



**CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
MONDAY, MARCH 17, 2025 at 6:00 PM**

- 1. CALL TO ORDER**
 - A. ROLL CALL**
 - B. INVOCATION** - Reverend Thack Dyson, St. Paul's Episcopal Church
 - C. PLEDGE OF ALLEGIANCE**
- 2. PROCLAMATIONS/RECOGNITIONS/PUBLIC HEARINGS**
 - A. PROMOTION:** Lieutenant Tobias Pearce - Police Department
 - B. PUBLIC HEARING:** Bertolla Properties, LLC Vacation of Right-of-Way located East of the intersection of Austin Road and Alabama Highway 181.
- 3. APPROVE MINUTES**
 - A.** March 3, 2025 regular meeting
- 4. REPORTS OF STANDING COMMITTEES**
 - A. FINANCE COMMITTEE** - Phillips
 - B. BUILDINGS & PROPERTY COMMITTEE**- Goodlin
 - C. PUBLIC SAFETY COMMITTEE** - Hughes
 - i. Review the minutes from the February 2025 meeting.
 - D. CODE ENFORCEMENT/ORDINANCE COMMITTEE** - Olen
 - 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

- i. Review the minutes from the January 23, 2025 meeting and the report from the February 27, 2025 meeting.

G. RECREATION BOARD - Hughes

H. UTILITY BOARD - Coleman

6. PUBLIC PARTICIPATION

7. MAYOR’S REPORT

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK’S REPORT

- A. MOTION** to approve the publication and set a public hearing on April 21, 2025 for the Louisa Marco Toler Revocable Trust Dated: July 24, 2024 Pre-Zoning Amendment located at the northwest intersection of County Road 64 and County Road 54.
- B. MOTION** to approve the publication and set a public hearing on April 21, 2025 for the Impact Fee Ordinance.
- C. MOTION** to approve the Color Run of Hope 5K on September 13, 2025 beginning at 8:00am.

11. RESOLUTIONS

- A. 2025-19 - Resolution to Re-affirm Vacation of a Closed Portion of Austin Road Right of Way located East of the intersection of Austin Road and Alabama Highway 181- Bertolla Properties, LLC**
- B. 2025-20-The Church of the Highlands Vacation of Easement located due west of the intersection of Plantation Drive and Alabama Highway 181**

12. 2nd READ ORDINANCES

13. 1st READ ORDINANCES

14. COUNCIL COMMENTS

15. EXECUTIVE SESSION

16. ADJOURN



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: March 3, 2025
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development

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

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

RECOMMENDATION: At the February 27, 2025 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.

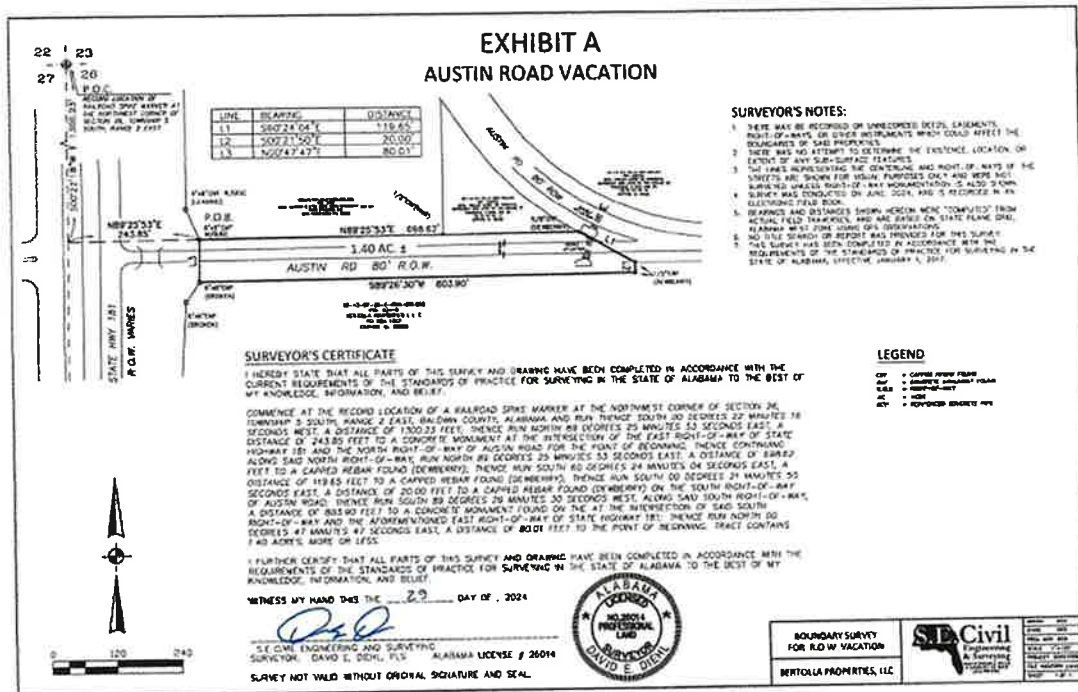
Thank you,
ADJ/jv

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

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.

At the February 27, 2025 Planning Commission meeting, the Commission set forth to the City Council a unanimously favorable recommendation to approve this request.



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*.



AT&T Alabama
2155 Old Shell Rd
Mobile, AL 36607
www.att.com

T: 251.471.8361
F: 251.471.0410
w.mitchell@att.com

February 21, 2025

Adrienne D. Jones, AICP
Director of Community Development
City of Daphne

RE: Vacation of Right of Way – Closed Portion of Austin Rd., Daphne

Dear Ms. Jones,

This letter is in response to the letter you sent to AT&T regarding the request to vacate the above-mentioned Right of Way – which is further described below:

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.

AT&T Alabama has facilities located on the proposed Right of Way to be vacated. AT&T Alabama notes that, if the City vacates the Right of Way, AT&T Alabama will retain certain property rights in accordance with Ala. Code 23-4-2 (1975). See, e.g., Ala. Code 23-4-2(b): "Entities with utility lines, equipment, or facilities in place at the time of vacation, shall have the right to continue to maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred." AT&T Alabama thus notifies the City of Daphne, S.E. Civil Engineering & Surveying, Sharon O. Boni, John Christopher Boni, Frederick G Boni Jr, Thomas F. L. Boni and Bertolla Properties LLC, that, although it does not necessarily object to the vacation, AT&T Alabama does not waive its rights under Alabama Law.



Please contact me at the phone number included in this letter with any questions.

Thank you for contacting AT&T.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wade Mitchell".

Wade Mitchell
Senior OSP Design Engineer
AT&T Alabama
2155 Old Shell Rd
Mobile, Alabama 36607
Gulf District/ Mobile Office
251-680-7402

COMMUNITY DEVELOPMENT



February 14, 2025

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.

The public hearing will be held by the Daphne City Council on Monday, March 17, 2025 at 6:00 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

APPLICATION & SUPPLEMENTAL INFORMATION



Vacation of Right-of-Way Application

OFFICE USE ONLY	Application Number: VOR- 24-013	Date Submitted: February 7, 2025
Planning Commission Decision: FAVORABLE	Date Presented: February 27, 2025	
Date Submitted to City Clerk: 03.03.26	RESOLUTION NUMBER#	
Council Resolution Approval Date:		

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
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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.

PETITION TO VACATE A
PORTION OF AUSTIN ROAD
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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
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

PETITION TO VACATE A
PORTION OF AUSTIN ROAD
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John Christopher Boni (SEAL)
John Christopher Boni

STATE OF PA

COUNTY OF BUTLER

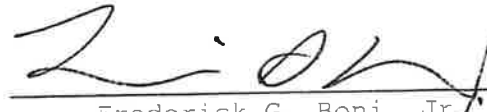
I, VANCE WAGNER, a Notary Public,
hereby certify that **JOHN CHRISTOPHER BONI**, whose name is signed
to the foregoing instrument and who is known to me, acknowledged
before me on this day that, being informed of the contents of the
instrument, he executed the same voluntarily on the day the same
bears date.

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

PETITION TO VACATE A
PORTION OF AUSTIN ROAD
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 (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.


NOTARY PUBLIC
My Commission Expires: Feb 18 2026

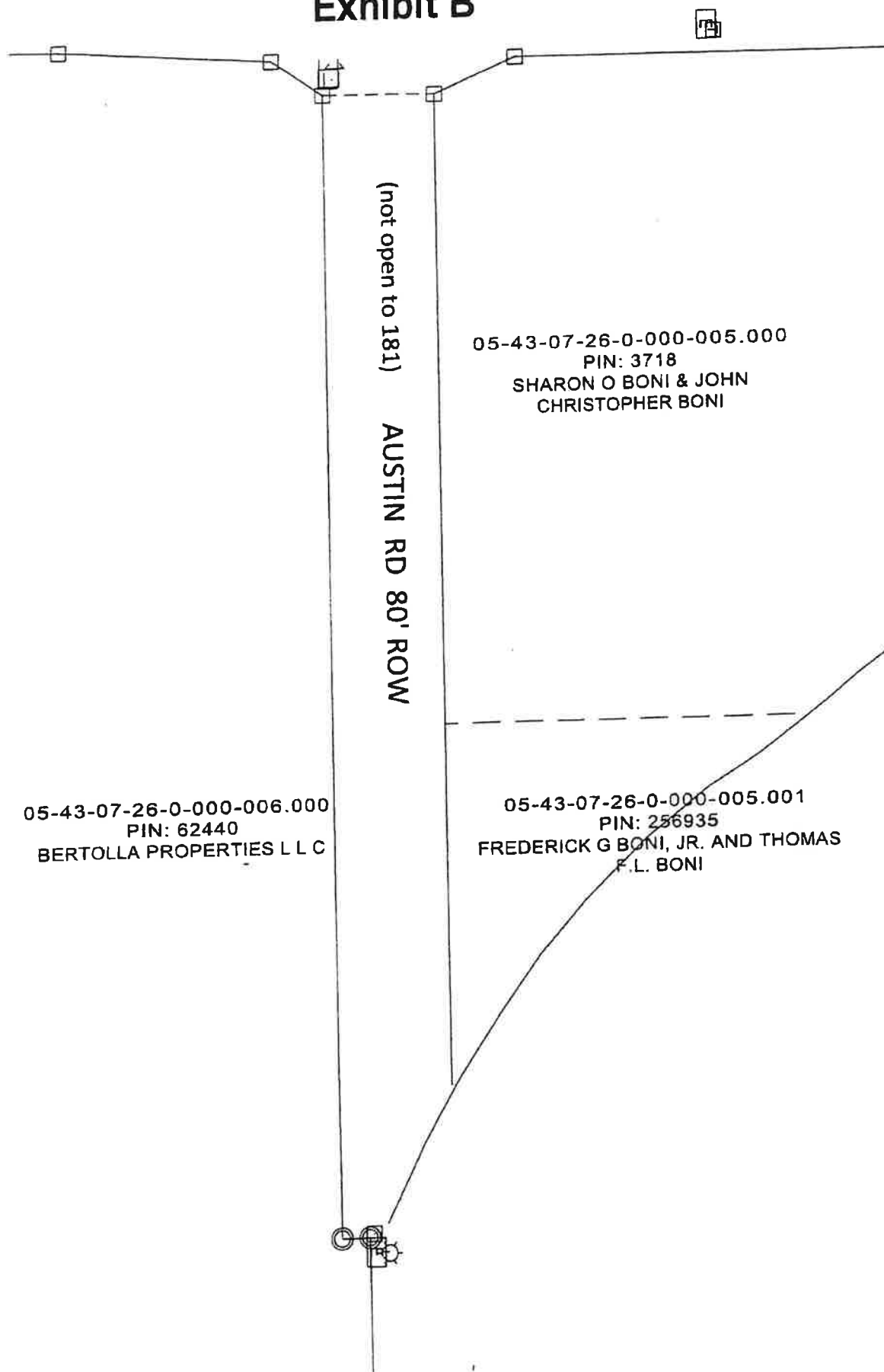
SYDNEY MARIE HULETT
NOTARY PUBLIC, ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES FEB. 18, 2026

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.

Exhibit B



**BERTOLLA PROPERTIES, LLC
AUSTIN ROAD VACATION OF ROW
ADJACENT PROPERTY OWNERS**

SHARON BONI
1365 ORCHARD AVENUE
NEW KENSINGTON, PA 15068

JOHN CHRISTOPHER BONI
1365 ORCHARD AVENUE
NEW KENSINGTON, PA 15068

FREDERICK BONI
25170 COUNTY ROAD 13
DAPHNE, AL 36526

THOMAS BONI
1208 BELLE CHENE DRIVE
MOBILE, AL 36693

BERTOLLA PROPERTIES, LLC
P.O. BOX 1527
DAPHNE, AL 36526

BELFOREST WATER SYSTEM, INC.
980 COUNTY ROAD 64
DAPHNE, AL 36526

DAPHNE UTILITIES
900 DAPHNE AVENUE
DAPHNE, AL 36526

AT&T
ATTN: WADE MITCHELL
2001 MAIN STREET
DAPHNE, AL 36526

RIVIERA UTILITIES
413 EAST LAUREL AVENUE
FOLEY, AL 36535

**March 3, 2025
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 Ron Scott called the meeting to order at 6:00pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Ron Scott, Steve Olen, Joel Coleman and Ben Hughes

COUNCIL MEMBERS ABSENT: Tommie Conaway, Doug Goodlin and Angie Phillips

Also Present: Candace Antinarella, City Clerk; Mayor LeJeune; Patrick Dungan, City Attorney; Chief Gulsby, Police; Chief Tacon, Fire; Adrienne Jones, Planning; Emmie Powell, Library; Kelli Reid, Finance; Vickie Hinman, Human Resources; Andy Bobe, City Engineer; Troy Strunk, City Development; Emma Coleman, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Council President Ron Scott.

3. APPROVE THE MINUTES:

The minutes from the February 17, 2025 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Phillips was absent. Council President Scott said the minutes from the February 17th meeting was in the packet. He gave the Treasurer's Report for January 2025: Unrestricted Fund Balance - \$35,177,316; Total Cash Balance: \$53,698,993; Sales Tax for December 2024: \$2,673,715.88; Lodging tax for December 2024: \$116,164.65; Deb Summary – January 2025: Warrants - \$30,238,902; Capital Leases: General Fund - \$355,317; Enterprise Fund - \$280,895.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Goodlin was absent.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the March meeting is cancelled.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Olen said the next meeting is April 7th at 4:30pm.

E. PUBLIC WORKS COMMITTEE

Councilwoman Conaway was absent. Council President Scott said the Committee met earlier and the minutes from the January meeting were in the packet.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said there was no report.

B. Daphne Public School Commission

Councilman Hughes said the next meeting is March 24th at Daphne Elementary School at 5:30pm.

**March 3, 2025
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

C. Downtown Redevelopment Authority

Councilwoman Conaway was absent.

D. Industrial Development Board

Councilman Scott said the next meeting is March 18th at 4:30pm.

E. Library Board

Council President Scott said the next meeting is March 13th at 4:30pm at the Library.

F. Planning Commission

Councilman Olen said the next meeting is March 27th at 5:00pm.

G. Recreation Board

Councilman Hughes said the next meeting is March 12th at 6:00pm.

H. Utility Board

Councilman Coleman said the next meeting is March 26th at 5:00pm.

6. PUBLIC PARTICIPATION:

Public participation opened at 6:07pm. No one came forward to speak.

Public participation closed at 6:08pm.

7. MAYOR'S REPORT:

Mayor LeJeune said the City had successful Mardi Gras celebrations. He said there will be a "Evening with the Mayor" on March 25th at 5:30pm at the Waterfront Restaurant. He said he and multiple Councilmembers will be in D.C. next week.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

9. DEPARTMENT HEAD COMMENTS:

Chief Tacon, Fire, said Mardi Gras went well. She thanked Kathryn Bond in Community Development and also said the baby box has been delivered.

Emmie Powell, Library, shared about upcoming events and classes at the Library. She shared about the upcoming Easter event.

Adrienne Jones, Planning, shared about upcoming site plans and subdivision approvals.

10. CITY CLERK'S REPORT:

11. RESOLUTIONS:

- A. 2025-15-Resolution Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property-Old Field Lights-Trione Sports Park**

**March 3, 2025
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

- B. 2025-16-Courtroom Addition for the Daphne Justice Center - Bid Award: C. Roberds General Contractors, LLC-\$2,499,000**
- C. 2025-17-Appropriation: Courtroom Addition for the Daphne Justice Center-\$2,165,950**
- D. 2025-18-C-Labor and Installation for the Joe Louis Park Splash Pad**

**MOTION by Councilman Hughes to waive the reading of Resolution 2025-15. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to adopt Resolution 2025-15. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to waive the reading of Resolutions 2025-16 and 2025-17. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to adopt Resolution 2025-16. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to adopt Resolutions 2025-17. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to waive the reading of Resolution 2025-18. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

12. 2ND READ ORDINANCES:

- A. 2025 - 03 - Ordinance to Pre-Zone Property Located Southeast of the intersection of Jonesboro Road and Investments, LLC and O Company, LLC**
- B. 2025 - 04 - Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne Property Ann White-Spunner, John White-Spunner, B Co., LLC, SRW Investments, LLC and O Company, LLC**
- C. 2025 - 05 - Ordinance to Re-Zone Property Located Five hundred feet northeast of the intersection of Co**

**MOTION by Councilman Olen to waive the reading of Ordinances 2025-03 and 2025-04.
Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Olen to adopt Ordinance 2025-03. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Olen to adopt Ordinance 2025-04. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

March 3, 2025
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

**MOTION by Councilman Olen to waive the reading of Ordinance 2025-05. Seconded by Councilman Hughes. Councilman Coleman abstained.
MOTION CARRIED.**

**MOTION by Councilman Olen to adopt Ordinance 2025-05. Seconded by Councilman Hughes. Councilman Coleman abstained.
MOTION CARRIED.**

13. **1ST READ ORDINANCES:**

14. **COUNCIL COMMENTS**

Councilman Hughes wished everyone Happy Mardi Gras.

Councilman Coleman said he enjoyed listening to the Junior City Council podcast.

Councilman Olen commended Public Works, Police Department and the Fire Department on their work with the Mardi Gras celebrations. He commended the Beautification Committee and congratulated Daphne High School Girls' Basketball, Fairhope Boys' and Girls' Basketball teams.

Council President Scott said it is a great time of year.

Mayor LeJeune said to pray for all that are traveling.

15. **ADJOURN:**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:26PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Ron Scott, Council President

February 10, 2024
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

1. CALL TO ORDER:

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

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Council President, Ron Scott, Councilmen Doug Goodlin, Joel Coleman, (4:45p.m.) and Benjamin Hughes

ABSENT: Councilwomen Tommie Conaway and Angie Phillips, and Councilman Steve Olen

Also Present: Mayor LeJeune, City Attorney; Patrick Dungan, Fire Department; Chief Tacon, Police Department; Captain Smith, City Clerk; Candice Antinarella, Recording Secretary; Christina Brazell

Junior City Council present: Emma Coleman and Merrill Rigby

3. PUBLIC PARTICIPATION:

None

4. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from January 13, 2014 Public Safety meeting were approved as presented.

5. POLICE DEPARTMENT – Captain Smith

Old Business: Monthly stats provided.

Update on Officers in APOSTC academy as well as hiring status on candidates.

Annual Report for 2024 provided.

Troy provided an update on the Police Department expansion. He is going to schedule a site visit for Council with the contractors.

New Business:

(Jail) Reports made regarding inmates fighting, as well as an assault charge brought against an inmate that fought several of our Corrections Officers.

February 10, 2024
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

6. FIRE DEPARTMENT: - Brett Camilleri

Old Business: Monthly stats provided.

New Business: New project, Community Risk Assessment to begin soon.

7. OTHER BUSINESS

None

Adjournment 5:00 p.m.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: March 3, 2025
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 "AJ", located to the right of the "FROM:" line.

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of the January 23, 2025 and the report of the regular meeting of February 27, 2025 for placement on the March 17, 2025 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
Rescheduled Regular Meeting of January 30, 2025
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 5:06 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs, Secretary
Oliver Roberts
Bobby Purvis
John Peterson, Vice Chairman
Andrew Prescott, Chairman
Lucy Watkins
Richard Johnson
Steve Olen
Nathan Jones

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Brittney Epling, Planner
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Andy Bobe, City Engineer
Jesi Ward, Environmental Programs Manager

The Chairman asked for input regarding the December 19, 2024 regular meeting minutes presented by staff. There being none, minutes stand approved as submitted.

The Chairman called for the next order of business: The Enclave at Irongate, Phase 1 Preliminary Subdivision Plat Review.

An introductory presentation was given by the agent, Chloe Kelly. She provided a summary of the preliminary subdivision plat as presented on the meeting agenda. She advised that the subject property has been annexed into the city and the PUD zoning is in place. She noted the developer agreed that a site disturbance permit will not be issued until such time as the City receives confirmation regarding the jurisdictional determination.

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

A motion was made by Mr. Olen and seconded by Mr. Jones to approve the Enclave at Irongate, Phase 1 preliminary subdivision plat with a condition to stay out of the wetland and wetland buffer areas until such time as the City receives confirmation regarding the jurisdictional determination provided by the appropriate regulatory agency. There was no discussion on the motion. The motion carried. Mr. Johnson and Mr. Spriggs dissented.

**The City of Daphne
Planning Commission Minutes
Rescheduled Regular Meeting of January 30, 2025
Council Chamber, City Hall - 5:00 P.M.**

The Chairman called for the next order of business: The Enclave at Irongate, Phase 2 Preliminary Subdivision Plat Review.

An introductory presentation was given by the agent, Chloe Kelly. She provided a summary of the preliminary subdivision plat as presented on the meeting agenda.

The Chairman commented there is one engineering comment outstanding regarding the parking build-up. Mr. McGehee stated a note will be added to the construction plans.

Mr. Spriggs questioned whether the fifty-foot right-of-way shown is the access to commercial property. Mrs. Kelly stated that is the right-of-way is for vehicular access from Phase 2 to the future development, and the connection will be required at the time of the presentation of a site plan.

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. Peterson and seconded by Mr. Spriggs to approve The Enclave at Irongate, Phase 2 preliminary subdivision. There was no discussion on the motion. The motion carried. Mr. Johnson dissented.

The Chairman called for the next order of business: The Cottages at Irongate, Phase 4 Preliminary Subdivision Plat Review.

An introductory presentation was given by the agent, Chloe Kelly. She provided a summary of the preliminary subdivision plat as presented on the meeting agenda.

The Chairman asked about a connection to the Preserve. Mrs. Kelly commented that a stub out is shown to the west side of the property as a connection to The Preserve which is envisioned to be a future multi-family site.

The Chairman commented there is one engineering comment outstanding regarding the parking build-up as discussed for the previous application.

Mr. Spriggs asked about the stub-out to the commercial development. Mrs. Kelly stated based on comments received at the site preview meeting, the construction plans were revised and submitted to the engineering department.

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.

**The City of Daphne
Planning Commission Minutes
Rescheduled Regular Meeting of January 30, 2025
Council Chamber, City Hall - 5:00 P.M.**

Mrs. Jones commented that the subdivision plat does not reflect the right-of-way for the southern leg of the round-a-bout. Mr. Smith responded that there should not be a stub-out shown to commercial property from a city right-of-way.

Mr. Spriggs stated that the subdivision plat should be consistent with your master plan.

The Chairman said that he is correct. There is not public right-of-way on privately owned property.

Mr. Johnson stated that the public right-of-way should reflect the stub-out to the extent of construction and terminate at that southern stub out should be a line to clearly define the public and private property.

Mr. Spriggs stated that the stub-out should be shown on the plat as a future connection from the residential to commercial development.

A motion was made by Mr. Peterson and seconded by Mr. Olen to approve The Cottages at Irongate, Phase 4 preliminary subdivision plat with a condition that public improvements will be installed outside of the public right-of-way. There was no discussion on the motion. The motion carried. Mr. Johnson dissented.

The Chairman called for the next order of business: The Reserve at Daphne, Phase 4 Preliminary Subdivision Plat Review.

An introductory presentation was given by the agent, Chloe Kelly. She provided a summary of the preliminary subdivision plat as presented on the meeting agenda.

Mr. Bobe expressed his concerns about crossing a floodway and wetlands for an access to the future phases of this subdivision.

The Chairman noted that there are several comments that remain outstanding.

Larry Smith, representative of S.E. Civil, stated those comments will be addressed with the bridge design and USCOE permitting of the wetlands. Mr. Johnson suggested increasing the bridge span to avoid the wetlands. Mr. Smith stated initially a box culvert was planned, but was later changed to a bridge for less impact.

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

Mrs. Jones asked that the application be tabled to allow completion of the bridge design for The Reserve at Daphne, Phases Four and Five.

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

**The City of Daphne
Planning Commission Minutes
Rescheduled Regular Meeting of January 30, 2025
Council Chamber, City Hall - 5:00 P.M.**

A motion was made by Mr. Olen and seconded by Mr. Jones to table The Reserve at Daphne, Phase 4 preliminary subdivision plat to the regular meeting of February 27, 2025. There was no discussion on the motion. The motion carried unanimously.

The Chairman called for the next order of business: Oak Grove Estates, Phase One Final Plat Review.

An introductory presentation was given by the agent, Jason Wooten. He provided a summarization of the final subdivision plat as presented on the meeting agenda and advised that a financial guarantee has been provided to allow for additional time for the contractor to address staff comments regarding stabilization.

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

A motion was made by Mr. Johnson and seconded by Mr. Peterson to approve Oak Grove Estates, Phase 1 final subdivision plat. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: a request for a second extension for The Pearl at Daphne (FKA The Noble at Daphne).

An introductory presentation was given by the agent, Ryan Clements. He provided a summary of a request for approval of an extension of time for the site plan and related site disturbance permit as presented on the meeting agenda. He stated that an updated traffic study normally takes three to four weeks to prepare. He also noted that it is specifically prescribed in the HUD loan documents that no construction can commence until such time the loan has closed.

Chad Cottrell, representative of Mulberry Properties, confirmed that they are actively pursuing HUD financing and advised that the firm signed a letter of commitment on January 4, 2025.

Mrs. Jones asked for the commissioners to grant a two-month extension until April to allow adequate time for the applicant to provide a revised traffic study for staff review in preparation of presentation to the Planning Commission at the regular meeting of March 27, 2025.

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

A motion was made by Mr. Olen and seconded by Mr. Prescott to approved a two-month extension to allow the developer of The Pearl at Daphne (FKA The Noble at Daphne) to provide an updated traffic study to be reviewed by the City and presented to the Planning Commission at the regular meeting of March 27, 2025. There was no discussion. The Motion carried unanimously.

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

**The City of Daphne
Planning Commission Minutes
Rescheduled Regular Meeting of January 30, 2025
Council Chamber, City Hall - 5:00 P.M.**

None presented.

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

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.

Director welcomed Lucy Watkins, Bobby Purvis, Brittney Epling and presented that the upcoming meeting dates. Site Preview is February 19th and the Regular Meeting is February 27, 2025.

There being no further business, the meeting was adjourned at 5:45 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: February 27, 2025


Andrew Prescott, Chairman

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 27, 2025
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report

AO

1. **CALL TO ORDER:** 5:00 p.m.
2. **CALL OF ROLL:** Andrew Prescott, Steve Olen, John Peterson, Kevin Spriggs, Bobby Purvis, Richard Johnson and Lucy Watkins
3. **APPROVAL OF MINUTES:**

Review of minutes of the rescheduled regular meeting of January 30, 2024. **(Approved)**
4. **OLD BUSINESS:**
 - A. **THE RESERVE AT DAPHNE, PHASE 4 PRELIMINARY SUBDIVISION PLAT REVIEW:**
 1. **File SDP25-03: (Approved with conditions that the Site Disturbance Permit shall not be issued until after the Floodplain Development Permit has been submitted to and approved by the City Engineer and an Enhanced BMP plan has been submitted to and approved by the Environmental Programs Manager)**

Subdivision: **The Reserve at Daphne, Phase 4**

Zoning: ***R-6(G), Garden or Patio Home, and R-2, Medium Density Single Family Residential***

Location: North of the intersection of Montelucia Way and Evensong Drive
Area: 42.43 Acres $\pm$, (82) lots
Owner: 68V Reserve at Daphne 2021, LLC and 68V Baldwin Land Holdings, LLC
Agent: S. E. Civil - Aaron Collins
Surveyor: S.E. Civil - David Diehl
Engineer: S.E. Civil - Larry Smith
5. **NEW BUSINESS:**
 - A. **THE RESERVE AT DAPHNE, PHASE 5 PRELIMINARY SUBDIVISION PLAT REVIEW:**
 1. **File SDP25-04: (Approved contingent upon the issuance of the Site Disturbance permit for the Reserve at Daphne Preliminary Subdivision, Phase 4)**

Subdivision: **The Reserve at Daphne, Phase 5**

Zoning: ***R-6(G), Garden or Patio Home, and R-2, Medium Density Single Family Residential***

Location: North of the intersection of Montelucia Way and Evensong Drive
Area: 33.18 Acres $\pm$, (66) lots
Owner: 68V Reserve at Daphne 2021, LLC and 68V Baldwin Land Holdings, LLC
Agent: S. E. Civil - Aaron Collins
Surveyor: S.E. Civil - David Diehl
Engineer: S.E. Civil - Larry Smith

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 27, 2025
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report

B. SCHIEFFLIN ESTATES PRELIMINARY SUBDIVISION PLAT REVIEW:

1. File SDP24-05: (Postponed until the March 27, 2025 Planning Commission meeting)

Subdivision: Schiefflin Estates

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

Location: Northeast of the intersection of Main Street and Schiefflin Lane

Area: 2.32 Acres $\pm$, (4) lots

Owner(s): Westlake Properties, LLC - John Crowder

Surveyor: Moore Surveying - Seth Moore

C. LOUISA MARCO TOLER REVOCABLE TRUST DATED: JULY 24, 2024 PRE-ZONING AMENDMENT:

1. File PZA24-01: (Favorable recommendation to City Council)

Applicant: Louisa Marco Toler Revocable Trust Dated: July 24, 2024

Present Zoning: *RA, Rural Agricultural, Baldwin County*

Proposed Zoning: *R-6(G), Garden or Patio Home, and B-2(a), General Business Alternate*

Location: At the northwest intersection of County Road 64 and County Road 54 West

Area: 144 Acres $\pm$

Owner: Louisa Marco Toler Revocable Trust Dated: July 24, 2024 - Hollace Marco Brayer, personal representative

D. THE CHURCH OF THE HIGHLANDS VACATION OF EASEMENT:

1. File VOE25-01: (Favorable recommendation to City Council)

Applicant: The Church of the Highlands

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

Area: 0.60 Acres $\pm$

Location: Due west of the intersection of Plantation Drive and Alabama Highway 181

Owner: The Church of the Highlands, Inc. - Bruce Adams

Engineer: Gonzalez-Strength & Associates - Todd Smith

E. BERTOLLA PROPERTIES, LLC VACATION OF RIGHT-OF-WAY:

1. File VOR24-01B: (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 $\pm$

Owner: Bertolla Properties, LLC - Alexander Bertolla

Agent: 68 Ventures - Chloe Kelly

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 27, 2025
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

-
6. **PUBLIC PARTICIPATION:** None presented.
 7. **ATTORNEY'S REPORT:** No report. Happy Mardi Gras!
 8. **COMMISSIONER'S COMMENTS:** None presented.
 9. **DIRECTOR'S COMMENTS:** Director commented about Schefflin Lane and presented the upcoming meeting dates. Site Preview is March 19th and the Regular Meeting is March 27, 2025.
 10. **ADJOURNMENT:** 6:10 p.m.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: March 3, 2025
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Louisa Marco Toler Revocable Trust Dated: July 24, 2024 Pre-Zoning Amendment

PRESENT ZONING: RA, Rural Agricultural, Baldwin County

PROPOSED PRE-ZONING: R-6 (G), Garden or Patio Home, and B-2(a), General Business Alternate

LOCATION: At the northwest intersection of County Road 64 and County Road 54 West

RECOMMENDATION: At the February 27, 2025 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.
Six affirmative votes and one dissention.

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. Overall Boundary Survey & Sketch for Pre-Zoning
4. B-2(a) Legal Description & Sketch for Pre-Zoning
5. R-6(G) Legal Description & Sketch for Pre-Zoning
6. Opposition letter



LOUISA MARCO TOLER REVOCABLE TRUST 07/24/24
Prezoning Amendment

PROPOSAL:

The applicant proposes to pre-zone 144 acre agricultural fields to B-2(A), General Business Alternate and R-6(G), Garden or Patio Home. The site is located at the northwest intersection of County Road 54 W and County Road 64 and extends to Risgby Road to the west and to Saint Augustine subdivision to the north.

Coastal Church is located to the east across County Road 54 W as well as Savannah Estates, a single family residential subdivision. Across County Road 64 to the south are several uses including: a convenience store/gas station, multi-tenant commercial business, mini-warehouses, and a mechanic shop. Land on the west side of the property, across Risgby Road is largely rural residential parcels.

Zoning Classification:

Rural Agricultural district (RA)

Existing Utility Service

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

Affected City Service

Providers: Fire Station 5, Police Beat 4, Public Works

Surrounding Zonings/Uses:

- North-County RSF-3
- South-County B-3 and B-4
- East-County RA and RSF-3
- West-County RA

Proposed Zoning:

B-2(a) and R-6(G) (General Business Alternate and Garden or Patio Home)

Development Concept:

Commercial/Single Family

Comprehensive Plan Place

type: Traditional

Neighborhood Development and Mixed Use Corridor

Staff Recommendation to PC:

Favorable

Council District: 4

Existing Conditions:

144 acres

Planning Commission

Recommendation:

Unanimously favorable recommendation

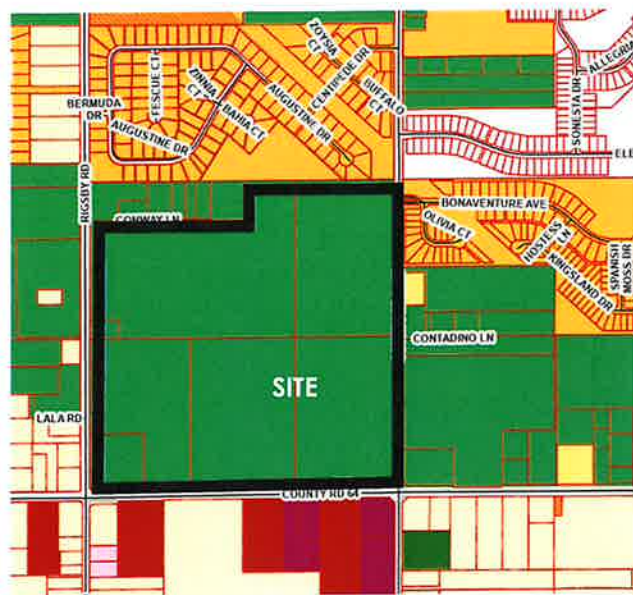
RECOMMENDATION:

The Envision Daphne 2042 Comprehensive Plan designates these parcels as Traditional Neighborhood Development and Mixed Use Corridor. B-2(a), General Business Alternate and R-6(G), Patio or Garden Home both allow uses that would be consistent with the mix of uses promoted by these placetype. Therefore staff recommends that the Planning Commission set forth a favorable recommendation to prezone the site as requested.

Excerpt from Overall Placetype Map

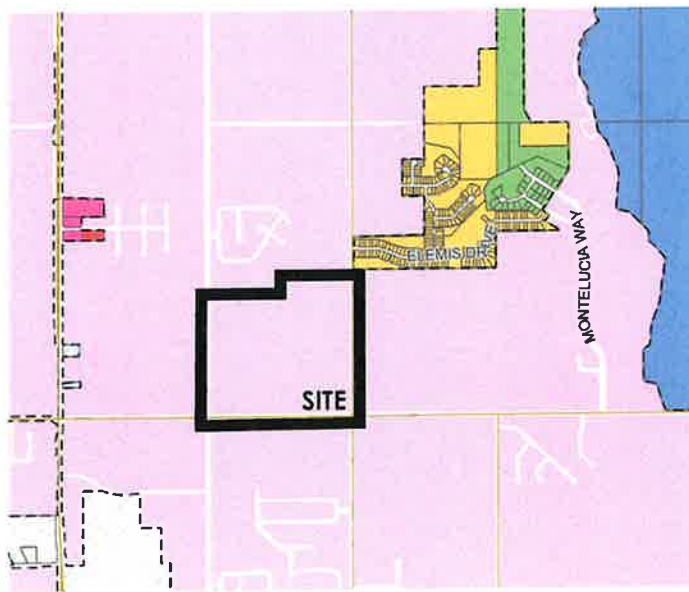


Excerpt from County's Map on ISV



- ☒ 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)
 - Residential Two Family District (RTF-4)
 - Residential Single Family District (RSF-6)
 - Residential Two Family District (RTF-6)
 - Residential Multiple Family District (RMF-6)
 - High Density Residential District (HDR)
 - Residential Manufactured Housing Park District (RMH)
 - Base Community Zoning District (BCZ)
 - Marine Recreation District (MR)
 - Outdoor Recreation District (OR)
 - Tourist Resort District (TR)
 - Recreational Vehicle Park District (RV-1)
 - Recreational Vehicle Park District (RV-2)
 - Professional Business District (B-1)
 - Neighborhood Business District (B-2)
 - General Business District (B-3)
 - Major Commercial District (B-4)
 - Limited Business District (LB)
 - Light Industrial District (M-1)
 - General Industrial District (M-2)

Excerpt from Daphne Zoning Map



Zoning Key

	Daphne City limits
	R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
	R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
	R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
	R-4 HIGH DENSITY SINGLE MULTI-FAMILY RESIDENTIAL
	R-5 MOBILE HOME RESIDENTIAL
	R-6(D) DUPLEX - TWO FAMILY
	R-6(G) GARDEN OR PATIO HOME
	R-7(A) APARTMENT
	R-7(M) MID-RISE CONDOMINIUM
	R-7(T) TOWNHOUSE
	B-1 LOCAL BUSINESS
	B-2 GENERAL BUSINESS
	B-2(a) GENERAL BUSINESS ALTERNATE
	B-3 PROFESSIONAL BUSINESS
	C/1 COMMERCIAL/INDUSTRIAL
	MU MIXED USE
	PUD PLANNED UNIT DEVELOPMENT
	C-2 OUTDOOR AMUSEMENT
	GC GOLF COURSE

Excerpt from Envision Daphne 2042 Plan

MIXED-USE CORRIDOR

Mixed-Use corridors consist of complete streets accommodating all travel modes and serve as major transportation routes that link distinct areas of the city. Ideally these corridors will include a mix of commercial and residential activity and may include maker spaces. They may also provide opportunities for the development of larger scale retail uses such as grocery stores and retailers. Mixed-Use corridors should be designed to provide convenient vehicle access while at the same time allowing for safe and appealing use by pedestrians, cyclists and other modes of transportation.

Mixed-use corridors contain multi-story structures and a compact development pattern. Buildings are located near the sidewalk to create a street wall and enhance the pedestrian environment. Mixed-Use corridors may range from two to six travel lanes, have bike lanes and on-street parking. Wide sidewalks with ample pedestrian amenities are also common. Streetscape furnishings and public art are common, sometimes with a direct theme linked to a nearby center or neighborhood.

Planned Characteristics

<i>Primary Land Uses</i>	Commercial/office Mixed-use
<i>Secondary Uses</i>	Institutional Single-family attached residential
<i>Intensity Range</i>	Intensely developed, residential densities of 8 to 12, floor area ratios of up to 2
<i>Development Policies</i>	Tree canopy mitigation Stormwater management with low impact design (bio-retention, permeable surfaces, infiltration areas) Site plan and design review

TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Traditional neighborhoods meet the holistic needs of their residents as well as surrounding areas. While higher density residential use is typically dominant, they often feature a core of commercial and civic activity such as a library, small scale store, coffee shop, bank or other neighborhood-oriented businesses. They may feature parks, schools, or other public features. They should be easy to navigate on foot with important features within a 20-minute walk for the average resident.

The context of a traditional neighborhood includes small blocks on a grid formation with a prominent center public space and an edge that transitions into different, less intensive uses. Traditional neighborhoods are pedestrian friendly and accessible for all modes of transportation. Buildings are built close to the street at a human scale, with abundant transparency on the ground floor of buildings. Buildings have minimal setbacks from the street, but allow for wide tree-lined sidewalks, as well as space for sidewalk uses like cafés and sales tables. Traditional neighborhoods provide parking that is on the street or within parking lots that are behind or underneath new buildings. Some buildings contain multiple uses. A wide variety of housing types are provided, both in size and affordability, with higher density housing types closer to the center of the neighborhood.

Active public open space is located at or near the center. This space will be suitable to passive recreation as well as organized events, such as festivals, farmers markets and performances.

Planned Characteristics

<i>Primary Land Uses</i>	Mixed Use All forms of residential
<i>Secondary Uses</i>	Assembly Institutional
<i>Intensity Range</i>	Intensely developed, residential densities of 8 to 30, floor area ratios of up to 4
<i>Development Policies</i>	Tree canopy mitigation Stormwater management with low impact design (bio-retention, permeable surfaces, infiltration areas) Site plan and design review

COMMUNITY DEVELOPMENT



February 14, 2025

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission containing 144 acres +/- located at the northwest intersection of County Road 64 and County Road 54 West to be pre-zoned to B-2(a), General Business Alternate, and R-6(G), Garden or Patio Home.

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, February 19, 2025 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, February 27, 2025 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

Louisa Marco Toler Revocable Trust Dated: July 24, 2024

Louisa Marco Toler Revocable Trust Dated: July 24, 2024 Prezoning Adjacent Property Owners

Owner Name	Address	City	State	Zip
RIGSBY, FRANCES BERGA	26343 RIGSBY RD	DAPHNE	AL	36526
WOODRUFF L B III AND WOODRUFF JAIMIE	10700 CONWAY LN	DAPHNE	AL	36526
PARKER, PRESCOTT A III ETUX RHAPSODY L	10575 CONWAY LN	DAPHNE	AL	36526
TRIPLE E HOLDINGS L L C	10758 CO RD 64	DAPHNE	AL	36526
BRYANT GEORGE K AND BRYANT TRESSA	10435 LALA RD	DAPHNE	AL	36526
ZIEGLER CORPORATION	PO BOX 277	MAGNOLIA SPGS	AL	36555
WILLIAMS, MATTHEW C ETUX SHAYNA R	26093 RIGSBY RD	DAPHNE	AL	36526
MILLER, VERNON L ETUX KATRINA S	26257 RIGSBY RD	DAPHNE	AL	36526
COUNTY ROAD 64 L L C	14267 RIVERSIDE DR	FOLEY	AL	36535
VERMEULEN DOUGLAS J AND VERMEULEN SUSAN J	10654 CONWAY LN	DAPHNE	AL	36526
PLEMONS, ROGER BRANON	26187 RIGSBY RD	DAPHNE	AL	36526
TOLER, LOUISA MARCO AS TRUSTEE OF LOUISA MARCO TOLER REVOCABLE TRUST	26374 RIGSBY RD	DAPHNE	AL	36526
JPF RENTALS L L C	22519 STATE HIGHWAY 59 S	ROBERTSDALE	AL	36567
COASTAL CHURCH	11101 CO RD 64	DAPHNE	AL	36526
KOSEK, GRETCHEN COKER	26370 COUNTY ROAD 54 W	DAPHNE	AL	36526
UNDERWOOD, ANN MARIE	10471 CO RD 64	DAPHNE	AL	36526
RAYBORN, SUSAN ELAINE & BRYAN KEITH	26410 CO RD 54 W	DAPHNE	AL	36526
ST AUGUSTINE PROPERTY OWNERS A SSOCIATION INC	25366 PROFIT DR	DAPHNE	AL	36526
WALTER, ELIZABETH J	PO BOX 601	DAPHNE	AL	36526
RED TIDE PROPERTIES L L C	10302 ROSEWOOD LN	DAPHNE	AL	36526
LEE, JAMES W ETUX DEANN A	10595 CONWAY LN	DAPHNE	AL	36526
HAYES, GERALD & MARIE	11040 CO RD 64	DAPHNE	AL	36526
MCKNIGHT, CAROL MARCO AS TRUSTEE OF THE CAROL MARCO MCKNIGHT REVOCABLE TRUST DATED MAY 16 2023	10573 COUNTY ROAD 64	DAPHNE	AL	36526
GRIMES, PEGGY ANN	326 GREEN VIEW RD	MOYOCK	NC	27958
MCKNIGHT, CAROL MARCO AS TRUSTEE OF THE CAROL MARCO MCKNIGHT REVOCABLE TRUST DATED MAY 16 2023 AND TOLER LOUISA M	26374 CO RD 64	DAPHNE	AL	36526
ST AUGUSTINE PROPERTY OWNERS ASSOCIATION AND N INC	P O BOX 123	MOBILE	AL	36601
BOLAR, BERTHA M	10646 CO RD 64	DAPHNE	AL	36526
LEE JOHN MATTHEW AND LEE DONNA LOUISE	27148 AUGUSTINE DR	DAPHNE	AL	36526
BELCHER BRETT BENNETT AND BELCHER LAUREN THOMPSON	27149 AUGUSTINE DR	DAPHNE	AL	36526
FAIRHOPE CAT COALITION INC	P O BOX 262	FAIRHOPE	AL	36533
RESERVE AT DAPHNE OWNERS ASSOCIATION INC, THE	25366 PROFIT DR	DAPHNE	AL	36526
J & S LAND LLC AND TRIPLE K MINING LLC	9949 BELLATON AVE STE A	DAPHNE	AL	36526
DSL D HOMES (GULF COAST) L L C	7660 PECUE LN STE 100	BATON ROUGE	LA	70809
CONGREGATION MAYIM CHAYIM	10526 CO RD 64	DAPHNE	AL	36526
D & W ENTERPRISES L L C	7231 RIVER ROAD	DAPHNE	AL	36526
HINOTE RONNIE JOSEPH AND HINOTE LEE ANN	30451 LAUREL CT	DAPHNE	AL	36526
DENTON REXFORD LILES AND DENTON LAURA ELIZABETH	27104 AUGUSTINE DR	DAPHNE	AL	36526
PARKER, PRESCOTT A III ETAL PARKER, EDWA AND RD H ETAL HUBBARD, ISABELLE P FKA WILSON AND, ISABELLE P	10575 CONWAY LN	DAPHNE	AL	36526
DEWBERRY	25353 FRIENDSHIP ROAD	DAPHNE	AL	36526

APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted

Application Number:

Planning Commission Public

ZA- or PZA-25-01

Hearing Date:

January 27, 2025

February 27, 2025

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

SITE DATA

NW Intersection of County Rd 64 and County 54 W

PPIN#(s):

27232, 67742, 28710, 396886, 42960,
84162, 400580

Gross Site Area (acreage): 144 total: B-2A 105 ac - R-6-G 39 ac

Requested Zoning or Pre-Zoning:

B-2A and R-6G

Current Zoning Designation(s):

Amended Request:

Baldwin Co - Rural Agricultural

Initials:

Date:

Current Land Use:
Vacant

Anticipated Land Use:

Commercial & Res Dvlpmnt

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

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

☒ Annexion

☐ 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.*

Hollace Marco Brayer, personal representative

Name of Current Owner:

Louisa Marco Toler Revocable Trust Dated: July 24, 2024

251-990-9950

Dewberry-DaphnePla

Mailing Address:

26374 Rigsby Rd, Daphne, AL 36526

Phone/Fax:

E-mail:

nning@Dewberry.com

Name of Authorized Agent:

Dewberry Engineers Inc.

251-990-9950

Phone/Fax:

E-mail:

Dewberry-DaphnePlanning
@Dewberry.com

Mailing Address:

25353 Friendship Road, Daphne, AL 36526

Name of Developer*:

N/A

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 1/30/25

Agent's Signature:

Date 1/30/25

OVERALL BOUNDARY PARCEL A

BEGIN AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 2,580 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64; THENCE RUN WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 2,580 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY OF RIGSBY ROAD; THENCE RUN NORTH, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 2,260 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARKER SUBDIVISION, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2540-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG THE SOUTH LINE OF SAID PARKER SUBDIVISION AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 TO THE SOUTHEAST CORNER OF LANDS HERETOFORE CONVEYED TO L.B. WOODRUFF, III AND JAIMIE WOODRUFF, RECORDED AT INSTRUMENT 2023051, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH, ALONG THE EAST LINE OF SAID L.B. WOODRUFF, III AND JAIMIE WOODRUFF LANDS, A DISTANCE OF 330 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAINT AUGUSTINE PHASE 1A, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2451-A, B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG SAID SOUTH LINE AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

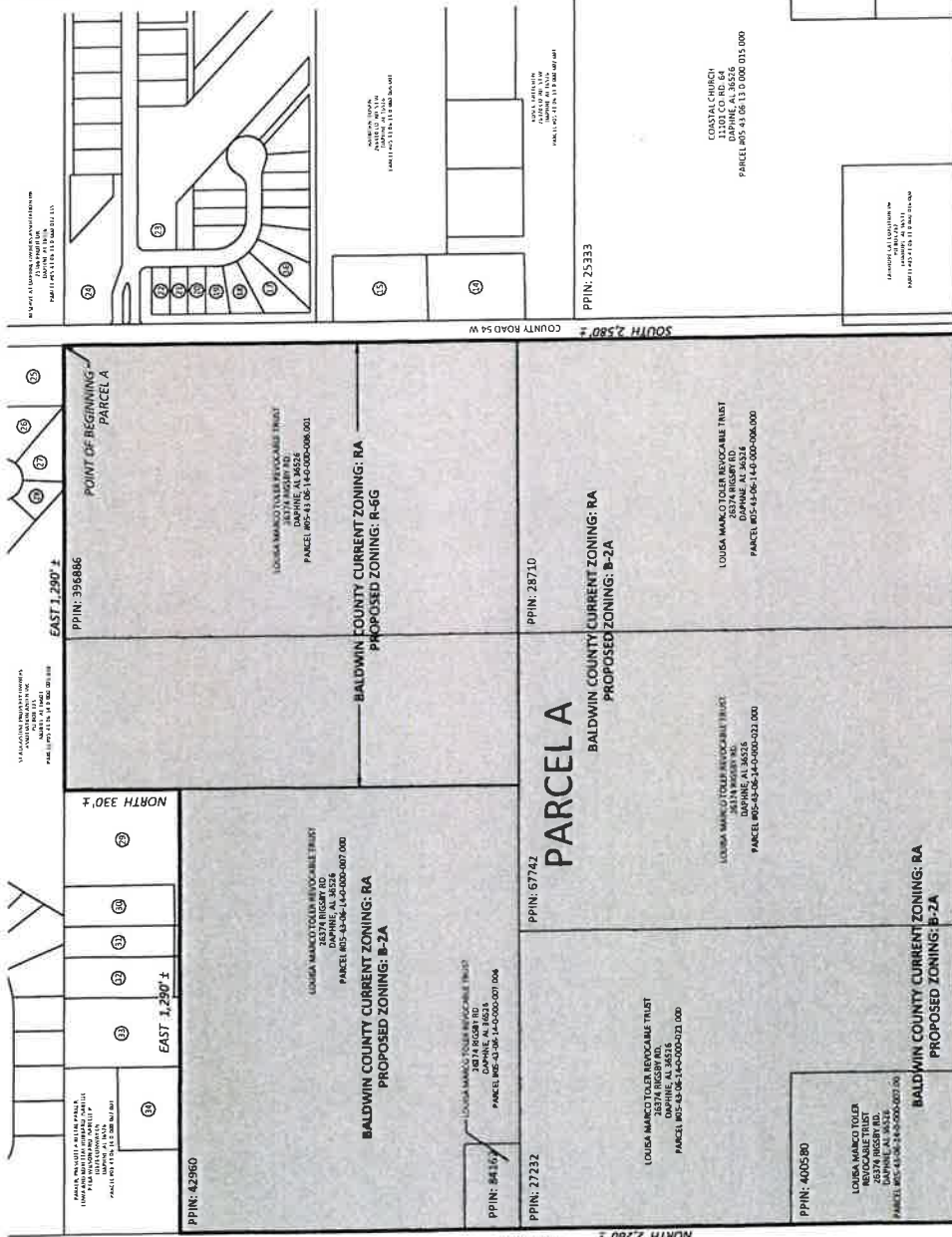
TRACT CONTAINING 144 ACRES, MORE OR LESS, AND LIES IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

PROPOSED REZONING OVERALL DESCRIPTION

PARCEL A

BEGIN AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 2,580 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64; THENCE RUN WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 2,580 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY OF RIGSBY ROAD; THENCE RUN NORTH, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 2,260 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARKER SUBDIVISION, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2540-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG THE SOUTHWEST CORNER OF PARKER SUBDIVISION, A DISTANCE OF 1,290 TO THE SOUTHEAST CORNER OF LANDS HERETOFORE CONVEYED TO L.B. WOODRUFF, II AND JAMIE WOODRUFF, RECORDED AT INSTRUMENT 2023051, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH, ALONG THE EAST LINE OF SAID L.B. WOODRUFF, II AND JAMIE WOODRUFF LANDS, A DISTANCE OF 330 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAINT AUGUSTINE PHASE 1A, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2451-A, B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG SAID SOUTH LINE AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TRACT CONTAINING 144 ACRES, MORE OR LESS, AND LIES IN SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA



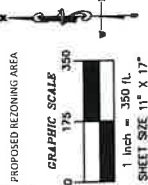
PROPOSED PRE-ZONING
LOUISA MARCO TRUST
REVOCABLE TRUST

REVOCAABLE TRUST

LOUISA MARCO TRUST

Dewberry

3000 11th Avenue North
Birmingham, AL 35203
Phone: 205.988.0000
Fax: 205.988.0001
www.dewberry.com



- 1. PARCEL A: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 67742.
- 2. PARCEL B: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 27332.
- 3. PARCEL C: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 4. PARCEL D: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 8416.
- 5. PARCEL E: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 25333.
- 6. PARCEL F: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 28710.
- 7. PARCEL G: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 8. PARCEL H: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 9. PARCEL I: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 10. PARCEL J: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 11. PARCEL K: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 12. PARCEL L: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 13. PARCEL M: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 14. PARCEL N: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 15. PARCEL O: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 16. PARCEL P: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 17. PARCEL Q: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 18. PARCEL R: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 19. PARCEL S: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 20. PARCEL T: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 21. PARCEL U: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 22. PARCEL V: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 23. PARCEL W: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 24. PARCEL X: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 25. PARCEL Y: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.
- 26. PARCEL Z: BALDWIN COUNTY CURRENT ZONING: RA, PROPOSED ZONING: B-2A. PPIN: 400580.

B-2A DESCRIPTION

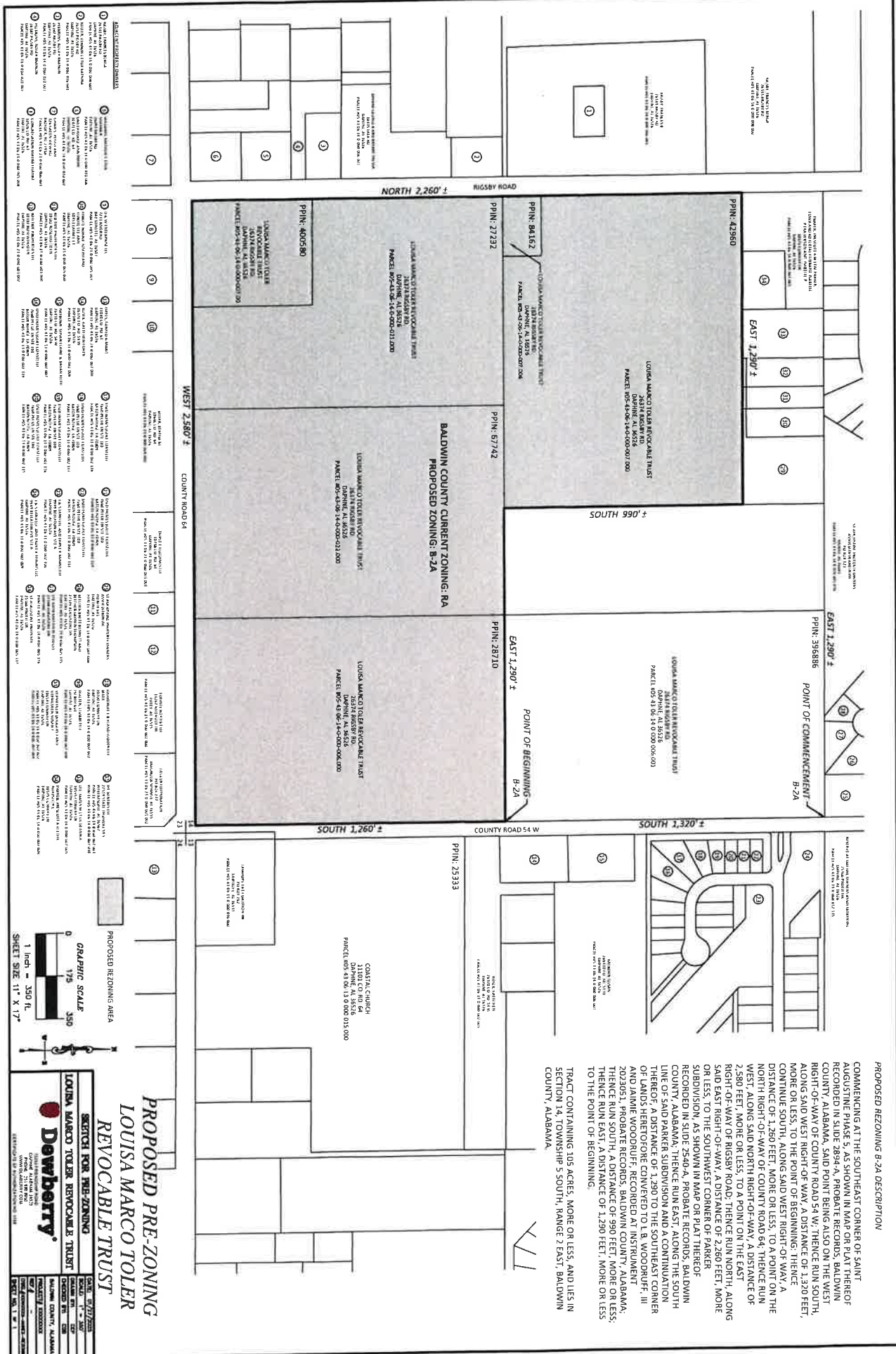
COMMENCING AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH, ALONG SAID WEST RIGHT-OF WAY, A DISTANCE OF 1,320 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH, ALONG SAID WEST RIGHT-OF WAY, A DISTANCE OF 1,260 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64; THENCE RUN WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 2,580 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY OF RIGSBY ROAD; THENCE RUN NORTH, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 2,260 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARKER SUBDIVISION, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2540-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG THE SOUTH LINE OF SAID PARKER SUBDIVISION AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 TO THE SOUTHEAST CORNER OF LANDS HERETOFORE CONVEYED TO L.B. WOODRUFF, III AND JAIMIE WOODRUFF, RECORDED AT INSTRUMENT 2023051, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH, A DISTANCE OF 990 FEET, MORE OR LESS; THENCE RUN EAST, A DISTANCE OF 1,290 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

TRACT CONTAINING 105 ACRES, MORE OR LESS, AND LIES IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

PROPOSED REZONING B-2A DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54, THENCE S 32.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 1,260 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64, THENCE RUN WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 2,580 FEET, MORE OR LESS, TO A POINT ON THE EAST SAID RIGHT-OF-WAY, A DISTANCE OF 2,260 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARKER SUBDIVISION, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2540-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, THENCE RUN EAST, ALONG THE SOUTH LINE OF SAID PARKER SUBDIVISION AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 TO THE SOUTHEAST CORNER OF LANDS HERETOFORE CONVEYED TO L.B. WOODRUFF, III AND JAMIE WOODRUFF, RECORDED AT INSTRUMENT 2023051, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, THENCE RUN SOUTH, A DISTANCE OF 390 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

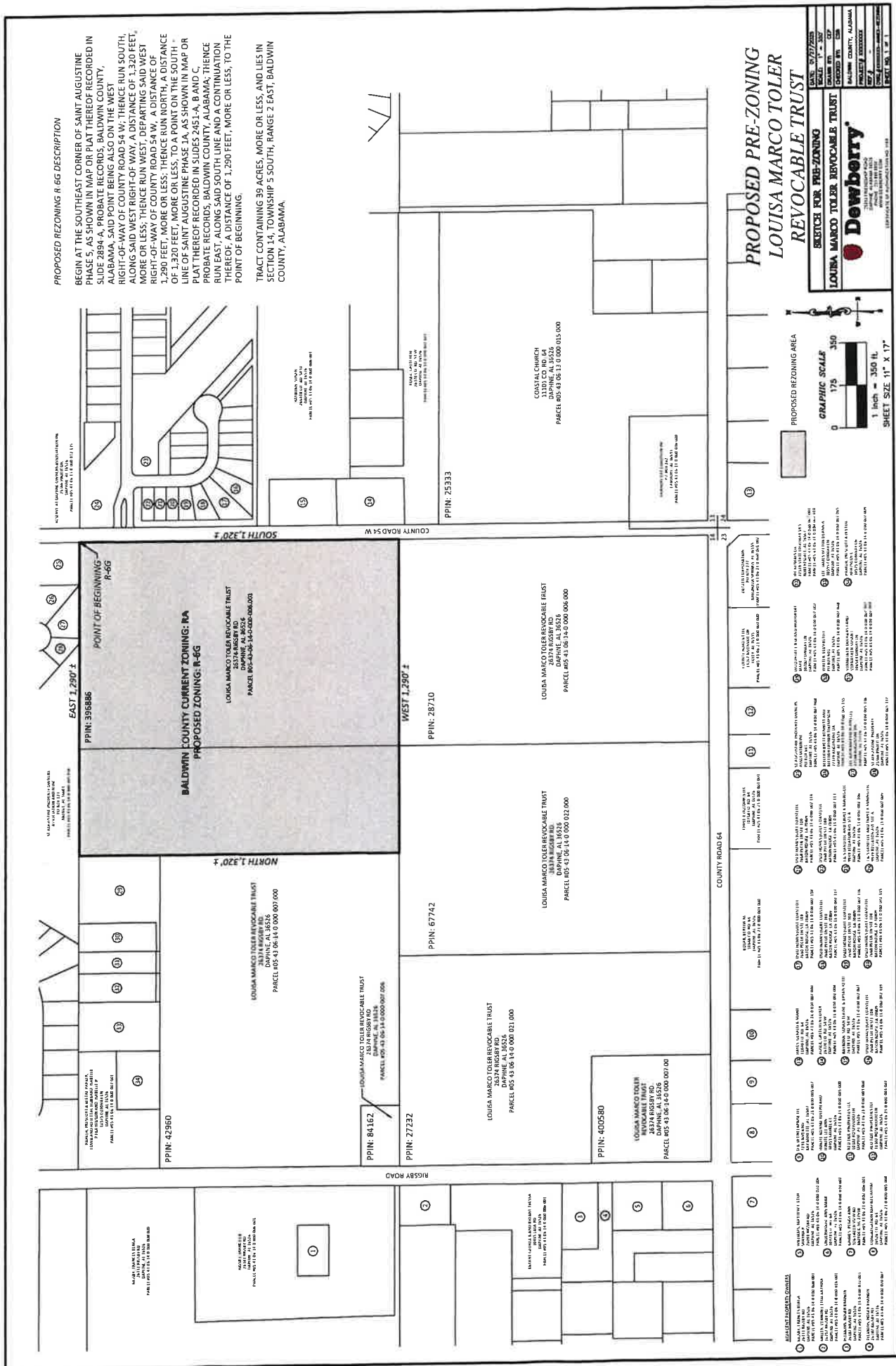
TRACT CONTAINING 105 ACRES, MORE OR LESS, IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



R-6G DESCRIPTION

BEGIN AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 1,320 FEET, MORE OR LESS; THENCE RUN WEST, DEPARTING SAID WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W, A DISTANCE OF 1,290 FEET, MORE OR LESS; THENCE RUN NORTH, A DISTANCE OF 1,320 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAINT AUGUSTINE PHASE 1A, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2451-A, B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG SAID SOUTH LINE AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TRACT CONTAINING 39 ACRES, MORE OR LESS, AND LIES IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.





Louisa Marco Toler Revocable Trust Dated: July 24, 2024 Pre-Zoning Amendment

Letter of Opposition

February 27, 2025

RE: FILE PZA24-01 - LOUISA MARCO TOLER PRE-ZONING AMENDMENT:

Chairman Prescott and Director Jones:

Looking at this request at face value, I would like to make some commentaries, observations and proposals:

- The surround zoning/use per the report:
 - North-County RSF-3
 - South-County B-3 and B-4
 - East-County RA and RSF-3
 - West-County RA
- Generally speaking, City B-2(a) is reasonable along the CR64 frontage since the south frontage is already BC B-3 & 4 – I have no real issue with that part of the pre-zoning request – CR64 in this stretch is moving towards commercial district and residential need to be offset from this emerging arterial roadway.
- The 30-acre tract to the NW fronting Rigsby Road is not conducive to commercial zoning. Rigsby Road is a rural residential roadway. There is no recognized commercial activity along this corridor. B-2(a) is unwarranted and not compliant/consistent with the Envision Daphne 2042 Comprehensive Plan.
- Residential – our Envision Daphne 2042 Comprehensive Plan designates these northern parcels as Traditional Neighborhood. We have let the applicant define that term and they want R-6(G), which so happens to be the densest SF allowed. However, when you look at surrounding traditional neighborhood development it is mostly at a R-3 level.
- I believe R-6(G) can be incorporated into a traditional neighborhood. But plopping down 40-acres of R-6(G) in an area that is surrounded by RSF-3, mixed sized estate lots and rural agriculture and allowing it to be labeled a compliant/consistent “Traditional Neighborhood” is a stretch.
- It is my opinion that the +/- 30-acre tract to the NW needs to be pre-zoned residential. If it was up to me, it would be R-1. But in this location, I am willing to concede that is not economically feasible or realistic. City R-3 High Density Residential is what it should be.
- These 70 acres north of the B-2(a) could possibly yield 342 single family residential lots if 75% of the land area can be utilized for lots – with this land that may be realistic. That is 4.8 units per acre which is a strong yield for residential development in this area.
- That said, there needs to be discussed future considerations of development under these zonings. These considerations would be at the time of subdivision preliminary or site plan approvals. My position would be:
 - Interconnectivity between the R-6(G) and the R-3 – this integration would at least attempt the appearance of a “Traditional Neighborhood”. In addition, the connectivity would support the existing and future road network in the multimodal movements of the current and future residents.
 - Buffering between commercial and residential – the B-2(a) are deep tracts (+1,200 feet from the CR64 frontage). I don’t feel the zoning’s required 10 feet is sufficient (if I am reading it correctly). If there is a big box store located in this future development, and it is realistic to think considering the tract size and

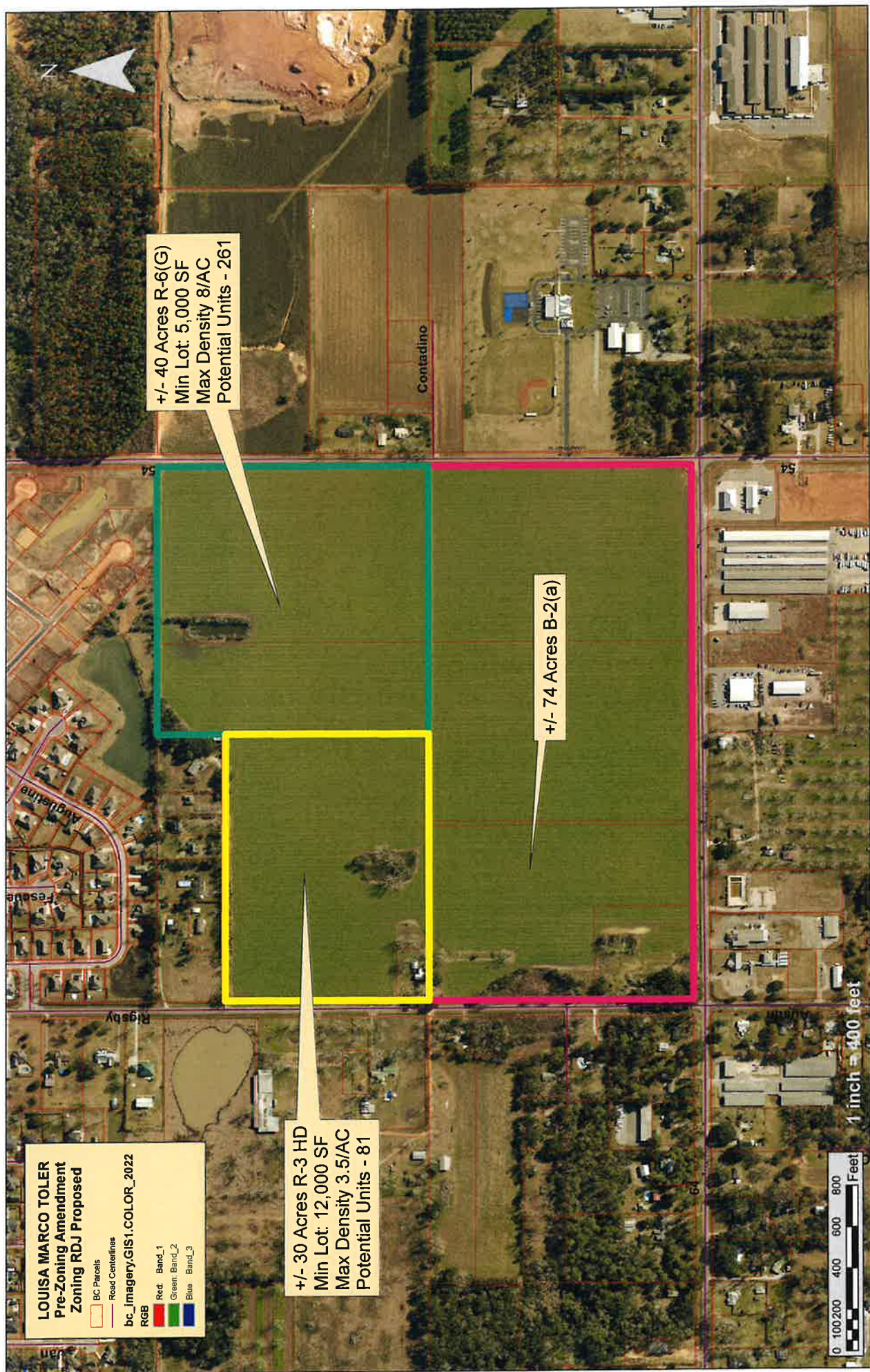
location, that buffer needs to be 5X minimum. Ultimately use and site geometry will need to be considered when sizing a buffer. However, as I understand it, there is a developer chomping at the bit to plop down the 40-acres of traditional neighborhood comprised of R-6(G) garden homes. So, we can assume what comes first – residents, then commercial to follow. There needs to be a strong buffer between the dense residential development and the wide-open commercial. Who pays the land price – residential vs. commercial – that will be a fun debate.

I request that this be entered into the case file and distributed to my fellow commissioners and Planning Staff. If anyone feels that I have misinterpreted the LUDO or the Envision Daphne 2042 Comprehensive Plan in any way, please feel free to share those insights.

Regards,



Richard D. Johnson, PE
Daphne Planning Commissioner





**CITY OF DAPHNE, ALABAMA
ORDINANCE 2025-____**

**AN ORDINANCE ESTABLISHING IMPACT FEES
ON NEW DEVELOPMENT IN THE CITY OF DAPHNE**

WHEREAS, in accordance with Act 2006-300, as codified at §§ 45-2-243.80–243.87, *Code of Alabama* (1975) (the “Act”), the City of Daphne (the “City”) is authorized by the Legislature of the State of Alabama to adopt and impose impact fees on new development within the City’s corporate limits.

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

Section 1. Findings. In support of the adoption and imposition of impact fees authorized by the Act, the City Council makes the following findings:

- A. The City is a municipal corporation vested with a portion of the state’s sovereign power to protect and provide for the public health, safety, and welfare. The City is authorized to adopt and implement comprehensive plans, zoning ordinances, and other land use regulations to assure its orderly development.
- B. The City is a fast-growing community of over 30,000 full time residents. In calendar years 2023-24, approximately 1,462 new building permits and renovation permits were issued.
- C. The City encourages development that will make the City a vital, attractive community to serve both residents of the City and the substantial and significant number of visitors who visit the City on a yearly basis.
- D. New residential and nonresidential development, however, imposes increased and excessive demands upon public facilities. As demand for public facilities has increased, funding sources for those facilities have decreased at both the state and federal level. In addition, demand for new facilities necessitated by new development impairs the ability of the City to maintain existing facilities because funds must be diverted to construction or expansion of new facilities.
- E. The City’s current Comprehensive Plan, *Envision Daphne 2042*, projects that new development will continue and will place ever-increasing demands on the City to provide public facilities to serve new development.
- F. Following the adoption of the Act by the Legislature of the State of Alabama, the City engaged the consulting firm TischlerBise for purposes of preparing an impact fee study. With input from the City, TischlerBise prepared an “Impact Fee Study” for the City dated January 31, 2025 (the “Study”).
- G. The Study demonstrates the monetary needs of the City in adding the additional governmental infrastructure necessary to keep pace with the City’s growth.
- H. In accordance with Alabama Code § 45-2-243.86, a public meeting during a Work Session of the City Council was held on January 13, 2025, at City Hall with a representative of TischlerBise to present the Study to the Council and the public and to address the City’s governmental infrastructure needs as a result of new development. A public hearing was

held on [_____], 2025, to give the public the opportunity to provide additional comments.

- I. To the extent that new development places demands upon public facilities, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public to the development creating the demands.
- J. An impact fee, established in accordance with this Ordinance, will benefit new development.

Section 2. Authorization. This Ordinance is adopted pursuant to the Act and the City's general police power and land use authority.

Section 3. Purpose and Intent. The purpose of this Ordinance is to establish procedures to:

- A. determine what local capital improvements are reasonably necessary to serve New Development and the cost thereof;
- B. determine the portion of the demand for local capital improvements created by particular types of New Development; and
- C. assess against New Development an Impact Fee to finance the cost of local capital improvements proportional to the New Development's demand for said capital improvements.

Section 4. Definitions. Whenever used in this Ordinance, the following capitalized words, terms, and phrases, and their derivations, shall have the meanings ascribed to them below except where the context clearly indicates a different meaning:

- i. "Act" shall mean the enabling legislation for Impact Fees applicable to Baldwin County, Alabama as established by the Alabama Legislature and set forth in Alabama Code §§ 45-2-243.80 through 45-2-243.87 (Act 2006-300), as the same may hereafter be altered or amended from time to time.
- ii. "All Other Housing" means residential housing units and/or structures other than single-family residential structures, and includes, without limitation, duplexes, triplexes, apartments, condominiums and other multi-family developments.
- iii. "Applicant" shall mean any person or entity making an application for a Building Permit with the City.
- iv. "Benefit Area" means one or more areas as defined herein which are used to calculate the costs and expenses relative to the Governmental Infrastructure needs created by a particular type of New Development.
- v. "Building Department" means the City's Building and Inspection Department.
- vi. "Building Permit" means a document issued by the City authorizing construction of new buildings and/or improvements within the City's corporate limits.
- vii. "Business Park" means a cluster of associated businesses, usually in a campus setting, typically consisting of the use of buildings for the administration of business, professional firms and other organizations.

- viii. “Calculate” means to determine the amount of the Impact Fees assessed against a particular New Development in accordance with the terms and conditions of this Ordinance and the Act.
- ix. “City” means the City of Daphne, Alabama.
- x. “Com/Shop Ctr” means a building or series of buildings in which retail and/or wholesale sales and services will be delivered to the public.
- xi. “Estimated Fair and Reasonable Market Value” shall have the meaning ascribed to such term in Alabama Code § 45-2-243.84.
- xii. “Fire” means a Benefit Area for (i) the construction, development and/or improvement of fire stations, (ii) the acquisition of fire fighting vehicles, (iii) the acquisition of firefighting apparatus, and (iv) the fire component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xiii. “Governmental Infrastructure” shall have the meaning ascribed to such term in the Act.
- xiv. “Impact Fee” shall have the meaning ascribed to such term in the Act.
- xv. “Impact Fee Account” means a special interest-bearing account of the City established by the City at a banking institution whose deposits are insured by the Federal Deposit Insurance Corporation.
- xvi. “Impact Fee Committee” means a committee chaired by the Mayor and comprised of the Mayor, the City Finance Director, the City Building Official, the City Public Works Director, the Chief of the Daphne Fire Department, the Chief of the Daphne Police Department, and the City’s Director of Parks and Recreation.
- xvii. “Impact Fee Schedule” means the schedule of fees adopted by the Council setting the base fee amount for each Benefit Area and the total Impact Fee for each type of New Development, which schedule is attached hereto as **Exhibit A** and incorporated herein by reference.
- xviii. “Light Industrial” means facilities used for the manufacturing or assembly of products to their final form. These uses could be enclosed or could have outside storage of equipment, materials or merchandise. In addition to the actual production of goods, industrial facilities generally also have incidental office, warehouse and associated functions.
- xix. “Lodging” means a building or group of buildings having five (5) or more guest rooms under a common or individual ownership and single management. These buildings are designed to give, for a fee, transient guests sleeping accommodations and may include as incidental uses, restaurants, cafes, lounges or other guest services. These buildings typically, but do not necessarily have to, have an inner lobby and furnish a room cleaning service for their paying customers.
- xx. “Manufacturing” means a building or series of buildings for businesses engaged in economic activity involving construction, production, processing, transformation, warehousing, wholesale, and disposal of goods, products and component parts of goods and products, including related services.
- xxi. “New Development” shall mean the subdivision of land, the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any

structure; any use of the extension of the use of land; any of which increases the demand on governmental infrastructure.

- xxii. “Nonresidential Development Project” means all New Development in the City other than Residential Development Projects, and shall include, without limitation, any New Development project consisting of one or any combination of Comm/Shop Ctr, Office/Inst, Business Park, Light Industrial, Warehousing, Manufacturing and Lodging.
- xxiii. “Occupancy classification” means the intended use of a structure or tenant spaces within a structure as defined by the International Building Code.
- xxiv. “Office/Inst” means a building used for professional, administrative, financial, clerical and similar uses. This definition includes, without limitation, institutional uses such as churches, schools, hospitals, libraries, clubs, police and fire stations and other public buildings.
- xxv. “Parks and Recreation” means a Benefit Area for (i) the acquisition of new public park lands, (ii) the construction, development and/or improvement of public recreational facilities, (iii) the construction, development and/or improvement of public park amenities, (iv) the acquisition of new park vehicles, and (v) the parks and recreation component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xxvi. “Police” means a Benefit Area for (i) the cost recovery of the City’s cost and expense related to the construction, development and improvement of its justice center, (ii) the cost recovery of the City’s cost and expense related to the construction, development and improvement of its animal shelter, (iii) the acquisition of police vehicles, and (iv) the acquisition of police-related apparatus and equipment, and (v) the police component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xxvii. “Residential Development Project” means any New Development in the City undertaken with respect to a Single-Family development and/or an All Other Housing development.
- xxviii. “Single Family” means a detached residential dwelling unit designed for and occupied by one family as a home.
- xxix. “Transportation” means a Benefit Area for the cost of intersection improvements made to address additional demand generated by New Development.
- xxx. “Warehousing” means the storage of materials, but may also include incidental office and maintenance areas.

Section 5. Imposition of Impact Fees. The City hereby imposes an Impact Fee in accordance with the Impact Fee Schedule against all New Development and renovation or expansion of existing structures within the City’s corporate limits subject to any limitations on the amount of the Impact Fee set forth in the Act. In the event any appraisal process is commenced in accordance with the Act, the City shall be responsible for the cost of any appraisal required by the City, and the City and the Applicant shall share equally in the cost of any appraisal obtained at the request of both the City and the Applicant. This Ordinance and/or the Impact Fee Schedule may be amended at any time hereafter and from time to time by the Council in accordance with the

procedure set forth in the Act for the adoption of an Impact Fee. The Impact Fee shall be collected and administered as hereinafter provided.

Section 6. Calculation and Collection of Impact Fees. Impact Fees may be imposed on New Development or renovation or expansion of existing structures as defined in Section 8 hereof, and subject to any limitations on the imposition and collection thereof in the Act. Impact Fees shall be Calculated using either 1% of the combined construction and land cost, or per the fees listed in **Exhibit A**, and the lesser of the two calculations will apply. Land cost will not be assessed or added to renovation, expansion, or change in occupancy classification of existing structures. Fees shall be collected by the Building Department prior to the issuance of a Building Permit for New Development and in accordance with the Impact Fee Schedule. Except as is hereafter provided in Section 14 hereof, all Impact Fees shall be paid by an Applicant to the City in cash or other immediately available funds.

Section 7. No Additional Capacity. No Impact Fee may be assessed for or expended upon the construction, improvement, operation or maintenance of any Governmental Infrastructure that does not create additional capacity for use by the general public. The following shall be exempt from the payment of impact fees:

- A. Alteration or expansion of an existing dwelling unit which does not result in any additional dwelling units or increase in the number of families for which such dwelling unit is arranged, designed or intended to accommodate for the purposes of living quarters.
- B. The replacement of a building or dwelling unit where no additional square footage or dwelling units are created and when the existing and replacement or dwelling unit are located on the same lot. To be eligible for this exemption, official evidence such as, but not limited to, aerial photos, property surveys, Revenue Commission property appraiser data, or building permit data must be provided that confirms a building of equivalent use existed within the parcel boundaries in which the replacement structure is to be located.

Section 8. Change in Size and Use. An impact fee shall be imposed and calculated for alteration, expansion or replacement of a building if the alteration, expansion or replacement of a building results in a use that it is determined to generate greater impact than the present under the applicable fee rate schedule. Impact fee shall be calculated as follows:

- A. If the impact fee is based on a per dwelling unit method, the impact fee shall be the amount due under the applicable impact fee rate schedule, less the calculated impact fee applicable prior to the alteration, expansion or replacement.
- B. If the impact fee is based on the square footage method, the impact fee due for the increased square footage shall be calculated by determining the impact fee due according to the square footage resulting from the alteration, expansion or replacement, less the impact fee that would have been imposed for the original square footage prior to the alteration, expansion or replacement.
- C. All single family residential fees in the fee schedule are based on an assumed 3-bedroom home. If the replacement structure has an increase in the number of bedrooms or sleeping rooms as defined by the City of Daphne Building Code Supplement, any partial impact fee will be calculated on a percentage basis based on the increased number of sleeping rooms within the structure.

- D. If a building is demolished in preparation of a new structure, a pre-demolition inspection will be performed to determine the number of sleeping rooms in the existing structure to establish the baseline for the calculation of any partial impact fee imposed.
- E. All changes in use or Occupancy classification as defined by the International Building Code will be subject to full impact fees calculated at the new construction fee based of Occupancy classification. Credit will be given for the calculation of the new construction fee of the previous building based on Occupancy Classification.

Section 9. Nature of Impact Fee. An Impact Fee is both a personal liability of the Applicant and a lien upon the real property upon which the New Development is to be constructed and/or improved. Said lien may be foreclosed upon in accordance with the procedure for the foreclosure of real estate mortgages in the State of Alabama.

Section 10. Refund of Impact Fee. Except as is specifically required by the Act, Impact Fees are not refundable, unless the applicable Building Permit is voided in writing by the Applicant and no construction or construction-related activities have taken place. In the event a refund is made pursuant to the foregoing sentence, a processing fee of five hundred and no/100 dollars (\$500.00) shall be withheld by the City from any such refund.

Section 11. Impact Fee Amounts. The funds collected pursuant to this Ordinance shall be deposited into the Impact Fee Account. The funds of the Impact Fee Account shall not be commingled with other funds of the City. The City shall separately account for fees collected for the Benefit Areas of Parks and Recreation, Fire, Police and Transportation. In the event that less than the full Impact Fee is assessed for any reason, including, without limitation, any cap on such fee contained in the Act, said partial Impact Fee shall be allocated to the applicable Benefit Areas in the same proportion as the full Impact Fee would be allocated to and among the applicable Benefit Areas.

Section 12. Use of Impact Fees. Impact Fees may be expended only for the Benefit Area for which they were imposed, calculated, and collected and according to the time limits and procedures established in this Ordinance and the Act, if any. All impact fees collected for a Benefit Area must be spent in that Benefit Area. Impact Fees generated by this Ordinance may be used for any purpose permitted by the Act.

Section 13. Time Limitations on Use of Impact Fees. The City shall expend or contract for the expenditure of all Impact Fees collected in accordance with this Ordinance within any time periods set forth in the Act; provided, however, that in the event the Act does not impose any limitation on the timing of the expenditure of Impact Fees, then the City shall have no obligation to expend any Impact Fees within any specific period of time. In the event it becomes necessary for the City to refund any Impact Fees due to the failure to expend or contract for the expenditure of such Impact Fees within a given period of time as required by the Act, the City shall refund such Impact Fees to the Applicant who paid such Impact Fees.

Notwithstanding anything contained herein to the contrary, no party entitled to a refund of any Impact Fee hereunder shall be entitled to any interest on said refunded Impact Fee.

Section 14. Appeals. In the event the Building Department and an Applicant are unable to agree upon the Estimated Fair and Reasonable Value following the appraisal process set forth in Alabama Code § 45-2-243.84, the Applicant against which an Impact Fee has been assessed may pay the Impact Fee as Calculated by the Building Department and preserve the right to appeal the

amount of the Impact Fee by submitting with payment a written statement that payment is made “under protest” or that includes other language that would notify a reasonable person that the Applicant intends to preserve its right of appeal. Any Applicant intending to appeal the Calculation of an Impact Fee must file said appeal in writing with the City Clerk of the City within thirty (30) days of the last to occur of the Calculation of the Impact Fee by the Building Department and the payment of the Impact Fee by the Applicant to the City. In the written appeal provided to the City Clerk by the Applicant, the Applicant shall set forth enough detail to allow the City to reasonably determine the basis for the Applicant’s appeal. All appeals of Impact Fee assessments shall be heard by the Council at a regularly held meeting of the Council within thirty (30) days of the date of the filing of the notice of appeal by the Applicant with the City Clerk. At such appeal hearing, the Applicant and the City shall have the right to present evidence relative to the establishment of the Estimated Fair and Reasonable Market Value of a New Development. In making such presentations, each of the Applicant and the City shall be limited to fifteen (15) minutes for the presentation of such evidence. Thereafter, a majority decision by the Council shall be required to overturn the decision of the Building Department with regard to the Calculation of the applicable Impact Fee.

Section 15. Review of Impact Fee Structure. The Impact Fee Committee shall report at least once every three (3) years to the Council with:

- A. recommendations, if any, for amendments to this Ordinance;
- B. proposals identifying capital improvements to be funded in whole or in part by the Impact Fees collected pursuant to this Ordinance; and
- C. proposals for changes to the Impact Fee Schedule.

In connection with the foregoing, the Impact Fee Committee is hereby authorized to engage such consultants as it deems reasonably necessary to prepare additional impact fee studies for purposes of arriving at an appropriate and reasonable impact fee rate structure.

Section 16. Credits. An Applicant who offers to dedicate land or otherwise provide for the funding of Governmental Infrastructure may be eligible for a credit for such contribution against the Impact Fee otherwise due for that Benefit Area. In the event an Applicant desires to obtain a credit in accordance with the foregoing, the Applicant shall submit its proposal for a credit in writing to the Building Department. To the extent the City prepares forms for the credit process, the Applicant shall make its submittal on said City provided forms.

Thereafter, the Building Department shall submit said proposal to the Impact Fee Committee. The Impact Fee Committee shall make written findings with regard to (a) the value of the Applicant’s proposed contribution; (b) whether the proposed contribution meets capital improvement needs for which the particular Impact Fee has been imposed; and (c) whether the proposed contribution will substitute or otherwise reduce the need for Governmental Infrastructure anticipated to be provided with Impact Fees otherwise assessable against the Applicant.

The Impact Fee Committee shall transmit said written findings to the Council along with a recommendation for whether to accept or decline the Applicant’s offer. The Council shall make the final determination as to whether to accept the Applicant’s proposed contribution; provided, however, that in no event shall the credit given to any such Applicant exceed the amount of the otherwise applicable Impact Fee.

Section 17. Recovery of Public Hearing Costs. Any costs incurred by the City (a) in preparing for and conducting any public hearing required by the Act and (b) in connection with the Study or any similar study conducted hereafter may be recovered as a part of the Impact Fees assessed and collected in accordance with this Ordinance.

Section 18. Grandfathered Developments. Impact Fees authorized by this Ordinance shall not be imposed upon any development that has obtained PUD approval, preliminary plat approval, or site plan approval by the City prior to the adoption of this Ordinance.

Section 19. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-exemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 20. Effective Date. This Ordinance shall be effective from and after its adoption by Council and publication as required by law.

ADOPTED AND APPROVED on this _____ day of _____, 2025.

Robin LeJeune,
Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

EXHIBIT A

Impact Fee Schedule¹

Residential Fees per Unit					
Development Type	Fire	Parks and Recreation	Police	Transportation	Total
Single Family	\$833	\$2,656	\$1,212	\$4,648	\$9,349
Percentage allocation	9%	28%	13%	50%	1% max
Multi-Family	\$536	\$1,708	\$779	\$2,210	\$5,233
Percentage allocation	10%	33%	15%	42%	1% max

Nonresidential Fees per 1,000 Square Feet					
Development Type	Fire	Parks and Recreation	Police	Transportation	Total
Industrial	\$388	\$0	\$277	\$1,133	\$1,798
Percentage allocation	22%	0%	15%	63%	1% max
Commercial/Retail	\$524	\$0	\$1,388	\$3,788	\$5,700
Percentage allocation	9%	0%	24%	66%	1% max
Office/Institutional	\$806	\$0	\$616	\$2,521	\$3,943
Percentage allocation	20%	0%	16%	64%	1% max
Lodging (per room)	\$138	\$1,528	\$455	\$1,239	\$3,360
Percentage allocation	4%	45%	14%	37%	1% max

¹ The total Impact Fee imposed per development unit shall be ***the lesser of*** the amount shown in the “Total” column and one percent (1%) of the combined construction and land cost.



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: Rolling For Hope
APPLICANT NAME: Ginger Poling
STREET: 10758 County Road 64 CITY, STATE, ZIP: Daphne
CONTACT PHONE: 251-442-9717 EMAIL: ginger.rollingforhope@gmail.com
"ON SITE" CONTACT PERSON DAY OF EVENT: Amanda Drogmiller- Event Director
CELL PHONE: 901-288-6295 EMAIL: colorrunofhope@gmail.com

EVENT INFORMATION

EVENT NAME: Color Run of Hope
TYPE OF/PURPOSE OF EVENT: Color Run
EVENT DATE: 09/13/2025 TIME (START- END): 8:00 AM
ASSEMBLY TIME: 7:00 AM # PARTICIPANTS/VEHICLES: Approx 150 participant
EVENT LOCATION: Certified 5k Run Route
FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): This event is a 3 mile color run/walk. Along the route will be 5 color stations.
There will be two water stations along the route as well. Each of those stations will have one table
At the staging area there will be two tents and two tables for check-in. There will also be two
port-o-lets. There will be music at the staging area as well. We have all cones and are able to cone
the course should that be required.

SPECIAL REQUESTS

ROAD CLOSURE(S) REQUESTS: ☒ Yes* ☐ No *If Yes, please indicate which City Route is requested: Certified 51

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

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

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

OTHER SPECIAL ITEMS FOR RENT:

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

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

OTHER SPECIAL REQUESTS: _____

MARKETING & COMMUNICATIONS

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

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: Stephanie Glines CONTACT PHONE: 251-747-5720

OTHER MARKETING REQUESTS: _____

REVENUE/BUSINESS LICENSE

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

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

INDEMNITY & HOLD HARMLESS AGREEMENT

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

Further, I have read and understand all rules and regulations according to the City of Daphne Ordinance No. 2017-35 as set forth by the governing body of the City of Daphne and will abide by these rules and regulations. I understand that damage to City property, grounds, sidewalks, and/or streets can and will results 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: Amanda Drogmiller DATE: 02/24/2025

INTERNAL USE ONLY

DATE REC'D: <u>2-25-2025</u>	CITY CLERK: <u></u>
FIRE DEPT: <u>A.G. Turner</u>	APPROVED ROUTE: <u></u>
POLICE DEPT: <u>RB</u>	ROUTE MAP ATTACHED: ☐ Yes ☐ No
PUBLIC WORKS: <u></u>	
SPORTS & RECREATION: <u></u>	EVENT FEE: ☐ Paid \$ <u></u> CHK# <u></u>
MARKETING & EVENTS: <u></u>	☐ Waived: <u></u>
** REVENUE: <u></u>	PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2025-19**

Resolution to Re-affirm Vacation of a Closed Portion of Austin Road Right of Way

WHEREAS, Sharon O. Boni, John Christopher Boni, Frederick G. Boni, Jr., Thomas F. L. Boni and Bertolla Properties, L.L.C., as the abutting property owner of the hereinafter described right-of-way in the City of Daphne, Alabama, have petitioned the City Council of the City of Daphne, Alabama to assent to the vacation and closing by them as abutting property owners of a portion of the right-of-way hereinafter described (the “Petition”); and

WHEREAS, it has been shown to the satisfaction of the Daphne City Council that Sharon O. Boni, John Christopher Boni, Frederick G. Boni, Jr., Thomas F. L. Boni and Bertolla Properties, L.L.C., own all of the property abutting said portion of right-of-way, that the same is not needed as a public road in the City of Daphne, that no property owner owns lots or parcels that will be cut off from access thereby over some other reasonable and convenient way, and that it is in the best interest of the public that such portion of right-of-way be vacated; and

WHEREAS, on January 27, 2025, the City Council adopted Resolution 2024-57, assenting to the vacation of the subject right-of-way, and such Resolution was recorded in the Office of the Judge of Probate of Baldwin County, Alabama, on February 4, 2025, at Instrument Number 2169315, after which it was discovered that certain advertisement requirements set forth in Ala. Act 73-386 and Ala. Code § 23-4-20(b) had not been completed; and

WHEREAS, in order to cure such procedural deficiencies, the Petition was resubmitted, the pre-hearing advertising requirements of Ala. Act 73-386 and Ala. Code § 23-4-20(b) were completed, and a public hearing was held on March 17, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, that its assent be, and the same hereby is, given to Sharon O. Boni, John Christopher Boni, Frederick G. Boni, Jr., Thomas F. L. Boni and Bertolla Properties, L.L.C., as the abutting property owners, to the vacation and closing of the following portion of right-of-way situated on Austin Road, being more particularly described as follows:

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.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, that its assent be, and the same hereby is, given to vacate and annul any portion of any map recorded in the Office of the Judge of Probate of Baldwin County, Alabama, which shows the hereinabove described portion of right-of-way in accordance with the laws of the State of Alabama. The filing of this Resolution in the Probate Court of Baldwin County, Alabama, shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in those parts of the right-of-way vacated. Title and all public rights, including the portion of right-of-way, shall vest in the abutting landowners pursuant to Sections 23-4-20 and 23-4-2, *Code of Alabama* (1975), provided that entities with utility lines, equipment, or facilities in place at the time of vacation, if any, shall have the right to continue to maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred. The City Council hereby finds that it is in the interest of the public that this portion of right-of-way be vacated. The City Clerk shall cause notice of this Resolution to be published once in a newspaper in Baldwin County no later than fourteen (14) days after its adoption.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 17th DAY OF MARCH, 2025.

ATTEST:

Robin LeJeune,
Mayor

Candace G. Antinarella, MMC
City Clerk



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: March 3, 2025
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development

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

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

RECOMMENDATION: At the February 27, 2025 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.

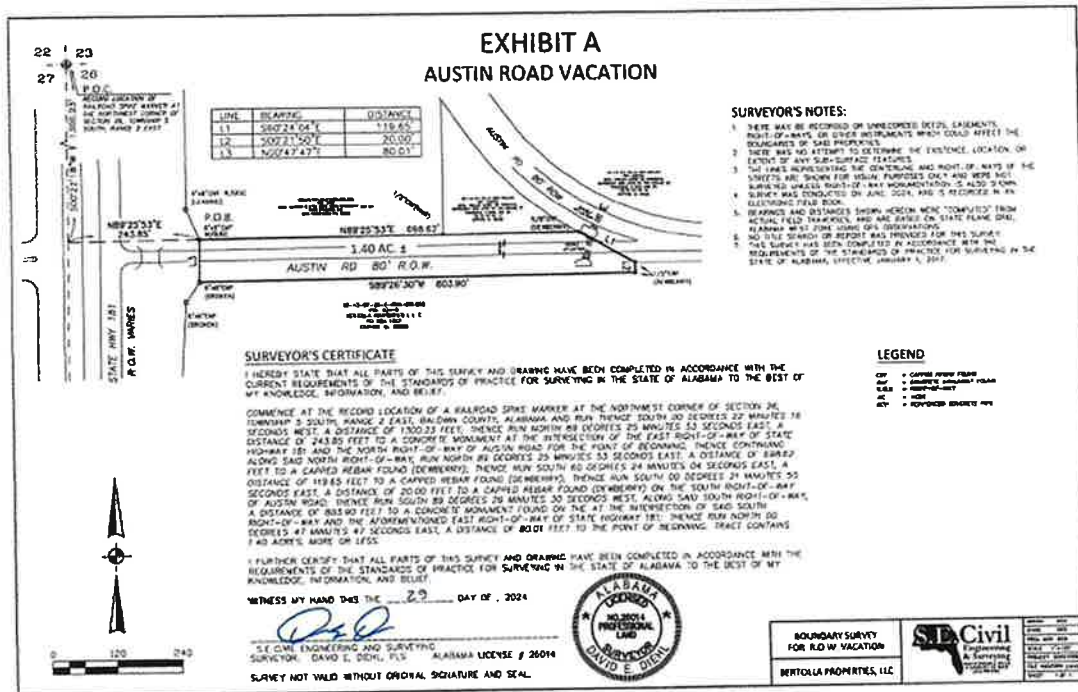
Thank you,
ADJ/jv

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

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.

At the February 27, 2025 Planning Commission meeting, the Commission set forth to the City Council a unanimously favorable recommendation to approve this request.



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*.



AT&T Alabama
2155 Old Shell Rd
Mobile, AL 36607
www.att.com

T: 251.471.8361
F: 251.471.0410
w.mitchell@att.com

February 21, 2025

Adrienne D. Jones, AICP
Director of Community Development
City of Daphne

RE: Vacation of Right of Way – Closed Portion of Austin Rd., Daphne

Dear Ms. Jones,

This letter is in response to the letter you sent to AT&T regarding the request to vacate the above-mentioned Right of Way – which is further described below:

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.

AT&T Alabama has facilities located on the proposed Right of Way to be vacated. AT&T Alabama notes that, if the City vacates the Right of Way, AT&T Alabama will retain certain property rights in accordance with Ala. Code 23-4-2 (1975). See, e.g., Ala. Code 23-4-2(b): "Entities with utility lines, equipment, or facilities in place at the time of vacation, shall have the right to continue to maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred." AT&T Alabama thus notifies the City of Daphne, S.E. Civil Engineering & Surveying, Sharon O. Boni, John Christopher Boni, Frederick G Boni Jr, Thomas F. L. Boni and Bertolla Properties LLC, that, although it does not necessarily object to the vacation, AT&T Alabama does not waive its rights under Alabama Law.



Please contact me at the phone number included in this letter with any questions.

Thank you for contacting AT&T.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wade Mitchell".

Wade Mitchell
Senior OSP Design Engineer
AT&T Alabama
2155 Old Shell Rd
Mobile, Alabama 36607
Gulf District/ Mobile Office
251-680-7402

COMMUNITY DEVELOPMENT



February 14, 2025

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.

The public hearing will be held by the Daphne City Council on Monday, March 17, 2025 at 6:00 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

APPLICATION & SUPPLEMENTAL INFORMATION



Vacation of Right-of-Way Application

OFFICE USE ONLY	Application Number: VOR- 24-013	Date Submitted: February 7, 2025
Planning Commission Decision: FAVORABLE	Date Presented: February 27, 2025	
Date Submitted to City Clerk: 03.03.26		
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

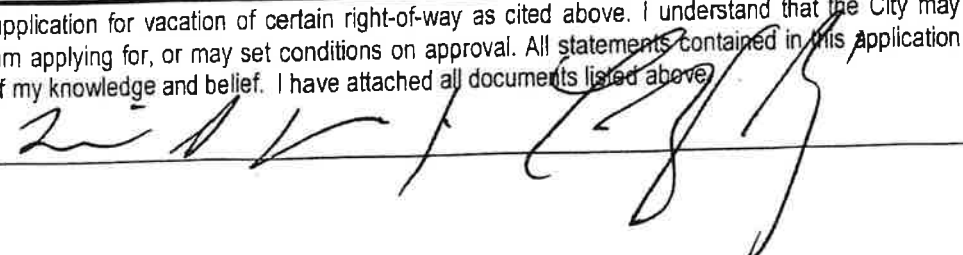
To the best of your knowledge, are any utilities in the right-of-way or ingress/egress easement (including drainage ditches or pipes)?

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.

PETITION TO VACATE A
PORTION OF AUSTIN ROAD
Page 3 of 10

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
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

PETITION TO VACATE A
PORTION OF AUSTIN ROAD
Page 7 of 10

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.

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

PETITION TO VACATE A
PORTION OF AUSTIN ROAD
Page 8 of 10

 (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.


NOTARY PUBLIC
My Commission Expires: Feb 18 2026

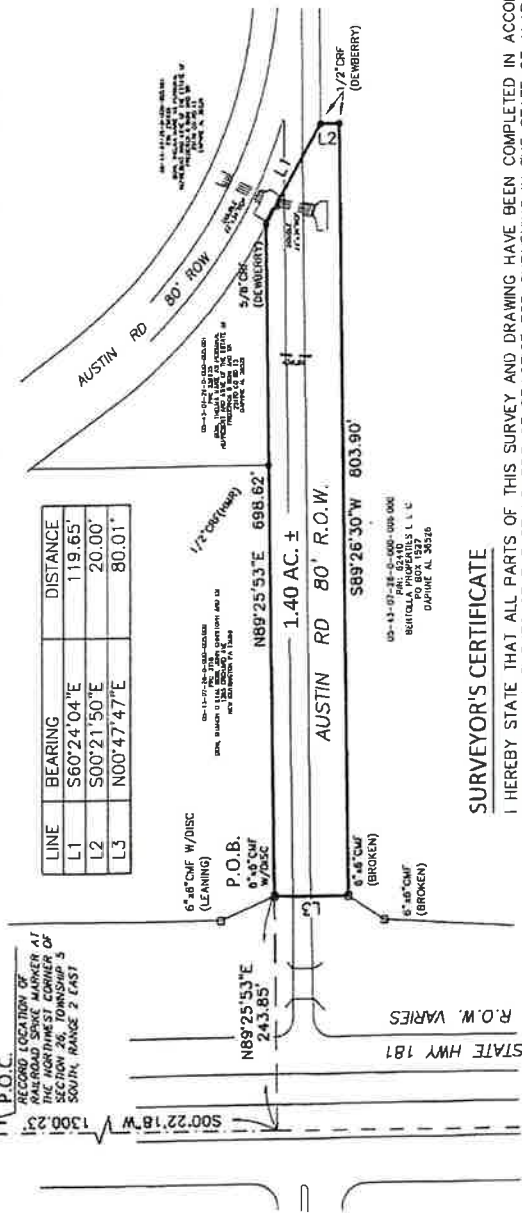
SYDNEY MARIE HULETT
NOTARY PUBLIC, ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES FEB. 18, 2026

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.

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



SURVEYOR'S CERTIFICATE

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 1,300.23 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 243.65 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 00 RIGHT-OF-WAY AND THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN SOUTH 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 29 DAY OF , 2024.

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

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.

SURVEYOR'S NOTES:

1. THERE MAY BE OTHER 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 USUAL 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, NAD83.
6. A SEARCH OF THE PUBLIC RECORDS HAS BEEN COMPLETED FOR THIS SURVEY. 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.

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

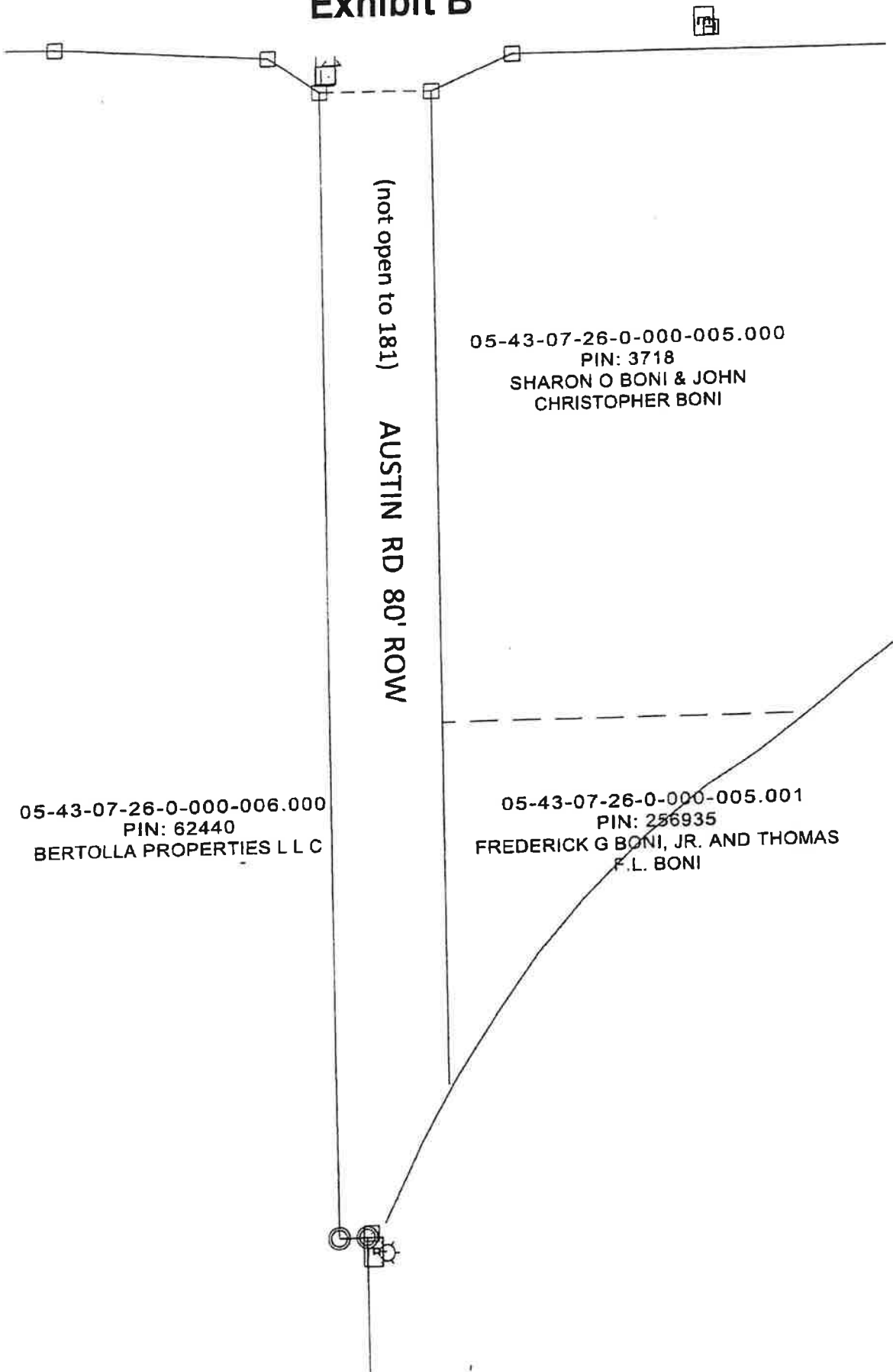


BOUNDARY SURVEY
FOR R.O.W. VACATION

BERTOLLA PROPERTIES, LLC

DRAWN	DLG
CHECKED	DLG
PHOTO WORK	DLG
SCALE	1"=120'
PROJECT	20221096
FILE	VACATION HOUSE
SHEET	1 OF 1

Exhibit B



**BERTOLLA PROPERTIES, LLC
AUSTIN ROAD VACATION OF ROW
ADJACENT PROPERTY OWNERS**

SHARON BONI
1365 ORCHARD AVENUE
NEW KENSINGTON, PA 15068

JOHN CHRISTOPHER BONI
1365 ORCHARD AVENUE
NEW KENSINGTON, PA 15068

FREDERICK BONI
25170 COUNTY ROAD 13
DAPHNE, AL 36526

THOMAS BONI
1208 BELLE CHENE DRIVE
MOBILE, AL 36693

BERTOLLA PROPERTIES, LLC
P.O. BOX 1527
DAPHNE, AL 36526

BELFOREST WATER SYSTEM, INC.
980 COUNTY ROAD 64
DAPHNE, AL 36526

DAPHNE UTILITIES
900 DAPHNE AVENUE
DAPHNE, AL 36526

AT&T
ATTN: WADE MITCHELL
2001 MAIN STREET
DAPHNE, AL 36526

RIVIERA UTILITIES
413 EAST LAUREL AVENUE
FOLEY, AL 36535

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2025-20**

**VACATION OF EASEMENT
CHURCH OF THE HIGHLANDS
DUE WEST OF THE INTERSECTION OF PLANTATION DRIVE AND ALABAMA
HIGHWAY 181**

WHEREAS, Church of the Highlands, Inc., has presented to the City Council of Daphne, Alabama a petition seeking vacation of easement, the desire to vacate said easement, and said consent to the vacation thereof has been given by certain entities and abutting landowners having certain rights therein; and,

WHEREAS, the City Council of Daphne, Alabama does assent to and approve the vacation and the annulment of the dedication thereof as reflected on said recorded plat of Malbis Business Park I Subdivision.

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the act of the aforesaid petitioner in vacating and annulling said easements are described as follows:

Easement 1

Ingress/Egress & Utility Easement

An easement over and across a portion of Lot 2 Malbis Business Park I as recorded in Slide 2540-F in the Office of the Judge of Probate for Baldwin County, Alabama and being situated in the Southeast One-Quarter of Section 03, Township 05 South, Range 02 East, Baldwin County, Alabama and being more particularly described as follows:

Beginning at a found capped rebar marking the Southeast corner of Lot 1 and an Easterly corner of said Lot 2 Malbis Business Park and also lying on the Westerly Right of Way of Alabama Highway 181 (Right of Way Varies), thence leaving the South line of said Lot 1 run South 00 degrees 59 minutes 42 seconds East along said Westerly Right of Way and along the Easterly line of said Lot 2 for a distance of 80.03 feet to a point; thence leaving said Westerly Right of Way and Easterly Lot line, run North 89 degrees 28 minutes 47 seconds West for a distance of 177.12 feet to a point; thence run North 00 degrees 31 minutes 13 seconds East for a distance of 80.00 feet to a point on the South line of aforementioned Lot 1; thence run South 89 degrees 28 minutes 47 seconds East along the South line of Lot 1 for a distance of 175.00 feet to the POINT OF BEGINNING. Said easement contains 14,085 square feet or 0.32 acres more or less.

Easement 2

15' Utility Easement

An easement over and across a portion of Lots 1 & 2 Malbis Business Park I as recorded in Slide 2540-F in the Office of the Judge of Probate for Baldwin County, Alabama and being situated in the Southeast One-Quarter of Section 03, Township 05 South, Range 02 East, Baldwin County, Alabama and being more particularly described as follows:
Commencing at a found capped rebar marking the Southeast corner of Lot 1 and an Easterly

corner of said Lot 2 Malbis Business Park and also lying on the Westerly Right of Way of Alabama Highway 181 (Right of Way Varies), thence leaving said Westerly Right of Way, run North 89 degrees 28 minutes 47 seconds West along the South line of said Lot 1 for a distance of 14.82 feet to the POINT OF BEGINNING of the centerline of a 15 foot utility easement lying 7.50 feet either side of and parallel to the following described line; thence continue along the last described course and along said South line of Lot 1 for a distance of 384.54 feet to a point marking the Southwest corner of said Lot 1; thence run North 00 degrees 24 minutes 53 seconds East along the West line of said Lot 1 for a distance of 429.71 feet to the end of said easement. Said easement contains 12,259 square feet or 0.28 acres more or less.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute this resolution and that the City Clerk is authorized and directed to attest and certify the same.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2025.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: March 3, 2025
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development

SUBJECT: The Church of the Highlands Vacation of Easement

LOCATION: Due west of the intersection of Plantation Drive and Alabama Highway 181

RECOMMENDATION: At the February 27, 2025 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried unanimously for a favorable recommendation for the above captioned vacation of easement.

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

Upon receipt of said documentation, please prepare a resolution for placement on the City Council agenda.

Thank you,
ADJ/jv

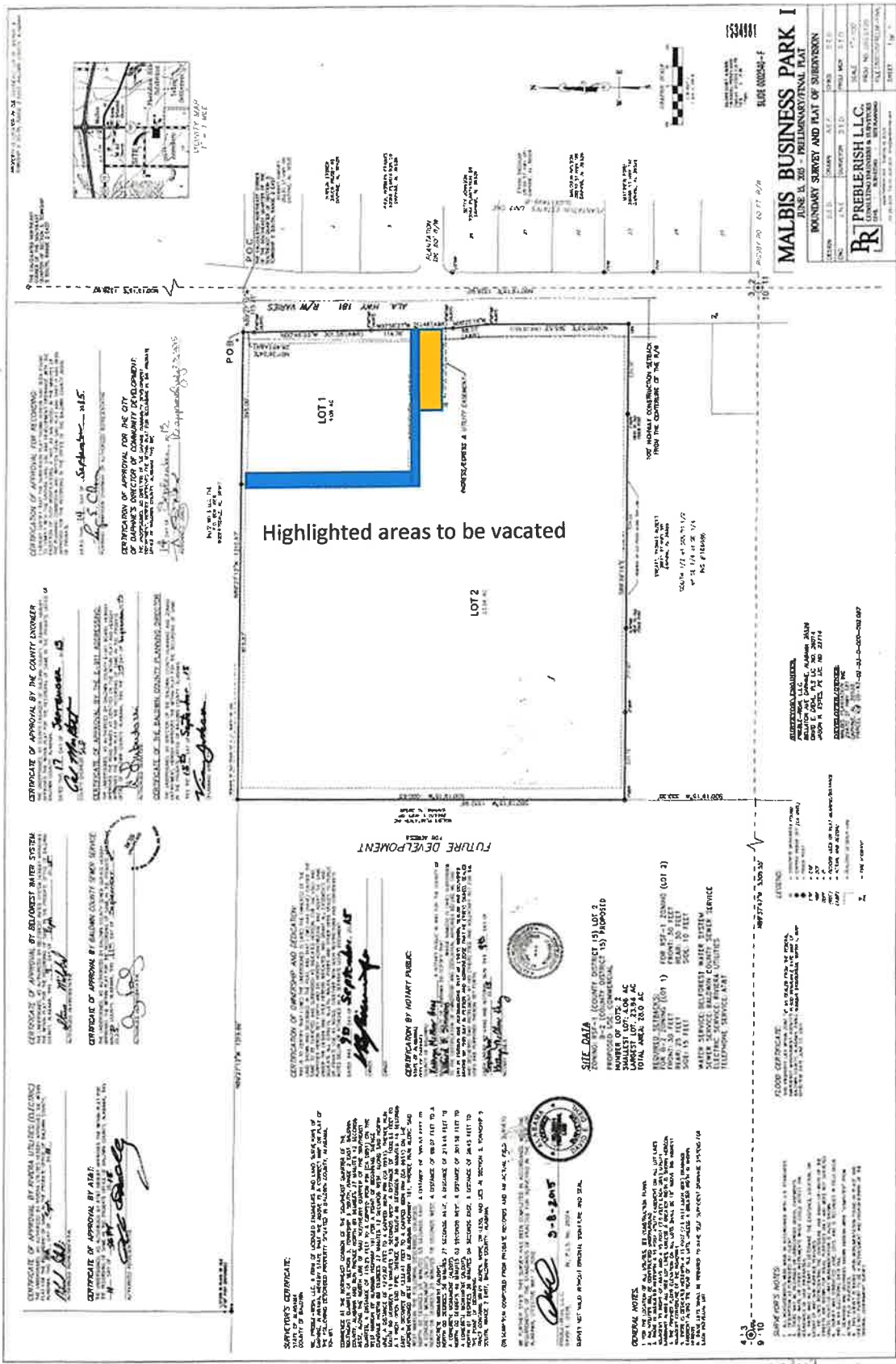
1. Community Development Report and Supplemental Documents
2. Vacation of Easement Application
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Signed Easement Release Forms
6. Adjacent Property Owners

VACATION OF EASEMENT

The applicant proposes to vacate easements located between Lot 1 and Lot 2 of Malbis Business Park I Subdivision as well as the ingress/egress easement that runs along the southern boundary of Lot 1. The subdivision is located west of the intersection of Plantation Drive and Highway 181. The land has historically been used for agricultural purposes. It is now the location for a future institutional use. The easements are being vacated in order to combine the two lots into one.

At the February 27, 2025 Planning Commission meeting, the Commission set forth to the City Council a unanimously favorable recommendation to approve this request.





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*.

COMMUNITY DEVELOPMENT



February 14, 2025

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for VACATION OF EASEMENT will be considered by the Daphne Planning Commission of the fifteen-foot wide utility easement between Lots 1 and 2 and the thirty-foot ingress/egress and utility easement on Lot 2, Malbis Business Park I as shown on Slide No. 2540-F recorded in the Office of the Judge of Probate, Baldwin County, Alabama. Said property is zoned B-2(a), General Business Alternate.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, February 19, 2025 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, February 27, 2025 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

The Church of the Highlands Vacation of Easement

APPLICATION & SUPPLEMENTAL INFORMATION



Vacation of Easement Application

OFFICE USE ONLY	Application Number: VOE- 25-01	Date Submitted: January 27, 2025
Planning Commission Decision: FAVORABLE		Date Presented: February 27, 2025
Date Submitted to City Clerk: 03-03-25		
Council Resolution Approval Date:		RESOLUTION NUMBER#

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

Property Owner(s): Church of the Highlands, Inc c/o Bruce Adams

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

Mailing Address: 3660 Grandview Parkway Suite 400 Birmingham, AL 35243

Daytime Phone: 205-586-7035 Alternate Phone: Fax:

Location: Subdivision: Malbis Business Park I Lot(s): 1&2 Unit or Phase:

Reason for request: Consolidating lots 1 & 2 into a single lot and eliminating the easements associated with the lot lines that are being eliminated.

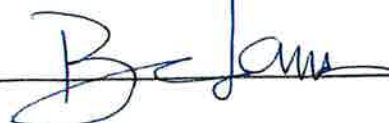
To the best of your knowledge, are any utilities in the easement, including drainage ditches or pipes? No

Check each item included with this submittal:

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

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

1st Owner's Signature/Date:

 1-23-25

PETITION FOR VACATION OF EASEMENT

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

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

The undersigned Church of the Highlands, Inc c/o Ronnie Bennet, Executive Director is/are the owner(s) of said property and this is a statement and petition seeking vacation of certain drainage and utility easement(s). Aforesaid plat and/or restrictive covenants to said subdivision provides for drainage and utility easement(s) along lot lines. Owner(s) hereby petition, by the attached copies to vacate a certain drainage and utility easement(s) described as follows:

The 7.5 foot drainage and utility easement on each side of the lot line dividing Lot(s) 1 and 2, Unit n/a of Malbis Business Park I Subdivision, as shown in Map Book , Page , Instrument# Slide 2540-F in the Office of the Judge of Probate of Baldwin County, Alabama, said easements being located in Section 03, Township 05 South, Range 02 East.

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

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

IN WITNESS WHEREOF, the Petitioner(s) have hereto set their hand and seals on this the 23rd day of January, 2025

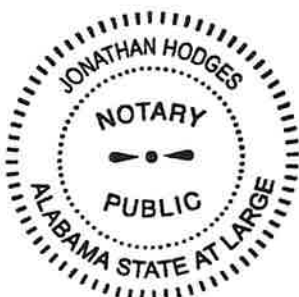
OWNER(S) SIGNATURE: _____

Ronnie Bennett - Executive Director

STATE OF ALABAMA)
COUNTY OF BALDWIN)

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

Given under my hand and seal on this the 23rd day of January, 2025



Notary Public _____

My Commission Expires Oct. 7, 2026

VOE 2023

EASEMENT VACATION EXHIBIT
SOUTHEAST ONE-QUARTER OF SECTION 03
TOWNSHIP 05 SOUTH, RANGE 02 EAST
BALDWIN COUNTY, ALABAMA

GSA:23-0490

"EXHIBIT A"



NOT TO SCALE

TEMPORARY 30' INGRESS/EGRESS
EASEMENT PER SLIDE 2568-E

DISC DRIVE
(100' RIGHT OF WAY)

CALCULATED NE COR
SE 1/4 SE 1/4
SEC. 03, T-5-S, R-2-E

LOT 1
DISC SUBDIVISION
SLIDE 2568-E
INDUSTRIAL DEVELOPMENT BOARD OF
THE CITY OF DAPHNE
PO BOX 400
DAPHNE, AL 36526

LOT 7
DISC SUBDIVISION
SLIDE 2568-E
INDUSTRIAL DEVELOPMENT
BOARD OF
THE CITY OF DAPHNE
PO BOX 400
DAPHNE, AL 36526

1211.72'(M)
1210.87'(R)
S 89°27'01" E

25' SETBACK PER ZONING

FOUND CAPPED REBAR

S 89°27'01" E
115.25'
S 02°50'57" W
28.29'(M)
28.45'(R)
CONCRETE MONUMENT

100' SETBACK PER ZONING

LOT 1
VALB'S BUSINESS PARK
SLIDE 2540-F
MALB'S PLANTATION INC
29470 ST HIGHWAY 181
DAPHNE, AL 36526

EASEMENT 2
15' UTILITY EASEMENT
(7.5' EACH SIDE LOT LINE) VACATED PER
THIS INSTRUMENT
SEE L9-L11 FOR DIMENSIONS
12,259 Sq. Feet ±
0.28 Acres ±

LOT 2
VALB'S BUSINESS PARK
SLIDE 2540-F
MALB'S PLANTATION INC
29470 ST HIGHWAY 181
DAPHNE, AL 36526

S 00°40'30" E
301.81'(M)
301.58'(R)
ROW
ALABAMA HIGHWAY 181 (RIGHT OF WAY VARIES)

CONCRETE MONUMENT

S 00°59'42" E
114.53'(M)
114.76'(R)
P.O.B EASEMENT 2
P.O.C EASEMENT 2
P.O.B EASEMENT 1
FOUND CAPPED REBAR

S 00°59'42" E
98.76'(M)
98.72'(R)
CONCRETE MONUMENT

S 06°30'15" E
86.02'(M)
88.07'(R)
CONCRETE MONUMENT

EASEMENT 1
INGRESS/EGRESS & UTILITY
EASEMENT PER SLIDE 2540-F
TO BE VACATED BY INSTRUMENT
SEE L1-L4 FOR DIMENSIONS
14,085 Sq. Feet ±
0.32 Acres ±

15' DRAINAGE EASMENT
PER SLIDE 2540-F

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°59'42" E	80.03'
L2	N 89°28'47" W	177.12'
L3	N 00°31'13" E	80.00'
L4	S 89°28'47" E	175.00'
L5	N 89°28'47" W	14.82'
L6	N 89°28'47" W	387.54'
L7	N 00°24'53" E	429.71'

GSA
GONZALEZ - STRENGTH & ASSOCIATES, INC.
ENGINEERING, LAND PLANNING, & SURVEYING
1500 WOODS OF RIVERCHASE DRIVE - SUITE 200
HOOVER, ALABAMA 35226
PHONE: (205) 942-2486
FAX: (205) 942-3033
www.Gonzalez-Strength.com

© Copyright 2010

Easement 1

Ingress/Egress & Utility Easement

An easement over and across a portion of Lot 2 Malbis Business Park 1 as recorded in Slide 2540-F in the Office of the Judge of Probate for Baldwin County, Alabama and being situated in the Southeast One-Quarter of Section 03, Township 05 South, Range 02 East, Baldwin County, Alabama and being more particularly described as follows:

Beginning at a found capped rebar marking the Southeast corner of Lot 1 and an Easterly corner of said Lot 2 Malbis Business Park and also lying on the Westerly Right of Way of Alabama Highway 181 (Right of Way Varies), thence leaving the South line of said Lot 1 run South 00 degrees 59 minutes 42 seconds East along said Westerly Right of Way and along the Easterly line of said Lot 2 for a distance of 80.03 feet to a point; thence leaving said Westerly Right of Way and Easterly Lot line, run North 89 degrees 28 minutes 47 seconds West for a distance of 177.12 feet to a point; thence run North 00 degrees 31 minutes 13 seconds East for a distance of 80.00 feet to a point on the South line of aforementioned Lot 1; thence run South 89 degrees 28 minutes 47 seconds East along the South line of Lot 1 for a distance of 175.00 feet to the POINT OF BEGINNING. Said easement contains 14,085 square feet or 0.32 acres more or less.

Easement 2
15' Utility Easement

An easement over and across a portion of Lots 1 & 2 Malbis Business Park 1 as recorded in Slide 2540-F in the Office of the Judge of Probate for Baldwin County, Alabama and being situated in the Southeast One-Quarter of Section 03, Township 05 South, Range 02 East, Baldwin County, Alabama and being more particularly described as follows:

Commencing at a found capped rebar marking the Southeast corner of Lot 1 and an Easterly corner of said Lot 2 Malbis Business Park and also lying on the Westerly Right of Way of Alabama Highway 181 (Right of Way Varies), thence leaving said Westerly Right of Way, run North 89 degrees 28 minutes 47 seconds West along the South line of said Lot 1 for a distance of 14.82 feet to the POINT OF BEGINNING of the centerline of a 15 foot utility easement lying 7.50 feet either side of and parallel to the following described line; thence continue along the last described course and along said South line of Lot 1 for a distance of 384.54 feet to a point marking the Southwest corner of said Lot 1; thence run North 00 degrees 24 minutes 53 seconds East along the West line of said Lot 1 for a distance of 429.71 feet to the end of said easement. Said easement contains 12,259 square feet or 0.28 acres more or less.

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, City of Daphne, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 1 and Lot 2 of Unit n/a of Malbis Business Park I Subdivision as setforth in the attached exhibit with the following comments:

Comments

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

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

AGENCY NAME: Public Works Department of the City of Daphne, AL

By: Robert Purvis

Its: Public Works Director

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

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

Given under my hand and seal on this the 15th day of Jan, 2025

Denise Marie Penry
Notary Public
My Commission Expires

DENISE MARIE PENRY
NOTARY PUBLIC, ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES JUN. 20, 2027

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, DAPHNE Utilities, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 1 and Lot 2 of Unit n/a of Malbis Business Park I Subdivision as set forth in the attached exhibit with the following comments:

Comments

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

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

AGENCY NAME: Daphne Utilities

By: Scott Polk

Its: CEO & GENERAL MANAGER

STATE OF ALABAMA)
COUNTY OF BALDWIN)

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

Given under my hand and seal on this the 23RD day of January 2025



Lori Mayhew Wilson
Notary Public
My Commission Expires 8/15/2026

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, Riviera Utilities, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 1 and Lot 2 of Unit n/a of Malbis Business Park I Subdivision as setforth in the attached exhibit with the following comments:

Comments

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

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

AGENCY NAME: Riviera Utilities
By: R. Brian Skelton
Its: CEO/President

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

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

Given under my hand and seal on this the 23rd day of January, 2025



Jody Marie Worsley
Notary Public
My Commission Expires _____

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, BELFOREST WATER SYSTEM do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 1 and Lot 2 of Unit n/a of Malbis Business Park I Subdivision as set forth in the attached exhibit with the following comments:

Comments

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

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

AGENCY NAME: BELFOREST WATER SYSTEM

By: [Signature]

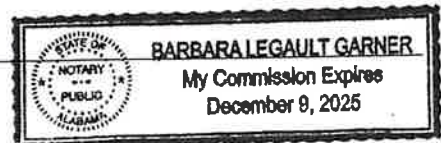
Its: GENERAL MANAGER

STATE OF ALABAMA)
COUNTY OF BALDWIN)

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

Given under my hand and seal on this the 17th day of January, 2025

[Signature]
Notary Public
My Commission Expires



EASEMENT RELEASE FORM

WHEREAS, we the undersigned, AT&T-ALABAMA, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 1 and Lot 2 of Unit n/a of Malbis Business Park I Subdivision as set forth in the attached exhibit with the following comments:

Comments

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

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

AGENCY NAME: AT&T-ALABAMA

By: Roger Michael Smith

Its: SR SPECIALIST OSP DESIGN ENGINEER

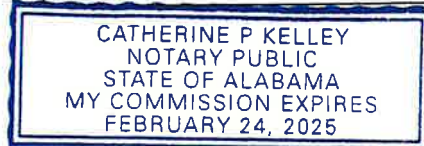
STATE OF ALABAMA)
COUNTY OF BALDWIN)

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

Given under my hand and seal on this the 15 day of Jan, 2025

Catherine P Kelley
Notary Public
My Commission Expires _____

VOE 2023



Adjacent Property Owners For Church of the Highlands (PPIN # 362662 & 362663)						
Parcel Number	PPIN	Owner Name	Address	City	State	Zip
05-43-02-03-0-000-002.225	362663	Church of the Highlands, Inc.	3660 GRANDVIEW PKWY STE 400	BIRMINGHAM	AL	35243
05-43-02-03-0-000-002.224	362662	Church of the Highlands, Inc.	3660 GRANDVIEW PKWY STE 400	BIRMINGHAM	AL	35243
05-43-02-03-0-000-004.000	41581	EXCHANGE DAPHNE APARTMENTS L L C	3300 NORTHEAST EXPY NE BLDG 6	ATLANTA	GA	30341
05-43-02-03-0-000-002.087	170060	MALBIS PLANTATION INC	29470 ST HWY 181	DAPHNE	AL	36526
05-43-02-03-0-000-003.005	367366	INDUSTRIAL DEVELOPMENT BOARD OF THE CITY AND OF THE CITY OF DAPHNE	P O BOX 400	DAPHNE	AL	36526
05-43-02-03-0-000-003.003	367364	INDUSTRIAL DEVELOPMENT BOARD OF THE CITY AND OF THE CITY OF DAPHNE	P O BOX 400	DAPHNE	AL	36526
05-43-01-02-0-000-006.001	34201	JOHNSON, JOSHUA E ETAL JOHNSON, JESSICA AND LYNN	28230 STATE HIGHWAY 181	DAPHNE	AL	36526
05-43-01-02-0-000-006.002	6765	YELDON, TIMOTHY A JR	P O BOX 2871	DAPHNE	AL	36526
05-43-01-02-0-000-006.003	41868	FRANKS, PAUL NORMAN ETUX PEGGY ANN	10065 PLANTATION DR	DAPHNE	AL	36526
05-43-01-02-0-000-006.031	4104	JOHNSON, BETTY C	10044 PLANTATION DR	DAPHNE	AL	36526
05-43-01-02-0-000-006.032	4102	SNEDIGAR, ETHAN N ETAL SNEDIGAR, SADDEE	28100 STATE HIGHWAY 181	DAPHNE	AL	36526
05-43-01-02-0-000-006.033	31388	NELSON, MALCOLM R ETAL NELSON, CHERYL OD AND OM	28070 ST HWY 181	DAPHNE	AL	36526
05-43-01-02-0-000-006.034	14282	FORD, MATTHEW ETUX BETHANY	28040 STATE HIGHWAY 181	DAPHNE	AL	36526
05-43-01-02-0-000-006.035	32309	DAILEY, ANITA W	28020 STATE HIGHWAY 181	DAPHNE	AL	36526
Authorized Agents For Applications						
CHURCH OF THE HIGHLANDS C/O BRUCE ADAMS			3660 GRANDVIEW PKWY STE 400	BIRMINGHAM	AL	35243
GONZALEZ STRENGTH AND ASSOCIATES, INC C/O TODD SMITH			1550 WOODS OF RIVERCHASE DR STE 200	HOOVER	AL	35244