARIES



SURVEYOR'S NOTES:

1. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
2. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
3. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
4. SURVEY WAS CONDUCTED ON JUNE, 2024, AND IS RECORDED IN AN ELECTRONIC FIELD BOOK.
5. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES, AND ARE BASED ON STATE PLANE GRID, ALABAMA WEST ZONE USING GPS OBSERVATIONS.
6. NO TITLE SEARCH OR REPORT WAS PROVIDED FOR THIS SURVEY.
7. THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2017.

SURVEYOR'S CERTIFICATE

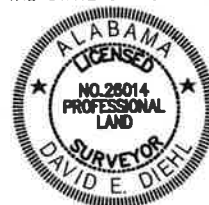
I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE MARKER AT THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 18 SECONDS WEST, A DISTANCE OF 1300.23 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 243.85 FEET TO A CONCRETE MONUMENT AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 AND THE NORTH RIGHT-OF-WAY OF AUSTIN ROAD FOR THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY, RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 698.62 FEET TO A CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 60 DEGREES 24 MINUTES 04 SECONDS EAST, A DISTANCE OF 119.65 FEET TO A CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 21 MINUTES 50 SECONDS EAST, A DISTANCE OF 20.00 FEET TO A CAPPED REBAR FOUND (DEWBERRY) ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 26 MINUTES 30 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 803.90 FEET TO A CONCRETE MONUMENT FOUND ON THE AT THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY AND THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN NORTH 00 DEGREES 47 MINUTES 47 SECONDS EAST, A DISTANCE OF 80.01 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 1.40 ACRES, MORE OR LESS.

I FURTHER CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

WITNESS MY HAND THIS THE 29 DAY OF , 2024.

David E. Diehl
S.E. CIVIL ENGINEERING AND SURVEYING
SURVEYOR: DAVID E. DIEHL, PLS ALABAMA LICENSE # 26014
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



LEGEND

- CRF = CAPPED REBAR FOUND
CMF = CONCRETE MONUMENT FOUND
R.O.W. = RIGHT-OF-WAY
AC = ACRE
RCP = REINFORCED CONCRETE PIPE

BOUNDARY SURVEY FOR R.O.W. VACATION	 S.E. Civil Engineering & Surveying 1000 N. UNIVERSITY BLVD. SUITE 100 DAPHNE, AL 36526 (251) 696-4544	DRAWN: DEO CHECKED: DEO PROJ. MGR: DEO SCALE: 1"=120' PROJECT: 20221096 FILE: VACATION E0498T SHEET: 1 OF 1
BERTOLLA PROPERTIES, LLC		

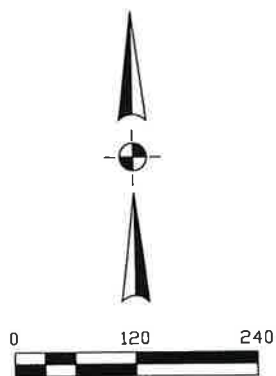


Exhibit B

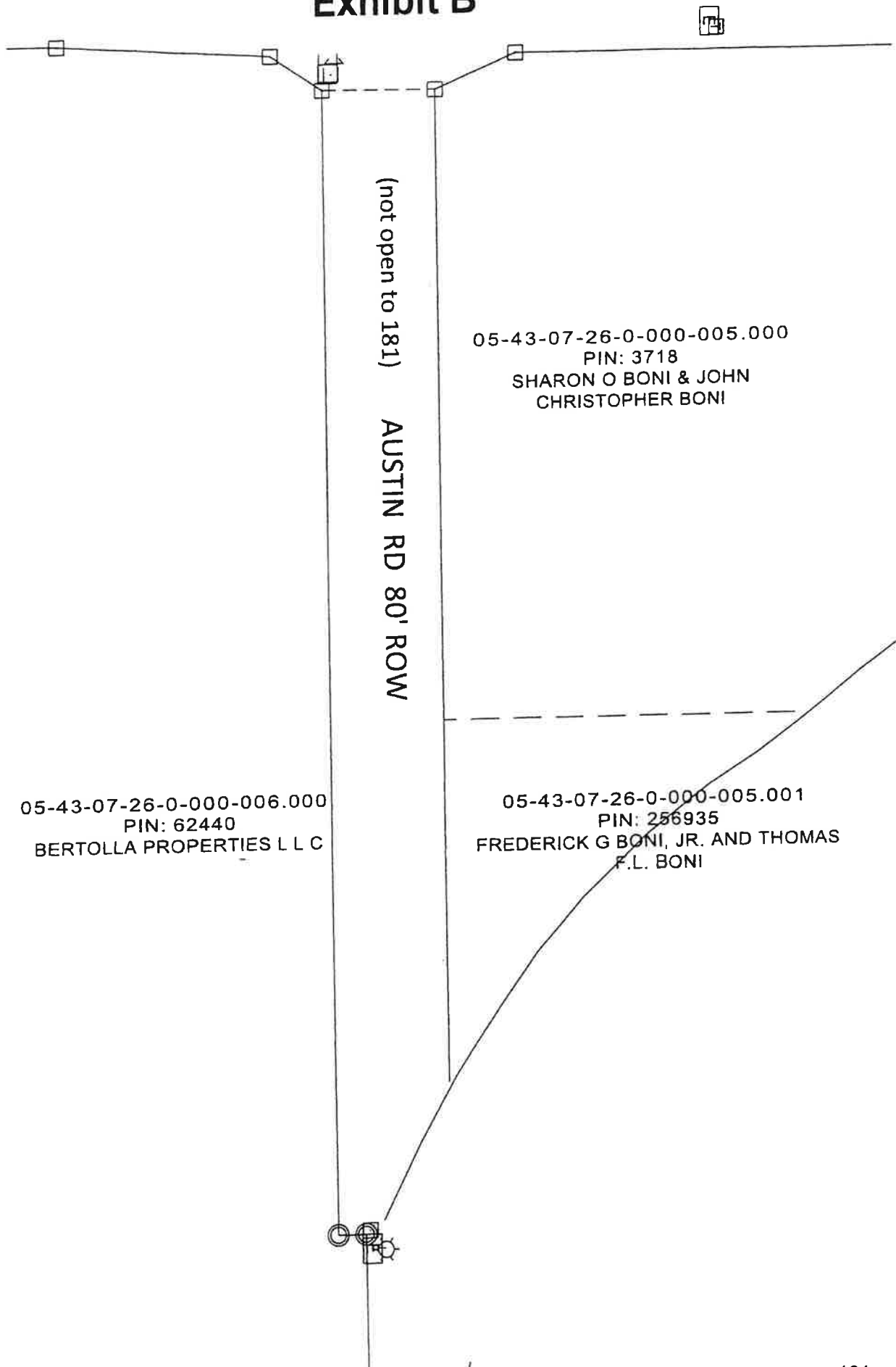


EXHIBIT A

AUSTIN ROAD VACATION

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE MARKER AT THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 18 SECONDS WEST, A DISTANCE OF 1300.23 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 243.85 FEET TO A CONCRETE MONUMENT AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 AND THE NORTH RIGHT-OF-WAY OF AUSTIN ROAD FOR THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY, RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 698.62 FEET TO A CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 60 DEGREES 24 MINUTES 04 SECONDS EAST, A DISTANCE OF 119.65 FEET TO A CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 21 MINUTES 50 SECONDS EAST, A DISTANCE OF 20.00 FEET TO A CAPPED REBAR FOUND (DEWBERRY) ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 26 MINUTES 30 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 803.90 FEET TO A CONCRETE MONUMENT FOUND ON THE AT THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY AND THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN NORTH 00 DEGREES 47 MINUTES 47 SECONDS EAST, A DISTANCE OF 80.01 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 1.40 ACRES, MORE OR LESS.

**CITY OF DAPHNE
RESOLUTION 2024-50**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on October 24, 2024, approved a favorable recommendation to the City Council of the City of Daphne, Alabama for a revision to the City of Daphne Street Map as presented at said meeting; and

WHEREAS, said revision to street map is necessary due to additional streets being added to and accepted by the City; and

WHEREAS, the City Council of the City of Daphne, Alabama, after due consideration, and upon the recommendation of the Planning Commission of the City of Daphne, believes it is in the best interest of the health, safety and welfare of the citizens of the City to accept the revisions to the City of Daphne Street Map; and

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

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on October 24, 2024, and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit “A” is hereby adopted as the official “City of Daphne Street Map.”

SECTION II: REPEALER

THAT Resolution 2024-21 entitled “Revisions to City of Daphne Street Map” is hereby repealed in its entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

THAT this Resolution shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne, Alabama.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: October 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Official City of Daphne Street Map Update

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

At the October 24, 2024 regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously to set forth a favorable recommendation to approve the Official City of Daphne Street Map (codifications were approved between May 1 through October 31, 2024).

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

Upon receipt of said documentation, please prepare a resolution for placement on the City Council agenda.

Thank you,
ADJ/jv

Attachment(s)

cc: file

OFFICIAL STREET MAP AMENDMENT

Background:

This map update includes map amendments which have resulted from street acceptances and annexations that have been approved by the City Council between the months of May and October 2024.

Staff Recommendation:

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

Street Acceptances	Approved	Resolution #	Linear Feet	Miles
Jubilee Farms Phase 12	5/6/24	2024-20	3160	0.598
Hope Vineyard Phase 1B	7/1/24	2024-37	2778	0.5261
The Reserve at Daphne Phase 3	8/5/24	2024-38	3290	0.6231
				Sum=1.7472

Background:

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Planning Commission Recommendation:

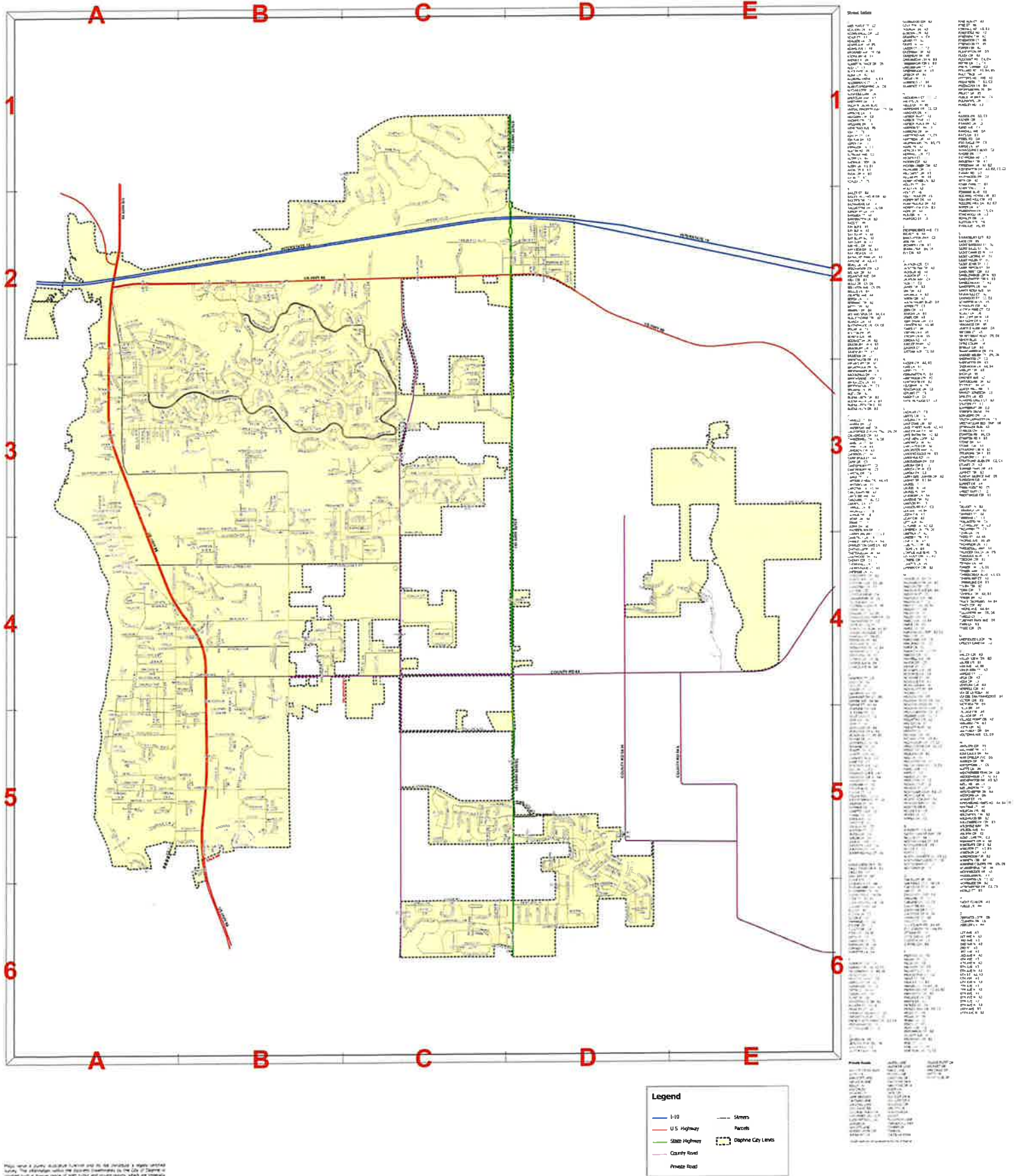
On October 24, 2024, the Planning Commission unanimously voted to set forth a favorable recommendation to Council to amend the Official Street Map.

Street Acceptances	Approved	Resolution #	Linear Feet	Miles
Jubilee Farms Phase 12	5/6/24	2024-20	3160	0.598
Hope Vineyard Phase 1B	7/1/24	2024-37	2778	0.5261
The Reserve at Daphne Phase 3	8/5/24	2024-38	3290	0.6231
				Sum=1.7472



City of Daphne Street Map

Resolution 2024-XX adopted by the Daphne City Council on November XX, 2024



This map is a summary of the City of Daphne's street network and is not intended to be used for legal purposes. The information on this map is derived from the City of Daphne's official records and is subject to change without notice. The City of Daphne is not responsible for any errors or omissions on this map. For more information, please contact the City of Daphne's Planning Department at (251) 470-1000.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-34**

**Ordinance to Re-Zone Property Located
Southeast of the intersection of Whispering Pines and US Highway 98**

WHEREAS, AMERCO Real Estate Company, as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as B-2(a), General Business Alternate, be re-zoned as B-2, General Business; and

WHEREAS, said real property is located Southeast of the intersection of Whispering Pines and US Highway 98 and more particularly described as follows:

Legal Description of Property to be Re-Zoned to B-2, General Business:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BALDWIN, STATE OF ALABAMA, AND IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 250 FEET SOUTH AND 30 FEET WEST OF THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN WEST 560 FEET TO A POINT ON THE EAST MARGIN OF U.S. HIGHWAY 98; THENCE RUN SOUTHEAST 442 FEET ALONGSIDE THE EAST MARGIN OF U.S. HIGHWAY 98 TO A POINT THEREON; THENCE RUN EAST 275 FEET TO A POINT; THEN RUN NORTH 185 FEET TO A POINT; THENCE RUN NORTH 81° EAST 137 FEET TO THE WEST LINE OF OLD SPANISH TRAIL ROAD; THENCE RUN NORTH 1°37' EAST 215 FEET TO THE POINT OF BEGINNING. THE LAND DESCRIBED ABOVE AND SHOWN HEREON IS THE SAME LAND AS DESCRIBED IN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1082963-PHX1, WITH AN EFFECTIVE DATE OF AUGUST 16, 2021 AT 12:00 AM.

WHEREAS, at the regular Planning Commission meeting on August 22, 2024, the Commission considered said request and the motion failed for a favorable recommendation; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on October 21, 2024; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for re-zoning of the above described real property is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

The above described real property is hereby re-zoned from B-2(a), General Business Alternate to B-2, General Business, and the zoning ordinance and zoning map shall be amended to reflect the said zoning change.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE DATE AND REVERSION.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law. This zoning classification is subject to a two (2) year reversionary clause. Two years from the date this Ordinance is enacted, if the site development has not started for the purpose listed herein, the zoning shall be null and void and the property shall revert to the prior zoning district. Refer to Section 22-2, Reversionary Clause, of the Daphne Land Use and Development Ordinance.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2024.

Attest:

Robin LeJeune, Mayor

Candace G. Antinarella, MMC, City Clerk

EXHIBIT A

U-Haul
Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BALDWIN, STATE OF ALABAMA, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 250 FEET SOUTH AND 30 FEET WEST OF THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN WEST 560 FEET TO A POINT ON THE EAST MARGIN OF U.S. HIGHWAY 98; THENCE RUN SOUTHEAST 442 FEET ALONGSIDE THE EAST MARGIN OF U.S. HIGHWAY 98 TO A POINT THEREON; THENCE RUN EAST 275 FEET TO A POINT; THEN RUN NORTH 185 FEET TO A POINT; THENCE RUN NORTH 81° EAST 137 FEET TO THE WEST LINE OF OLD SPANISH TRAIL ROAD; THENCE RUN NORTH 1°37' EAST 215 FEET TO THE POINT OF BEGINNING.

THE LAND DESCRIBED ABOVE AND SHOWN HEREON IS THE SAME LAND AS DESCRIBED IN PRO FORMA ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. NCS-1082963-PHX1.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-35**

**AMENDING CITY'S EMPLOYEE HANDBOOK
(SECTION 9.8)**

WHEREAS, the City Council of the City of Daphne, after due consideration, believes it appropriate to amend section 9.8 of the City of Daphne Employee Handbook;

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

SECTION I:

That the following section of the Employee Handbook be amended to include Juneteenth Day as a scheduled paid holiday for employees. The specific revisions to this section are set forth:

Section 9.8 Official Holidays.

Scheduled Holidays. The City Council approves the following holidays to be observed by eligible employees as paid holidays:

- | | |
|----------------------------|----------------------------|
| (1) New Year's Day | (7) Veterans Day |
| (2) Martin Luther King Day | (8) Thanksgiving Day |
| (3) Memorial Day (May) | (9) Day after Thanksgiving |
| (4) Juneteenth Day | (10) Christmas Eve |
| (5) Independence Day | (11) Christmas Day |
| (6) Labor Day | |

SECTION II: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION III: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE
ORDINANCE NO. 2024-36**

AN ORDINANCE TO AMEND THE CITY’S MILITARY LEAVE POLICY, ADOPT AN
ACCOMMODATIONS POLICY, AND REORGANIZE CHAPTER 1
OF THE CITY’S EMPLOYEE HANDBOOK

WHEREAS, the City Council of the City of Daphne, after due consideration, believes it appropriate to reorganize Chapter 1 of the City of Daphne Employee Handbook, adopts new accommodations policy, and revise the military leave policy;

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

SECTION I:

The City adopts a new Accommodations of Religion and Medical Conditions policy as set forth in Exhibit A to this Ordinance and places the policy as Section 1.4. in the Employee Handbook.

The City reorganizes Chapter 1 of the Employee Handbook with policies renumbered to include the new Section 1.4., and amends the titles of certain policies, as set forth in Exhibit B to this Ordinance.

The City amends Section 9.13 Military Leave Policy of the Employee Handbook, with the specific revisions set forth in Exhibit C to this Ordinance.

SECTION II: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION III: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2024.**

Robin LeJeune
Mayor

ATTEST:

Candace G. Antinarella, MMC
City Clerk

EXHIBIT A

ADOPTION OF NEW POLICY

1.4 ACCOMMODATION OF RELIGION AND MEDICAL CONDITIONS

The City will attempt to make appropriate accommodations for qualified employees or job applicants who have difficulty performing essential job functions or complying with our policies because of religious belief or practice, or any physical or mental disabilities, or any limitations created by pregnancy, childbirth, or related medical conditions. The City is committed to engaging in an interactive process regarding accommodations requests and evaluating if and how the City may provide accommodations. Individuals seeking accommodation must cooperate with the interactive process. The City will make every effort to handle accommodation requests sensitively and to protect the confidentiality of the information shared with the City whenever possible.

In general, a reasonable accommodation is a modification or adjustment of an individual's job or work environment that effectively enables the individual to perform essential job functions or enjoy equal employment benefits and privileges as similarly situated employees or applicants.

Requested accommodations must be reasonable and must not cause undue hardship to the City or pose a threat to the health or safety of the individual, co-workers, or others in the workplace. Some examples of unreasonable accommodation requests include permanently eliminating essential functions of a job, making other employees perform essential job functions for an employee, modifying a work schedule if the modification adversely affects other employees' ability to perform their jobs, completely excusing an employee from uniformly applied attendance rules or performance standards, indefinite leave of absence, unreasonable extensions of leave, or changes for the mere convenience or personal benefit of an employee.

Employees or applicants seeking accommodation must notify the Human Resources Director. Department Heads and other managers or supervisors who receive a request for accommodations from an employee or job applicant must notify the Human Resources Director. Individuals requesting accommodation are strongly encouraged to make these requests in writing. The City may require any person to follow up on a verbal request with a written request.

An individual seeking accommodation is responsible for reasonably describing the at-issue religious belief or practice, or the mental or physical disability, or the pregnancy-related limitation, how the individual is having difficulty or other issue with performing essential job functions or complying with the City's policies, and how the requested accommodation(s) will assist with performing essential job functions or complying with the City's policies. The City encourages individuals to suggest specific accommodation.

Individuals seeking accommodations may be required to provide further description or explanation of the requested accommodation or provide medical information concerning any pregnancy-related limitations or physical/mental disabilities. Where appropriate, the City may ask for the individual's permission to obtain additional information from medical provider(s) or require the individual to provide medical information related to the identified disability or limitation or requested accommodation.

The City reserves the right to make the final decision regarding accommodation. The City is not required to make any specific accommodation requested and may provide alternative accommodations if alternative accommodations reasonably address the issue. Accommodations

are subject to periodic review. As part of the review, the City may require employees to provide updated medical information to demonstrate that the need for accommodation is ongoing.

EXHIBIT B

REORGANIZATION
OF
HANDBOOK CHAPTER 1

<u>CHAPTER 1 EMPLOYMENT PRACTICES</u>		
1.1.	GENERAL PROVISIONS RELATED TO POLICIES AND PROCEDURES	
	Purpose	
	Contract Disclaimer	
	Scope of Policies and Procedures	
	Amendment or Supplementation	
	Operational Guidelines	
	Responsibility for Personnel Administration	
	Appointing Authority	
	Department Head	
	Disciplining Individual	
1.2.	REPORTING MISCONDUCT AND INTERNAL INVESTIGATIONS	
	Reporting Misconduct	
	Investigations	
1.3.	DISCRIMINATION AND HARASSMENT PREVENTION POLICY	
	Commitment to Equal Employment Opportunities	
	Harassment Forbidden	
	Sexual Harassment Forbidden	
	Retaliation Forbidden	
	EEO/Harassment/Retaliation Complaint Procedure	
	Investigation	
	Remedial Action	
	Appeal of Findings and Action	
1.4	ACCOMMODATION OF RELIGION AND MEDICAL CONDITIONS	
1.5.	RESIDENCY REQUIREMENTS	
1.6.	ANTI-NEPOTISM POLICY	
	Purpose	
	“Relative” Defined	
	Notice Requirements	
	Prohibitions and Restrictions	
	Remedial Action	
1.7.	POLITICAL ACTIVITY POLICY	
	Not To Affect Employment	
	Improper Use of Influence	
	Participation Rights	
	On-the-Job Political Activity Prohibited	
	Use of City Resources for Political Activity Prohibited	

	Political Activity While in Uniform Prohibited	
	City Political Office Candidates	
	Other Government Political Office Candidates	
	Other Off-Duty Political Activity	
	Reporting Violations	
	Discipline	
1.8.	DRUG AND ALCOHOL POLICY	
	Purpose	
	Prohibited Activities	
	Testing	
	Pre-employment Testing	
	Prescription Medicine Reporting Responsibility	
	Enforcement and Discipline	
1.9.	WORKPLACE VIOLENCE POLICY	
	Prohibited Activities	
	Reporting Responsibilities	
	Investigation and Remedial Action	
	Victim Assistance	
1.10.	PRIVATELY-OWNED FIREARMS IN THE WORKPLACE	
	Definitions	
	Carrying of a Firearm On Duty	
	Transportation of Firearms and Ammunition upon City Employee Parking Lots	
	Firearm and Ammunition Policy Inspection and Discipline	
1.11.	ACCESS TO CITY PREMISES AND WORK SITES	
1.12.	SMOKING POLICY	
1.13.	VEHICLE AND EQUIPMENT USE POLICY	
1.14.	ELECTRONIC MEDIA USE AND MONITORING POLICY	
	Scope	
	City's Property; Primary Use for Business Purposes	
	Restrictions	
	No Right of Privacy	
	Loss or Theft	
	Limited Personal Use	
	Confidentiality	
	Personal Electronic Equipment	
	Return of Electronic Media	

1.15.	CELL PHONE USE	
1.16.	ATTIRE	
1.17.	MOONLIGHTING	
1.18.	SOCIAL MEDIA POLICY	
	Definitions	
	Application	
	Guidelines and Prohibitions	
	Enforcement	
1.19.	EMPLOYEE REFERENCE INQUIRIES	

EXHIBIT C

AMENDMENT OF EXISTING SECTION 9.13

9.13. MILITARY LEAVE POLICY

Scope and Eligibility. Employees who are members of the United States Armed Forces, the Reserves, the National Guard, or the Civil Air Patrol, or who hold certain positions with the Public Health Service positions or the National Disaster Medical System (including the AL3 Disaster Medical Assistance Team) are eligible for military leave for training, service, or fitness-for-duty examinations. Military leave is available if an eligible employee needs time off from work for military training and drills, or fitness-for-duty examinations, or is called into active service by the Governor of the State of Alabama (“state military service”) or is ordered into active service under the provisions of the National Defense Act, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 or the federal laws governing the United States Reserves (“federal military service”). This policy covers employees taking those types of leaves as well as employees who leave the City’s employment for lengthy absences or resign to enter full-time active duty service.

Notification of Military Absence/Documentation. If an employee requires leave, or desires to resign employment, due to military training, fitness-for-duty examinations, or active military service obligations, the employee must submit a written request for military leave or resignation notice to the Human Resources Director through the Department Head. The employee also must submit a copy of relevant military orders or other documentation unless the orders or documentation are not reasonably available. If orders or other documentation are not initially available, the employee must submit the orders or documentation as soon as possible after they become available. When requesting military leave, the employee also must notify the Human Resources Director through the Department Head of the reasons for the requested military leave, the anticipated date of departure, and the anticipated return-to-work date, if known. Resignation notices to become a full-time active duty member of the military should include a resignation date. Requests for extension of a previously granted military leave must be made to the Human Resources Director, provide the same information, and be supported with new orders or other written documentation provided when reasonably available.

Paid or Unpaid Military Leave. With two exceptions, military leaves are unpaid leave. An employee may elect to use available vacation pay during a military leave after exhausting available paid military leave. The City will not charge an employee’s vacation pay balance for any military leave without written instruction from the employee.

“Federal Service” Paid Leave—An employee granted a military leave of absence for “federal” service, and for training and fitness-for-duty examinations as a member of the National Guard or Reserves will be paid for up to one hundred sixty eight (168) working hours per calendar year for those hours the employee otherwise would have been working for the City. For example, if the employee is not otherwise scheduled to work on weekends, then the employee will not be paid for “weekend drill.”

“State Service” Paid Leave—An eligible employee also will be entitled to be paid for up to one hundred sixty eight (168) working hours at any one time while called to duty by the Alabama Governor in the active service of the State of Alabama to assist with the enforcement of the law, the preservation of the peace or for the security of the rights and lives of citizens or protection of

property in aid and relief of citizens in disaster, or any similar duty, or any other service that the Governor may for specific reasons so designate.

Health/Dental Insurance Benefits During Military Leave. During an approved military leave of absence lasting 90 calendar days or less, the employee's health and/or dental insurance, if any, will continue just as if the employee had not taken leave. The City will continue to pay its portion of the premium, and the employee must arrange to pay on time any portion of the premium the employee usually pays. An employee's health and/or dental insurance coverage may terminate if the employee fails to pay on time any portion of the premium the employee is obligated to pay. If the employee resigns employment to enter active military service, or if an employee's military leave or military absence is for 91 days or longer, health and dental insurance coverage provided by the City will lapse, but the employee may elect "continuation coverage" at the employee's expense up to 102% of the full premium to maintain health insurance.

Vacation Pay and Paid Sick Leave. An employee who is on military leave for more than ten (10) working days during a month will not accrue any paid vacation or paid sick leave for the month, as it is with other employees on a leave without pay status. An employee who separates from employment in order to join the Armed Forces will not accrue any paid vacation or paid sick leave during the period prior to re-employment. An employee who separates from employment in order to join the Armed Forces and does not return to employment with the City will forfeit unused sick leave as provided in the Paid Sick Leave policy unless the employee retires.

Other Benefits. Employees on military leave are eligible for those other benefits to which employees on leave without pay status are eligible. Retirement credit for the military service will be in accordance with the City's retirement plan.

Notification of Return from Military Absence. When an employee seeks to return to work or apply for re-employment following a military absence, the employee must provide notice to the Human Resources Director of an intent to return to work or apply for re-employment according to following schedule:

- (1) If the employee was absent for military fitness-for-duty examination or the military absence was for less than thirty-one (31) days, the employee must return to work and/or reapply for work at the beginning of the first full regular scheduled work period that starts at least eight (8) hours after the employee returns from the location of military service, training, or examination. For example, if an employee is released from a two-week National Guard drill at 8:00 a.m. on Monday, June 1, the City will allow the employee the time it takes to travel home, plus eight (8) additional hours. If the travel time is less than eight (8) hours, the employee would not be required to report for work until the next full scheduled work day, Tuesday, June 2. If the travel time is more than eight (8) hours, then the employee would not be required to report for work until Wednesday, June 3, because the travel time plus eight (8) hours will overlap into Tuesday, June 2.

- (2) If the military absence was for more than thirty (30) days but less than 181 days, the employee must return to work and/or re-apply for work no later than fourteen (14) days after completing the service or training. But if circumstances beyond the employee's control make returning within this fourteen (14) day period impossible or unreasonable, then the employee

must notify the Human Resources Director about those circumstances and return to work on the next calendar workday when returning becomes possible or reasonable.

(3) If the military absence was for more than 180 days, the employee must notify the Human Resources Director of an intent to return to work no later than ninety (90) days after the completion of the service or training by submitting a written application for re-employment.

(4) If an employee is hospitalized or recovering from an injury or illness incurred or aggravated during the military service or training which makes the employee unable to perform job duties, the employee must: (i) as soon as possible, notify the Human Resources Director regarding the injury or illness and resulting inability to work; and (ii) at the end of the necessary recovery period, notify the Human Resources Director of the intent to return to work by submitting a written application for re-employment. The City cannot guarantee reinstatement if the recovery period exceeds two (2) years unless circumstances beyond the employee's control make re-application impossible or unreasonable. In such circumstances, the employee must re-apply to the Human Resources Director on the next calendar workday when notice becomes possible.

Return-to-Work Documentation. Within two (2) weeks after returning from any military leave or absence of longer than thirty (30) days, the employee must provide documentation (unless such documentation does not yet exist or is not readily available) showing: (i) the return-to-work notice was submitted within the required time period; (ii) the total length of the period of military service; and (iii) the employee received an honorable or general discharge (if applicable).

Re-Employment Rights. If an unclassified or classified employee is called to active duty or separates from employment to join the Armed Forces, the City will re-employ the individual in the old position or position of like seniority, status, and pay upon discharge from military duty, subject to the following conditions.

- Notice Given Prior to and Following Absence. The employee must have complied with the notice provisions of this policy prior to and following the absence for military duty.
- Honorable or General Discharge. The employee must have received an honorable or general discharge from military service unless the employee remains a member of the National Guard or Reserves or is otherwise not in an active-duty service.
- Length of Service Restrictions. The employee's total cumulative absence must not exceed five (5) years, excluding certain types of military service described under federal law.

Post-Military Employment Position, Pay, Benefits. When an employee returns to work after a military absence or military leave, the employee in most circumstances will be assigned to the former job or to an equivalent job with the pay, benefits, seniority, and working conditions the employee would have had if continuously employed. If an employee separates from employment in order to join the Armed Forces, and then later exercises re-employment rights described in this policy to return to work for the City, the City will credit unused sick leave that the employee had accumulated at the time of departure to the sick leave account when the employee returns to work.

Exceptions to Re-employment Rights. Re-employment will not be required if the City's circumstances have changed so as to make it impossible or unreasonable to re-employ the

individual. Such changes include: (i) the organization has changed drastically in nature and size; (ii) the individual's old job has been abolished and employment would have been lost anyway; or (iii) the individual is no longer physically or mentally qualified for the old job or a comparable job; or (iv) the position from which the employee departed was a temporary job.

“For Cause” Discharge Protection. The City makes a limited exception to its “at-will employment” rule for any employee who returns to work from military leave or is re-employed after a military absence. If a person's period of military service or training was more than 30 days but less than 181 days, then the City will not discharge or terminate the individual, except for cause, during the 180-day period after such reemployment or return to work from leave. If a person's period of military service before reemployment with us was more than 180 days, then after re-employment, the City will not discharge or terminate the individual, except for cause, during the one-year period after the date of such reemployment.