

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
MAY 15, 2017

1. CALL TO ORDER

2. ROLL CALL

INVOCATION / Youth Minister Josh Raybon with the Eastern Shore Baptist Church

PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council meeting minutes / May 1, 2017

Council Work Session minutes / May 8, 2017

PROCLAMATION: “National Safe Boating Week” May 20-26, 2017

PROCLAMATION: “Public Works Week” May 21-27, 2017

PUBLIC HEARINGS:

1. Annexation: Fred L. Corte
Property Located: Southeast of County Road 13 and Corte Road **2017-36**
Recommendation: Unanimous Favorable
2. Pre-Zone: S. Hickory, Inc.
Property Located: On the East side of Pollard Road, north of Creekside Subdivision **2017-37**
Present Zoning: RSF-2, Single Family District, Baldwin County Extraterritorial Jurisdiction
Requested Zoning: R-3, High Density Single Family Residential District
Recommendation: Unanimous Favorable
3. Annexation: S. Hickory, Inc.
Property Located: On the East side of Pollard Road, north of Creekside Subdivision **2017-38**
Recommendation: Unanimous Favorable
4. Pre-Zone: Bertolla Properties, LLC
Property Located: Southeast of Alabama Highway 181 and Austin Road
Present Zoning: RSF-2, Single Family District, and RA, Rural Agricultural District, Baldwin County Extraterritorial Planning Jurisdiction **2017-39**
Requested Zoning: Planned Unit Development (PUD)
Recommendation: Unanimous Favorable
5. Amendment to the Land Use and Development Ordinance: Article 38, Residential High Rise Overlay District, Section 2, Height Exceptions and District Map **2017-40**

Recommendation: Favorable
6. Ordinance 2017-34 / Repealing and Replacing Ordinance 2016-61 Regarding the Rules and Regulations for Daphne City Parks / Drones

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Rudicell

Review minutes / May 8th

Ordinances:

- a.) Appropriation of Funds: 2017 Interest Payment for Recreation Park Facilities Improvements / **2017-41**

- b.) Appropriation of Additional Funds: Legislative Legal Advertising Budget / 2017-42
- c.) Appropriation of Seven Cent Gas Tax Funds: Intersection Improvements: County Road 13 Turning 2017-43
Lane at Sehoy Boulevard and Longue Vue Drive (*French Settlement*)
- d.) Authorizing the City of Daphne to Accept Credit Cards / 2017-44

MOTIONS:

- 1.) To authorize the Mayor to enter into an agreement for Architectural services with Walcott Adams Verneuille Architects for the Library: “The Porch Project”.

Financial Reports:

- Treasurers Report / April 2017
- Sales & Use Tax Collections / March 2017
- Lodging Tax Collections / March 2017

B. BUILDINGS & PROPERTY COMMITTEE: LeJeune
Review minutes / May 1st

MOTION: To approve the new design for the ingress/egress within the parcel for the new boat launch

C. PUBLIC SAFETY COMMITTEE: Davis**D. CODE ENFORCEMENT / ORDINANCE COMMITTEE:** Goodlin**E. PUBLIC WORKS COMMITTEE:** Coleman**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:****A. BOARD OF ZONING ADJUSTMENTS:** Adrienne Jones**B. DOWNTOWN REDEVELOPMENT AUTHORITY:** Conaway
Review minutes / April 26th**C. INDUSTRIAL DEVELOPMENT BOARD:** Davis**D. LIBRARY BOARD:** Rudicell**E. PLANNING COMMISSION:** Scott
Review minutes / March 23rd

MOTION: To set a Public Hearing Date for June 19, 2017 to consider revisions to the City of Daphne Zoning Map

F. RECREATION BOARD: LeJeune**G. UTILITY BOARD:** LeJeune**6. MAYOR’S REPORT****7. CITY ATTORNEY REPORT****8. DEPARTMENT HEAD REPORTS**

9. CITY CLERK'S REPORT

- 1.) **MOTION:** To set a Special Called council meeting for the purpose of interviewing for the position of City Clerk
- 2.) To authorize the Mayor to enter into an agreement with Southern Communications Service, Inc. (Southern Linc) for antenna space

10. PUBLIC PARTICIPATION**11. RESOLUTIONS & ORDINANCES****RESOLUTIONS:**

- a.) **2017-28.** Support for Start of Construction & Demolition (C&D) Landfill Operations for the City of Daphne's Tallent Lane Facility 0 ADEM Permit Approval, April 18, 2017
- b.) **2017-29.** Revisions to the City of Daphne Street Map
- c.) **2017-30.** Acceptance of Streets and Drainage / Located in the Caroline, Phase Three B

ORDINANCES:**2ND READ**

- a.) **2017-34.** Repealing and Replacing Ordinance 2016-61 Regarding The Rules and Regulations for Daphne City Parks
- b.) **2017-35.** Establishing a Policy for Events Held Within the City of Daphne

1ST READ

- a.) **2017-36.** To Annex Property Contiguous to the Corporate Limits of the City of Daphne / Fred L. Corte
- b.) **2017-37.** Pre-Zone Property Located on the East Side of Pollard Road, North of Creekside Subdivision / R-3, High Density Single Family District / S. Hickory, Inc.
- c.) **2017-38.** To Annex Property Contiguous to the Corporate Limits of the City of Daphne / S. Hickory. Inc.
- d.) **2017-39.** Pre-Zone Property Located Southeast of Alabama Highway 181 and Austin Road / PUD / Bertolla Properties, Inc.
- d.) **2017-40.** To Amend the City of Daphne Land Use and Development Ordinance 2011-54 / Article 38, Section 2 Residential High Rise Overlay Condominium District
- e.) **2017-41.** Appropriation of Funds: 2017 Interest Payment for Recreation Park Facilities Improvements
- f.) **2017-42.** Appropriation of Additional Funds: Legislative Legal Advertising Budget

- g.) 2017-43.** Appropriation of Seven Cent Gas Tax Funds: Project STPOA-0216(250): Intersection Improvements: County Road 13 Turning Lanes at Sehoy Boulevard and Longue Vue Drive *(French Settlement)*
- h.) 2017-44.** Authorizing the City of Daphne to Accept Credit Cards
- i.) 2017-45.** Pre-Zone Property Located on the Southside of U.S. Highway 90 at Renaissance Blvd. / George Kalasountas
- j.) 2017-46.** Annexation: Property Located on the Southside of U.S. Highway 90 at Renaissance Blvd. / George Kalasountas

12. COUNCIL COMMENTS

13. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

COUNCILWOMAN CONAWAY	PRESENT____	ABSENT____
COUNCILMAN RUDICELL	PRESENT____	ABSENT____
COUNCILMAN COLEMAN	PRESENT____	ABSENT____
COUNCILMAN GOODLIN	PRESENT____	ABSENT____
COUNCILMAN LEJEUNE	PRESENT____	ABSENT____
COUNCILMAN DAVIS	PRESENT____	ABSENT____
COUNCIL PRESIDENT SCOTT	PRESENT____	ABSENT____

MAYOR:

MAYOR HAYGOOD	PRESENT____	ABSENT____
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CITY CLERK:

REBECCA HAYES	PRESENT____	ABSENT____
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CITY ATTORNEY:

JAY ROSS	PRESENT____	ABSENT____
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**MAY 1, 2017
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Scott called the meeting to order at 6:30 p.m.

2. ROLL CALL

COUNCIL MEMBERS PRESENT: Tommie Conaway; Joel Coleman; Doug Goodlin; Ron Scott; Robin LeJeune; Joe Davis.

ABSENT: Pat Rudicell.

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Patrick Dungan, City Attorney; James White, Fire Chief; David McKelroy, Recreation Director; Adrienne Jones, Planning Director; Margaret Thigpen, Civic Center Director; Kelli Kichler, Finance Director/Treasurer; David Carpenter, Police Chief; Richard Johnson, Public Works Director; Tonja Young, Library Director; Ashley Campbell, Environmental Programs Manager; Dorothy Morrison, Beautification Committee/DRA; Don Ouellette, Environmental Advisory Committee; Tomasina Werner, Beautification Committee; Willie Robison, BZA.

Absent: Vickie Hinman, HR Director; Richard Merchant, Building Official.

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Charles Jackson of Macedonia Baptist Church gave the invocation.

3. APPROVE MINUTES:

There being no corrections the April 17, 2017 council meeting minutes stand approved.

CONGRATULATIONS: Baldwin County Secondary Teacher of the Year / Mrs. Nikki Minoso
Dr. Foster, Principal for Daphne High School, introduced Mrs. Minoso, and Mayor Haygood read and presented the proclamation to Mrs. Minoso.

PROCLAMATION: Older Americans Month

Mayor Haygood read and presented the proclamation to Mrs. Jane Ellis with the Daphne Senior Center, with some older Americans looking on. One of the older Americans was Mrs. Mary Hirshfeldt, who is 96 years old, spoke on what the Senior Center means to her. She said it gave her a purpose to get up in the mornings, and was a place to go to visit with her friends. Mrs. Ann Hirshfeldt read a letter about her mother-in-law's feelings about the Senior Center.

PRESENTATION: Daphne Elementary School Student Government Association

The officers of the Student Government Association for Daphne Elementary School thanked council for their support. The officers were: John Wallace Simpson – President / Lucy Foster – Vice President / Rose Zellner – Secretary / Halan Foster – Treasurer.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Rudicell

The next meeting is Monday at 4:30 p.m.

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CITY COUNCIL MEETING
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B. BUILDINGS & PROPERTY COMMITTEE – LeJeune

The committee met this afternoon and are moving forward with the Lake Forest boat launch process. The next meeting will be June 5th at 4:30 p.m.

C. PUBLIC SAFETY COMMITTEE – Davis

The minutes for the April 17th meeting are in the packet, and the next meeting will be May 15th at 4:30 p.m. There was a problem with dumpsters being slammed at 2:30 in the morning, and Code Enforcement Office Billy Kennedy took care of the problem very quickly.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Goodlin

The April 17th minutes are in the packet, and the next meeting will be May 15th at 5:30 p.m.

MOTION BY Councilman Goodlin to set a Public Hearing date for May 15, 2017 and approve advertising to consider Ordinance 2017-34 / Regarding the Rules and Regulations for Daphne City Parks / Regulating Drones. (No second needed out of committee)

MOTION CARRIED UNANIMOUSLY

E. PUBLIC WORKS COMMITTEE – Coleman

The committee met today, and one item discussed was the turn lanes for French Settlement and Sehoj Subdivision. The next meeting will be June 5th.

MOTION BY Councilman Joel Coleman to appoint John Lake, Noel Yoho and Larry Norris to the Environmental Advisory Committee. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

No report.

B. Downtown Redevelopment Authority – Conaway

The Authority met April 26th at a local business, and the next meeting will be May 24th at 5:30 p.m.

C. Industrial Development Board – Davis

The board met on April 24th, and the minutes are in the packet. The board is continuing to work through the red tape that comes along with Federal money. Dirt will be moving soon. Councilman Davis gave kudo's to Doug Bailey, Cara Stallman and Michael Berson for working through all that red tape.

D. Library Board – Rudicell

The Foundation has raised \$30,000 from public donations for the porch project.

E. Planning Commission – Scott

The Site preview meeting was last Wednesday, and the Planning Commission will meet on May 25th.

F. RECREATION BOARD - LeJeune

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Councilman LeJeune said that some councilmembers toured the Park Drive Site after the Volunteer Breakfast last Wednesday to see the progress being made on the facilities.

G. Utility Board – LeJeune

The board met Wednesday, and they are amending the standard construction specifications. The changes will be on the website. They also worked out the Spanish Fort billing issue.

6. MAYOR'S REPORT

Mayor Haygood spoke regarding the dedication of the gazebo at Mayday Park. He thanked the Beautification Committee for their help. He mentioned that Mr. Al Guarisco brought him a CD with the 1958 May Day Celebration on it. He said these are available at the Museum for \$6.00. He reported that the county will help with paving Corte Road by preparing the road bed, using resources to get the right-of-ways and transfer Corte Road by Quit Claim deed to the City of Daphne.

7. CITY ATTORNEY REPORT:

Mr. Ross stated there were two matters to consider in Executive Session one is pending litigation and the other is one threatened litigation. The session should take about 20 minutes.

8. DEPARTMENT HEAD COMMENTS:

Richard Johnson – Public Works Director – reported Public Works Week is the third week in May, Public Works Day at Lott Park is Wednesday May 17th and May 20th is Keep Daphne Beautiful Day at City Hall.

9. CITY CLERK'S REPORT:

a.) Event Permit / Scott Ward Memorial 5K / Family Fun Run / November 11, 2017

MOTION BY Councilman Davis to approve the Event Permit / Scott Ward Memorial 5K / Family Fun Run / November 11, 2017. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

b.) **MOTION:** To approve the Eastern Shore Carnival Association Mardi Gras Group to parade as one of the four approved Mardi Gras groups in the City of Daphne

MOTION BY Councilman approve the Eastern Shore Carnival Association Mardi Gras group to parade as one of the four approve Mardi Gras groups in the City of Daphne. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

Mrs. Hayes reported that the Volunteer Breakfast was a great success. She thanked council and the mayor for sponsoring the event for the volunteers. All the volunteers felt special and appreciated.

**MAY 1, 2017
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10. PUBLIC PARTICIPATION

Mrs. Dorothy Morrison – 26197 Via Del San Francesco – thanked council for the gazebos at the parks.

Ms. Courtney Vaughn – 809 Trione Street – spoke regarding putting lights in the parking lot at Gator Alley.

Mr. Willie Robison – 560 Stuart Street – spoke regarding the improved sound system, and thanked council for the Volunteer Breakfast. Great to see council literally serving the citizens of Daphne.

Mr. Johnny Hall – Daphne – spoke regarding the rezoning of the Kalasountas property in Malbis.

Ms. Yelding – Warren Drive – asked for details on the Education Advisory Committee.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) 2017-26. Approving the City of Daphne’s Participation in the State of Alabama “Back to School” Sales Tax Holiday

b.) 2017-27. Establishing an Education Advisory Committee

a.) 2017-26. Approving the City of Daphne’s Participation in the State of Alabama “Back to School” Sales Tax Holiday
b.) 2017-27. Establishing an Education Advisory Committee

MOTION BY Councilwoman Conaway to waive the reading of Resolutions 2017-26 and 2017-27. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Resolution 2017-26. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2017-27. Seconded by Councilman Davis.

MOTION BY Councilman LeJeune to amend Resolution 2017-27 to say “that the by-laws are to be written by the committee and approved or modified by the city council, and any subsequent amendments are to be approved by the city council.” Seconded by Councilman Davis.

VOTE ON AMENDMENT

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to amend Resolution 2017-27 : “Section 2 to be rewritten to read “nine (9) members, seven (7) nominations by the city council and two (2) members by the mayor which will be approved by the city council and the terms of the committee will run concurrently with the city council’s term. Seconded by Councilman LeJeune.

VOTE ON AMENDMENT

AYE Coleman, Goodlin, LeJeune, Davis, Scott NAY Conaway MOTION CARRIED

VOTE ON MAIN MOTION AS AMENDED

MOTION CARRIED UNANIMOUSLY

**MAY 1, 2017
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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DAPHNE, AL
6:30 P.M.**

ORDINANCES:

2ND READ ORDINANCES

- a.) 2017-28.Funding for a First Responder Safe Room for Public Works through the Hazard Mitigation Grant Program (HMGP)
- b.) 2017-29.Appropriation of Funds: City Hall Fencing
- c.) 2017-30.Appropriation of Funds: Invasive Species Control for Bayfront and Village Point Wetlands Areas
- d.) 2017-31.Appropriation of Lodging Tax Funds: Bayfront Master Plan: Engineering Services for Bayfront Street Scape and Wetland Delineation
- e.) 2017-32.Appropriation of Funds: Tiawasee Stream Restoration
- f.) 2017-33.Revision to the Job Classification Schedule

- a.) 2017-28.Funding for a First Responder Safe Room for Public Works through the Hazard Mitigation Grant Program (HMGP)
- b.) 2017-29.Appropriation of Funds: City Hall Fence
- c.) 2017-30.Appropriation of Funds: Invasive Species Control for Bayfront and Village Point Wetlands Areas
- d.) 2017-31.Appropriation of Lodging Tax Funds: Bayfront Master Plan: Engineering Services for Bayfront Street Scape and Wetland Delineation

MOTION BY Councilman Goodlin to waive the reading of Ordinances 2017-28, 2017-29, 2017-30, 2017-31, 2017-32 and 2017-33. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Goodlin to adopt Ordinance 2017-28. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt 2017-29. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Ordinance 2017-30. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Ordinance 2017-31. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY

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e.) 2017-32.Appropriation of Funds: Tiawasee Stream Restoration
f.) 2017-33. Revision to the Job Classification Schedule / Operations Director

MOTION BY Councilman Goodlin to adopt Ordinance 2017-32. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Ordinance 2017-33. Seconded by Councilman Goodlin.

AYE Coleman, Goodlin, LeJeune, Davis, Scott

NAY Conaway

MOTION CARRIED

ORDINANCES 2017-34 and 2017-35.

12. COUNCIL COMMENTS

Councilwoman Conaway – said that the Leader In Me Program is wonderful, and said they need to visit to see it in action.

Councilman Coleman – seconded Mrs. Conaway’s comments, and said that Mr. Ellis does a great job.

Councilman Goodlin – enjoyed the Volunteer Breakfast, and knows the city can’t operate without them.

Councilman LeJeune – said ditto to everyone’s comments, and looks forward to another Mardi Gras parade.

Councilman Davis – said ditto to everyone’s comments, and invited citizens to get involved with the city.

Councilman President Scott – thanked everyone for coming out tonight. It was a great evening from the senior to the elementary school children. He looks forward to the lights being installed at Gator Alley. He said it is important to get input from all citizens.

Mayor Haygood – spoke regarding Gator Alley and Village Point Park Preserve inviting all to explore Daphne and see what it has to offer. He invited citizens to volunteer on a committee. He applauded council for taking a leadership role in the city for education. He applauded the SGA for coming out to the council meeting. He thanked seniors for being at the council meeting.

**MAY 1, 2017
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

13. ADJOURN:

MOTION BY Councilman LeJeune to adjourn into Executive Session to consider pending and threatened litigation. Seconded by Councilman Davis.

The City Attorney certified that the reason stated for entering into Executive Session was according to the Open Meetings Act of Alabama, and the session will last for 20 minutes.

ROLL CALL VOTE

Conaway	Aye	LeJeune	Aye
Coleman	Aye	Davis	Aye
Goodlin	Aye	Scott	Aye

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:59 P.M.

Respectfully submitted by,

Rebecca A. Hayes, City Clerk

Certification of Presiding Officer

Ron Scott, Council President

**MAY 8, 2017
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

COUNCIL MEMBERS PRESENT: Tommie Conaway; Joel Coleman; Doug Goodlin; Ron Scott; Robin LeJeune; Joe Davis.

ABSENT: Pat Rudicell.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Patrick Dungan, City Attorney; Don Ouellette, EAC.

Council President Scott called the meeting to order at 6:30 p.m.

1. PRESENTATION: Eastern Shore Chamber of Commerce / Casey Gay Williams

Mrs. Williams gave a synopsis of her trips with Coastal Alabama Partnership, and that they have partnered with PARKA. They were in Montgomery recently and one thing they were looking at was lodging taxes and what Coastal Alabama brings. She said that they must be unified as a coastal region. She recently went to Washington and had discussions regarding AMTRAK Long Distance Service. They are thinking of having service from New Orleans to Mobile. They met with the Department of Transportation and discussed the bridge, and found out that it is primarily a state issue, and the bulk will come from the state. She mentioned they are looking a widening the channel for container ships, and they also talked with NOAA about the snapper season situation. They also had talks about Austal and the work they are doing and will be doing. She spoke of the rolling out of the first small business academy, and the different academies that they will have.

2.) DISCUSS: School Feasibility Study Proposals

Council President Scott mentioned that both proposals were some \$30,000 over what was budgeted for the study. He said they need to figure out what is the next step. Does council want to appropriate \$32-\$33,000 more for the study? Several of the council wants to move ahead and appropriate the extra funds for the study. Council said that one of the proposals seems open ended with the cost, whereas, the other company was a flat fee. Councilman Coleman said he would like to see a plan from the Board of Education regarding Daphne schools, as yet he has not seen one.

Council President Scott asked Mayor Haygood to reach out to the school board and get a response to Councilman Coleman's request, and have a response by the June Finance meeting. Mayor Haygood asked if council would like the school board to make a presentation at the June work session.

Consensus of council was to send this to the Finance Committee for consideration, and have the school board make a presentation at the June work session.

3.) DISCUSS: Process for Interviewing for the City Clerk Position

Council discussed a procedure for narrowing down the applicants to five, and asked Mrs. Hinman to redact the names on the applications (*one of the applicants asked for confidentiality*) and number them, and council will select their top three applicants and Mrs. Hinman will tally the votes to the top five, and those will be the ones interviewed.

Consensus of Council to have a motion at the May 15th council meeting setting a special called council meeting to interview the top five applicants.

**MAY 8, 2017
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

4.) ANYTHING ELSE DEEMED NECESSARY

1.) DISCUSS: Strategic Plan

Council President Scott said council needs to set a special meeting to discuss the questionnaire results. He gave council two dates Thursday May 11th at 5:00 p.m. or Tuesday May 16th at 4:00 p.m. Council President Scott asked Mayor Haygood to contact Mr. Lumpkin to see which date works best for him.

2.) DISCUSS: Employee Pay Scale

Council discussed how to fix the pay scale. Council President Scott says he sees three areas to address: 1) combine pay tables and have a common pay table 2) address the situation where an employee has been at the city for five or six years and a new employee is hired in at same pay 3) fix starting pay. Council discussed bonus pay for hard to fill positions as an incentive. The pay scale for the police department needs to be addressed as they are having trouble keeping corrections officers and dispatchers. Council discussed hazard pay.

Mayor Haygood wanted to make sure he understood what council wants: 1) Police issue – corrections officers and dispatchers 2) Pay scale consolidation 3) Specialization for hard to fill positions 4) address experience and longevity and retention issues, bonuses for long-time employees – check out legality of this with attorneys.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:50 P.M.

Respectfully submitted by,

Rebecca A. Hayes,
City Clerk

Certification of Presiding Officer:

Ron Scott,
Council President

CITY OF DAPHNE, ALABAMA *Proclamation*

WHEREAS, each year during the month of May, the United States Coast Guard joins partners nationwide to raise awareness about boating responsibly; and

WHEREAS, safe boating starts onshore, with individuals preparing a float plan for their passengers, getting a free vessel safety check, and participating in boating safety courses; and

WHEREAS, as they embark, boaters should make sure they check the marine forecast and that all passengers are equipped with a life jacket; and

WHEREAS, the chance of drowning while wearing a life jacket is 1 in 66, and the chance of drowning with no life jacket is 1 in 11; and

WHEREAS, every 2½ hours someone is injured or killed in a boating accident; and

WHEREAS, to put an end to preventable accidents that claim too many lives each year, individuals should never operate a boat under the influence of drugs or alcohol; and

WHEREAS, boating is an important part of our national heritage, it is imperative that all individuals operating or occupying a boat follow commonsense safety procedures that keep them safe and also keep our lakes, rivers, and oceans safe for all to enjoy;

NOW,
THEREFORE;

I, Dane Haygood as the Mayor of the City of Daphne, together with the City Council do hereby support the goals of the North American Safe Boating Campaign "Ready, Set, Wear It!" and proclaim the week of May 20 - 26, 2017 as

NATIONAL SAFE BOATING WEEK

and the start of the year-round effort to promote safe boating in the City of Daphne and encourage all those who boat to "Wear It!" and practice safe boating habits.



ATTEST:

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

Dane Haygood, Mayor

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

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE, ALABAMA

Proclamation

WHEREAS; National Public Works Week is a celebration of the tens of thousands of men and women in the United States who provide and maintain infrastructure and services collectively known as public works; and

WHEREAS; the City of Daphne seeks to raise the public's awareness of public works issues and to acknowledge public works employees who are dedicated to improving the quality of life for present and future generations; and

WHEREAS; public works services provided in our community are an integral part of our resident's everyday lives; and

WHEREAS; the support of an appreciative and informed citizenry is vital to the efficient operation of our public works systems and programs such as streets, solid waste & recycling collection, grounds & mowing departments, building maintenance & mechanical; and

WHEREAS; this year's theme "Public Works Connect Us" showcases the pervasiveness of public works, to the men and women of the profession who are always there and always ready; and

WHEREAS; the Daphne Public Works Department will host its annual Public Works Day & Equipment Show at W.O. Lott Park on Wednesday, May 17, 2017 from 10:00 am to 1:00 pm.

NOW,
THEREFORE;

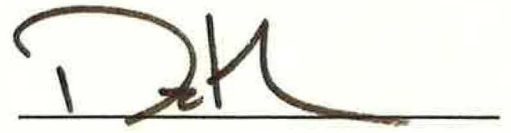
I, Dane Haygood as the Mayor of the City of Daphne, together with the City Council do here by proclaim the week of May 21 - 27, 2017 as

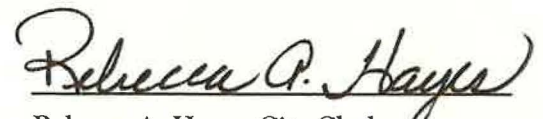
PUBLIC WORKS WEEK

in the City of Daphne and call upon all citizens and civic organizations to acquaint themselves with our public works department and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.



ATTEST:


Dane Haygood, Mayor


Rebecca A. Hayes, City Clerk

PUBLIC HEARING
MAY 15, 2017

TO CONSIDER:

- 1. Annexation:** Fred L. Corte
Property Located: Southeast of County Road 13 and Corte Road
Recommendation: Unanimous Favorable
- 2. Pre-Zone:** S. Hickory, Inc.
Property Located: On the East side of Pollard Road, north of Creekside Subdivision
Present Zoning: RSF-2, Single Family District, Baldwin County Extraterritorial Jurisdiction
Requested Zoning: R-3, High Density Single Family Residential District
Recommendation: Unanimous Favorable
- 3. Annexation:** S. Hickory, Inc.
Property Located: On the East side of Pollard Road, north of Creekside Subdivision
Recommendation: Unanimous Favorable
- 4. Pre-Zone:** Bertolla Properties, LLC
Property Located: Southeast of Alabama Highway 181 and Austin Road
Present Zoning: RSF-2, Single Family District, and RA, Rural Agricultural District, Baldwin County Extraterritorial Planning Jurisdiction
Requested Zoning: Planned Unit Development (PUD)
Recommendation: Unanimous Favorable
- 5. Amendment to the Land Use and Development Ordinance:** Article 38, Residential High Rise Overlay District, Section 2, Height Exceptions and District Map

Recommendation: Favorable
- 6. Ordinance 2017-34 / Repealing and Replacing Ordinance 2016-61 Regarding the Rules and Regulations For Daphne City Parks / Drones**

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Fred L. Corte Annexation Petition
Date: March 27, 2017

MEMORANDUM

PRESENT ZONING: RA, Rural Agricultural, Baldwin County Exterritorial Planning Jurisdiction

LOCATION: Southeast of County Road 13 and Corte Road

RECOMMENDATION: At the Thursday, March 23, 2017, regular meeting of the Daphne Planning Commission, six members were present, and the motion carried for a unanimous favorable recommendation for the above mentioned annexation petition.

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

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

Thank you,
ADJ/jv

attachment(s)

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

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

(_____)

The undersigned, FRED L. CORTE, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, FRED L. CORTE, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. **Owner:** The petitioner, FRED L. CORTE, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Requested zoning, if other than R-1: PUD

Any other conditions which may apply upon annexation:

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

DATED this 20 day of FEBRUARY, 2017

Respectfully submitted by,

FRED L. CORTE

Name of Owner (Print)

Fred L Corte

Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, WANDA LACOSTE, the undersigned Notary Public in and for said county and state, hereby certify that FRED L. CORTE has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 20 day of FEBRUARY, 2017

Wanda LaCoste

NOTARY PUBLIC

My commission expires: 11-21-2020

Owner's Address

24001 B STATE HWY. 181

DAPHNE, AL 36526

ADDITIONAL INFORMATION

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

Initials: FLC

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

Initials: FLC

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

Initials: FLC

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

Initials: FLC

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

Initials: FLC

Or

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

Initials: _____

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 21 day of FEBRUARY, 2017.

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

Names and Signature of ALL property owners:

Signature: Fred L. Corte Signature: _____

Printed Name: FRED L. CORTE Printed Name: _____

Mailing Address: 24001 B STATE HWY. 181 Mailing Address: _____
DAPHNE, AL 36526

EXHIBIT A
LEGAL DESCRIPTION FOR FRED L. CORTE PROPERTY (ANNEXATION)

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

IN WITNESS WHEREOF, _____ the undersigned of
the Embassy of _____ at _____ has
caused this instrument to be signed by the undersigned officers,
thereunto lawfully authorized on this the ____ day of _____

LEGEND:

- = BEATER VALVE
- = TELEPHONE CABLE
- = CITY SIDE
- = UTILITY POLE
- = CATCHER HATCH
- = WATER VALVE
- = UTILITY HATCH
- = CONCRETE MEASUREMENT FOUND
- = REBAR FOUND
- = CAPTED REBAR FOUND (24-300) (24-100) (40)
- = CAPTED REBAR SET (24-300) (24-100) (40)
- = COORDINATED METAL PIPE
- = COORDINATED PLASTIC PIPE
- = REQUIRED SEE MEASUREMENT AND DISTANCE
- = SURVEY BY FEDERAL GOVERNMENT SURVEYOR, L.S.D. MAP DATED AUGUST 1978, 2003
- = REINFORCED CONCRETE PIPE
- = DRAIN
- = OVERHEAD POWER LINE
- = STREET POWER MAIN
- = WATER MAIN
- = OLD WIRE FENCE
- = ROAD FENCE

 NORTH

CURRENT ZONING: RA *BALDWIN COUNTY DISTRICT 13
MINIMUM LOT SIZE: 40,000 SF
SMALLEST LOT: 73.82 AC
LARGEST LOT: 77.58 AC *REMNANT PARCEL
NUMBER OF LOTS: 2
TOTAL ACRES: 151.10 AC

FRONT: 40 FEET
REAR: 40 FEET
SIDE: 15 FEET

WATER SERVICE: BELFOREST WATER SYSTEM
SEWER SERVICE: BALDWIN COUNTY SEWER SERVICE
ELECTRIC SERVICE: RIVIERA UTILITIES
TELEPHONE SERVICE: AT&T

①
1984 43-26-27-3-000-001-000
RHS, LACS
1182 LEE ST
FARMER, JACOB
INSTRUMENT 38432

②
1984 43-26-27-3-000-002-000
J. H. JORDON, INC.
-BIRMINGHAM
SUNCO PROPERTY CORP
SUNCO ALABAMA 32828
INSTRUMENT 14349

③
1984 43-26-27-3-000-003-000
B.L. HARRIS PROPERTY GROUPS
KAYVILLE, MS
P.O. BOX 1028
SUNCO ALABAMA 36388
INSTRUMENT 86430

④
1984 43-26-27-3-000-004-000
LAWRENCE, BRUCE J. & WIFE, A.
PO BOX 201
SUNCO ALABAMA 36388
INSTRUMENT 86430

⑤
1984 43-26-27-3-000-005-000
SUNCO ALABAMA & S. AMERICA
PO BOX 10000 MOBILE
SUNCO ALABAMA 36623-0000
INSTRUMENT 14349

⑥
1984 43-26-27-3-000-006-000
SUNCO ALABAMA & S. AMERICA
ATTN: GAILLY STREET SW
PO BOX 10000 MOBILE
SUNCO ALABAMA 36623-0000
INSTRUMENT 86440

⑦
1984 43-26-27-3-000-007-000
RHS, LACS & J. J. JORDON &
HARRIS COUNTY
SUNCO ALABAMA 36388
INSTRUMENT 86430

**CERTIFICATION OF APPROVAL OF STREETS, DRAINAGE
AND IMPROVEMENTS:**

STATE OF ALABAMA)
(COUNTY OF BARNESS)
I, PUBLIC WORKS COMMISSIONER FOR THE CITY OF BAYVIEW, ALABAMA, DO HEREBY CERTIFY THAT
THE PLAN HAS BEEN EXAMINED BY ME AND ALSO THAT THE SUBSEQUENT PLANS AND
IMPROVEMENTS WILL BE IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN THE CHARTER AND LAND USE
AND DEVELOPMENT ORDINANCE.

I FURTHER CERTIFY THAT THE STREETS, DRAINAGE, AND OTHER IMPROVEMENTS HAVE BEEN
DETAILED.
SIGNED THIS _____ DAY OF _____ 2011.

STATE OF ALABAMA
COUNTY OF _____
CITY OF BAILEY

THIS IS TO CERTIFY THAT I, _____, THE UNDERSIGNER, AM (A)NCE THE OWNERSHIP OF THE LAND
BEING AND DESCRIBED AS THE PLACE, AND THAT I (WE) HAVE CAUSED THE SAME TO BE
RECORDED AND RECORDED AS INDICATED HEREON, FOR THE PURPOSES AND PURPOSES OF THE
FORTH AND TO PRESENT APPROPRIATION AND ACCEPT THE SAME UNDER THE DESIGN AND TITLE
OF THE _____, (A)NCE TO THE _____, (A)NCE TO THE _____, (A)NCE TO THE _____,
AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS INDICATED, TOGETHER WITH
THE _____ AND CONCLUSIVE NOTES HEREON AS ATTACHED IN A SEPARATE LEGAL
DOCUMENT.

DATED THIS _____ DAY OF _____ 19____. _____

OWNER'S NAME (PRINT) _____

OWNER'S NAME (SIGNATURE) _____

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF
BALDWIN, IN THE STATE OF ALABAMA DO HEREBY CERTIFY THAT MY COMMISSION IS (AND) I AM QUALIFIED
TO THE COGNITION OF UNDERSTANDING AND (RECOGNIZING) APPEARS BEFORE ME THIS DAY BY
ME _____, A PERSON WHOSE NAME I DO NOT KNOW, BEING KNOWN TO ME AS _____,
A PERSON WHOSE NAME I DO NOT KNOW, BEING KNOWN TO ME AS _____, AND I BELIEVE
HE IS (AND) SHE IS) FREE AND VOLUNTARY ACT FOR THE UNLAW AND PURPOSES THEREOF.

SIGN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____,
2017.

NOTARY PUBLIC MY COMM. EXPIRATION _____

THE UNDERSIGNED, AS COUNTY ENGINEER OF SALTWATER COUNTY, ALABAMA,
HEREBY APPROVES THE RETURN PLAT FOR THE RECORDING OF SAME IN THE
PUBLIC OFFICE OF SALTWATER COUNTY, ALABAMA.

DATED THE ____ DAY OF _____

THE UNDERSIGNED, AN OFFICIAL OF THE BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAN FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____, 20____.

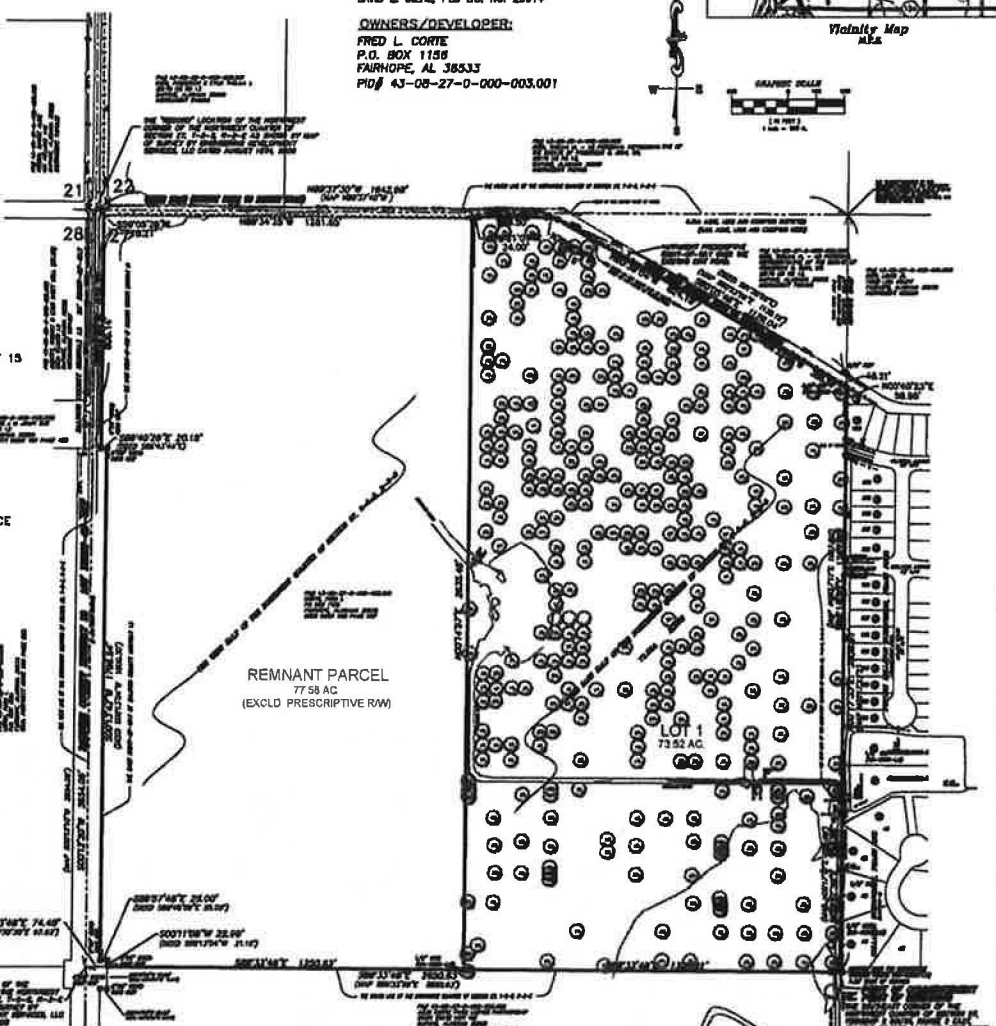
1. THERE IS DEDICATED HERewith A 18 FOOT UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO STREET-OF-DAYS AND A 18 FOOT (7.8 FEET EACH SIDE) UTILITY EASEMENT ALONG ALL SIDE LOT LINES, UNLESS A GREATER WIDTH IS SHOWN HEREON.

2. THE PURPOSE OF THIS SUBDIVISION IS TO CREATE LOT 1, AS SHOWN HEREON, FOR FUTURE DEVELOPMENT.

[illegible]

DENBERRY / FREEZE-FISH
8349 BELLATON AVE. DAPHNE, ALABAMA 36526
DAVID E. DIEHL, PLS INC. NO. 26014

FRED L. CORTE
P.O. BOX 1150
FAIRHOPE, AL 36533
PID# 43-08-27-D-000-003.00



THE UNDERSIGNED, AS AUTHORIZED BY ATST HENRY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF _____, 2017.

THE UNDERSIGNED, AS AUTHORIZED BY WHOM VERIFIED HERETOBY APPROVES THE RETURN MADE FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____, 2012.

THE UNDERSIGNED, AS AUTHORIZED BY BELMONT WATER SYSTEM HEREBY APPROVES
THIS PLAN FOR THE REDDRESS OF DAMAGE IN THE PROBATE OFFICE OF BALDWIN COUNTY,
ALABAMA, THIS _____ DAY OF _____, 2017.

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY SENIOR SERVICE, HEREBY APPROVES
THE MATH PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY,
ALABAMA, THIS _____ DAY OF _____, 2015.

STATE OF ALABAMA
CITY OF SAPHIRE
(COUNTY OF BALDWIN)

STATE OF ALABAMA
CITY OF OPRICH
COUNTY OF SALINE

THE UNDERSIGNED, AN OFFICER OF THE SALINE COMMUNITY DEVELOPMENT DEPARTMENT,
HEREBY APPROVES THE ABOVE PLAN FOR RECORDING IN THE PROBATE OFFICE OF SALINE
COUNTY, ALABAMA THIS 16TH

_____ DAY OF _____, 2017.



BOUNDARY SURVEY AND PLAT OF SUBDIVISION

DESIGN	SEA	OWNER	A&P	PROD.	M.S.P.
1970	J&K	SURVEYOR	SEA	PERU	W&A
Dowberry		PREBLE-RISH		SCALE 1"=200'	
1000' NAD 83		1000' NAD 83		PROJ. NO. 1000-100	
1000' NAD 83		1000' NAD 83		1000' NAD 83	

PLANNING COMMISSION
ANNEXATION REQUEST FOR
FRED L. CORTE



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Annexation of Corte Property
73.53 acres**

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

REQUEST

In July 2016, the applicant requested to pre-zone the site to Planned Unit Development District. December 5, 2016, City Council approved the request to rezone 73.53 acres in **Ordinance 2016-62**. The applicant has submitted a petition to annex 73.53 acres of land into the corporate limits of Daphne. *According to Code 11-52-85, (c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law. Saturday, June 3, 2017 is 180 days from December 5, 2016. Therefore, Council action must occur by May 15th, the nearest scheduled meeting.*

RECOMMENDATION

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

Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

Section 11-52-85 of the Code of Alabama allows “pre-zoning of property.” In this case, both requests have been submitted concurrently and are moving on the same path. The Planning Commission will make a recommendation to Council for zoning and also make a recommendation for annexation.

Code of Alabama Section 11-52-85

Pre-zoning of territory proposed for annexation by municipality. (*Highlights by staff*)

(a) A municipality which exercises its authority to zone territory within its corporate limits may pre-zone territory proposed for annexation into the corporate limits of the municipality prior to the effective date of the annexation by complying with this article. If all the requirements, including all notice and public hearing requirements, of this article are met, the zoning shall become effective upon the date the territory is annexed into the corporate limits, or upon the date the zoning process is completed, whichever is later.

(b) A municipality which exercises its authority to zone territory within its corporate limits shall pre-zone territory as provided in subsection (a) and issue a statement of zoning classification to an affected property owner if the individual property owner residing in the area to be annexed requests in writing that a zoning determination be made pursuant to this section prior to being annexed.

(c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law.

(d) Nothing contained in this section shall allow a municipality to zone territory outside the corporate limits of the municipality that is not in the process of being annexed into the corporate limits of a municipality as provided by law.

(e) Section 6-5-127 shall be applicable to any property pre-zoned pursuant to this section.

(Act 2009-629, p. 1926, §1.)

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-**

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

**Southeast of County Road 13 and Corte Road
Fred L. Corte**

WHEREAS, on the 20th day of February, 2017, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on May 15, 2017 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on March 23, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: ZONING

At the November 21, 2016 regularly scheduled City Council meeting Ordinance 2016-62 was adopted pre-zoning the said property as Planned Unit Development (PUD) District.

SECTION THREE: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST

MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property (*Exhibit "B"*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FIVE: PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE ____ DAY OF _____, 2017.

Dane Haygood,
Mayor

ATTEST

Rebecca A. Hayes,
City Clerk

EXHIBIT A
LEGAL DESCRIPTION FOR FRED L. CORTE PROPERTY (ANNEXATION)

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: S. Hickory, Inc. Pre-Zoning Amendment
Date: March 27, 2017

MEMORANDUM

PRESENT ZONING: RSF-2, Single Family District,
Baldwin County Exterritorial
Planning Jurisdiction

PROPOSED PRE-ZONING: R-3, High Density Single Family
Residential

LOCATION: East side of Pollard Road, north of
Creekside Subdivision

RECOMMENDATION: At the Thursday, March 23, 2017,
regular meeting of the Daphne
Planning Commission, six members
were present, and the motion carried
for a unanimous favorable
recommendation for the above
mentioned pre-zoning amendment.

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

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

Thank you,
ADJ/jv

attachment(s)

1. Pre-zoning Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report

APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted

2/14/17

Application Number:

Planning Commission Public

ZA-

or

PZA-

17-02

Hearing Date:

3/23/17

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

SITE DATA

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

PPIN#(s): 067583

East Side of Pollard Road North of Creekside Subdivision

Gross Site Area (acreage):

79.72 acres

Requested Zoning or Pre-Zoning:

R-3 High Density Single Family

Current Zoning Designation(s):

RSF-2 BC District 15

Amended Request:

Initials:

Date:

2/14/17

Current Land Use:

Agricultural/Timber

Anticipated Land Use:

Residential Subdivision

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

Exhibit "B"

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

Annexation

Subdivision

Site Plan

Special Exception

Variance

Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner:

S. H. 2 Kory, Inc.

(251) 626-6495
Cmt. 15

Mailing Address:

P.O. Box 7430, Spanish Fort AL 36577

Phone/Fax:

E-mail: (251) 625-0531

Name of Authorized Agent:

Charles K. Braland, Jr., William R. Miller, T.D.

lglobettie@bucknercorporation.com

Mailing Address:

See Above

Phone/Fax:

E-mail: wrmiller1@waed

Name of Developer*:

S. H. 2 Kory Inc. or Affiliate

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: <u>CKB</u>	Date
Agent's Signature: <u>W.R. Miller</u>	Date 2/14/17

EXHIBIT "A"

S. HICKORY, INC.

PRE-ZONING AND ANNEXATION

**NORTH POLLARD ROAD
DAPHNE, BALDWIN COUNTY, ALABAMA**

**LEGAL DESCRIPTION OF PROPERTY TO BE PRE-ZONED AS R3 AND ANNEXED TO
THE CITY OF DAPHNE:**

BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A CONCRETE MONUMENT FOUND (3" DIAMETER) MARKING THE NORTH EAST CORNER OF LOT 68, STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE SOUTH WEST CORNER OF LOT 36, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE COMMON NORTHERN CORNER FOR LOTS 33 AND 34, FRENCH SETTLEMENT, PHASE 1B AS RECORDED ON SLIDE 2366-E AND 2366-F IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG THE NORTH LINE OF STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F, THE NORTH LINE OF CREEKSIDE UNIT 2 AS RECORDED ON SLIDE 1779-A, THE NORTH LINE OF BROOKSIDE PATIO HOMES AS RECORDED ON SLIDE 2189-F, ALL BEING RECORDED IN THE PROBATE RECORDS BALDWIN COUNTY, AL., RUN NORTH 89° 38' 35" WEST FOR 2,613.31 FEET TO A 1/2" (#4) REBAR FOUND AT THE NORTH WEST CORNER OF LOT 16 OF SAID BROOKSIDE PATIO HOMES; THENCE ALONG THE EAST RIGHT OF WAY (80') LINE OF POLLARD ROAD RUN NORTH 00° 09' 19" EAST FOR 1,327.66 FEET TO A CAPPED REBAR (CA-0604-LS) THAT LIES 48.66' SOUTHERLY FROM THE SOUTH WEST CORNER LOT 3, THE PRESERVE AT TIAWASSEE RECORDED ON SLIDE 2526-C IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE LEAVING SAID EAST RIGHT OF WAY, RUN SOUTH 89° 38' 52" EAST FOR 2,617.52 FEET TO A 3/4" IRON PIPE FOUND MARKING THE NORTH WEST CORNER OF LOT 46, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG WEST LINE OF SAID RETREAT AT TIAWASSEE, RUN SOUTH 00° 20' 08" WEST FOR 1,327.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 79.72 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN IN BALDWIN COUNTY, ALABAMA.

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PRE-ZONING AMENDMENT

North side property owners

05-43-02-09-0-000-001.111
CITY OF DAPHNE

05-43-02-09-0-000-001.000
LANE, GEOFFREY A ETAL LANE, ALISE C
8516 N LAMHATTY LN, DAPHNE, AL 36526

05-43-02-09-0-000-001.089
LOMAX, MATTHEW T ETAL LOMAX, EMILY S
8548 N LAMHATTY LN, DAPHNE, AL 36526

05-43-02-09-0-000-001.090
STRASSNER, DOUGLAS E (1/2 INT) ETAL KING
5176 BAYOU DR, ORANGE BEACH AL 36561

05-43-02-09-0-000-001.091 YOUNG, CHRISTOPHER ETAL YOUNG, LINDSAY
8568 N LAMHATTY LN, DAPHNE, AL 36526

05-43-02-09-0-000-001.092
05-43-02-09-0-000-001.093
05-43-02-09-0-000-001.094
05-43-02-09-0-000-001.096
EASTERN SHORE ACQUISITIONS L L C
29891 WOODROW LANE, SPANISH FORT, AL 36527

05-43-02-09-0-000-001.095
SEDDON, NEIL ETAL SEDDON, JENNIFER K
8600 N LAMHATTY LN, DAPHNE, AL 36526

East side property owners

05-43-02-09-0-000-001.120
BPC TIAWASEE DEVELOPMENT L L C
29891 WOODROW LAN STE 300, SPANISH FORT, AL 36527

05-43-02-09-0-000-001.121
ARK BUILDERS L L C
P O BOX 1643, DAPHNE, AL 36526

05-43-02-09-0-000-001.122
through
05-43-02-09-0-000-001.130
BPC TIAWASEE DEVELOPMENT L L C
29891 WOODROW LAN STE 300, SPANISH FORT, AL 36527

05-43-02-09-0-000-010.148
KINKADE, GRANT ETAL KINKADE, SARAH
27570 STRATFORD GLEN DR, DAPHNE AL 36526

05-43-02-09-0-000-010.149
LOONEY, JASON BRYCE ETAL LOONEY, JENNIFER
8425 PREAKNESS CT, DAPHNE AL 36526

05-43-02-09-0-000-010.150
HARRIS, MICHAEL R ETAL HARRIS, NANCY G M
8421 PREAKNESS CT, DAPHNE, AL 36526

05-43-02-09-0-000-010.151
OLIVASTRO, RICHARD J ETAL OLIVASTRO, KAREN
13 WINCHESTER CT, FARMINGTON CT 06032

05-43-02-09-0-000-010.152
JOHNSON, JAMES JR ETAL JOHNSON, NORA L
8393 PREAKNESS CT, DAPHNE, AL 36526

05-43-02-09-0-000-010.153
BEAN, ROBERT NEIL
8381 PREAKNESS CT, DAPHNE, AL 36526

05-43-02-09-0-000-010.154
ALICANTE L L C
412 NORTH MAIN ST, BUFFALO, WY 82834

05-43-02-09-0-000-010.155
STRATFORD GLEN #75 L L C
535 CALIBRE ST, FAIRHOPE, AL 36532

05-43-02-09-0-000-009.024
CREEKSIDE RESIDENTIAL SUBDIVISION PROPERTY
P O BOX 1486, DAPHNE, AL 36526

05-43-02-09-0-000-009.025
BUNDY, CAROL
8173 SOLDIER CT, DAPHNE, AL 36526

05-43-02-09-0-000-009.026
HART, MICHAEL A ETAL HART, KAYLIN L
8161 SOLDIER CT, DAPHNE, AL 36526

05-43-02-09-0-000-009.027
HOLSTON, JASON L ETAL HOLSTON, ASHLEY W
8143 SOLDIER CT, DAPHNE, AL 36526

05-43-02-09-0-000-009.028
TOMBERLIN, DOUGLAS E ETAL TOMBERLIN, DIA
8125 SOLDIER CT, DAPHNE, AL 36526

8115 SOLDIER CT, DAPHNE, AL 36526

05-43-02-09-0-000-009.030

TAYLOR, WILLIAM JOSEPH ETUX RENE Y
P O BOX 1875, DAPHNE, AL 36526

05-43-02-09-0-000-009.031

BURKE, GERALD W JR ETAL BURKE, BRIEN J
8089 SOLDIERS CT, DAPHNE, AL 36526

05-43-02-09-0-000-009.074

BA-101 L L C
27154 POLLARD RD, DAPHNE, AL 36526

05-43-02-09-0-000-009.067

GILBERT, NICHOLAS A ETAL GILBERT KHRISTI
9052 BROOKSIDE LN, DAPHNE, AL 36526

05-43-02-09-0-000-009.068

SYNICKY, EDWARD J ETAL LIBBY, BEVERLY A
P O BOX 18207, ANAHEIM, CA 92817

05-43-02-09-0-000-009.069

ROACH, JOHN G III
168 GASTAN AVE, FAIRHOPE, AL 36532

East side property owners

05-43-03-08-0-000-033.048

BISHOP, KENNETH WAYNE JR ETUX KERI C
8034 EAST EAGLE CREEK DR, DAPHNE, AL 36526

05-43-03-08-0-000-033.047

HARRISON, JOHNNY W
385 HWY 7 N, OXFORD, MS 38655

05-43-03-08-0-000-033.046

SHARP, JOHN SHERMAN ETAL SHARP, MARGARET
8058 EAGLE CREEK DR, DAPHNE, AL 36526

05-43-03-08-0-000-033.034

WIGGINS, WILLIAM C
8050 NESTING EAGLE CT, DAPHNE, AL

05-43-03-08-0-000-033.023

DUCOTE, FINTAN M ETAL DUCOTE, MOLLIE C
8053 NESTING EAGLE CT, DAPHNE, AL

05-43-03-08-0-000-033.024

MCLEAN, GARY F
12469 DAWN HILL DR, MARYLAND HEIGHTS, MO 63043

05-43-03-08-0-000-033.022

STREET, TIMOTHY E
8070 LANDING EAGLE DR, DAPHNE, AL

P O BOX 130 (MA), BAY MINETTE, AL 36507

05-43-03-08-0-000-032.000

ROBERTS, IRENE T

C/O VERNELL TURNER

6122 BELGRADE DR NW , HUNTSVILLE, AL 35810

PLANNING COMMISSION
PREZONING REQUEST FOR
S. HICKORY, INC.



COMMUNITY DEVELOPMENT

**East of the Intersection of Eagle Creek Drive and Pollard Road
(S. Hickory, Inc.)
79.72 acres**

Owner: S. Hickory, Inc.

Existing Conditions: 79.72 acres of undeveloped land

Existing Zoning: Baldwin County Zoning - RSF-2, Single Family District

Proposed Zoning: R-3, High Density Single Family District

Surrounding Zonings/Uses:

North - R-1, Low Density Single Family Residential

South - R-4, High Density Single Family Residential and R-3, High Density Single Family District

East - R-3, High Density Single Family District

West - R-2, Medium Density Single Family District

Existing Utility Service Providers:

Gas, Water & Sewer – Daphne Water

Electric—Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 3

Police Protection-Police Beat 2 and/or 3

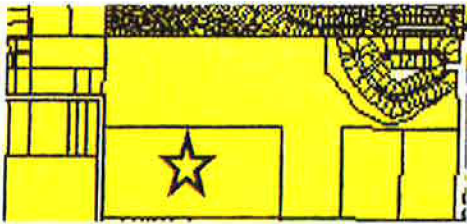
Public Works

Baldwin County Schools—(Daphne High Feeder Pattern)

Increased residential growth will likely result in the need for increased public safety personnel and city resources.

FROM THE 2000-2020 COMPREHENSIVE PLAN (adopted on June 26, 2003):

The Comprehensive Plan Future Land Use Map shows the subject property as residential. The proposed zoning is consistent with the Comp Plan.

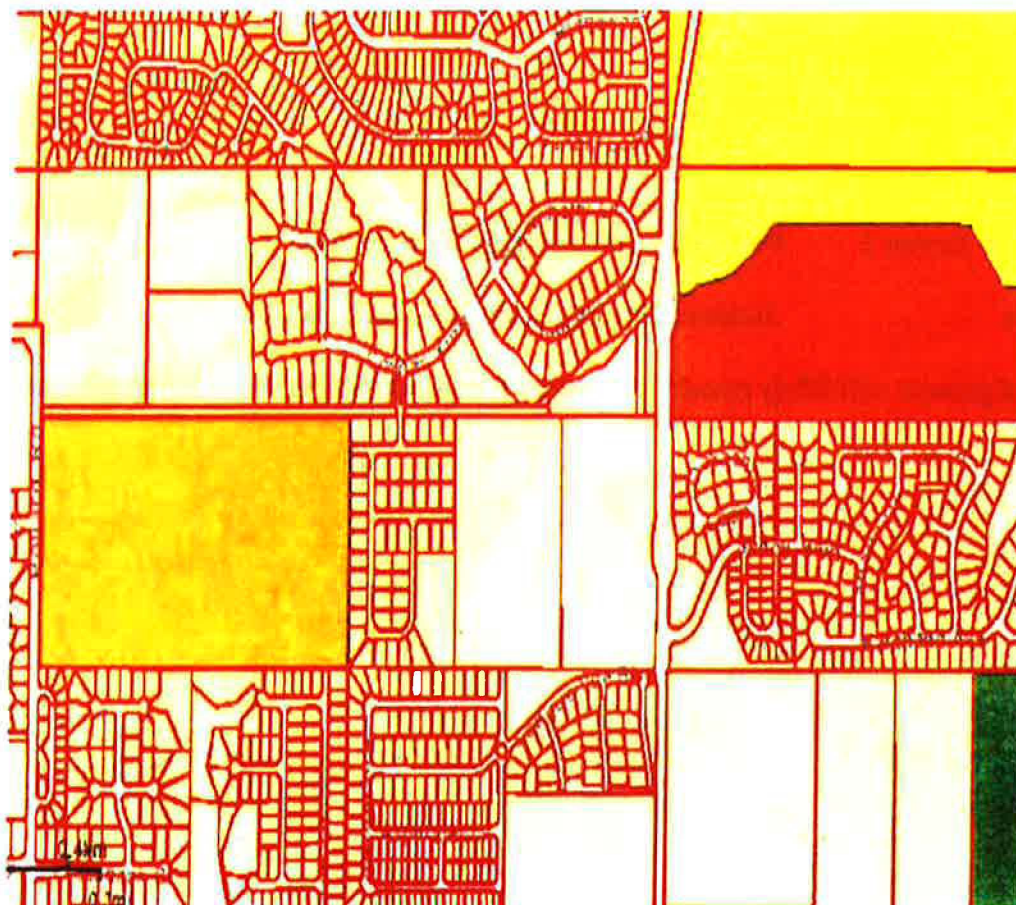


The 79.72 acre site is an undeveloped island of land surrounded by city zoning. The R-3, zoning requested by the applicant is consistent with the zoning of the surrounding land located inside the city limits.



Community Development Recommendation: Approval.

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



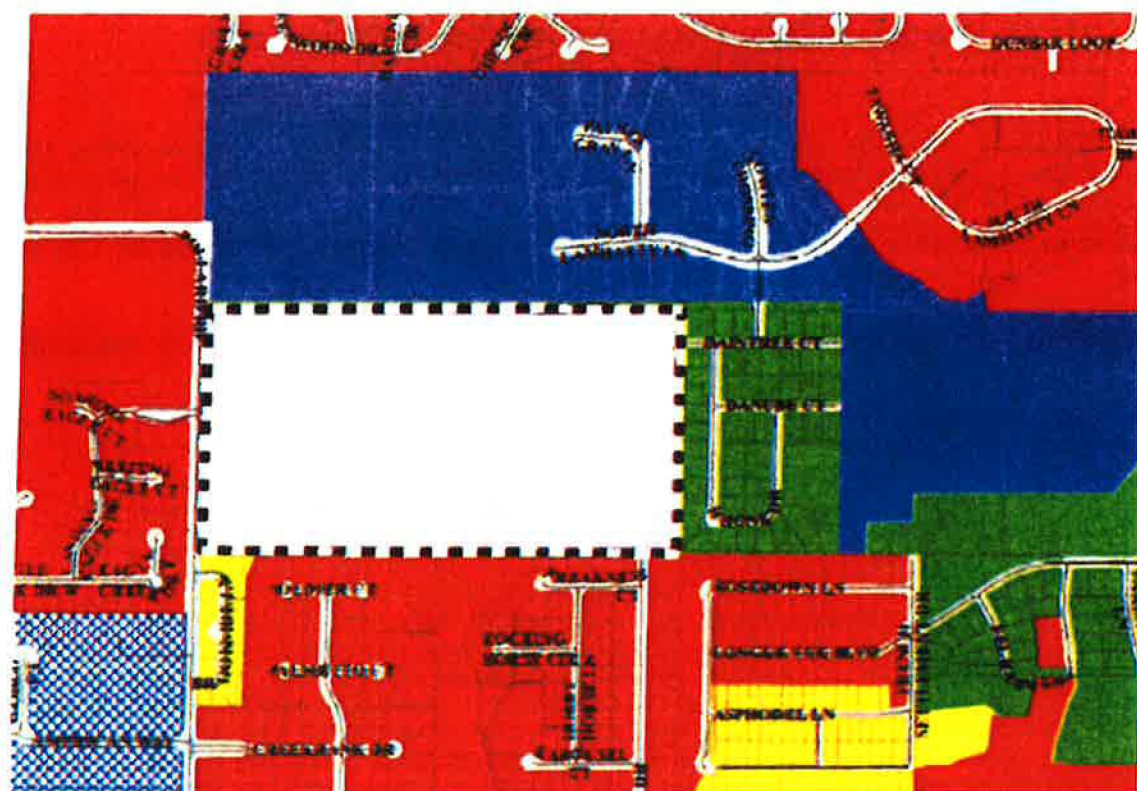
Baldwin County Zoning Map Excerpt

District

15

- ☒ 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

Excerpt from City of Daphne Official Zoning Map



Legend

- City Limits as of 09.30.16
- | | |
|---|--|
|  | 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 |

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-**

**Ordinance to Pre-Zone Property Located
On the East Side of Pollard Road, North of Creekside Subdivision
S. Hickory, Inc.**

WHEREAS, S. Hickory, Inc. as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-2, Single Family District, Baldwin County extraterritorial planning jurisdiction, to be pre-zoned as R-3, High Density Single Family Residential District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is on the east side of Pollard Road, north of Creekside Subdivision, and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT A CONCRETE MONUMENT FOUND (3" DIAMETER) MARKING THE NORTH EAST CORNER OF LOT 68, STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE SOUTH WEST CORNER OF LOT 36, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE COMMON NORTHERN CORNER FOR LOTS 33 AND 34, FRENCH SETTLEMENT, PHASE 1B AS RECORDED ON SLIDE 2366-E AND 2366-F IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG THE NORTH LINE OF STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F, THE NORTH LINE OF CREEKSIDE UNIT 2 AS RECORDED ON SLIDE 1779-A, THE NORTH LINE OF BROOKSIDE PATIO HOMES AS RECORDED ON SLIDE 2189-F, ALL BEING RECORDED IN THE PROBATE RECORDS BALDWIN COUNTY, AL., RUN NORTH 89° 38' 35" WEST FOR 2,613.31 FEET TO A 1/2" (#4) REBAR FOUND AT THE NORTH WEST CORNER OF LOT 16 OF SAID BROOKSIDE PATIO HOMES; THENCE ALONG THE EAST RIGHT OF WAY (80') LINE OF POLLARD ROAD RUN NORTH 00° 09' 19" EAST FOR 1,327.66 FEET TO A CAPPED REBAR (CA-0604-LS) THAT LIES 48.66' SOUTHERLY FROM THE SOUTH WEST CORNER LOT 3, THE PRESERVE AT TIAWASSEE RECORDED ON SLIDE 2526-C IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE LEAVING SAID EAST RIGHT OF WAY, RUN SOUTH 89° 38' 52" EAST FOR 2,617.52 FEET TO A 3/4" IRON PIPE FOUND MARKING THE NORTH WEST CORNER OF LOT 46, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG WEST LINE OF SAID RETREAT AT TIAWASSEE, RUN SOUTH 00° 20' 08" WEST FOR 1,327.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 79.72 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN IN BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on March 23, 2017, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 15, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby pre-zoned to R-3, High Density Single Family Residential District, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-2, Single Family District, Baldwin County extraterritorial planning jurisdiction.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____ day of _____, 2017.**

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes,
City Clerk**

EXHIBIT "A"

S. HICKORY, INC.

PRE-ZONING AND ANNEXATION

**NORTH POLLARD ROAD
DAPHNE, BALDWIN COUNTY, ALABAMA**

**LEGAL DESCRIPTION OF PROPERTY TO BE PRE-ZONED AS R3 AND ANNEXED TO
THE CITY OF DAPHNE:**

BEING MORE PARTICULARLY DESCRIBED AS:

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To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: S. Hickory, Inc. Annexation Petition
Date: March 27, 2017

MEMORANDUM

PRESENT ZONING: RSF-2, Single Family District,
Baldwin County Exterritorial
Planning Jurisdiction

LOCATION: East side of Pollard Road, north of
Creekside Subdivision

RECOMMENDATION: At the Thursday, March 23, 2017,
regular meeting of the Daphne
Planning Commission, six members
were present, and the motion carried
for a unanimous favorable
recommendation for the above
mentioned annexation petition.

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

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

Thank you,
ADJ/jv

attachment(s)

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

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

(_____)
The undersigned corporation, S. H. Kary, Inc., files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, S. H. Kary, Inc.; to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

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

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

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

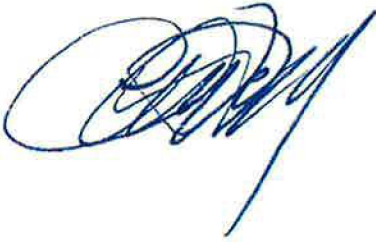
4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: R-3

Any other conditions which may apply upon annexation:

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

DATED this 14th day of February, 2017



Respectfully submitted,

S. H. Zkory, Inc.
Name of Corporation

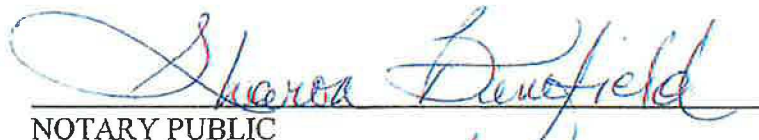
By: Charles K. Beeland Jr.

Its: President

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Sharon Benefield, the undersigned Notary Public in and for said county and state, hereby certify that Charles K. Beeland Jr. whose name as President of S. H. Zkory, Inc., an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 14 day
of Feb, 2017.


NOTARY PUBLIC

My commission expires: 12/10/18

Corporation's Address

P.O. Box 7430

Spanish Fort AL 36577

ADDITIONAL INFORMATION

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

Initials: CS

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

Initials: CS

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

Initials: CS

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

Initials: CS

SELECT ONE OF THE FOLLOWING OPTIONS

- ☒ Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): R-3, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: CS

Or

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

Initials: _____

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, 14th day of February 2017.

Legal Description Attached (Exhibit A)? ☒ Map or Survey Attached (Exhibit B)? ☒

Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission

Attached (Exhibit C)? _____ Acreage _____

Subdivision Name _____ Lot Number(s) _____

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

Signature: [Signature] Signature: _____

Printed Name: Charles K. Barcland Printed Name: _____

Mailing Address: P.O. Box 7430 Mailing Address: _____

Spanish Fort AL 36577

3

EXHIBIT "A"

S. HICKORY, INC.

PRE-ZONING AND ANNEXATION

**NORTH POLLARD ROAD
DAPHNE, BALDWIN COUNTY, ALABAMA**

**LEGAL DESCRIPTION OF PROPERTY TO BE PRE-ZONED AS R3 AND ANNEXED TO
THE CITY OF DAPHNE:**

BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A CONCRETE MONUMENT FOUND (3" DIAMETER) MARKING THE NORTH EAST CORNER OF LOT 68, STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE SOUTH WEST CORNER OF LOT 36, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE COMMON NORTHERN CORNER FOR LOTS 33 AND 34, FRENCH SETTLEMENT, PHASE 1B AS RECORDED ON SLIDE 2366-E AND 2366-F IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG THE NORTH LINE OF STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F, THE NORTH LINE OF CREEKSIDE UNIT 2 AS RECORDED ON SLIDE 1779-A, THE NORTH LINE OF BROOKSIDE PATIO HOMES AS RECORDED ON SLIDE 2189-F, ALL BEING RECORDED IN THE PROBATE RECORDS BALDWIN COUNTY, AL., RUN NORTH 89° 38' 35" WEST FOR 2,613.31 FEET TO A 1/2" (#4) REBAR FOUND AT THE NORTH WEST CORNER OF LOT 16 OF SAID BROOKSIDE PATIO HOMES; THENCE ALONG THE EAST RIGHT OF WAY (80') LINE OF POLLARD ROAD RUN NORTH 00° 09' 19" EAST FOR 1,327.66 FEET TO A CAPPED REBAR (CA-0604-LS) THAT LIES 48.66' SOUTHERLY FROM THE SOUTH WEST CORNER LOT 3, THE PRESERVE AT TIAWASSEE RECORDED ON SLIDE 2526-C IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE LEAVING SAID EAST RIGHT OF WAY, RUN SOUTH 89° 38' 52" EAST FOR 2,617.52 FEET TO A 3/4" IRON PIPE FOUND MARKING THE NORTH WEST CORNER OF LOT 46, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG WEST LINE OF SAID RETREAT AT TIAWASSEE, RUN SOUTH 00° 20' 08" WEST FOR 1,327.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 79.72 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN IN BALDWIN COUNTY, ALABAMA.

PLANNING COMMISSION
ANNEXATION REQUEST FOR
S. HICKORY, INC.



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Annexation of S. Hickory, Inc. Property
79.72 acres**

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

REQUEST

The applicant has requested annex the subject property into the city limits and has presented a request to re-zone the land to R-3. The land is located along the east side of Pollard Road, northeast of the intersection of Eagle Creek Drive and Pollard Road. The site is north of Creek Side Subdivision, Stratford Glen; west of The Retreat at Tiawasee; and south of The Preserve at Tiawasee.

RECOMMENDATION

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

Associated Application-PZA17-02 Pre-zone 79.72 acres to R-3, High Density Single Family Residential.

Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

Section 11-52-85 of the Code of Alabama allows “pre-zoning of property.” In this case, both requests have been submitted concurrently and are moving on the same path. The Planning Commission will make a recommendation to Council for zoning and also make a recommendation for annexation.

Code of Alabama Section 11-52-85

Pre-zoning of territory proposed for annexation by municipality. (*Highlights by staff*)

(a) A municipality which exercises its authority to zone territory within its corporate limits may pre-zone territory proposed for annexation into the corporate limits of the municipality prior to the effective date of the annexation by complying with this article. If all the requirements, including all notice and public hearing requirements, of this article are met, **the zoning shall become effective upon the date the territory is annexed into the corporate limits, or upon the date the zoning process is completed, whichever is later.**

(b) A municipality which exercises its authority to zone territory within its corporate limits shall pre-zone territory as provided in subsection (a) and issue a statement of zoning classification to an affected property owner if the individual property owner residing in the area to be annexed requests in writing that a zoning determination be made pursuant to this section prior to being annexed.

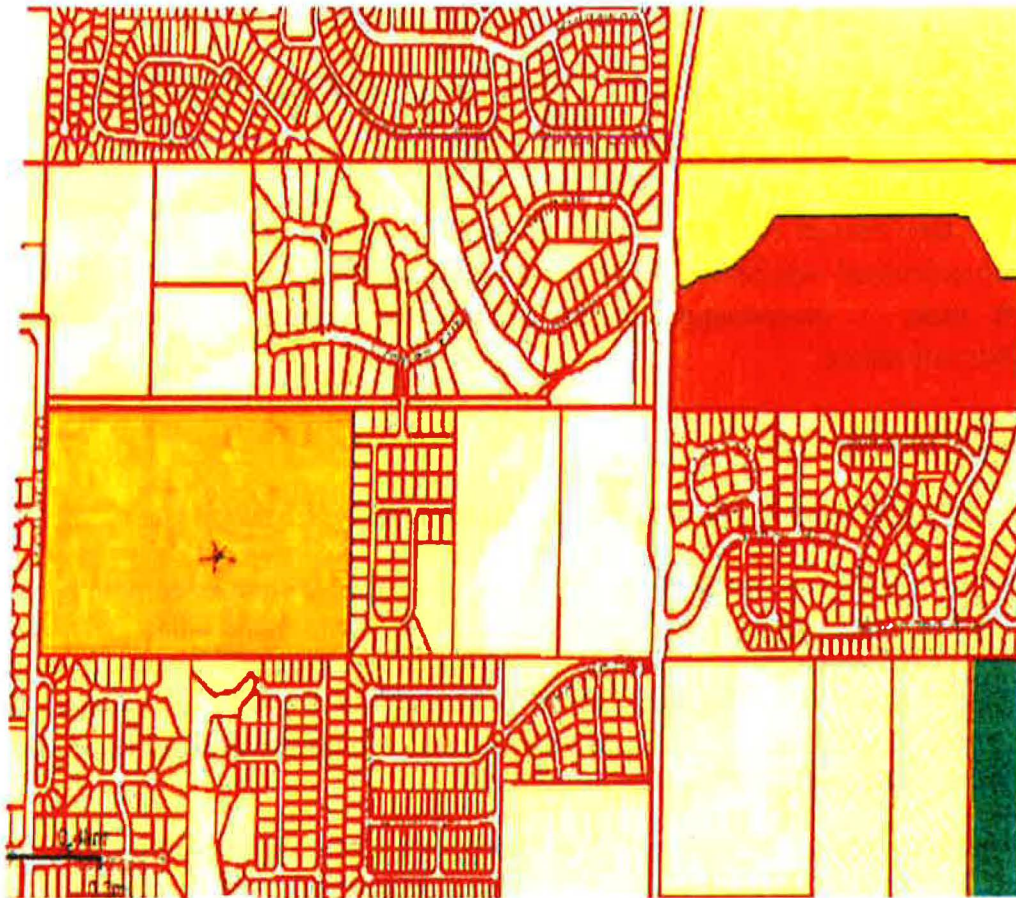
(c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law.

(d) Nothing contained in this section shall allow a municipality to zone territory outside the corporate limits of the municipality that is not in the process of being annexed into the corporate limits of a municipality as provided by law.

(e) Section 6-5-127 shall be applicable to any property pre-zoned pursuant to this section.

(Act 2009-629, p. 1926, §1.)

Baldwin County Zoning Map Excerpt District 15



- ☒ 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)

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-**

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

**On the East Side of Pollard Road, north of Creekside Subdivision
S. Hickory, Inc.**

WHEREAS, on the 14th day of February, 2017, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on May 15, 2017 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on March 23, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: ZONING

At the June 5, 2017 regularly scheduled City Council meeting Ordinance 2017-__ was adopted pre-zoning the said property as R-3, High Density Single Family Residential District.

SECTION THREE: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

BEGINNING AT A CONCRETE MONUMENT FOUND (3" DIAMETER) MARKING THE NORTH EAST CORNER OF LOT 68, STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE SOUTH WEST CORNER OF LOT 36, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE COMMON NORTHERN CORNER FOR LOTS 33 AND 34, FRENCH SETTLEMENT, PHASE 1B AS RECORDED ON SLIDE 2366-E AND 2366-F IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG THE NORTH LINE OF STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE

2152-F, THE NORTH LINE OF CREEKSIDE UNIT 2 AS RECORDED ON SLIDE 1779-A, THE NORTH LINE OF BROOKSIDE PATIO HOMES AS RECORDED ON SLIDE 2189-F, ALL BEING RECORDED IN THE PROBATE RECORDS BALDWIN COUNTY, AL., RUN NORTH 89° 38' 35" WEST FOR 2,613.31 FEET TO A 1/2" (#4) REBAR FOUND AT THE NORTH WEST CORNER OF LOT 16 OF SAID BROOKSIDE PATIO HOMES; THENCE ALONG THE EAST RIGHT OF WAY (80') LINE OF POLLARD ROAD RUN NORTH 00° 09' 19" EAST FOR 1,327.66 FEET TO A CAPPED REBAR (CA-0604-LS) THAT LIES 48.66' SOUTHERLY FROM THE SOUTH WEST CORNER LOT 3, THE PRESERVE AT TIAWASSEE RECORDED ON SLIDE 2526-C IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE LEAVING SAID EAST RIGHT OF WAY, RUN SOUTH 89° 38' 52" EAST FOR 2,617.52 FEET TO A 3/4" IRON PIPE FOUND MARKING THE NORTH WEST CORNER OF LOT 46, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG WEST LINE OF SAID RETREAT AT TIAWASSEE, RUN SOUTH 00° 20' 08" WEST FOR 1,327.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 79.72 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN IN BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property (*Exhibit "B"*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FIVE: PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE ____ DAY OF _____, 2017.

Dane Haygood,
Mayor

ATTEST

Rebecca A. Hayes,
City Clerk

EXHIBIT "A"

S. HICKORY, INC.

PRE-ZONING AND ANNEXATION

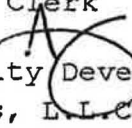
**NORTH POLLARD ROAD
DAPHNE, BALDWIN COUNTY, ALABAMA**

**LEGAL DESCRIPTION OF PROPERTY TO BE PRE-ZONED AS R3 AND ANNEXED TO
THE CITY OF DAPHNE:**

BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A CONCRETE MONUMENT FOUND (3" DIAMETER) MARKING THE NORTH EAST CORNER OF LOT 68, STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE SOUTH WEST CORNER OF LOT 36, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE COMMON NORTHERN CORNER FOR LOTS 33 AND 34, FRENCH SETTLEMENT, PHASE 1B AS RECORDED ON SLIDE 2366-E AND 2366-F IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG THE NORTH LINE OF STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F, THE NORTH LINE OF CREEKSIDE UNIT 2 AS RECORDED ON SLIDE 1779-A, THE NORTH LINE OF BROOKSIDE PATIO HOMES AS RECORDED ON SLIDE 2189-F, ALL BEING RECORDED IN THE PROBATE RECORDS BALDWIN COUNTY, AL., RUN NORTH 89° 38' 35" WEST FOR 2,613.31 FEET TO A 1/2" (#4) REBAR FOUND AT THE NORTH WEST CORNER OF LOT 16 OF SAID BROOKSIDE PATIO HOMES; THENCE ALONG THE EAST RIGHT OF WAY (80') LINE OF POLLARD ROAD RUN NORTH 00° 09' 19" EAST FOR 1,327.66 FEET TO A CAPPED REBAR (CA-0604-LS) THAT LIES 48.66' SOUTHERLY FROM THE SOUTH WEST CORNER LOT 3, THE PRESERVE AT TIAWASSEE RECORDED ON SLIDE 2526-C IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE LEAVING SAID EAST RIGHT OF WAY, RUN SOUTH 89° 38' 52" EAST FOR 2,617.52 FEET TO A 3/4" IRON PIPE FOUND MARKING THE NORTH WEST CORNER OF LOT 46, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG WEST LINE OF SAID RETREAT AT TIAWASSEE, RUN SOUTH 00° 20' 08" WEST FOR 1,327.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 79.72 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN IN BALDWIN COUNTY, ALABAMA.

[illegible]

To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: Bertolla Properties, L.L.C.
Pre-Zoning Amendment
Date: March 27, 2017

MEMORANDUM

PRESENT ZONING: RSF-2, Single Family District, and
RA, Rural Agricultural, Baldwin
County Extraterritorial Planning
Jurisdiction

PROPOSED PRE-ZONING: PUD, Planned Unit Development

LOCATION: Southeast of Alabama 181 and Austin
Road

RECOMMENDATION: At the Thursday, March 23, 2017,
regular meeting of the Daphne
Planning Commission, six members
were present, and the motion carried
for a unanimous favorable
recommendation for the above
mentioned pre-zoning amendment.

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

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

Thank you,
ADJ/jv

attachment(s)

1. Pre-zoning Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. PUD documents
5. Adjacent property owners list
6. Community Development Report
7. Citizen Comments



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816	Date Submitted: 2/23/17
Application Number: ZA- or PZA- 17-04	Planning Commission Public Hearing Date: 3/23/17

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): Southeast of intersection of Ala Hwy 181 & Austin Rd	PPIN#(s): 62440, 40552, 111159, 2970, 103572
Gross Site Area (acreage): 361.55 Acres	Requested Zoning or Pre-Zoning: PUD
Current Zoning Designation(s): RSF-2 & RA (Baldwin County District 15)	Amended Request: Initials: Date:
Current Land Use: Agricultural	Anticipated Land Use: Single Family Residential
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": See attached	

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i> Alexander Bertolla	
Name of Current Owner: Bertolla Properties LLC	
Mailing Address: PO Box 1527, Daphne, AL 36526	Phone/Fax: 610-0031 E-mail: bertollafs@gulftel.com
Name of Authorized Agent: Dewberry/Preble-Rish	
Mailing Address: 9949 Bellaton Avenue, Daphne, AL 36526	Phone/Fax: 990-9950/929-9815 E-mail: mpumphrey@dewberry.com
Name of Developer*: DR Horton, Inc.	Phone/Fax: 259-8295 E-mail: ctrogers@drhorton.com
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: 2-23-17
Agent's Signature:	Date: 2-23-17

EXHIBIT A

LEGAL DESCRIPTION FOR JUBILEE FARMS (BERTOLLA PROPERTY)

BEGINNING AT A 3/4" CRIMP TOP IRON PIPE AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89°49'02" WEST, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 2669.96 FEET TO A 1/2" CAPPED REBAR (CA-0604) AT THE SOUTHEAST CORNER OF LOT 28, DUNMORE, PHASE TWO, PART B, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2448-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°11'14" EAST, ALONG THE EAST MARGIN OF SAID DUNMORE, PHASE TWO, PART B AND DUNMORE, PHASE TWO, PART A, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2443-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND A PROJECTION THEREOF, A DISTANCE OF 2671.05 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE RUN SOUTH 89°34'24" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 2610.05 FEET TO 1/2" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00°10'51" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID ALABAMA HIGHWAY 181, A DISTANCE OF 400.02 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°34'24" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1402.13 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°03'11" EAST, A DISTANCE OF 902.21 FEET TO A 1/2" CAPPED REBAR ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89°32'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 1256.80 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°07'47" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 30.14 FEET TO 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 1 OF AUSTIN BRIDGES, UNIT 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2007-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89°22'04" EAST, ALONG THE SOUTH MARGIN OF SAID AUSTIN BRIDGES, UNIT 1 AND THE SOUTH MARGIN AUSTIN BRIDGES, UNIT TWO, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2082-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1297.53 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 18 OF SAID AUSTIN BRIDGES, UNIT TWO; THENCE RUN SOUTH 00°46'05" WEST, A DISTANCE OF 670.61 FEET TO 1/2" REBAR; THENCE RUN NORTH 89°25'58" EAST, A DISTANCE OF 1069.01 FEET TO A 1/2" CAPPED REBAR AT THE NORTHWEST CORNER OF LOT 1 OF STEPHEN SPRINGS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2346-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 300.66 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°25'14" EAST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS;

THENCE RUN SOUTH 00°11'25" WEST, A DISTANCE OF 80.01 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHEAST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 89°25'14" WEST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.04 FEET TO A 1/2"

CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.05 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°58'37" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 412.34 FEET TO 1-1/2" OPEN END IRON PIPE; THENCE RUN SOUTH 00°02'13" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 672.87 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHWEST CORNER OF TRACT 1 IN SECTION 26 OF HIGHLAND FARMS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT MISCELLANEOUS BOOK 1, PAGE 290-291, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°47'09" EAST, A DISTANCE OF 1923.05 FEET TO 1/2" REBAR; THENCE RUN NORTH 00°06'23" EAST, A DISTANCE OF 630.48 FEET TO A 1/2" REBAR ON THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN SOUTH 89°34'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 60.00 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE NORTHWEST CORNER OF LOT 1 OF AVALON PHASE 1A, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2104-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA;

THENCE RUN SOUTH 00°06'23" WEST, A DISTANCE OF 630.25 FEET TO A 1/2" CAPPED REBAR ON THE WEST MARGIN OF LOT 73 OF AVALON, PHASE 3, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2220-D AND 2220-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°23'53" WEST, ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 663.68 FEET TO A 1/2" CAPPED REBAR; THENCE RUN SOUTH 88°35'21" EAST, A DISTANCE OF 7.96 FEET TO 5/8" CAPPED REBAR (CA-728); THENCE RUN SOUTH 00°08'21" WEST, CONTINUING ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 669.18 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°48'48" WEST, A DISTANCE OF 6.93 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°03'05" WEST, A DISTANCE OF 668.95 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°11'04" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 1319.23 FEET TO A 1/2" CAPPED REBAR (CA-1109) AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN SOUTH 89°55'01" WEST, A DISTANCE OF 1326.54 FEET TO A 2" OPEN END PIPE AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN NORTH 00°55'29" EAST, A DISTANCE OF 1323.76 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 361.55 ACRES, MORE OR LESS, AND LIES IN SECTIONS 25, 26 AND 36, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.05 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°58'37" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 412.34 FEET TO 1-1/2" OPEN END IRON PIPE; THENCE RUN SOUTH 00°02'13" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 672.87 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHWEST CORNER OF TRACT 1 IN SECTION 26 OF HIGHLAND FARMS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT MISCELLANEOUS BOOK 1, PAGE 290-291, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°47'09" EAST, A DISTANCE OF 1923.05 FEET TO 1/2" REBAR; THENCE RUN NORTH 00°06'23" EAST, A DISTANCE OF 630.48 FEET TO A 1/2" REBAR ON THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN SOUTH 89°34'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 60.00 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE NORTHWEST CORNER OF LOT 1 OF AVALON PHASE 1A, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2104-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA;

THENCE RUN SOUTH 00°06'23" WEST, A DISTANCE OF 630.25 FEET TO A 1/2" CAPPED REBAR ON THE WEST MARGIN OF LOT 73 OF AVALON, PHASE 3, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2220-D AND 2220-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°23'53" WEST, ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 663.68 FEET TO A 1/2" CAPPED REBAR; THENCE RUN SOUTH 88°35'21" EAST, A DISTANCE OF 7.96 FEET TO 5/8" CAPPED REBAR (CA-728); THENCE RUN SOUTH 00°08'21" WEST, CONTINUING ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 669.18 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°48'48" WEST, A DISTANCE OF 6.93 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°03'05" WEST, A DISTANCE OF 668.95 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°11'04" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 1319.23 FEET TO A 1/2" CAPPED REBAR (CA-1109) AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN SOUTH 89°55'01" WEST, A DISTANCE OF 1326.54 FEET TO A 2" OPEN END PIPE AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN NORTH 00°55'29" EAST, A DISTANCE OF 1323.76 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 361.55 ACRES, MORE OR LESS, AND LIES IN SECTIONS 25, 26 AND 36, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



Jubilee Farms
A Planned Unit Development
Daphne, Alabama

EXHIBIT "B"
BOUNDARY SURVEY

LARRY FORTS AND I
 have been working for the FBI for
 10 years. We are both married and
 have two children each. We are
 both active in our communities
 and are proud to be Americans.
 We are both active in our
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Jubilee Farms

A Planned Unit Development
Daphne, Alabama

Development Summary

Current Zoning: RSF-2 & RA (B.C. Dist. 15)
Proposed Zoning: P.U.D. (Daphne)
Streets: 47,042 L.F.
Total Acreage: 361.55 Ac.

Open Space:
Formal: 25.95 Ac. (7.2%)
Passive: 53.24 Ac. (14.7%)
Wetlands (J.D.): 8.98 Ac. (2.5%)
TOTAL: 88.17 Ac. (24.4%)

Lot Summary

80' x 150's 133 (15%)
70' x 140's 414 (45%)
52' x 125's 368 (40%)
TOTAL 915

Conceptual Trail Location



Typical Lots

JUBILEE FARMS PUD STANDARDS

Jubilee Farms, a Planned Unit Development (PUD), is a 361.55 acre site located southeast of the intersection of Alabama Highway 181 and Austin Road. The property is presently in the extraterritorial jurisdiction of the City of Daphne and is located in Baldwin County Planning District 15 and is zoned RA – Rural Agriculture (approximately 21 acres) and RSF-2 – Residential Single Family. Application has been made to the City of Daphne to Pre-zone this property as a PUD.

The proposed development consists of 915 single family lots, with 368 lots at 52' wide and a minimum of 6,500 sq. ft., and 414 lots at 70' wide and a minimum of 9,800 sq. ft., and 133 lots at 80' wide and a minimum of 12,000 sq. ft. The proposed density of the development is 2.53 units per acre. There are 88.17 acres, or 24.4% of the total site, proposed as common area. These common areas consists of 25.95 acres of formal open space, 53.24 acres of passive open space, and 8.98 acres of jurisdictional wetlands.

The residential lots shall have the following standards:

The 52' wide lots are to have building setbacks of 25' on the front and rear, 6' on the sides, and 15' on the street sides. The 70' wide lots are 30' on the front and rear, 6' on the sides, and 20' on the street sides. The 80' wide lots are 30' on the front and rear, 10' on the sides, and 20' on the street sides. The maximum building heights for all residential lots are to be as per the City's R-3 zoning district. The maximum building coverage of each residential lot is 45%.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. All roadways within the development will be public and sidewalks will be located on both sides of the proposed roadways. Sidewalks will be installed by the home builder at the time of house construction and will be required to be ADA compliant. All construction will be in accordance to the standards of the City of Daphne.

The stormwater management system will be designed in accordance with the standards of the City of Daphne. All stormwater facilities and structures outside of public right-of-ways will be maintained by the P.O.A. and not the City of Daphne.

A landscape plan will be provided as part of the subdivision process. The required landscaping will be provided in the common areas and installed during construction of the infrastructure adjacent to those common areas. Any additional landscaping will be provided by the home builders and/or the lot owners.

As per the City of Daphne Land Use and Development Ordinance, this development is considered a Large-Scale PUD, due to being over 300 acres in size. Developments of this size do require consideration of public facilities and services. The property owner has donated land to the City that is in the general area of this site, to provide for a Fire Station that can better serve this proposed development and other existing developments within the area. Multiple access points to this development will provide for alternate emergency access locations. A private

school has recently been constructed in the near vicinity of this site and the developer will coordinate with the public school system on the proposed development plans and growth rate to assist them in their planning. Traffic studies will be conducted prior to subdivision application of the first phase. Coordinated efforts are already underway between the City, ALDOT, and the County to realign area roadways and ALDOT has begun the process of surveying and designing the additional lanes for Highway 181 from Milton Jones Road to Alabama Highway 104. These improvements could begin sometime in 2018 and will be instrumental in providing for the additional traffic generated by this and other developments in the area. This development will be constructed in phases with a 15 to 20 year proposed build-out.

Jubilee Farms is to be a unique neighborhood offering varying lot types and amenities. The larger lots are located along the main road that basically runs through the center of the overall development. The other two lot types are divided into multiple separate neighborhoods throughout the development. These lot sizes and the associated building types will provide entry level options for perspective homeowners. Parks are located throughout the development with an approximately 6 acre site provided for multiple type amenities. Also the development provides 24.4% open space, which is almost 2.5 times more than is required in a PUD. Multi-use trails are also located along the common areas around the lakes, through the Parks, and along the rear of lots providing for additional pedestrian activities. As a public benefit the developer proposes a sidewalk along Austin Road adjacent to the development. The amenities, parks, multi-use trails, and sidewalks provide more opportunities for residents to enjoy on-site rather than having to use City parks. Finally the developer has elected to bring this development within the corporate limits of Daphne as opposed to staying in the County.

Covenants and Restrictions will provide for the formation of a Property Owner's Association for the Jubilee Farms development whereby maintenance responsibilities of the common areas and drainage infrastructure outside of public roadways will be established.

ADJACENT PROPERTY OWNERS TO JUBILEE FARMS (BERTOLLA PROPERTY)

Parcel Number	Owner Name	Address	City	State	Zip
05-43-07-25-0-000-005.002	MERRITT, GREGORY B ETUX PATSY M	11259 CO RD 54	DAPHNE	AL	36526
05-43-07-25-0-000-005.120	LAZZARI, JULIA D ETAL BARFIELD, KATRINA	24758 CO RD 54 W	DAPHNE	AL	36526
05-43-07-25-0-000-007.000	AVALON HOMEOWNERS ASSOCIATION INC	P O BOX 386	DAPHNE	AL	36526
05-43-07-25-0-000-007.002	FINLEY, DOLORES A	8304 MERNMACK CT	CHARLOTTE	NC	28210
05-43-07-25-0-000-007.015	AVALON HOMEOWNERS ASSOCIATION INC	P O BOX 386	DAPHNE	AL	36526
05-43-07-25-0-000-007.086	RADER, MICHAEL JR ETAL RADER, RHONDA M	24454 SAXSON CT	DAPHNE	AL	36526
05-43-07-25-0-000-007.087	DAVIDSON, KELLIE GALLOWAY	24457 SAXSON CT	DAPHNE	AL	36526
05-43-07-25-0-000-007.088	WALLACE, ALAN W	24453 SAXSON CT	DAPHNE	AL	36526
05-43-07-25-0-000-007.091	BUSH, MARK BRYAN	11209 ST IVES CT	DAPHNE	AL	36526
05-43-07-25-0-000-007.092	LINCOLN, CLAYTON J ETAL LINCOLN, GAIL	11210 ST IVES CT	DAPHNE	AL	36526
05-43-07-25-0-000-007.093	SHOEMAKER, JEFFREY ETAL SHOEMAKER, KAR	11232 SAINT IVES CT	DAPHNE	AL	36526
05-43-07-25-0-000-007.094	WHITE, RAYMOND ETAL WHITE, RACHELLE A	11244 ST IVES CT	DAPHNE	AL	36526
05-43-07-25-0-000-007.095	CASSIBRY, ROBERT ETAL CASSIBRY, SUZANN	11260 ST IVES CT	DAPHNE	AL	36526
05-43-07-25-0-000-007.096	SHIPMAN, JOHN JASON ETAL SHIPMAN, MARY	11272 ST IVES CT	DAPHNE	AL	36526
05-43-07-25-0-000-008.000	MONTEIRO, PHYLLIS G	11030 CO RD 54	DAPHNE	AL	36526
05-43-07-25-0-000-008.001	MOSELEY, TERRY LEE & SUSAN MARIE	24650 CO RD 54 W	DAPHNE	AL	36526
05-43-07-25-0-000-008.002	MCELLIGOTT, KEITH	11033 CO RD 54	DAPHNE	AL	36526
05-43-07-25-0-000-008.003	IKNER, NANCY L	11235 CO RD 54 W	DAPHNE	AL	36526
05-43-07-25-0-000-008.004	BERTOLLA PROPERTIES L L C	P O BOX 1527	DAPHNE	AL	36526
05-43-07-25-0-000-008.004	BERTOLLA PROPERTIES L L C	P O BOX 1527	DAPHNE	AL	36526
05-43-07-25-0-000-008.007	KIRCHHARR, DAVID L ETUX ELIZABETH R	11060 CO RD 54	DAPHNE	AL	36526
05-43-07-25-0-000-008.008	LAMBERT, TIMOTHY G ETAL LAMBERT, LAURA	11130 CO RD 54 W	DAPHNE	AL	36526
05-43-07-25-0-000-008.009	NIX, CHARLES A ETUX JO ANN M	11180 COUNTY ROAD 54	DAPHNE	AL	36526
05-43-07-25-0-000-008.010	LATHEM, WALTER E ETAL LATHEM, ROSE M	11190 CO RD 54 WEST	DAPHNE	AL	36526
05-43-07-25-0-000-008.011	CAMERON, JOHN G ETAL CAMERON, JUDY T	P O BOX 2667	DAPHNE	AL	36526
05-43-07-25-0-000-008.012	BERTOLLA PROPERTIES L L C	P O BOX 1527	DAPHNE	AL	36526

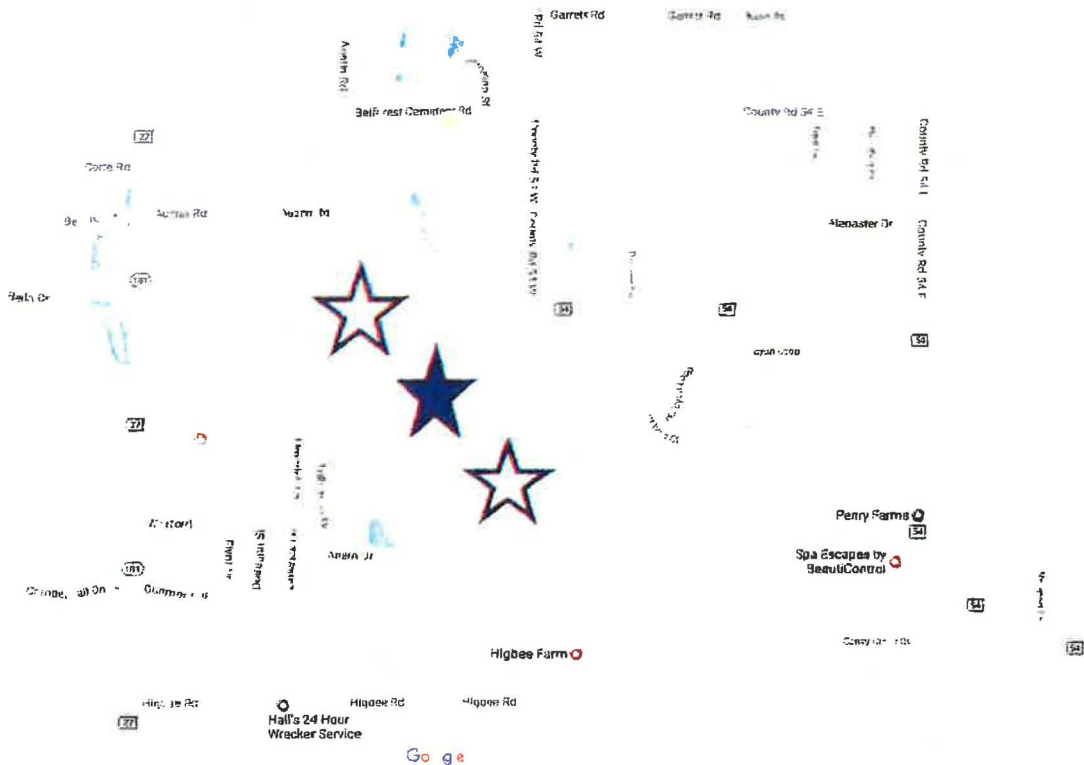
05-43-07-25-0-000-009.000	BERTOLLA PROPERTIES L L C	P O BOX 1527	DAPHNE	AL	36526
05-43-07-25-0-000-009.000	BERTOLLA PROPERTIES L L C	P O BOX 1527	DAPHNE	AL	36526
05-43-07-25-0-000-010.000	HIGBEE, RICHARD E	11011 HIGBEE RD	FAIRHOPE	AL	36532
05-43-07-26-0-000-001.000	LAZZARI, CELESTE R ETAL LAZZARI, VICTOR	25000 CO RD 54 E	DAPHNE	AL	36526
05-43-07-26-0-000-003.023	AUSTIN BRIDGES HOA	P O BOX 2342	DAPHNE	AL	36526
05-43-07-26-0-000-003.027	NIX, SHEILA M	10628 SASSAMAN CT	DAPHNE	AL	36526
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05-43-07-26-0-000-003.029	KEY, ELISON D ETAL KEY, VERONICA A	10614 SASSAMAN CT	DAPHNE	AL	36526
05-43-07-26-0-000-003.030	ABED, BRENDA R ACCARDI	242 STONE CREEK BLVD	FAIRHOPE	AL	36532
05-43-07-26-0-000-003.031	SMITH, ROBERT L ETAL SMITH, DIANE MARIE	10572 SASSAMAN CT	DAPHNE	AL	36526
05-43-07-26-0-000-003.032	GILL, MICAH P	10554 SASSAMAN CT	DAPHNE	AL	36532
05-43-07-26-0-000-003.033	TEW, CHERYL	10540 SASSAMAN CT	DAPHNE	AL	36526
05-43-07-26-0-000-003.034	BERTOLLA, RAYMOND ETAL BERTOLLA, JULIE	10520 SASSAMAN CT	DAPHNE	AL	36526
05-43-07-26-0-000-003.048	JAMES, ROBERT H ETAL JAMES, SANDRA S	24772 BOSBYSHELL AVE	DAPHNE	AL	36526
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05-43-07-26-0-000-004.004	PIONTKOWSKI, RICHARD ETAL PIONTKOWSKI,	24545 AUSTIN RD	DAPHNE	AL	36526
05-43-07-26-0-000-004.005	D'OLIVEIRA, FRANCISCO D ETAL D'OLIVEIRA,	24561 AUSTIN RD	DAPHNE	AL	36526
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05-43-07-26-0-000-004.009	YEEND, STEPHEN N ETAL YEEND, KATHRYN R	24651 AUSTIN RD	DAPHNE	AL	36526
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05-43-07-26-0-000-007.000	BERTOLLA PROPERTIES L L C	P O BOX 1527	DAPHNE	AL	36526
05-43-07-26-0-000-007.001	WADE, BILLY M ETUX KIM	P O BOX 1527	DAPHNE	AL	36526
05-43-07-26-0-000-007.002	WADE, BILLY M ETUX KIM	24593 CO RD 54 W	DAPHNE	AL	36526
05-43-07-26-0-000-007.003	AUSTIN, JAMES E	24593 CO RD 54 W	DAPHNE	AL	36526
05-43-07-26-0-000-007.004	BERTOLLA PROPERTIES L L C	24503 CO RD 54 W	DAPHNE	AL	36526
		P O BOX 1527	DAPHNE	AL	36526

05-43-07-26-0-000-008.000	DEFILIPPI, ANTONIO JAMES ETAL DEFILIPPI,	P O BOX 1472	DAPHNE	AL	36526
05-43-07-26-0-000-009.000	BONI, LOUIS JR ETAL BONI, SHARON OSTINI	11582 LISA CT	FAIRHOPE	AL	36532
05-43-07-26-0-000-009.001	BONI, THELMA M	25170 CO RD 13	DAPHNE	AL	36526
05-43-07-26-0-000-011.063	DUNMORE RESIDENTIAL HOA	29891 WOODROW LAN STE 300	SPANISH FORT	AL	36527
05-43-07-26-0-000-011.064	DUNMORE RESIDENTIAL HOA	29891 WOODROW LAN STE 300	SPANISH FORT	AL	36527
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05-43-07-26-0-000-011.079	CUSHMAN, WILLIAM D ETAL CUSHMAN, LISA	24240 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.080	STRANGE, GEORGE H IV	24234 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.081	MOYER, DARRYL L JR ETAL MOYER, SARA L	24226 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.082	COUNTS, WANDA KAY ETAL MICHELLE	24218 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.083	STAMM, SHANNAH T	24200 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.084	MILLER, DAVID O	24192 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.085	LACKEY, MICHAEL E ETAL LACKEY, JANICE F	24186 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.086	POPE, SHALILLIAN M	24178 TULLAMORE DR	DAPHNE	AL	36526
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05-43-07-26-0-000-011.088	POWELL, JOSHUA	24152 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.089	BONNELL, CLARK	24138 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.090	STEVENS, LARRY O	24122 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.091	MALDONADO, LEONARD ETAL MEL	24106 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.111	MEISEMANN, RICHARD W	15252 BISHOP TRACE	LILLIAN	AL	36549
05-43-07-26-0-000-011.112	WIGGINS, ALBEREZ L	10465 FIONN LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-011.113	DICKERSON, DAVID ETAL DICKERSON, DONNA	10471 FIONN LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-011.114	MANNING, JOSHUA ETAL MANNING, HANNEN	10477 FIONN LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-011.115	BEATY, JUDSON COREY	10483 FIONN LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-011.116	WALTERS, NANCY E	10497 FIONN LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-011.117	ARRINGTON, DON ETAL ARRINGTON, RHONDA	1287 CONCORD RD	CONCORD	GA	30206
05-43-07-35-0-000-001.000	HIGBEE, RICHARD E	11011 HIGBEE RD	FAIRHOPE	AL	36532
05-43-07-35-0-000-001.001	HIGBEE, RICHARD S (HIGBEE, RICHARD E ATT	11844 CANEY CREEK DR	DAPHNE	AL	36526
05-43-07-35-0-000-002.092	CRAIG, BENJAMIN TODD	23994 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-35-0-000-002.100	DUNMORE RESIDENTIAL HOA	29891 WOODROW LAN STE 300	SPANISH FORT	AL	36527
05-43-07-35-0-000-002.101	DUNMORE RESIDENTIAL HOA	29891 WOODROW LAN STE 300	SPANISH FORT	AL	36527
05-43-07-36-0-000-002.000	HIGBEE, RICHARD E	11011 HIGBEE RD	FAIRHOPE	AL	36532

05-43-07-36-0-000-002.005 HIGBEE, RICHARD S
05-43-07-36-0-000-002.006 HIGBEE, RICHARD S
05-43-07-36-0-000-003.000 BERTOLLA PROPERTIES L L C
05-43-07-36-0-000-003.000 BERTOLLA PROPERTIES L L C
05-43-08-27-0-000-003.003 BELLATON POA
05-43-08-27-0-000-003.066 BELLATON POA

11844 CANEY CREEK DR	DAPHNE	AL	36526
11844 CANEY CREEK DR	DAPHNE	AL	36526
P O BOX 1527	DAPHNE	AL	36526
P O BOX 1527	DAPHNE	AL	36526
P O BOX 1629	FOLEY	AL	36536
P O BOX 1629	FOLEY	AL	36536

PLANNING COMMISSION
PREZONING REQUEST FOR
BERTOLLA PROPERTIES



COMMUNITY DEVELOPMENT

Prezoning Request (Bertolla Properties, LLC) 361.55

Owner: Bertolla Properties, LLC

Existing Conditions: 361.55 acres+/- agricultural farm land

Existing Zoning: RSF-2, Single Family Residential and RA, Rural Agricultural, Baldwin County District 15-ETJ

Proposed Zoning: Planned Unit Development (PUD)

Surrounding Zonings/Uses:

North – RSF-2, Single Family Residential, BC District 15-ETJ/Waterford Subdivision & Austin Bridges Subdivision

Northeast – RSF-2, Single Family Residential, BC District 15-ETJ/pecan orchard

Northwest – RA, Rural Agricultural, BC District 15-ETJ/agricultural farm land

West – R-3, High Density Single Family Residential/Bellaton Subdivision Phase 1

RA, Rural Agricultural, BC District 15-ETJ/agricultural farm land

R-4, High Density Single Family Residential/Dunmore Subdivision

R-3, High Density Single Family Residential/Dunmore Subdivision

R-1, Low Density Single Family Residential/Dunmore Subdivision

South – RA, Rural Agricultural, BC District 15-ETJ/agricultural farm land

East – RA, Rural Agricultural, BC District 15-ETJ/agricultural farm land

RSF-2, Single Family Residential, BC District 15-ETJ/Avalon Subdivision

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Baldwin County Sewer System

Gas – Fairhope Gas

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection—Station 1 *(Within the 5-minute drive time for proposed Fire Station 5, pending construction)*

Police Protection—Police Beat 1

Public Works

Baldwin County Schools—Daphne High School Feeder Pattern. *Information provided due to City Council's discussions regarding a City School system.*

Increased residential growth within this area of the City of Daphne will result in the need for increased public safety personnel and city resources. Such service expansion should be considered by the City Council.

The Comprehensive Plan

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

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

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

Jubilee Farms PUD Review

According to the Jubilee Farms PUD Standards the proposed development will consist of 915 single family lots, with 368 lots similar to R-6(G), Garden Home lots (52' wide and a minimum of 6,500 ft²) and 414 lots a bit larger than R-6(G), Garden Home lots (70' wide and a minimum of 9,800 sq. ft²) and 133 lots designed to an R-3, High Density Single Family (80' wide and a minimum of 12,000 ft²). The proposed density of the development is 2.53 units per acre (R-2,

Medium Density Single Family Residential). The PUD General Plan proposes a combination of two building/lot types, although architectural building elevations have not been presented to illustrate the building types. This development will be constructed in phases with a 15 to 20 year proposed build-out.

Of the total site 24.4% (88.17 acres) is proposed as common area. These common areas consist of 25.95 acres of formal open space, 53.24 acres of passive open space, and 8.98 acres of jurisdictional wetlands is proposed recreation. 8.47 acres or 12% overall (64% of common area) is proposed as storm water management areas and buffers.

The site has direct access to Austin Road, Highway 181, Scully Lane in Dunmore Subdivision, and two points of access along County Road 54 West (separate subdivisions with no connection to the larger tract other than storm water management.)

Existing Conditions

The subject property is typically used for agricultural land (cow pasture, field etc.). A residential subdivision would be appropriate in this location. The proposed mixed use development is consistent with the type of developments that have occurred in the City of Daphne in Bellaton, Old Field and Dunmore Subdivisions. Each subdivision is a mix of zoning districts and thus various lot sizes. The density of the proposed PUD is similar to that of a development zoned R-2, Medium Density Single Family Residential.

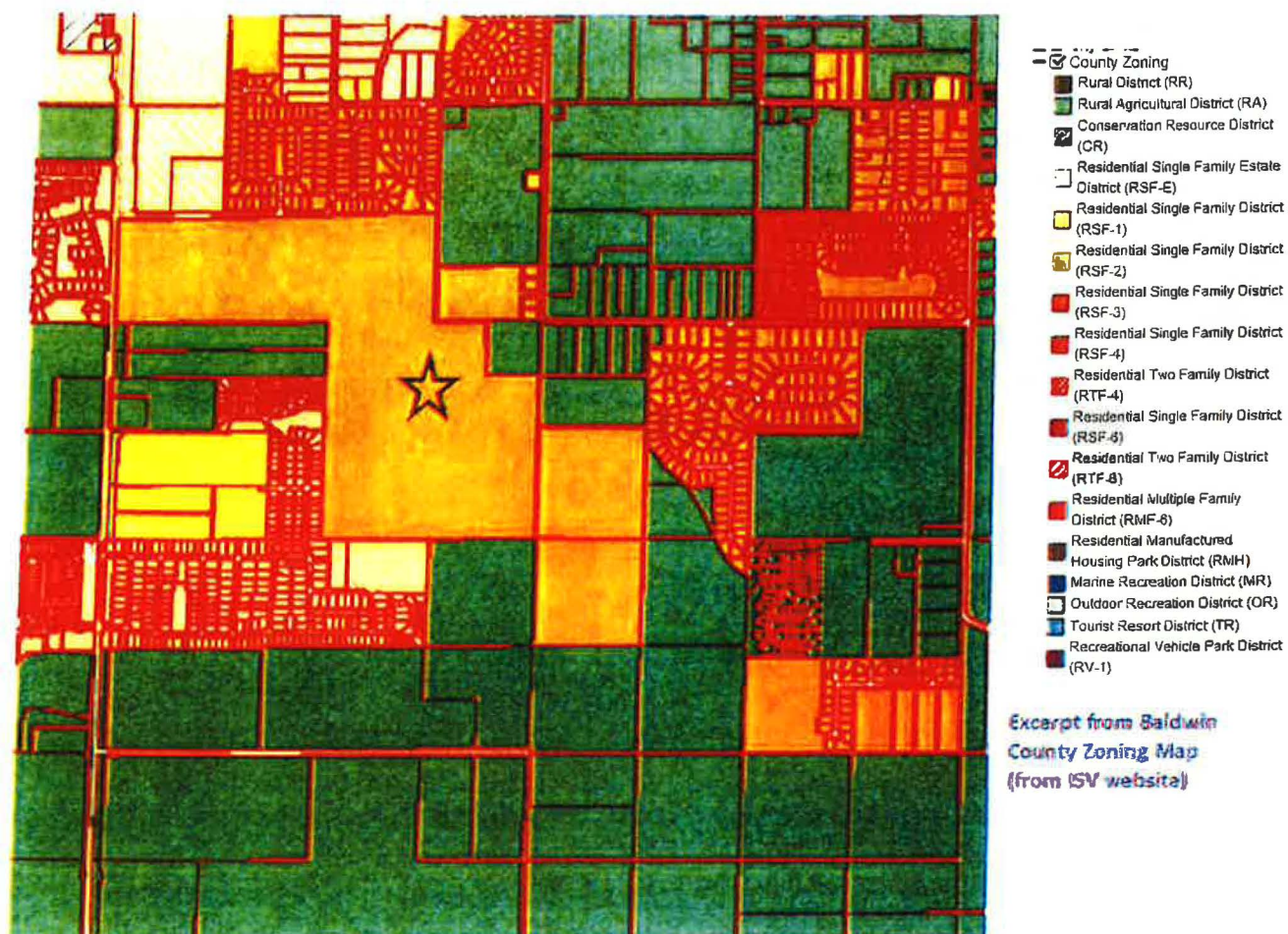
Staff Comments

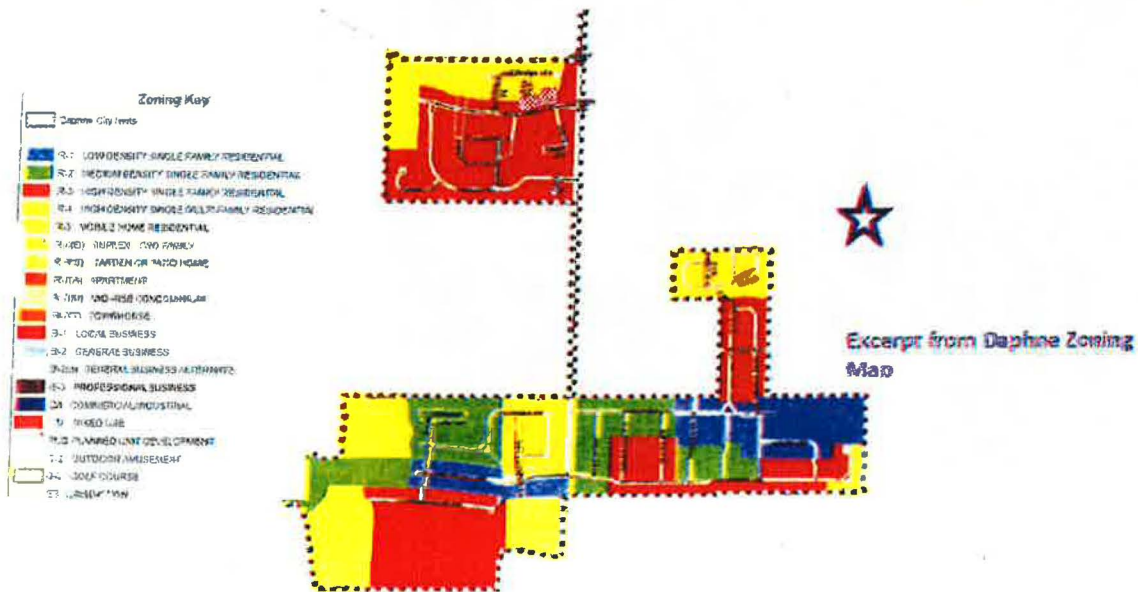
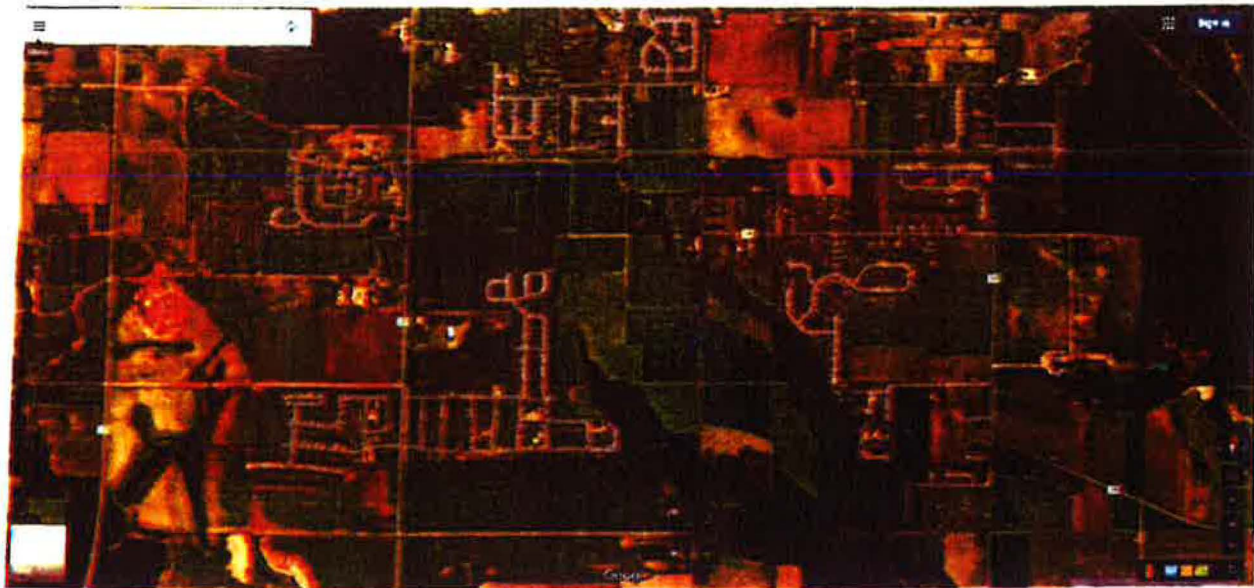
According to Article 30-1, Planned Unit Development District General provision, "Overall, the City desires PUD zoning to produce development that is *superior* to development designed under conventional zoning and subdivision regulations." According to Section 30-7 (d), General Requirements, "The PUD shall provide, through desirable arrangement and design, *benefits which justify deviations from conventional development standards* which would otherwise apply."

The purpose in creating the PUD district is clear. It is important for the Planning Commission and City Council to ensure that there is superior design and public benefit presented in each PUD request. In this case, information has been provided to justify the need for PUD zoning.

The current land owner donated land on Milton Jones Road near the intersection of Highway 181 for a fire station and cites such contribution as being beneficial. See Jubilee Farm PUD standards for additional information. The PUD standards are thorough and easy to follow. *The only point not addressed is the 40-ft wide perimeter buffer and needs to be.* In several places (those abutting the same/similar lot type lot) the buffer may not be necessary; however, the buffer may be needed where abutting Highway 181 that is not included in the PUD.

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







VERONICA KEY

**10614 Sassaman Court
Daphne, Al 36526**

March 20, 2017

**City of Daphne
City Council
Planning and Zoning**

RE: Jubilee Farms

Thank you for informing the residents in the Austin Bridges Community of the PUD and the Pre-Zoning hearing. I briefly attended the meeting on Wednesday, March 15, 2017. It appears that this development is well on the way to being approved.

As a citizen of Baldwin County and the Austin Bridges Neighborhood, I have concerns about the 915 lot development that is being put on the property adjoining ours.

We moved here from Carroll County GA after a small 2 year stay in Birmingham. We have experienced the negatives of explosive out of control development. Below are some troubling concerns that I have.

I am sure that you have been told that flooding in this area is minimal. It is, unless you live on the back side of Austin Bridges near the creek, before 900+ homes are dropped out of thin air. It doesn't take a 100 year flood for the creek to reach its banks. The homes haven't flooded yet, to the best of my knowledge, but I believe if this huge development is allowed to move



VERONICA KEY

forward, with the lay of the land as flat as it is, homes will begin to see what the Atlanta GA area experiences. Water has to go somewhere and it is usually UP when large developments are allowed at a fast pace as we have seen recently on the HWY 181 "expressway".

Regarding the existing traffic that is already a nightmare on HWY 181. Attempts to leave Austin Road at either end (HWY 181 and CO RD 64) are almost impossible during "rush hours". Making a left hand turn off of Austin Road onto HWY 181 is risky and many times a long wait. The same for County RD 64. Rumor has it that there will not be a traffic light at the intersection of Austin and HWY 181. I hope this is not true and that it doesn't take a tragedy and loss of life for authorities to realize this. Most families are 2 vehicle households and that is if they don't have a 16+ year old in the household. Just speaking to the point of Jubilee Farms that will be an additional 1830 automobiles attempting to gain access to these main roadways.

Where are these children going to go to school? With the new DSLD neighborhood that is adjoining the Oldfield community, I assume that they will attend Fairhope Schools. BUT, can Daphne schools accommodate the new Jubilee Farms children? Will there be temporary classrooms when this community burst at the seams?

Fast and furious growth brings an increase in crime. We don't want to see Baldwin County fall into the horror that other "BIG" Cities fight on a daily basis. Will the Baldwin Count Sheriff's office or the City of Daphne Police Department and the Fire Departments be equipped to serve this expansion?



VERONICA KEY

Can the Sewer and City Water systems that are currently in place sustain the water pressure and sewage discharge to the current residents? What plans are in place to ensure that the residents can enjoy the high quality of water pressure and sewage discharge we are accustomed to?

A large neighborhood, Fairfield Plantation, in Villa Rica, Georgia experience huge growth, the sewer and water systems could not handle the growth, began to fail and had to be addressed after the fact. This is not hear say we lived there and know this happened. It's a nightmare when sewage systems begins to fail.

As a real estate agent, I hear firsthand the first impressions that my clients have. We are becoming the area that no longer grows agricultural products, with the tranquil views, but the area that is planting houses in rows and it is ruining the demographics of our beautiful Eastern Shore.

I am asking that BEFORE any other developments are approved or even considered, that the above concerns be thoroughly planned out by the zoning department. Please deny or postpone this approval until Hwy 181 has been expanded and the water and sewer systems have been studied and adjusted for this out of control growth. ~~Veronica Key~~

Thank you for your time and consideration.

Veronica Key
Veronica Key

**10614 Sassaman Court
Daphne, Al 36526**

Adrienne Jones

From: Dan Blackburn <dblackburn@blackburnpc.com>
Sent: Wednesday, March 22, 2017 10:44 AM
To: Adrienne Jones
Cc: Blackburn, Daniel G.; 'Anita White'
Subject: D.R. Horton Subdivision Application (Objection of Richard "Rick" Higbee)
Attachments: Image-1.jpg (Bertolla Properties - pr zone)

Ms. Jones—Our firm has the pleasure of representing Richard (Rick) Higbee, who owns, together with other property, the northeast quarter of the northeast quarter of Section 35, Township 5 South, Range 2 East (PPIN 242633). An aerial photograph of this property is attached for ease of reference (please ignore the 70 acre tract outlined in blue in the photograph; the property in question is the 40 acre tract also outlined in blue). As you can see from the photograph, Mr. Higbee's property is landlocked with no access to any dedicated public road. In addition, access to the west and east has been blocked by existing subdivisions. For many years, this property has relied on a roadway across the Bertolla property for access to the north. Also for many years, this property has been devoted to farming purposes, and crops have been carried out across the Bertolla property north to Austin Road and County Road 54.

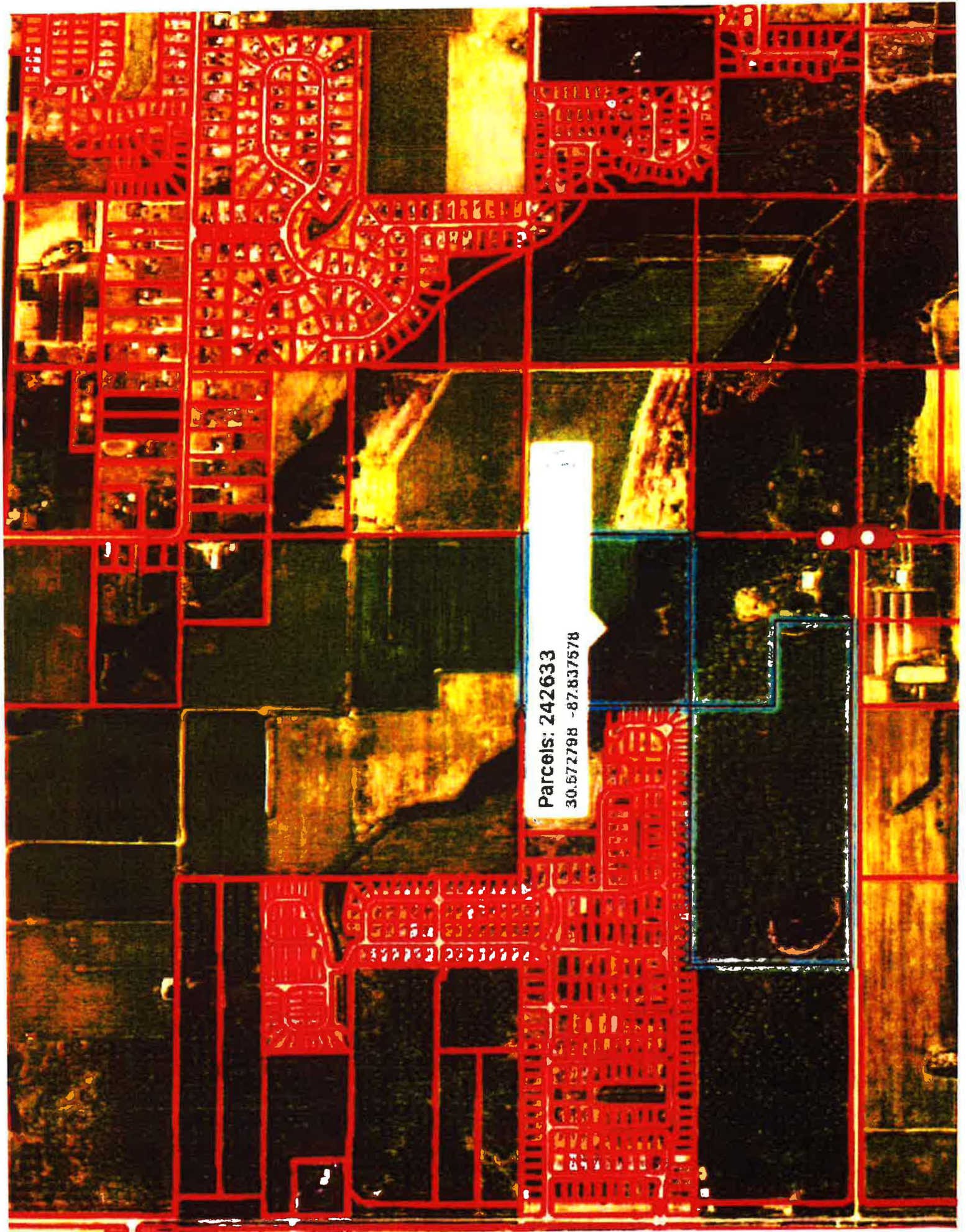
We have been made aware of an application for subdivision approval submitted by D. R. Horton, which is on tonight's Planning Commission agenda for consideration. This proposed subdivision is slated for the Bertolla property which lies immediately north of the Higbee tract under consideration. If developed as presently planned, the Higbee property would be left with no access whatsoever and would be deprived of the very means of ingress and egress on which it has relied for many years. The Penry family is presently farming this tract, and they would also be adversely affected by the pending application unless consideration is given for access to the Higbee tract.

The purpose of this correspondence is to make you and the Planning Commission aware of Mr. Higbee's objection to the proposed development as presently planned, and the effect that this proposed subdivision would have on the Higbee property. We ask that a copy of this message be presented to the Planning Commission members at or before tonight's meeting.

Thank you very much for your consideration. Please acknowledge your receipt of this message at your earliest convenience.

Dan Blackburn
Attorney for Richard (Rick) Higbee

Blackburn & Conner, P.C.
Post Office Box 458
Bay Minette, AL 36507
251.937.1750



Jan Vallecillo

From: Adrienne Jones
Sent: Thursday, March 23, 2017 2:55 PM
To: Jan Vallecillo
Subject: FW: Meeting Thursday --opposition letter Jubilee Farms

From: B Dillon [mailto:bldillon@yahoo.com]
Sent: Thursday, March 23, 2017 2:53 PM
To: Brennan Walters; Adrienne Jones
Subject: Meeting Thursday

3/23/17

Daphne Planning Commission
City Government officials

RE: Planning Commission rezoning review/PUD Jubilee Farms

To whom it may concern:

I'm writing to express my strong concern against the approval for the development of Jubilee Farms as described below:

"Rezoning review for Bertolla Properties, LLC., 361.55 acres, located east of Highway 181 (east of Dunmore Subdivision), south of Austin Road (across from Waterford Subdivision), and west of Avalon Subdivision. Proposed zoning, PUD, Planned Unit Development – Jubilee Farms"

As a long-time resident of the eastern shore and the Daphne proper area I feel that this development will pose numerous negative effects for the local community, some of the many are below.

- Lack of infrastructure
 - Highway 181 is currently two lanes, Austin Road is two lanes and in partial disrepair
 - No effective traffic control system
- Lack of schools
 - The current school system is overcrowded, even with planned construction and updates.
- Lack of quality (My understanding is that DR Horton will be developing the land)
 - DR Horton, being a national company, does not represent the interest of our eastern shore community, they are a corporation with profit in mind. Many of their mishaps can be seen throughout the eastern shore. It doesn't take much to find complaints about their ability.
 - DR Horton currently has numerous communities that are unfinished or in the beginning phases
- Environmental impact
 - Daphne is known for its landscapes and environment.

I will be unable to attend the meeting and I would like to pose the following questions to the city.

- How will traffic be handled?
- What infrastructure changes and updates will occur?
- How will schools be handled?
- How will DR Horton support maintaining the eastern shore brand and its current unfinished projects?
- Is this project in the best interest of the community?

I understand that a development like this will increase revenue for the city, however at what cost? Please do the right thing and deny this request, or have it modified for a smaller impact.

Respectfully,

Blake Dillon
[832-215-3558](tel:832-215-3558)

Sent from my iPhone



Adrienne Jones
Planning Director
ajones@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-621-3184 Web: www.daphneal.com



BALDWIN COUNTY PUBLIC SCHOOLS

March 23, 2017

EDDIE TYLER, M.Ed.
Superintendent

Planning Commission Members:

Board of Education

DAVID B. COX
District 1

DAVID TARWATER
District 2

TONY MYRICK
District 3

JANAY DAWSON
District 4

ANGIE SWIGER
District 5

CECIL CHRISTENBERRY
District 6

SHANNON CAULEY
District 7

I am writing to you to express my concerns and opposition to an item on your agenda for today. I apologize for the late notice but I only learned of this item by a phone call from the media yesterday.

Before you today appears a pre-zoning of a PUD for a subdivision on 181 near Austin Road which proposes as many as 900 lots. As Superintendent of the school system responsible for the quality of education in Daphne and all of Baldwin County, I must register with you my opposition to this project as our schools in the Daphne Attendance Zone cannot handle this level of growth.

It is my understanding that no one has the ability to stop a developer from purchasing and developing land. I have been told that not your planning commission, not the county planning commission not even the City Council have the authority to deny application based on lacking infrastructure. That is unfortunate but I ask you to consider the impact this will have upon the current residents in your community when considering this PUD which does provide for a different level of review.

Over the last few years Baldwin County has faced unprecedented growth. We have presented the voters with several tax options and have been rejected. The message from the voters has been clear – they will not provide any additional funding for new schools. In fact we were placed in a position just this year where we had to make a swap deal with the County Commission just to maintain \$40 million in annual funding that was due to expire, May 2018, and for which we had been told this would not be renewed by the legislature.

Since the last rejection several years ago, we have been cutting the budgets and reducing spending to provide for a pay as you go (PAYG) plan to improve our schools. This includes an addition at Daphne East Elementary School of 14 new classrooms and cafeteria expansion for which we just held a ground breaking last week. The announcement we made there was a celebration that we would be removing the portables currently in use at the school with additional rooms for growth. With news from your agenda, that effort is futile.

You will be shocked to know that even though we attended this ground breaking with a half dozen elected officials from Daphne, no one mentioned this project to us. As I stated previously we only learned of this project because of an inquiry from local media. Think about that. Here we are announcing an expansion to resolve current overcrowding and no one mentions the application for the largest neighborhood in Baldwin County second only to Lake Forrest. Had we learned about this project a few months back, even a month ago we could have considered the expansion project, delayed it or altered it to prepare for additional growth.

Let me also point out that the developers of this project never contacted the school system to inquire about capacity or school zoning, but that is not unusual. In the 18 months I have served here only one developer has contacted me personally to discuss capacity issues in a subdivision development and that is your Mayor Dane Haygood whom I applaud for reaching out. I wish it was more. IF developers communicated with us about their plans, IF they worked with us to understand their future focus we might have the opportunity to prepare and work with them to handle the impact. That is simply not happening.

The facilities along the Eastern Shore are at, or are nearing, full capacity today. With the County tax payers refusing additional taxes to meet the demands of growth we are left with few options. However, we do have an option. The law requires us to balance attendance zones through redistricting as necessary to meet growth. This process is usually tumultuous as it can impact families being moved from one school location to another. This is something we consider often and generally try to avoid but in the face of continued unreasonable growth we have no tools left but to begin serious discussions with my staff as it relates to redistricting for the balancing of attendance across Baldwin County.

School zoning is not a guarantee. It is no different than a council district assigned by the city council. Attendance districts are subject to change by the board at any time with public notice and hearing.

Developers in Baldwin County should take notice that their development will be subject to attendance zone and capacity review prior to construction. Developers need to understand that just because some old farm land is currently zoned for Daphne does not guarantee that this property will remain zoned for Daphne when subdivided for hundreds of new homesteads. Development of this size, and including this one, are very likely to be rezoned to a district where there is capacity prior to any homes being built. We consider this a last in first out plan

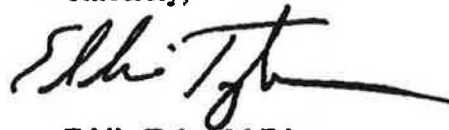
which protects families who are currently attending schools within a zone and has the least amount of impact because there are not families being relocated. While that is our preference, continued growth at the levels we have been facing could also require redistricting of families currently attending one zone into another.

I am aware that Daphne has been considering a city school system. We have reviewed the finances, cost and student populations and based on State requirements realized this would require at least a 15 mil tax increase in Daphne just to own and operate what is located there today. I state this to make the point that regardless of who operates the system, there is no capacity for growth like this in Daphne Schools and with reluctance from the tax payers to approve 8 mils, much less 15 (or 20 to meet additional capacity construction) we, the Baldwin County School System, are left with very few options.

I ask of the planners and city officials: please require developers to contact and discuss with us their plans at the earliest stages of their application. While I understand you are limited in what you can judge their application on I am told you can make certain requirements of them. I am hopeful that at a minimum we can enter the notification process by required contact from the developer on large developments of more than 100 homes. There is no guarantee that this will keep any property in their currently zoned district but it will help us plan for growth and work with them to meet the least impactful resolution to meet those needs.

Please know that I do not take the action lightly but I have an obligation to protect the residents inside your city from conditions being imposed upon them and us. Also, I hope you will understand that while this matter relates to Daphne my concerns are not only with Daphne. This is an issue we are and will be dealing with along all of the Eastern Shore and South Baldwin County going forward. I hope you understand the predicament we are in between the voters refusing additional funding and city leaders holding no authority to slow growth or deny applications. In the end, I cannot allow our quality of education to fall because of the desire to grow population, income or profits.

Sincerely,

A handwritten signature in black ink, appearing to read "Eddie Tyler", with a long horizontal flourish extending to the right.

Eddie Tyler, M.Ed.
Superintendent

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-**

**Ordinance to Pre-Zone Property Located
Southeast of Alabama Highway 181 and Austin Road
Bertolla Properties, L.L.C.**

WHEREAS, Bertolla Properties, L.L.C. as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-2, Single Family District, and RA, Rural Agricultural District, Baldwin County extraterritorial planning jurisdiction, to be pre-zoned as Planned Unit Development (PUD) District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is located southeast of Alabama Highway 181 and Austin Road and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT A 3/4" CRIMP TOP IRON PIPE AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89°49'02" WEST, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 2669.96 FEET TO A 1/2" CAPPED REBAR (CA-0604) AT THE SOUTHEAST CORNER OF LOT 28, DUNMORE, PHASE TWO, PART B, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2448-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°11'14" EAST, ALONG THE EAST MARGIN OF SAID DUNMORE, PHASE TWO, PART B AND DUNMORE, PHASE TWO, PART A, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2443-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND A PROJECTION THEREOF, A DISTANCE OF 2671.05 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE RUN SOUTH 89°34'24" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 2610.05 FEET TO 1/2" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00°10'51" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID ALABAMA HIGHWAY 181, A DISTANCE OF 400.02 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°34'24" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1402.13 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°03'11" EAST, A DISTANCE OF 902.21 FEET TO A 1/2" CAPPED REBAR ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89°32'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 1256.80 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°07'47" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 30.14 FEET TO 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 1 OF AUSTIN BRIDGES, UNIT 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2007-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89°22'04" EAST, ALONG THE SOUTH MARGIN OF SAID AUSTIN BRIDGES, UNIT 1 AND THE SOUTH MARGIN AUSTIN BRIDGES, UNIT TWO, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2082-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1297.53 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 18 OF SAID AUSTIN BRIDGES, UNIT TWO; THENCE RUN SOUTH 00°46'05" WEST, A DISTANCE OF 670.61 FEET TO 1/2" REBAR; THENCE RUN NORTH 89°25'58" EAST, A DISTANCE OF 1069.01 FEET TO A 1/2" CAPPED REBAR AT THE NORTHWEST CORNER OF LOT 1 OF STEPHEN SPRINGS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2346-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 300.66 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°25'14" EAST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'25" WEST, A DISTANCE OF 80.01 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHEAST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 89°25'14" WEST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.04 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38"

WEST, A DISTANCE OF 145.05 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°58'37" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 412.34 FEET TO 1-1/2" OPEN END IRON PIPE; THENCE RUN SOUTH 00°02'13" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 672.87 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHWEST CORNER OF TRACT 1 IN SECTION 26 OF HIGHLAND FARMS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT MISCELLANEOUS BOOK 1, PAGE 290-291, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°47'09" EAST, A DISTANCE OF 1923.05 FEET TO 1/2" REBAR; THENCE RUN NORTH 00°06'23" EAST, A DISTANCE OF 630.48 FEET TO A 1/2" REBAR ON THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN SOUTH 89°34'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 60.00 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE NORTHWEST CORNER OF LOT 1 OF AVALON PHASE 1A, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2104-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°06'23" WEST, A DISTANCE OF 630.25 FEET TO A 1/2" CAPPED REBAR ON THE WEST MARGIN OF LOT 73 OF AVALON, PHASE 3, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2220-D AND 2220-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°23'53" WEST, ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 663.68 FEET TO A 1/2" CAPPED REBAR; THENCE RUN SOUTH 88°35'21" EAST, A DISTANCE OF 7.96 FEET TO 5/8" CAPPED REBAR (CA-728); THENCE RUN SOUTH 00°08'21" WEST, CONTINUING ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 669.18 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°48'48" WEST, A DISTANCE OF 6.93 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°03'05" WEST, A DISTANCE OF 668.95 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°11'04" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 1319.23 FEET TO A 1/2" CAPPED REBAR (CA-1109) AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN SOUTH 89°55'01" WEST, A DISTANCE OF 1326.54 FEET TO A 2" OPEN END PIPE AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN NORTH 00°55'29" EAST, A DISTANCE OF 1323.76 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 361.55 ACRES, MORE OR LESS, AND LIES IN SECTIONS 25, 26 AND 36, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on March 23, 2017, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 15, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

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

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-2, Single Family District, and RA, Rural Agricultural District, Baldwin County extraterritorial planning jurisdiction.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____ day of _____, 2017.**

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes,
City Clerk**

JUBILEE FARMS PUD STANDARDS

Jubilee Farms, a Planned Unit Development (PUD), is a 361.55 acre site located southeast of the intersection of Alabama Highway 181 and Austin Road. The property is presently in the extraterritorial jurisdiction of the City of Daphne and is located in Baldwin County Planning District 15 and is zoned RA – Rural Agriculture (approximately 21 acres) and RSF-2 – Residential Single Family. Application has been made to the City of Daphne to Pre-zone this property as a PUD.

The proposed development consists of 915 single family lots, with 368 lots at 52' wide and a minimum of 6,500 sq. ft., and 414 lots at 70' wide and a minimum of 9,800 sq. ft., and 133 lots at 80' wide and a minimum of 12,000 sq. ft. The proposed density of the development is 2.53 units per acre. There are 88.17 acres, or 24.4% of the total site, proposed as common area. These common areas consists of 25.95 acres of formal open space, 53.24 acres of passive open space, and 8.98 acres of jurisdictional wetlands.

The residential lots shall have the following standards:

The 52' wide lots are to have building setbacks of 25' on the front and rear, 6' on the sides, and 15' on the street sides. The 70' wide lots are 30' on the front and rear, 6' on the sides, and 20' on the street sides. The 80' wide lots are 30' on the front and rear, 10' on the sides, and 20' on the street sides. The maximum building heights for all residential lots are to be as per the City's R-3 zoning district. The maximum building coverage of each residential lot is 45%.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. All roadways within the development will be public and sidewalks will be located on both sides of the proposed roadways. Sidewalks will be installed by the home builder at the time of house construction and will be required to be ADA compliant. All construction will be in accordance to the standards of the City of Daphne.

The stormwater management system will be designed in accordance with the standards of the City of Daphne. All stormwater facilities and structures outside of public right-of-ways will be maintained by the P.O.A. and not the City of Daphne.

A landscape plan will be provided as part of the subdivision process. The required landscaping will be provided in the common areas and installed during construction of the infrastructure adjacent to those common areas. Any additional landscaping will be provided by the home builders and/or the lot owners.

As per the City of Daphne Land Use and Development Ordinance, this development is considered a Large-Scale PUD, due to being over 300 acres in size. Developments of this size do require consideration of public facilities and services. The property owner has donated land to the City that is in the general area of this site, to provide for a Fire Station that can better serve this proposed development and other existing developments within the area. Multiple access points to this development will provide for alternate emergency access locations. A private

school has recently been constructed in the near vicinity of this site and the developer will coordinate with the public school system on the proposed development plans and growth rate to assist them in their planning. Traffic studies will be conducted prior to subdivision application of the first phase. Coordinated efforts are already underway between the City, ALDOT, and the County to realign area roadways and ALDOT has begun the process of surveying and designing the additional lanes for Highway 181 from Milton Jones Road to Alabama Highway 104. These improvements could begin sometime in 2018 and will be instrumental in providing for the additional traffic generated by this and other developments in the area. This development will be constructed in phases with a 15 to 20 year proposed build-out.

Jubilee Farms is to be a unique neighborhood offering varying lot types and amenities. The larger lots are located along the main road that basically runs through the center of the overall development. The other two lot types are divided into multiple separate neighborhoods throughout the development. These lot sizes and the associated building types will provide entry level options for prospective homeowners. Parks are located throughout the development with an approximately 6 acre site provided for multiple type amenities. Also the development provides 24.4% open space, which is almost 2.5 times more than is required in a PUD. Multi-use trails are also located along the common areas around the lakes, through the Parks, and along the rear of lots providing for additional pedestrian activities. As a public benefit the developer proposes a sidewalk along Austin Road adjacent to the development. The amenities, parks, multi-use trails, and sidewalks provide more opportunities for residents to enjoy on-site rather than having to use City parks. Finally the developer has elected to bring this development within the corporate limits of Daphne as opposed to staying in the County.

Covenants and Restrictions will provide for the formation of a Property Owner's Association for the Jubilee Farms development whereby maintenance responsibilities of the common areas and drainage infrastructure outside of public roadways will be established.

EXHIBIT A

LEGAL DESCRIPTION FOR JUBILEE FARMS (BERTOLLA PROPERTY)

BEGINNING AT A 3/4" CRIMP TOP IRON PIPE AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89°49'02" WEST, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 2669.96 FEET TO A 1/2" CAPPED REBAR (CA-0604) AT THE SOUTHEAST CORNER OF LOT 28, DUNMORE, PHASE TWO, PART B, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2448-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°11'14" EAST, ALONG THE EAST MARGIN OF SAID DUNMORE, PHASE TWO, PART B AND DUNMORE, PHASE TWO, PART A, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2443-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND A PROJECTION THEREOF, A DISTANCE OF 2671.05 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE RUN SOUTH 89°34'24" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 2610.05 FEET TO 1/2" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00°10'51" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID ALABAMA HIGHWAY 181, A DISTANCE OF 400.02 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°34'24" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1402.13 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°03'11" EAST, A DISTANCE OF 902.21 FEET TO A 1/2" CAPPED REBAR ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89°32'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 1256.80 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°07'47" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 30.14 FEET TO 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 1 OF AUSTIN BRIDGES, UNIT 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2007-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89°22'04" EAST, ALONG THE SOUTH MARGIN OF SAID AUSTIN BRIDGES, UNIT 1 AND THE SOUTH MARGIN AUSTIN BRIDGES, UNIT TWO, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2082-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1297.53 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 18 OF SAID AUSTIN BRIDGES, UNIT TWO; THENCE RUN SOUTH 00°46'05" WEST, A DISTANCE OF 670.61 FEET TO 1/2" REBAR; THENCE RUN NORTH 89°25'58" EAST, A DISTANCE OF 1069.01 FEET TO A 1/2" CAPPED REBAR AT THE NORTHWEST CORNER OF LOT 1 OF STEPHEN SPRINGS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2346-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 300.66 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°25'14" EAST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS;

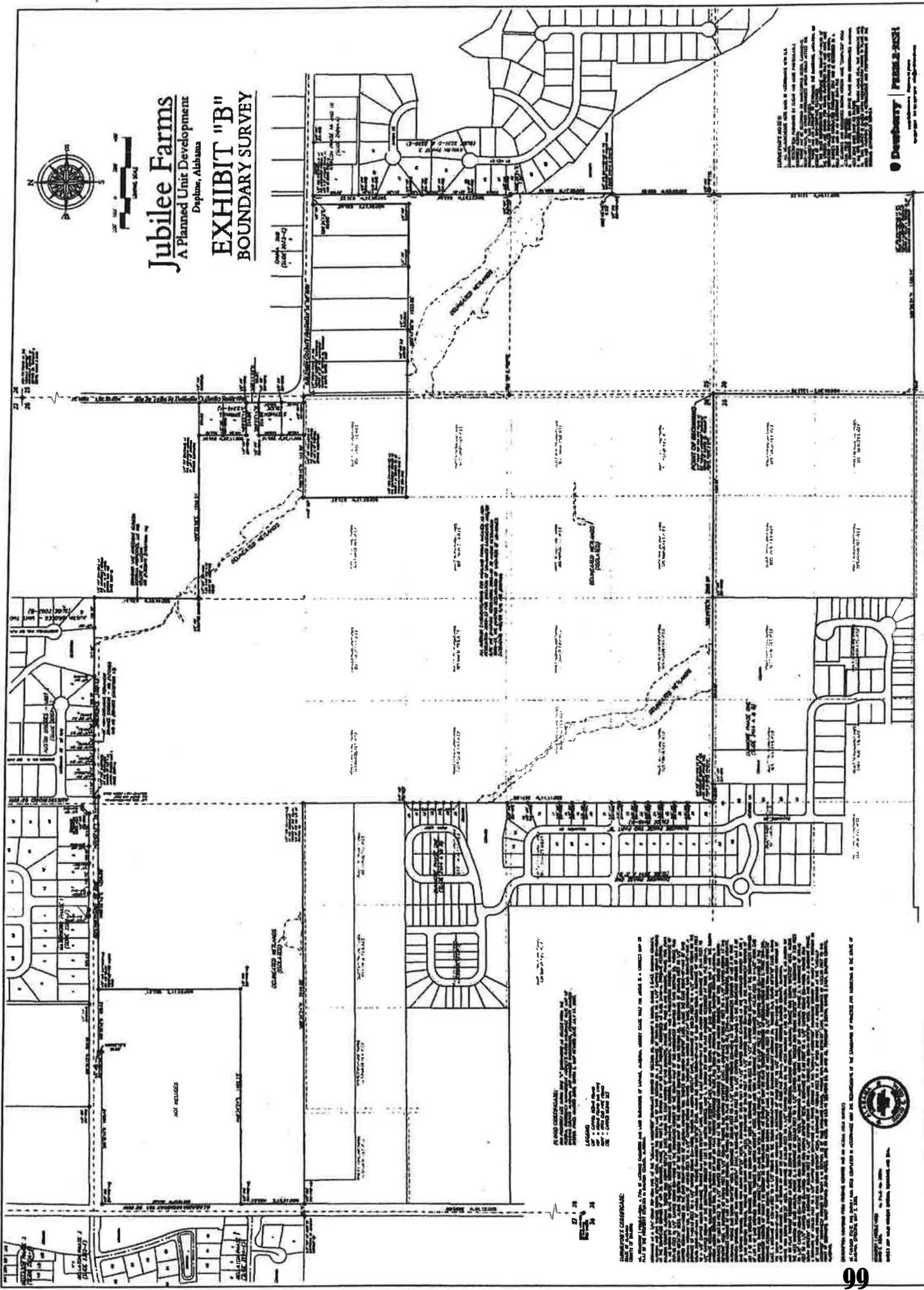
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Jubilee Farms
A Planned Unit Development
Daphne, Alabama
EXHIBIT "B"
BOUNDARY SURVEY



ALL INFORMATION ON THIS MAP IS CORRELATED WITH THE
RECORDS OF THE ALABAMA DEPARTMENT OF REVENUE
AND THE RECORDS OF THE ALABAMA DEPARTMENT OF
NATURAL RESOURCES. THE ALABAMA DEPARTMENT OF
REVENUE HAS REVIEWED THIS MAP AND HAS
DETERMINED THAT IT IS IN ACCORDANCE WITH THE
RECORDS OF THE ALABAMA DEPARTMENT OF REVENUE.
THE ALABAMA DEPARTMENT OF NATURAL RESOURCES
HAS REVIEWED THIS MAP AND HAS DETERMINED
THAT IT IS IN ACCORDANCE WITH THE RECORDS OF
THE ALABAMA DEPARTMENT OF NATURAL RESOURCES.

Donahery **FRANK E. HOSCH**
Surveyor General
Alabama
1000 1/2th Avenue North
Birmingham, Alabama 35203
205-261-1111

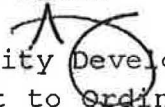
THIS CERTIFICATE
IS A TRUE AND CORRECT
STATEMENT OF THE
FACTS AND CIRCUMSTANCES
AS TO THE BOUNDARY SURVEY
OF THE PROPERTY DESCRIBED
HEREIN, AND THE SAME IS
FILED FOR RECORD IN THE
OFFICE OF THE CLERK OF THE
COURT OF THE COUNTY OF
DAUPHIN, ALABAMA, THIS
10th DAY OF MAY, 1977.

WARRANTY OF ACCURACY:
The undersigned, Frank E. Hosch, Surveyor General, does hereby warrant and certify that the boundary survey of the property described herein, and the same is a true and correct statement of the facts and circumstances as to the boundary survey of the property described herein, and the same is filed for record in the Office of the Clerk of the Court of the County of Dauphin, Alabama, this 10th day of May, 1977.

Witness my hand and the seal of my office, this 10th day of May, 1977.



FRANK E. HOSCH
Surveyor General
Alabama

To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: Proposed Amendment to Ordinance 2011-54, Land Use and Development Ordinance, Amendment to Article 38, Residential High Rise Overlay District, Section 2, Height Exceptions and Section 11, District Map
Date: March 27, 2017

MEMORANDUM

At the March 23, 2017, regular meeting of the City of Daphne Planning Commission, six members were present. The motion set forth a favorable recommendation to council to amend Article 38, the Residential High Rise Condominium District, Section 11, district map to include Lot 2 and 2a of Westbrook Commercial Park Subdivision as recorded in the office of the Judge of Probate of Baldwin county as instrument# 2133-c and to amend the provisions of Article 38, Residential High Rise Overlay District, Section 2, height exceptions (a) to read as follows: building height may be allowed up to two hundred (200) feet or sixteen (16) stories by the planning commission with the exception that any land added to the high rise condominium district boundary after October 2, 2006 may be allowed up to one hundred and ten (110) feet or ten (10) stories by the planning commission; and conditioned that the land owner shall impose upon the subject property a restrictive covenant that expressly states that the maximum height for any structure thereupon shall be no greater than one hundred and ten (110) feet in height of the above-mentioned revision to the Land Use and Development Ordinance.

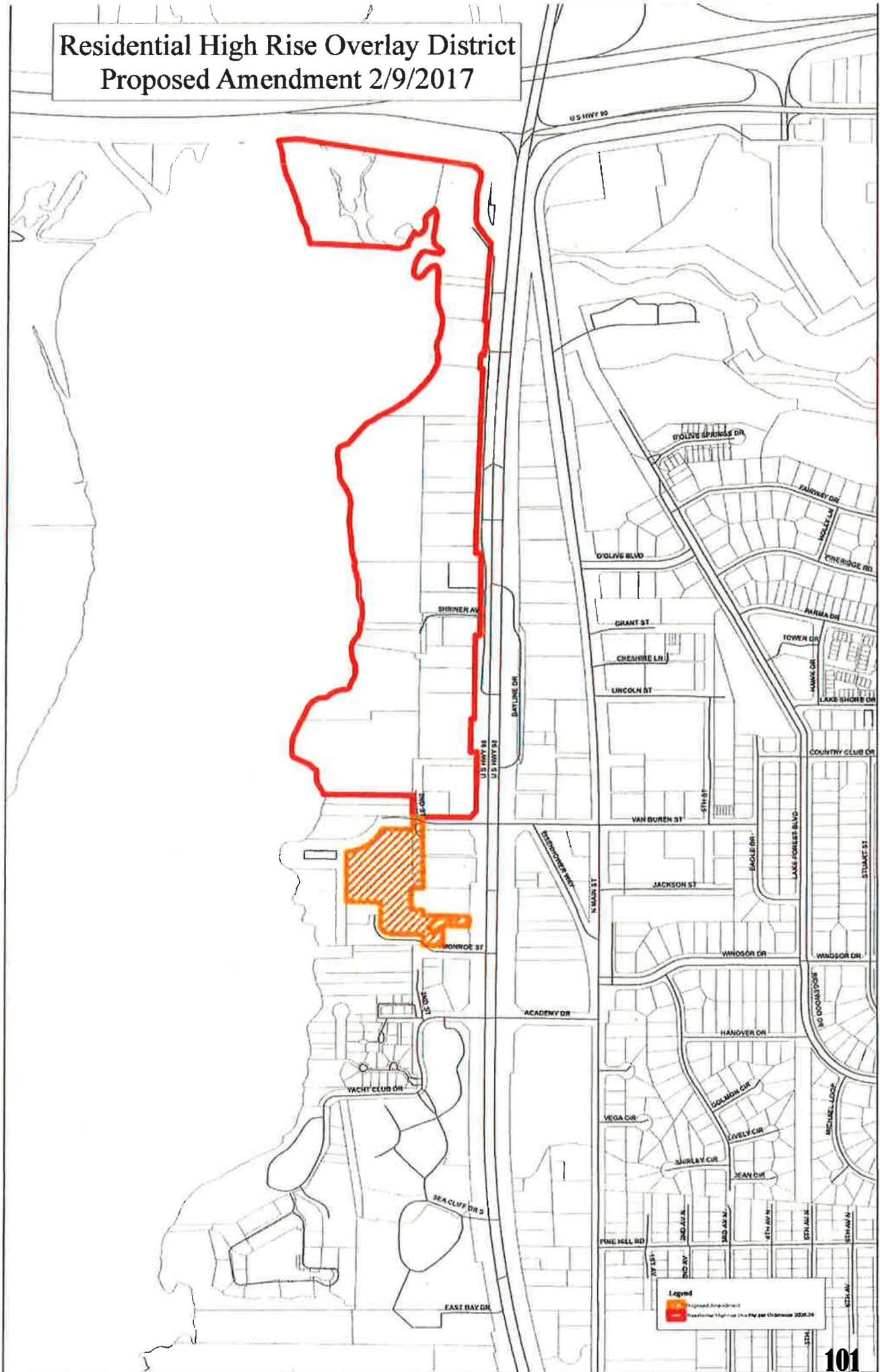
Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set the public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

Residential High Rise Overlay District Proposed Amendment 2/9/2017





WHLC | ARCHITECTURE
EXPLORE. INSPIRE. COLLABORATE.

**City of Daphne
Department of Community Development
1705 Main Street
Daphne, AL 36526
Adrienne D. Jones, Director**

RE: PPIN: 262516-262517

Attn: Pat Johnson, Recording Secretary

Dear Adrienne,

Please accept this letter as my formal request to have the above reference properties incorporated into the Residential High-Rise Condominium Development District.

I believe the following points to be true and relevant, and would like the opportunity to discuss this further in a meeting with the commission:

- **The above referenced property is uniquely burdened by the combination of the uncommon conditions of the property the Daphne Land Use and Development Ordinance and prevents us from making reasonable use of the site as permitted by the current zoning district.**
- **Is in harmony with the intent and purposes of the Daphne Land Use and Development Ordinance.**
- **Will not adversely affect surrounding property or the general neighborhood**

City of Daphne

- **The property is one of the most beautiful pieces of land on our City's waterfront, and would be an asset to the overlay district.**

Thank you in advance for your consideration.

I, the undersigned, am the petitioner for this application.

A handwritten signature in black ink, reading "C Stovall". The "C" is large and loops around the "S".

Cheryl Stovall

Project Development

WHLC | ARCHITECTURE

Cheryl@whlcarchitecture.com

202.713.7088 Cell

251.990.6200 Office

70 South Section Street

Suite 4

Fairhope, AL 36532

2133C

2133C

CERTIFICATION OF APPROVAL FOR THE CITY
OF ANNEAPOLIS PLANNING DIRECTOR
I, the undersigned, Planning Director of the City of Anneapolis, do hereby certify that the above described project has been reviewed and approved for all applicable zoning and subdivision regulations, and that the project is in compliance with all applicable laws and regulations of the City of Anneapolis.

CERTIFICATION OF APPROVAL OF UTILITIES
I, the undersigned, do hereby certify that the above described project has been reviewed and approved for all applicable utility regulations, and that the project is in compliance with all applicable laws and regulations of the City of Anneapolis.

CERTIFICATION OF OVERSIGHT AND RECORDING
I, the undersigned, do hereby certify that the above described project has been reviewed and approved for all applicable oversight and recording regulations, and that the project is in compliance with all applicable laws and regulations of the City of Anneapolis.

CERTIFICATION BY INSURANCE AGENT
I, the undersigned, do hereby certify that the above described project has been reviewed and approved for all applicable insurance regulations, and that the project is in compliance with all applicable laws and regulations of the City of Anneapolis.

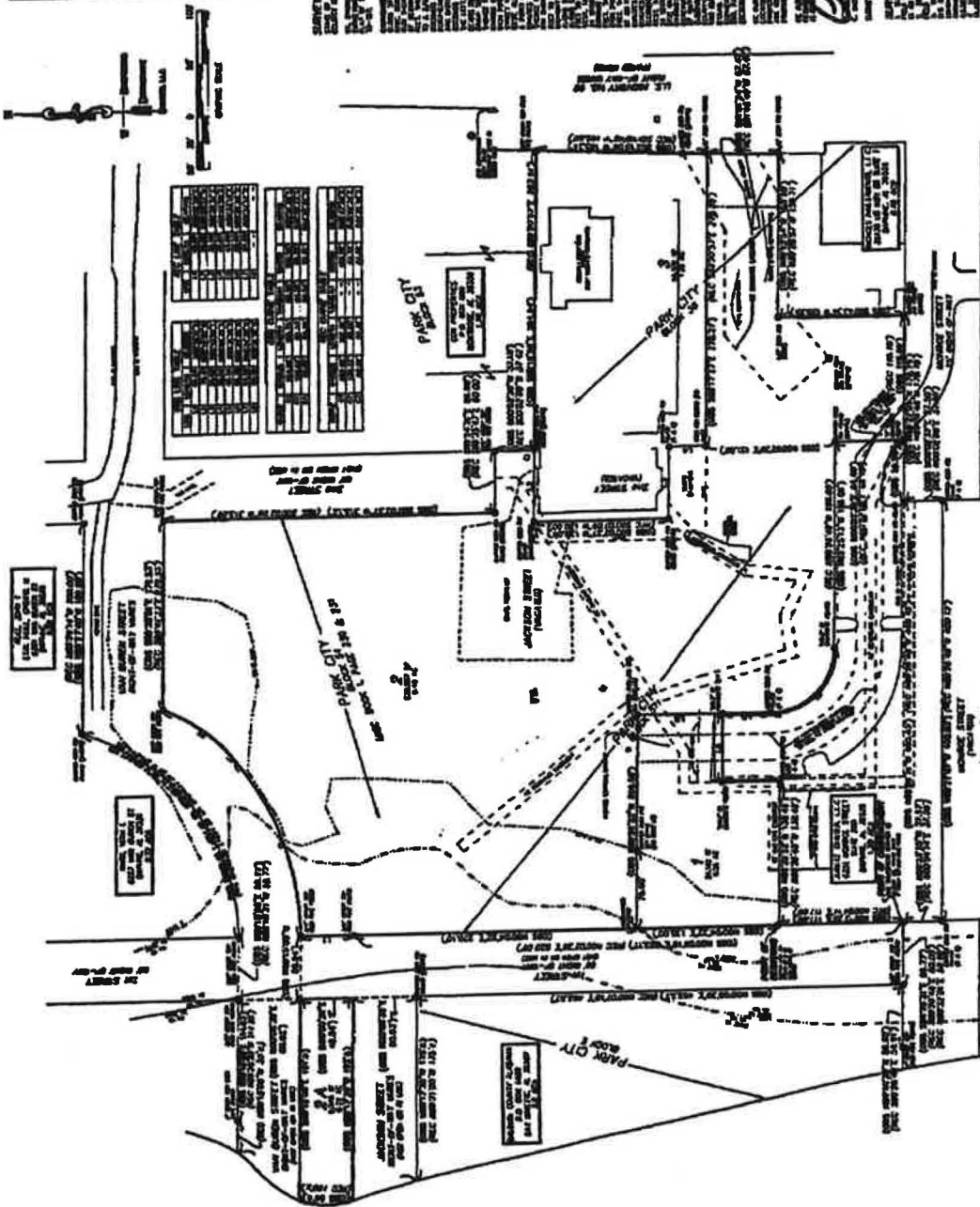
CERTIFICATION OF APPROVAL OF STREET DESIGN
I, the undersigned, do hereby certify that the above described project has been reviewed and approved for all applicable street design regulations, and that the project is in compliance with all applicable laws and regulations of the City of Anneapolis.

CERTIFICATION OF APPROVAL FOR RECORDING
I, the undersigned, do hereby certify that the above described project has been reviewed and approved for all applicable recording regulations, and that the project is in compliance with all applicable laws and regulations of the City of Anneapolis.

STATE OF MARYLAND
COUNTY OF ANNAPOLIS
PLANNING DIRECTOR
[Signature]
[Print Name]
[Title]

SITE DATA
SUBJECT: [Project Name]
LOT: [Lot Number]
BLOCK: [Block Number]
SECTION: [Section Number]
TOWNSHIP: [Township Name]
COUNTY: [County Name]
STATE: [State Name]

REMARKS: [Remarks]
DATE: [Date]
BY: [Signature]
[Print Name]
[Title]



GENERAL NOTES:
1. THE ABOVE DESCRIBED PROJECT IS SUBJECT TO THE APPROVAL OF THE CITY OF ANNEAPOLIS PLANNING DIRECTOR.
2. THE ABOVE DESCRIBED PROJECT IS SUBJECT TO THE APPROVAL OF THE CITY OF ANNEAPOLIS PLANNING DIRECTOR.
3. THE ABOVE DESCRIBED PROJECT IS SUBJECT TO THE APPROVAL OF THE CITY OF ANNEAPOLIS PLANNING DIRECTOR.

PLANNING DIRECTOR
[Signature]
[Print Name]
[Title]

WESTBROOK COMMERCIAL PARK

NOVEMBER 1, 2000
[Signature]
[Print Name]
[Title]

ANNEAPOLIS DEVELOPMENT SERVICES, LLC
P.O. BOX 1305 DARTMOUTH, MASSACHUSETTS 01920
C. MICHAEL ARNONE, P.E. & ASSOCIATES
JOSEPH P. BELLICIA, P.E. & ASSOCIATES

GENERAL NOTES:
1. THE ABOVE DESCRIBED PROJECT IS SUBJECT TO THE APPROVAL OF THE CITY OF ANNEAPOLIS PLANNING DIRECTOR.
2. THE ABOVE DESCRIBED PROJECT IS SUBJECT TO THE APPROVAL OF THE CITY OF ANNEAPOLIS PLANNING DIRECTOR.
3. THE ABOVE DESCRIBED PROJECT IS SUBJECT TO THE APPROVAL OF THE CITY OF ANNEAPOLIS PLANNING DIRECTOR.

S. 2133C



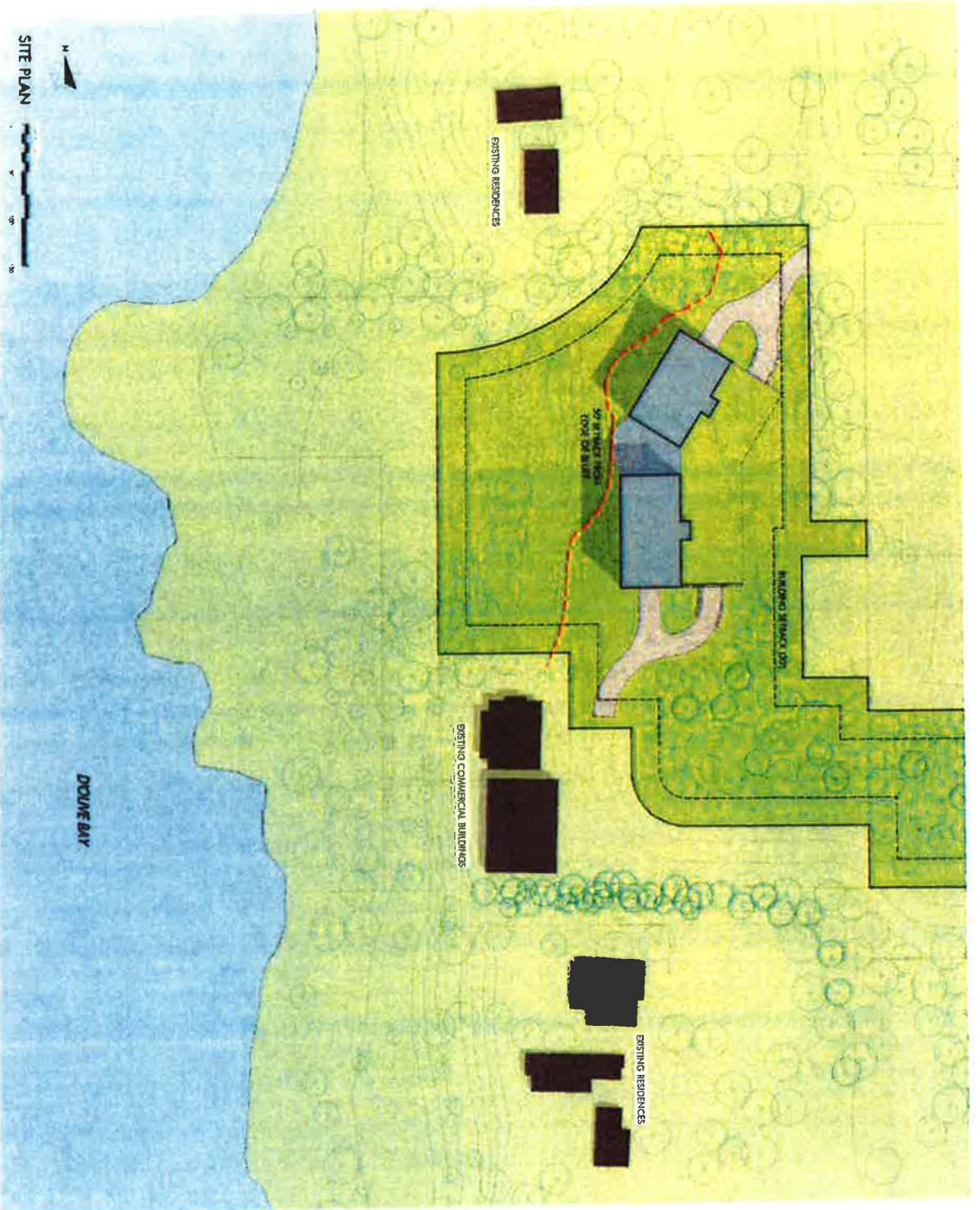
REMARKS: [Remarks]
DATE: [Date]
BY: [Signature]
[Print Name]
[Title]

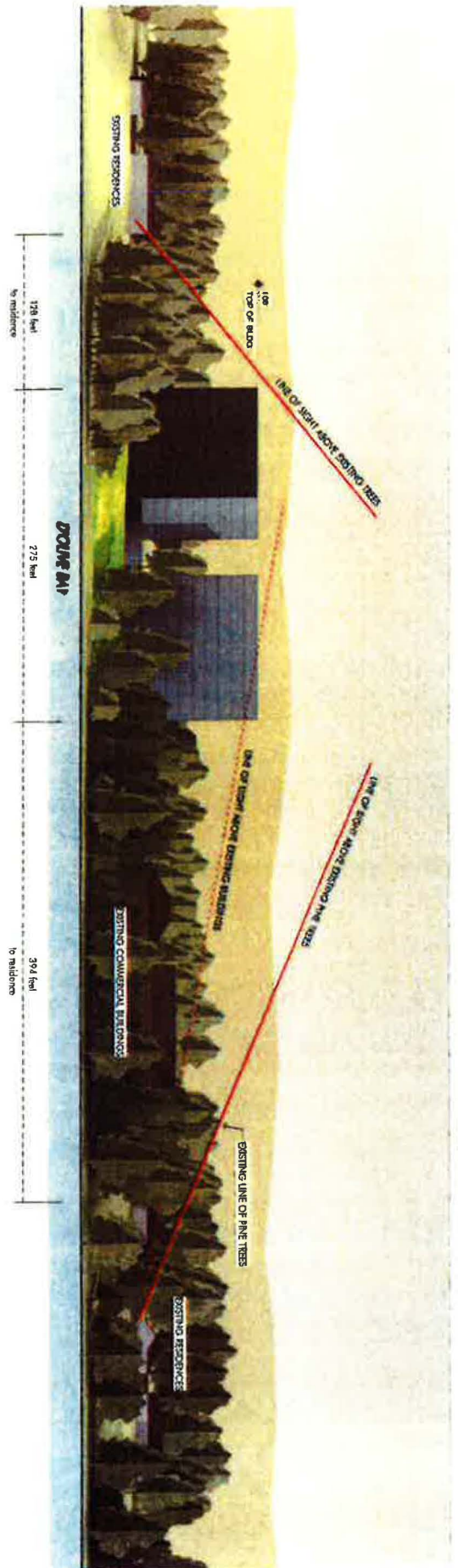


Request 108'
Max height

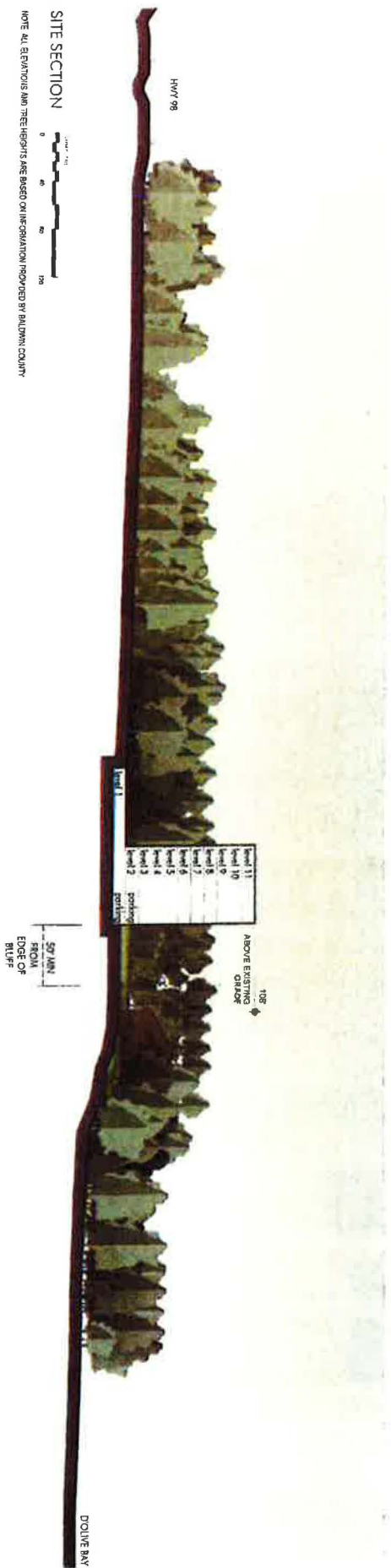
Revised per PC comments on
2.23.17 @ PC meeting.







NOTE: ALL ELEVATIONS AND TREE HEIGHTS ARE BASED ON INFORMATION PROVIDED BY BALDWIN COUNTY



NOTE: ALL ELEVATIONS AND TREE HEIGHTS ARE BASED ON INFORMATION PROVIDED BY BALDWIN COUNTY

From: Adrienne Jones
Sent: Thursday, March 23, 2017 12:14 PM
To: Jan Vallecillo
Subject: FW: High Rise Overlay District

-----Original Message-----

From: Joel Coleman
Sent: Wednesday, March 22, 2017 10:23 PM
To: Adrienne Jones
Cc: rbm@hmrengineers.com
Subject: High Rise Overlay District

Adrienne,

Good evening. I would appreciate it if you would forward this e-mail to the Planning Commission members regarding the proposed amendment to the High Rise Overlay District. Because there is no opportunity for public discussion prior to the vote at tomorrow night's Planning Commission meeting and this request is for property within District 3 which I represent on the City Council, I wanted to share a few thoughts:

1. It is problematic to me that this type of zoning amendment (technically it is an overlay district, but in reality it is a change in zoning when we are considering allowing changes to the minimum standards of the current zoning without considering a waiver request) can be considered by the Planning Commission without an opportunity for the Public to offer their thoughts.
2. The High Rise Overlay District has been in place for 10 years plus with not one building having been constructed in the specified area. In my opinion, we should be considering doing away with the district altogether rather than expanding it.
3. The limits of the overlay district were selected not to extend any further south than the commercial areas along Highway 98. This proposed amendment would allow the district be brought further south encumbering a couple of single family residential lots (whose owners may or may not even be aware that this is being considered) and bordering up next to a commercial building that was built to the current zoning requirements. Next to that building the single family residential lots resume. Placing a district that could possibly allow buildings upwards of 15+ stories would not be consistent with the surrounding properties.
4. The applicant mentioned at the last meeting that they need to go 8 or 9 stories in order to get their "maximum" allowable density. I would suggest that it is not the City's responsibility to modify their rules or regulations to insure that an applicant is able to get their maximum density when the development is not consistent with the other properties in the vicinity.

5. In my opinion, the developer owns the specific property and the ability to develop it within the limits of zoning district. However, the citizens of Daphne own the skyline. Once a development is allowed to go above the existing tree line, that boundary is violated. As a community, we need to be finding ways to embrace and connect to our bay front, not block it even further from view.

Finally, a friend and former Planning Commission member recently told me that "once you give up your skyline, you never get it back". I believe those are wise words and I urge you to strongly consider not expanding the High Rise District any further.

Sincerely,

Joel Coleman

Sent from my iPad

[<http://www.daphneal.com/wp-content/uploads/2013/10/CODemailssignature.png>]
Joel Coleman

councildistrict3@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: Web: www.daphneal.com

[<http://www.daphneal.com/wp-content/uploads/2013/10/CODemailssignature.png>]
Adrienne Jones
Planning Director
ajones@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-621-3184 Web: www.daphneal.com

**CITY OF DAPHNE
ORDINANCE NO. 2017-**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE, ALABAMA
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE
CITY COUNCIL ON JULY 18, 2011**

**ARTICLE XXXVIII, RESIDENTIAL HIGH-RISE CONDOMINIUM DEVELOPMENT
DISTRICT HEIGHT EXCEPTION AMENDMENT AND DISTRICT MAP AMENDMENT**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, at the City of Daphne Planning Commission regular meeting on March 23, 2017, the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, on March 23, 2017, the Commission favorably recommended certain amendments to the Residential High Rise Overlay District Map, "Exhibit E" of the Daphne Land Use & Development Ordinance to include Lot 2 and 2A of Westbrook Commercial Park Subdivision as recorded in the Office of the Judge of Probate of Baldwin County as Instrument # 2133-C; and,

WHEREAS, the Commission recommended that the owner of Lot 2 and 2A of Westbrook Commercial Park Subdivision self-impose a restrictive covenant upon said land that expressly states that the maximum height for any structure thereupon shall be no greater than one hundred and ten (110) feet in height; and,

WHEREAS, due notice of said proposed amendments has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall; and,

WHEREAS, a public hearing regarding the proposed amendments to the Residential High Rise Overlay District and District Map was held before the City Council on May 15, 2017; and,

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

**SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT
ORDINANCE ARTICLE XXXVIII, RESIDENTIAL HIGH-RISE CONDOMINIUM
DEVELOPMENT DISTRICT SECTION 2(a) AS FOLLOWS:**

38-2 HEIGHT EXCEPTIONS

- (a) Building height may be allowed up to two hundred (200) feet or sixteen (16) stories by the Planning Commission, with the exception that any land added to the High Rise Condominium District boundary after October 2, 2006 may be allowed up to one hundred and ten (110) feet or ten (10) stories by the Planning Commission.

**SECTION II: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT
ORDINANCE ARTICLE XXXVIII, RESIDENTIAL HIGH-RISE CONDOMINIUM
DEVELOPMENT SECTION 11 DISTRICT MAP, "EXHIBIT E" AS FOLLOWS:**

38-11 RESIDENTIAL HIGH-RISE CONDOMINIUM DEVELOPMENT DISTRICT MAP

The Residential High Rise Overlay District Map referenced hereto as Exhibit "E" attached to this Ordinance shall be the official boundary map for the Residential High-Rise Condominium Development District of the City of Daphne, Alabama.

SECTION III: RESIDENTIAL HIGH-RISE CONDOMINIUM DEVELOPMENT DISTRICT MAP AMENDMENT

Ordinances 2011-54 and 2006-76 and any other amendments to these Ordinances are hereby amended to the extent that the previous Residential High Rise Overlay District Map referenced in The Land Use Ordinance Appendix I of Exhibit "E" and any amendment thereto, conflict with the Residential High Rise Overlay District Map referenced hereto as Exhibit "A".

SECTION IV: CONFLICT WITH OTHER ORDINANCES

That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby replaced to the extent of such conflict.

SECTION V: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION VI: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law and upon receipt of the aforementioned restrictive covenant as recorded in the Office of the Judge of Probate of Baldwin County.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS DAY OF , 2017.**

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
May 8, 2017
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

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

Present were:

Councilwoman Mrs. Conaway
Councilman Joel Coleman
Councilman Doug Goodlin

Councilman Ron Scott
Councilman Joe Davis

Finance Director Kelli Kichler, Human Resource Director Vickie Hinman, and Revenue Officer Jamie Smith.
Councilman Robin LeJeune arrived at 4:46 p.m. and City Attorney Patrick Dungan arrived at 4:34p.m.

Absent: Chairman Pat Rudicell was not able to attend. Senior Accountant Suzanne Henson was attending training.

Also Present:

Library Director Tonja Young
Mr. Mac Walcott, Walcott Adams Verneuille Architects
Bruner Binion, Regions Bank

Recreation Director David McKelroy,
City Clerk Rebecca Hayes
Mr. John Lake

II. PUBLIC PARTICIPATION

A. Library: "The Porch Project" – Mr. Mac Walcott

Ms. Young introduced Mr. Mac Walcott, Walcott Adams Verneuille Architects and noted he was the architect for the "The Porch Project". Further discussion is included under New Business.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resource Report including open position status.

Positions

Building Inspector
City Clerk
Executive Assistant
PT Fitness Associates
Facilities Manager
Police Officer (2)
Event Assistant
Building Maintenance Tech.
Mechanic, Sr.
Volunteer Coordinator
PSW Grounds
PSW, Sr. – Street
Administrative Tech. (Police)

Status

Posting: 4//24-5/08
Reviewing Applications
Reviewing Applications
Reviewing Applications
Interviewing
Background check
Background check
Date of transfer: 4/13/17
Promotion: 4/13/17
Promotion: 4/20/17
DOH: 4/13/17
DOH: 4/20/17
DOH: 5/11/17

Safety Committee

The Safety committee meeting was held on May 3, 2017. The committee discussed injuries and property damage throughout the City. A Vehicle and Equipment Review Procedure and Disciplinary Actions Program are still being

discussed. Different options to prevent the public access to certain areas in City Hall after work hours are being presented to the committee.

Next Safety Committee meeting: May 31, 2017 @ 10:00 a.m.

Other HR projects/meetings/events:

- Munis ESS training May 8-10
- Volunteers being trained at receptionist desk
- Updating badges for employees
- Benefits Fair Planning Committee meetings - Event is on July 26

Discussion was on the City Hall front desk position. Mrs. Hinman stated that Mrs. Dawne Biggs has been promoted to the Volunteer position and is working on placing volunteers at the front desk. Discussion continued that the Mayor is using volunteers from the new volunteer program to cover the front desk position. Mrs. Hinman noted Mrs. Biggs is still working to cover some of the morning and afternoon shifts and noted that most volunteers want to work the morning shift. Discussion continued on what a great job Mrs. Biggs has done at the front desk.

Mr. LeJeune asked if the front desk position was being eliminated. Mayor Haygood discussed consolidating some positions and using volunteers in the interim and that the front desk position was not being eliminated.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – April, 2017

Mrs. Smith reviewed the following reports and information:

- Code enforcement issued 45 warnings resulting in businesses becoming compliant and \$7,421 in revenue.
- New Businesses with a physical location in Daphne - 4

BUSINESS LICENSE COUNT through 4/30/2017	
Issued THIS MONTH:	
NEW Licenses (6 included with PRIOR YEAR)	67
RENEWAL Licenses (2017)	116
PRIOR YEAR Licenses (2016 and Prior)	9
Total Issued THIS MONTH	192
Total Issued THIS MONTH - PREVIOUS YEAR	148
Net Gain/-Loss Current VS Previous Yr MONTH	+ 44
Total Issued YTD 2017	4,100
Total Issued YTD - PREVIOUS YEAR	4,139
Net Gain/-Loss Current VS Previous Yr YTD	-39

Business License Fee Historical Comparison 2016 / 2017				
	<u>FY 16</u>	<u>FY 17</u>	<u>+/- Previous Year</u>	<u>Budget 2017 \$2,045,000</u>
October	\$5,892.75	\$7,103.71	\$1,210.96	(\$2,037,896.29)
November	\$7,656.25	\$11,604.68	\$3,948.43	(\$2,026,291.61)
December	\$7,656.25	\$33,347.73	\$25,691.48	(\$1,992,943.88)
January	\$1,236,825.76	\$1,301,664.28	\$64,838.52	(\$691,279.60)
February	\$615,428.56	\$603,134.76	(\$12,293.80)	(\$88,144.84)
March	\$90,794.16	\$154,190.39	\$63,396.23	\$66,045.55
April	\$39,137.36	\$42,906.33	\$3,768.97	\$108,951.88
Year to Date	\$2,003,391.09	\$2,153,951.88	\$150,560.79	\$108,951.88

- Delinquency report showed 41 current delinquencies.

The Mayor noted that a legislative alert was sent out concerning discussion of the Senate Committee (Senate Bill #316) for eliminating delivery licenses and establishing exemptions for out of jurisdiction businesses. Mrs. Smith discussed the State's uniform business license regulations and the Commerce Clause. Discussion continued on this pending bill.

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: March, 2017

Ms. Kichler reviewed the Sales & Use Tax Reports and Graphs: \$1,413,341.61 was collected for March, 2017 which was up \$90,762.24 from March 2016's collections:

- YTD Variance over Budget - \$ 185,203

Mr. Scott noted that this was the most Sales Tax the City has collected for one month.

B. Lodging Tax Collections, March, 2017

Ms. Kichler reviewed the Lodging Tax Collections Report and noted the collections for March, 2017 were \$110,320.85 which is up \$5,898 from March 2016's collections.

- YTD Variance over Budget: \$ 29,376

C. Lodging Tax Fund : Statement of Rev over Exp, April, 2017

Ms. Kichler reviewed the Lodging Tax Statement of Revenues over Expenditure report for April, 2017.

- Unreserved balance for Bayfront related purchases - \$616,304
- Recreation related purchases - \$ 1,432,100

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Financial Overview

Monthly Financial Statements – March 2017 Financial Highlights

General Fund:

	<u>FY 2017</u>	<u>FY 2016</u>	<u>Change</u>
• YTD Net Income:	\$3,239,057	\$3,281,862	\$<42,805>
• Total sales tax collected year to date is approximately \$330,000 over prior year and \$185,000 over budgeted income			
• The City insurance payment was made in March and approximated \$575,000			
• Unassigned Fund Balance: \$15,916,918			
• Outstanding Encumbrances: \$449,795			

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of March 31, 2017: \$30,221,111
- Outstanding Capital Lease Balance as of March 31, 2017:
 - General Fund: \$1,317,205
 - Enterprise Funds: \$269,354

Capital Project Funds (Capital Reserve, 2014 Construction, and 2016 Construction):

- Year special assessment billing was sent out to property owners for the 2009 Highway 90 Sewer Project. Collections began last month and totaled \$18,727 for the year.

Special Revenue Funds (13 separate funds):

- Lodging Tax Fund –
 - Grant proceeds from the Village Point Boardwalk constructed in FY 2016 were received in the amount of \$82,649.89
 - Bayfront Unreserved Fund Balance: \$1,403,599.55
 - Recreation Unreserved Fund Balance: \$507,861.84

- Total lodging tax collected year to date is approximately \$20,000 over prior year and \$29,000 over budgeted income

Enterprise Funds (Solid Waste, Civic Center, and Bayfront):

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

	<u>FY 2017</u>	<u>FY 2016</u>	<u>Change</u>
Solid Waste Fund \$158,269		\$232,475	\$ <74,206>
Civic Center Fund \$149,888		\$177,759	\$ <27,871>
Bayfront Park Fund	\$ 79,746	\$ 83,049	\$ <3,303>

Discussion was made on the status on the ongoing Sewer projects including the six small projects that the Utility Board is installing the sewer pipe for. Mayor Haygood stated he had just heard back from the Utility Board and they had completed two of the projects and should start two more projects soon and anticipated being through with all six projects in June. Mrs. Conaway asked when Lott Park project would be completed so she could report back to the adjacent church and give them a time estimate of when they should install their portion of the fence that would match the City's property line fence.

2. Treasurer's Report: April, 2017

Ms. Kichler reviewed the Treasurer's Report noting that the total cash balance had an increase due to the deposit of the \$12 million loan proceeds for the Recreation Park facility projects. Ms. Kichler also noted that the total unrestricted cash was down \$1.9 million due to the \$2 million transfer to Debt Service for the Recreation Park projects.

TREASURER'S REPORT					
As of April 30, 2017					
Account Type/Title	4/30/2017	3/31/2017	Increase (Decrease) from last Month	4/30/2016	Increase (Decrease) from Last Year
Total Unrestricted Cash Balance	13,689,247	15,683,820	(1,994,573)	12,860,088	829,159
Total Restricted Cash Balance	20,605,154	6,342,279	14,262,875	7,622,050	12,983,104
Total City Cash Balance	\$ 34,294,401	\$ 22,026,099	\$ 12,268,302	\$ 20,482,138	\$ 13,812,263
Encumbrance Total as of 4/30/2017				\$ 420,857.71	

Discussion continued on the Recreation park projects and their estimated project completion dates.

The Treasurer's Report as of April, 2017 Total Unrestricted Cash Balance - \$ 13,689,247 and Total City Cash Balance - \$34,294,401 was presented to be filed for audit.

3. Encumbrance Report

Ms. Kichler reviewed the Encumbrance report and noted that the total Encumbrance as of 4/30/2017 is \$420,857.71. Ms. Kichler noted that the final payment on the City's new webpage was made so it is close to ready to go live and progress payments are being made on Fire Station #2 Renovations.

4. Outstanding Appropriations

Ms. Kichler reviewed the Outstanding Appropriation report.

5. Debt Summary Schedules (General & Enterprise Funds), April 2017

Ms. Kichler reviewed the Debt summary schedule and remaining debt payments due for FY2017.

6. Monthly Fund Financial Statements, Month 2017

Ms. Kichler reviewed the following Financial Statements:

- General Fund, March 2017
- Debt Service Fund, March 2017
- Special Revenue Funds, March, 2017
- Capital Projects Funds Balance Sheet, March 2017
- Enterprise Funds Statement of Net Position, March, 2017

7. Future Projects Summary

Ms. Kichler reviewed the Future Projects Summary and noted that some of the projects have estimated project cost and will be changed to actual once the project is bid.

8. Summary of Budgetary Amendments

The Summary of budgetary amendments was included in the packet.

- YTD Appropriations - \$2,897,463 (*including the \$2 million transferred to Debt Service for Recreation Park projects*)

B. Bills Paid Reports – April, 2017

The Bills Paid Report was presented in the packet.

VIII. APPROPRIATION REQUESTS: (Ordinance)

A. 2017 Interest payment: Recreation Park Facilities Improvements - \$81,620

Ms. Kichler reviewed the 2017 Interest payment due for this fiscal year. Ms. Kichler noted this amount was not appropriated previously because we did not know what the amount would be.

MOTION BY Mr. Davis to recommend to Council to adopt the Ordinance amending the budget to appropriate \$81,620 as a transfer from the Lodging Tax to Debt Service for the first interest payment due for the 2017 loan from Regions Bank. Seconded by Mr. LeJeune.

MOTION CARRIED UNANIMOUSLY

B. Legislative Advertising Budget-Additional Appropriation - \$5,000

Ms. Kichler reviewed the request for additional appropriation for the Legislative advertising budget. Ms. Kichler noted that there has been an increase in the ordinances, amendments, and public hearings that have been advertised in the local paper this year. Ms. Kichler stated that she reached out to the City attorney to verify what is required to be advertised according to state law and City ordinances. The City attorney verified that ordinances could be posted at three locations but public hearings for annexations and land use had to be advertised. Mrs. Hayes discussed State of Alabama law does not require Public Hearings for annexations but the City Ordinance does. Discussion continued on the City requirements according to State law.

Mr. Scott noted that the Ordinance requiring public hearings could be evaluated at a later meeting but for now monies needed to be appropriated for this fiscal year.

MOTION BY Mr. Goodlin to adopt an ordinance appropriating \$5,000 out of the General Fund as an additional appropriation for the Legislative Advertising budget. Seconded by Mr. LeJeune.

MOTION CARRIED UNANIMOUSLY

C. County Road 13 Turn Lanes at Sehoy & French Settlement - \$98,807

Mr. Scott discussed Mr. Richard Johnson's e-mail and the City's additional cost for the CR13 Turn lane projects at Sehoy and French Settlement. Discussion continued that the State handled this bid and actual cost after bidding came in much higher than the State's initial estimate. Mr. Scott stated this project is a safety issue and needs to be done.

MOTION BY Mr. Goodlin to adopt an ordinance appropriating \$98,807 out of the Seven Gas Tax Fund as an additional appropriation for the CR13 Turn Lanes at Sehoy & French Settlement. Seconded by Mrs. Conaway.

MOTION CARRIED UNANIMOUSLY

IX. NEW BUSINESS

A. Acceptance of Credit Cards payments (Ordinance)

Ms. Kichler discussed the City accepting credit cards for payments and the process required for each department to get setup. Ms. Kichler reviewed the Square agreement and noted there is a draft ordinance in the packet. Ms. Kichler

discussed the fee schedule. City attorney Patrick Dungan discussed procedures the City needed to follow for credit card acceptance. Discussion continued on taking credit cards via internet and by phone. Mr. Scott recommended moving forward with approving acceptance of credit cards and let the Mayor and Ms. Kichler continue to research taking credit cards via internet and phone.

MOTION BY Mr. Davis to recommend to Council to adopt an ordinance authorizing the City of Daphne to accept credit card payments. Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

B. Discuss options to increase the Solid Waste collection fee

Ms. Kichler reviewed the three options for increasing the Solid Waste collection fee that was prepared by Mr. Richard Johnson. The three options were forwarded to the Finance Committee from the Public Works Committee meeting. Discussion continued that any increase approved should be made effective 10-1-17 (beginning of the next fiscal year). Discussion continued that Solid Waste service operations/expenditures were previously included in the General Fund but are now reported in the Enterprise fund with Garbage collection and recycling. Mr. Lake commented on the history of the garbage fee rate and solid waste transition from the General Fund to the Enterprise fund. Discussion continued that the rate has been \$13.90 for approximately 15 years. The Mayor stated that the garbage fee was looked at two years ago and Daphne by far had the lowest garbage fee.

Mr. Coleman requested two options be presented reflecting an increase of \$2 and \$3.

Mr. Scott asked Mrs. Hayes to add the increase in Solid Waste collection fee options: \$2 & \$3 to the May Council Work Session agenda and get a list of what the surrounding cities are charging for garbage collection.

C. Library: "The Porch Project" – Authorize the Mayor to enter into agreement for Architectural Services (\$18,600 - monies Budgeted)

Mr. Walcott discussed "The Port Project" and preparation for going out to bid. Mr. Walcott noted the Library project area will be on the North side of the current Library building. Ms. Young noted that additional information, drawings and available monies (approximately \$142,000 from donations & fundraising + \$152,500/potential Grant applied for) is included in the Finance packet. Ms. Kichler stated \$125,000 was appropriated in the FY2017 Budget and the Architectural fees could be paid out of those budgeted monies. Ms. Kichler stated that a motion is needed to authorize the Mayor to enter into an agreement for the architectural contract (*the contract is greater than \$15,000*).

Mr. Scott stated that the contract for Architectural services will be between the City and the Architect and there needs to be an official confirmation from the Friends of the Daphne Library and the Daphne Library Foundation on the monies they will pledge for the project.

MOTION BY Mrs. Conaway to recommend to Council to authorizing the Mayor to enter into an agreement for Architectural services with Walcott Adams Verneuille Architects for the Library: "The Porch Project". Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

X. OLD BUSINESS

A. Southern Linc – Tower Lease

Mayor Haygood gave an update on an amendment needed for the Southern Linc tower lease.

Mr. Scott asked Mrs. Hayes to place the Southern Linc tower lease amendment on the 5-15-17 Council agenda.

XI. ADJOURN The meeting adjourned at 6:01 p.m.

TREASURER'S REPORT						
As of April 30, 2017						
Account Type/Title	Bank / Brokerage	4/30/2017	3/31/2017	(Decrease) from last Month	4/30/2016	(Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	Compass Bank1	\$ 8,335,841	\$ 10,338,715	\$ (2,002,873)	\$ 7,452,607	\$ 883,234
INVESTMENT FUND	Raymond James	5,352,906	5,344,606	8,300	\$ 5,406,997	\$ (54,091)
CREDIT CARD ACCOUNT	Compass Bank3	500	500	0	\$ 484	\$ 16
Total Unrestricted Cash Balance		13,689,247	16,683,820	(1,994,573)	12,860,088	829,159
SPECIAL REVENUE FUNDS						
4 CENT GAS TAX	Bryant Bank1	245,810	241,352	4,458	187,370	58,440
7 CENT GAS TAX	Bryant Bank2	323,863	347,560	(23,697)	457,555	(133,692)
TREE & FLOWER	Compass Bank1	18,926	18,926	-	16,426	2,500
SAIL SITE	Compass Bank1	366	365	1	573	(207)
NON-MAJOR STORMS	Compass Bank1	(13,962)	(13,962)	-	(796,310)	782,348
BP OIL SPILL	Compass Bank1	-	-	-	426,768	(426,768)
FEDERAL DRUG FORFEITURES	Compass Bank1	202,065	203,060	(995)	242,797	(40,733)
LOCAL DRUG FORFEITURES	Compass Bank1	5,954	5,954	-	11,217	(5,263)
LIBRARY	Compass Bank1	21,522	14,875	6,647	16,785	4,737
COURT TRAINING & EQUIPMENT	Compass Bank2	34,793	34,312	481	35,440	(647)
COURT JUDICIAL ADMINISTRATIVE	Compass Bank2	117,320	121,070	(3,750)	100,512	16,808
COURT CORRECTION	Compass Bank2	187,554	188,004	(450)	203,930	(16,376)
LODGING TAX	Compass Bank1	1,992,714	1,920,617	72,097	2,727,141	(734,427)
RENAISSANCE	Compass Bank1	25,784	-	25,784	-	25,784
AGENCY FUNDS						
MUNICIPAL COURT	Compass Bank2	109,296	117,333	(8,037)	120,855	(11,559)
SELF INSURANCE	Compass Bank1	125,331	123,174	2,157	102,967	22,364
FLEX SPENDING	Compass Bank1	(12,498)	(12,893)	395	(12,915)	417
		3,384,838	3,309,747	75,091	3,841,111	(456,273)
CAPITAL PROJECT FUNDS						
CAPITAL RESERVE	Wells Fargo Bank1	3,598,219	1,681,859	1,916,360	2,047,083	1,551,136
2014 CAPITAL IMPROVEMENTS	Compass Bank	-	-	-	782,376	(782,376)
2016 CAPITAL IMPROVEMENTS	Compass Bank	845,228	845,224	4	-	845,228
2017 CONSTRUCTION	Regions	11,955,344	-	11,955,344	-	11,955,344
		16,398,790	2,527,083	13,871,707	2,829,459	13,569,331
DEBT SERVICE FUNDS						
DEBT SERVICE	Wells Fargo Bank2	821,526	505,449	316,077	951,480	(129,954)
Total Restricted Cash Balance		20,605,154	6,342,279	14,262,875	7,622,050	12,983,104
Total City Cash Balance		\$ 34,294,401	\$ 22,026,099	\$ 12,268,302	\$ 20,482,138	\$ 13,812,263
Encumbrance Total as c 4/30/2017					\$ 420,857.71	

SALES & USE TAXES

*Adjusted to accrued collections

ACTUAL COLLECTIONS

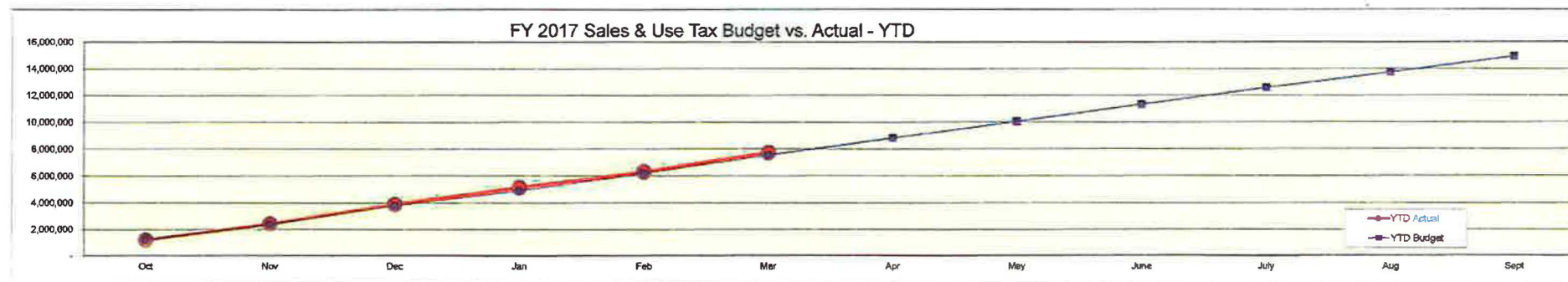
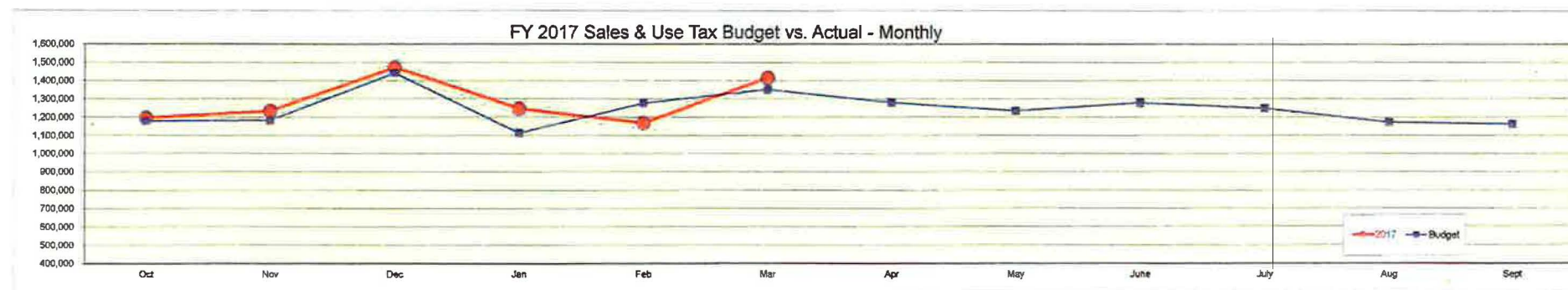
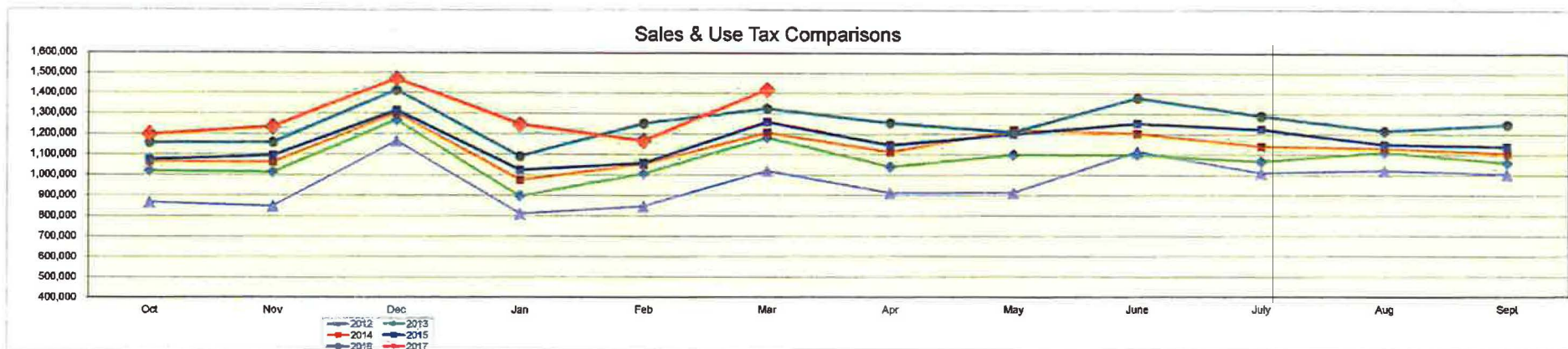
FY 2017 BUDGET vs ACTUAL

	2013	2014	2015	2016	2017	7/8 Year Sparklines		Budget	Monthly Variance	YTD Variance	% Over / (Under) Monthly Budget
October	1,019,065.37	1,062,861.14	1,073,290.88	1,154,933.34	1,194,790.73		October	1,178,032.01	16,758.72	16,758.72	1.4%
November	1,011,813.96	1,061,121.86	1,092,961.96	1,157,742.46	1,231,856.72		November	1,180,897.31	50,959.41	67,718.13	4.3%
December	1,266,051.50	1,299,075.20	1,312,012.89	1,411,946.31	1,469,560.93		December	1,440,185.24	29,375.69	97,093.82	2.0%
January	895,717.19	974,224.69	1,023,171.34	1,089,869.73	1,244,677.14		January	1,111,667.12	133,010.02	230,103.84	12.0%
February	1,004,349.50	1,051,602.29	1,056,996.02	1,250,035.09	1,165,824.35		February	1,275,035.79	(109,211.44)	120,892.40	-8.6%
March	1,181,007.55	1,205,342.67	1,256,397.38	1,322,579.37	1,413,341.61		March	1,349,030.96	64,310.65	185,203.05	4.8%
April	1,039,769.87	1,110,085.05	1,144,698.61	1,252,906.65			April	1,277,964.78			
May	1,098,548.05	1,218,956.40	1,198,226.99	1,209,149.30			May	1,233,332.29			
June	1,097,507.32	1,202,126.66	1,252,030.17	1,376,077.74			June	1,277,070.77			
July	1,065,215.02	1,139,120.72	1,222,993.95	1,287,651.05			July	1,247,453.83			
August	1,110,126.44	1,129,483.17	1,148,890.48	1,215,286.39			August	1,171,868.29			
September	1,058,958.43	1,104,411.74	1,138,473.73	1,246,713.97			September	1,161,243.20			
Totals	12,848,130.20	13,558,411.59	13,920,144.40	14,974,891.40	7,720,051.48			14,903,781.59	185,203.05		

Budgeted Dollar Increase (Actual) FY16 vs (Budgeted) FY17	(71,110)
Budgeted Percent Increase FY16 vs FY17	-0.5%

Fiscal Year Changes Year Over Year

	\$ Change					Percent Change				6/7 Year Sparklines
	2013-2014	2014-2015	2015-2016	2016-2017		2013-2014	2014-2015	2015-2016	2016-2017	
October	43,795.77	10,429.74	81,642.46	39,857.39	October	4.3%	1.0%	7.6%	3.5%	
November	49,307.90	31,840.10	64,780.50	74,114.26	November	4.9%	3.0%	5.9%	6.4%	
December	33,023.70	12,937.69	99,933.42	57,614.62	December	2.6%	1.0%	7.6%	4.1%	
January	78,507.50	48,946.65	66,698.39	154,807.41	January	8.8%	5.0%	6.5%	14.2%	
February	47,252.79	5,393.73	193,039.07	(84,210.74)	February	4.7%	0.5%	18.3%	-6.7%	
March	24,335.12	51,054.71	66,181.99	90,762.24	March	2.1%	4.2%	5.3%	6.9%	
April	70,315.18	34,613.56	108,208.04		April	6.8%	3.1%	9.5%		
May	120,408.35	(20,729.41)	10,922.31		May	11.0%	-1.7%	0.9%		
June	104,619.34	49,903.51	124,047.57		June	9.5%	4.2%	9.9%		
July	73,905.70	83,873.23	64,657.10		July	6.9%	7.4%	5.3%		
August	19,356.73	19,407.31	66,395.91		August	1.7%	1.7%	5.8%		
September	45,453.31	34,061.99	108,240.24		September	4.3%	3.1%	9.5%		
Annual Total	710,281.39	361,732.81	1,054,747.00	332,945.18	Annual % Change	5.5%	2.7%	7.6%		



MONTHLY LODGING TAX COLLECTIONS

*Based on Accr *Based on Accrued Collections

ACTUAL COLLECTIONS

	FY 13	FY 14	FY 15	FY 16	FY 17	10 Year Spark Line
October	51,578.40	48,382.05	74,581.63	82,326.38	83,846.33	
November	43,459.48	43,912.92	77,289.64	77,075.08	69,530.40	
December	40,495.14	39,122.53	69,585.61	67,742.93	67,053.06	
January	47,548.01	43,198.04	72,323.09	69,451.25	80,682.26	
February	54,207.03	49,784.71	92,153.01	84,997.02	94,287.18	
March	64,325.47	71,954.97	112,752.43	104,422.79	110,320.85	
April	47,434.55	86,245.34	101,196.07	95,497.23		
May	68,448.49	107,155.55	108,715.74	104,483.34		
June	71,090.69	127,920.37	111,337.21	126,568.77		
July	94,310.47	139,397.37	140,897.70	148,367.00		
August	52,427.99	93,733.35	90,758.34	79,694.02		
September	45,148.35	71,790.24	84,931.51	72,524.28		
Total	680,474.07	922,597.44	1,136,521.98	1,113,150.09	505,720.08	

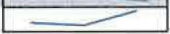
FY 2017 BUDGET vs. ACTUAL

	Budget	Monthly Variance	YTD Variance	% Over / (Under) Monthly Budget
October	80,688.09	3,158.24	3,158.24	3.9%
November	75,541.29	(6,010.89)	(2,852.64)	-8.0%
December	66,394.85	658.21	(2,194.43)	1.0%
January	68,069.17	12,613.09	10,418.66	18.5%
February	83,305.58	10,981.60	21,400.26	13.2%
March	102,344.78	7,976.07	29,376.34	7.8%
April	93,596.84			
May	102,404.12			
June	109,121.63			
July	138,093.84			
August	88,952.25			
September	83,241.37			
Total	1,091,753.79	29,376.34		

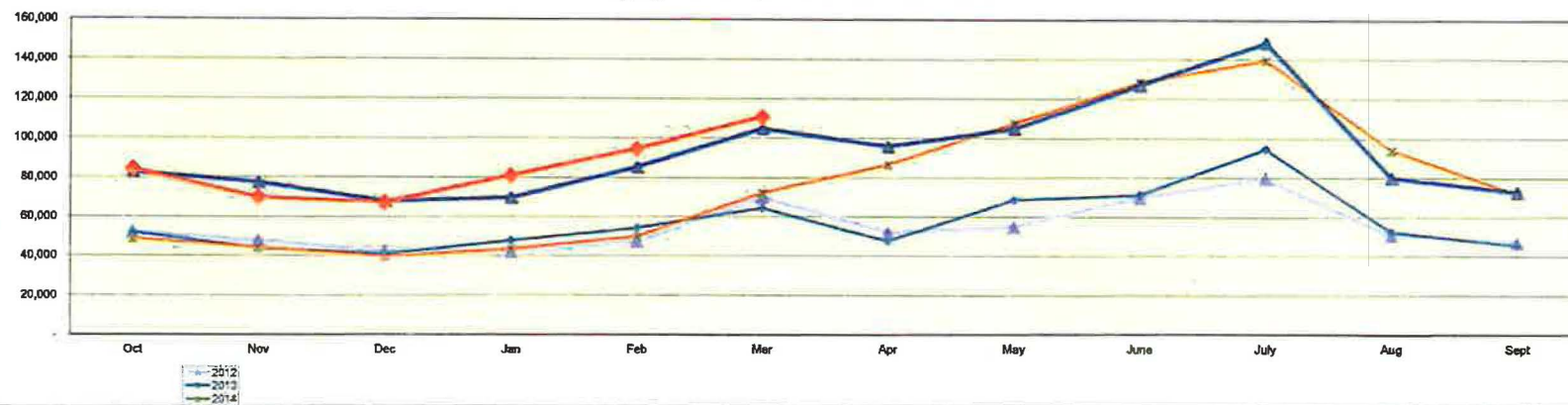
CHANGE IN DOLLARS

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	9 Year Spark Line
October	(424.13)	(3,196.35)	26,199.58	33,944.33	1,519.95	
November	(4,108.60)	453.44	33,376.72	33,162.16	(7,544.68)	
December	(1,784.08)	(1,372.61)	30,463.08	28,620.40	(689.87)	
January	5,630.67	(4,349.97)	29,125.05	26,253.21	11,231.01	
February	6,860.53	(4,422.32)	42,368.30	35,212.31	9,290.16	
March	(5,732.86)	7,629.50	40,797.46	32,467.82	5,898.06	
April	(4,504.51)	38,810.79	14,950.73	9,251.89		
May	13,708.04	38,707.06	1,560.19	(2,672.21)		
June	1,267.78	56,829.68	(16,583.16)	(1,351.60)		
July	14,892.67	45,086.90	1,500.33	8,969.63		
August	2,010.26	41,305.36	(2,975.01)	(14,039.33)		
September	(1,820.54)	26,641.89	13,141.27	734.04		
Total	25,995.23	242,123.37	213,924.54	190,552.65	19,704.63	

CHANGE IN PERCENTAGE

	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	9 Year Spark Line
October	-7.7%	-0.8%	-6.6%	35.1%	41.2%	1.8%	
November	-1.6%	-9.5%	1.0%	43.2%	43.0%	-10.9%	
December	-11.7%	-4.4%	-3.5%	43.8%	42.2%	-1.0%	
January	-16.9%	11.8%	-10.1%	40.3%	37.8%	13.9%	
February	9.1%	12.7%	-8.9%	46.0%	41.4%	9.9%	
March	3.8%	-8.9%	10.6%	36.2%	31.1%	5.3%	
April	6.6%	-9.5%	45.0%	14.8%	9.7%		
May	-5.7%	20.0%	36.1%	1.4%	-2.6%		
June	3.3%	1.8%	44.4%	-14.9%	-1.1%		
July	3.5%	15.8%	32.3%	1.1%	6.0%		
August	-4.8%	3.8%	44.1%	-3.3%	-17.6%		
September	3.7%	-4.0%	37.1%	15.5%	1.0%		
% Change	2.4%	-0.8%	3.8%	18.8%	17.1%		

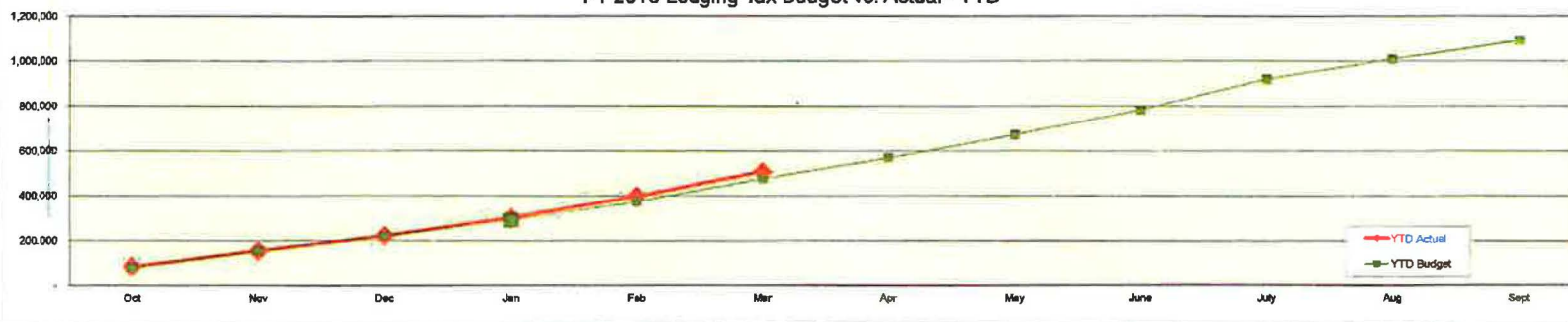
Lodging Tax Comparisons Year over Year



FY 2016 Lodging Tax Budget vs. Actual - Monthly



FY 2016 Lodging Tax Budget vs. Actual - YTD



Lodging Tax Fund
Statement of Revenues Over(Under)Expenditures

	ACTUAL FY 1995-2004	ACTUAL FY 2005-2010	ACTUAL FY 2011-2014	ACTUAL FY 2015	ACTUAL FY 2016	4/30/2017	Total
Revenues							
Lodging Taxes	1,596,764.95	3,506,472.72	2,917,155.78	1,136,521.48	1,113,150.09	581,986.10	10,852,051.12
Settlement	30,000.00	-	-	-	-	-	30,000.00
Donations	240,300.00	10,000.00	-	-	-	-	250,300.00
Grants	498,100.00	1,390,048.13	172,458.01	80,961.99	239,526.17	82,649.89	2,463,744.19
Total Revenues	2,365,164.95	4,906,520.85	3,089,613.79	1,217,483.47	1,352,676.26	664,635.99	13,596,095.31
Expenditures							
Industrial Development Board	45,002.65	175,428.43	192,380.82	146,039.48	144,709.50	59,806.83	763,467.71
Downtown Redevelopment Authority	-	-	174,441.36	56,169.03	55,657.50	29,756.30	316,024.19
Cost of Debt Issuance	112,241.61	-	-	-	-	-	112,241.61
	157,244.26	175,428.43	366,822.18	202,208.51	200,367.00	89,663.13	1,191,733.51
BayFront Property Related Exp							
Bay Front Property	4,684,723.62	666,067.18	-	-	210,608.63	-	5,561,399.43
Bay Front Parking Lot	-	105,793.06	24,028.11	-	-	-	129,821.17
Bay Front Swing Bench	-	3,896.87	-	-	-	-	3,896.87
Bay Front Floors ('15), Windows ('16)	-	-	-	23,758.35	18,766.41	-	42,524.76
Bay Front Park Improvements	-	2,358.75	500.00	-	-	843.85	3,502.70
Bay Front Park Deck	-	-	20,000.00	-	-	-	20,000.00
Bay Front Restrooms	-	44,139.11	1,947.28	-	-	-	46,086.39
Bay Front/VP Invasive Species Grant	-	-	86,020.57	999.00	-	-	87,019.57
Boardwalk Parking Lot - Gator Alley	-	-	17,459.00	124,367.97	616,839.49	10,300.00	768,966.46
Boardwalks & Walking Trails	-	-	2,535.00	-	-	-	2,535.00
Building Improvements	48,956.54	56,000.97	44,158.00	-	-	-	149,115.51
Captain O'Neal Sidewalk	-	25,413.49	-	-	-	-	25,413.49
D'Olive Creek Pedestrian Bridge	-	85,279.08	108,636.39	-	-	-	193,915.47
Gator Alley Bridge	-	-	9,272.35	-	4,377.99	-	13,650.34
Lake Forest Marina	-	-	-	-	-	158,475.41	158,475.41
May Day Playground Eqpt	-	30,792.49	-	-	-	-	30,792.49
May Day Gazebo	-	-	-	-	-	50,257.95	50,257.95
May Day Boat Ramp	-	414,655.63	18,247.24	-	24,000.00	-	456,902.87
May Day Parking Lot	-	271,248.90	-	-	-	-	271,248.90
May Day Drainage	-	5,000.00	-	-	-	-	5,000.00
May Day Sand Movement Study	-	12,273.50	50,507.50	-	-	-	62,781.00
May Day Grounds & Landscaping	-	-	5,000.00	-	-	-	5,000.00
Mobile Bay NEP Contribution	-	-	7,000.00	-	30,000.00	30,000.00	67,000.00
Property Improvements	1,712.30	2,244.00	2,629.57	-	-	-	6,585.87
Village Point Grant - Brdwlk - ADECA	-	-	-	9,705.54	119,884.35	-	129,589.89
Village Point Park Preserve-Survey	-	-	-	-	3,450.00	2,550.00	6,000.00
Williams Property (1/2) Brdwlk Prkng Lot	-	-	47,138.87	-	-	-	47,138.87
Total Bay Front Related Exp	4,735,392.46	1,725,163.03	445,079.88	158,830.86	1,027,926.87	252,227.31	8,344,620.41
Recreation Exp							
(Rec Loan from GF-\$643,644 Forgiven 6/1/14)	-	-	879,609.66	-	-	-	879,609.66
Sports Complex Entrance Rd (FY12-14)	-	-	-	38,518.07	101,401.65	-	139,919.72
Daphne Parks Master Plan-Survey	-	-	-	-	800,000.00	30,843.59	830,843.59
Daphne Parks Master Plan-Design Fees	-	-	-	9,605.03	2,860.00	-	12,465.03
Turf & Concrete-Batting Cages/HP Mals	-	-	449,084.04	-	-	-	449,084.04
Softball/Football Lighting (FY11)	-	-	273,593.93	-	-	-	274,745.93
Bathroom/Concessions (2) (FY10-11)	-	1,152.00	50,000.00	-	-	-	50,000.00
Bleachers (4) (FY11)	-	-	2,062.50	-	-	-	2,062.50
Fence/Net Replacement-net of ins (FY11)	-	-	23,197.52	-	-	-	23,197.52
Repair-Blechr/Conces Roof-net of ins(FY11)	-	-	-	-	61,288.95	-	61,288.95
Gazebos-Joe Lewis, Park City & Central	-	-	-	-	-	-	-
Total Recreation Exp	-	1,152.00	1,677,547.65	48,123.10	965,550.60	30,843.59	2,723,216.94
Other Financing Sources (Uses)							
Debt Proceeds	5,177,983.00	-	-	-	-	-	5,177,983.00
Transfers from General Fund	353,433.00	(353,433.00)	643,643.56	-	-	-	643,643.56
Transfers to Debt Service (Debt pd 9/20)	(3,042,540.12)	(1,080,638.30)	(574,121.22)	(151,628.00)	(154,434.96)	(86,062.06)	(5,089,424.66)
Transfers to Gen Fund	(20,322.18)	-	-	-	-	-	(20,322.18)
Other Financing Sources (Uses)	2,468,553.70	(1,434,071.30)	69,522.34	(151,628.00)	(154,434.96)	(86,062.06)	711,879.72
Rev & Financing Sources Over							
(Under) Expend & Financing Uses	(58,918.07)	1,570,706.09	669,686.42	656,693.00	(995,603.17)	205,839.90	2,048,404.17

Reserve for Recreation	616,303.68
Unreserved - Bay Front Related	1,432,100.49
	2,048,404.17

Lodging Taxes were levied 9/95 @ 3%
 12/97 Increase to 4% (Ord 1997-28) / 4/14 Increase to 6% (Ord 2014-06)
 FY 01 IDB Contributions started / DRA Authority added FY 10
 DRA: FY 10-\$32,173.09 / FY 11-\$32,980.25 / FY 12-\$32,723.95=\$97,877.29
 Current Allocations: 10% IDB
 5% Downtown Redevelopment
 32% Debt Service & Bay Front Property Uses:
 Acq, Dev, & Maint
 53% Recreation Related Capital

As of June 1, 2014:	
Original Recreation Loan	\$1,678,700
Repaid from Collections	\$ (1,035,056)
Loan Balance 6/1/14	\$643,644
Ord 2014-27 Debt Forgiven	\$ (643,644)
Recreation Balance Owed	\$0

Prior Mo Unreserved BF
 1,419,313.05

Prior Mo Res for Rec
 557,834.05

BUILDINGS & PROPERTY COMMITTEE MEETING

**Monday, May 1, 2017, 4:30 p.m.
City Hall, Executive Conference Room,
1705 Main Street, Daphne, AL 36526**

MEETING MINUTES

COUNCIL PRESENT: Chair Councilman Robin LeJeune; Councilwoman Tommie Conaway; Councilman Pat Rudicell; Councilman Joel Coleman; Councilman Doug Goodlin; Councilman Ron Scott; and Councilman Joe Davis

ALSO PRESENT: Jay Ross, City Attorney; Patrick Dungan, City Attorney; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk (Recording Secretary); Kelli Kichler, Finance Director; Richard Johnson, Director Public Works; BJ Enringman, Deputy Director Public Works; Ashley Campbell, Environmental Programs Manager; David McKelroy, Recreation Director; Margaret Thigpen, Civic Center Director; Kara Wilbourn, Marketing Coordinator; Selena Vaughan, Chair, Village Point Bayfront Properties; Danny Calhoun, Attorney; Jim Cornell, Carolyn Cornell, John Lake, and John Peterson

1) CALL MEETING TO ORDER / ROLL CALL

There being a quorum present Chair Councilman Robin LeJeune called meeting to order at 4:30 pm.

2) PUBLIC PARTICIPATION

Danny Calhoun, Jim Cornell, and Carolyn Cornell attended meeting reference Lake Forest Marina.

3) APPROVAL OF MINUTES: APRIL 3, 2017

Chair Councilman Robin LeJeune noted April 3, 2017 minutes are approved as written.

4) CITY BOAT RAMP ACCESS PROJECTS REPORT: RICHARD JOHNSON

Richard Johnson gave report on City Boat Ramp Access Projects. Richard presented new D'Olive Boat Ramp Park Redesign.

MOTION BY Councilman Ron Scott to recommend to Council new design of site plan with ingress/egress within the parcel

Seconded by Councilman Doug Goodlin

Aye, All in favor

MOTION CARRIED UNANIMOUSLY

Richard reported May Day Access is being reviewed by State.

5) SURPLUS PROPERTY: KELLI KICHLER

Kelli Kichler reported no Surplus Property Report.

6) CIVIC CENTER & BAYFRONT PAVILION REPORT: MARGARET THIGPEN

Margaret Thigpen gave Civic Center & Bayfront Pavilion Report for April.

Civic Center Report

- April 2017 revenue for the Civic Center totaled \$23,099.000/Increase from April 2016
- FY 2016-2017 YTD Projected Year End Revenue/\$189,514.50
- April 2017 Deposits/\$17,238.00
- FY 2016-2017 YTD Deposits/\$115,338.00

Bayfront Park Pavilion Report

- April 2017 Revenue/\$5,646.00/Decrease from April 2016
- FY 2016-2017 YTD Projected Year End Revenue/\$63,897.50
- April 2017 Deposits/\$7,920.00
- FY 2016-2017 YTD Deposits /\$46,720.50

Daphne Convention & Visitor's Bureau

- DiscoverDaphne.org
- Visitors Guide – In the process
- Facebook – Featuring an attraction every other week or so
- Alabama Coasting
- Ad/s and Article – Quarterly distribution, 2,000 condo rooms, 70+ hotels

Upcoming Public Events/Consumer Shows

- Eastern Shore Chamber of Commerce Mayor's Prayer Breakfast – Thursday, May 4, 2017
- Spanish Fort Graduation Rain Backup – Monday, May 15, 2017
- Sunset Series at Bayfront Park – Sunday, May 21, 2017
- WJ Carroll Graduation – Wednesday, May 24, 2017
- Daphne Library Summer Reading Kickoff – Monday, June 5, 2017

Misc.

- Event Assistant Position Filled – Kristopher "Kris" Jackson
- Tourism/Hotel Meeting – May 4, 2017
- National Travel/Tourism Day, May 9, 2017
- ACAE Tradeshow – May 15, 2017 (Three bookings from last year tradeshow)
- Attending Southeastern Tourism Society – May 15-19, 2017
- Baldwin County EMA Exercise – June 1, 2017

7) BUILDING INSPECTION MONTHLY REPORT: ASHLEY CAMPBELL

Ashley Campbell gave Building Inspection Report for April.

- Total Building Permits/ 144
- Total Permit Building Permit Fees/ \$36,212.74
- New Home Permits / 10
- CO's / 21

8) RECREATION REPORT: DAVID MCKELROY

David McKelroy gave Recreation Report for April.

Senior Programs

Lunch	714
Exercise	155
Yoga	250
Cards/Games	75
Total	1194

Weekly Classes

Hard Body Workout	53
Zumba	96
Discover Dance	88
Karate	14
Total	251
Fitness Center	1267
Total	1267
Civic Groups	121
Total	121
Sr. Programs/Classes Total	2833

ATHELTICS

Youth Baseball Lott Park	444
Youth Softball Trione	80
Youth Soccer	
Recreation	461
Club	158
Adult Softball	200
Co-Ed Softball	100
Total	1443
USSSA Girl's Softball	
24 Teams – 2 Days	285+
Daphne Strike Soccer	
80+ Teams – 2 Days	850+
Daphne High School JV Softball	
10 Teams – 2 Days	150+
USSSA Men's Softball	
12 Teams – 1 Day	150+
USSSA Girls' Softball	
17 Teams – 1 Day	225+
Total	1660
Athletics Total	3103

9) LIBRARY REPORT: TONYA YOUNG

Tonja Young gave Library Report. Tonja discussed Walcott Adams Verneuille Architects proposal received for Daphne Public Library "Porch Project" totaling \$18,600.00.

MOTION BY Councilman Ron Scott to recommend to Council that we allow the Library to go forward with the Porch Project with appropriated budgeted funds

Seconded by Councilman Joe Davis

Aye, All in favor

MOTION CARRIED UNANIMOUSLY

Tonja reported two (2) grants awaiting answer.

Richard Johnson commented bids are authorized for roof.

10) VILLAGE POINT BAYFRONT PROPERTIES

Ashely Campbell commented the 2nd read of Ordinance 2017-30 Appropriation of Funds - Invasive Species Control for Bayfront and Village Point Wetlands Areas is on agenda for tonight's City Council Meeting.

11) BAYFRONT MASTER PLAN & IMPROVEMENT COMMITTEE

Councilman Joel Coleman reported no report.

12) OLD BUSINESS

CITY PARKS SIGNAGE SPECIFICATION

Kara Wilbourn discussed estimate from Fairhope Foundry LLC reference casting a one of a kind historic marker for the City of Daphne. Markers are to be 18'h x 24'w and to include logo at top and base (collar) for mounting at \$2,250.00/each. Mounting 6' post \$100.00. The total estimate is \$2,350.00/each with mounting. If we prefer aluminum we can subtract \$200.00. Considering our climate, bronze tends to hold up better and the surface is easier to maintain. Aluminum will come with a painted finish and bronze will have a brown patina.

Councilman Ron Scott requested Historical Park Signs List.

Councilman Ron Scott recommended five (5) year plan on park signs.

Kelli Kichler suggested adding \$2,500.00 in budget for park sign.

Chairman Councilman Robin LeJeune asked that we do nothing with estimate at this time. Chairman commented we need ordinance on signage and further discussion on budget. Chairman prefers bronze sign.

DAPHNE WELCOME CENTER – BALDWIN REGIONAL AREA TRANSPORTATION SYSTEM (BRATS)

Richard Johnson commented appraisal received on property, moving forward.

SOUTHERN LINC – JUSTICE CENTER

Chairman Councilman Robin LeJeune requested Southern Linc remain on agenda for next month.

13) NEW BUSINESS

Chair Councilman Robin LeJeune inquired on Hotel Multiplan.

Richard Johnson commented Hotel Multiplan would be discussed at meeting tomorrow.

14) ANY OTHER BUILDINGS & PROPERTY BUSINESS

Councilman Ron Scott requested clean up schedule for Gator Ally Strip.

15) NEXT MEETING

Next meeting scheduled for Monday, June 5, 2017

15) ADJOURN

Chair Councilman Robin LeJeune adjourned meeting at 5:13 p.m.

**Buildings and Property Meeting
May 1, 2017
Motion to Council
*D'Olive Bay Park Boat Launch Parking Lot
Site Plan***

MOTION BY Councilman Ron Scott to recommend to Council new design of site plan with ingress/egress within the parcel. **Seconded by Councilman Doug Goodlin. Aye, All in favor.**

MOTION CARRIED UNANIMOUSLY

Attachment: Drawing (*D'Olive Bay Park Boat Launch Parking Lot*, Daphne, Alabama)

**DOWNTOWN REDEVELOPMENT AUTHORITY
MANCI'S ANTIQUE CLUB
1715 MAIN STREET, DAPHNE, AL 36526
APRIL 26, 2017**

MEETING MINUTES

MEMBERS PRESENT: Chairman Daniel Dyas, Doug Bailey, Dorothy Morrison, Debbie Strahley, Ken Balme, Brandy Lister, Belle Laurendine, Nicole Simms, and Patricia Vanderpool

MEMBER ABSENT: Dayna Oldham

COUNCIL LIASON PRESENT: Councilwoman Tommie Conaway

OTHER PRESENT: Jenny Opal White, Recording Secretary, Starke Irvine and Kit Smith

1. CALL TO ORDER, INVOCATION, ROLL CALL

- There being a quorum present Chairman Daniel Dyas called meeting to order at 5:30 p.m.
- Dorothy Morrison gave invocation at meeting.
- Jenny Opal White administered roll call.

2. PUBLIC PARTICIPATION / STARKE IRVINE PRESENTATION

Starke Irvine gave presentation on Olde Towne Daphne District and Village Overlay Districts. Starke discussed history of the establishment of the Downtown Redevelopment Authority (DRA) along with the City of Daphne Land Use and Development Ordinance, Article 14, January 23, 2017. Starke discussed draft resolution to resolve issue of having two overlay districts with similar ordinances and close proximity, in order that we may have better coordination and protection for both areas, request they be combined into one district to be known as the Olde Towne Village Overlay District. The resolution would motion the original Code in place for both districts to be re-established. The purpose is to return the District to the same attitude and intent which was originally established. That intent was to encourage and promote creative developments primarily with combined residential and business in single structures, which encourages walking, living, shopping and dining in one village setting. This concept has been widely accepted and established in small areas across the nation.

Starke provided members information to review on CDs.

Doug Bailey and Starke Irvine will work on resolution.

3. APPROVAL OF MINUTES – MARCH 22, 2017

Chairman Daniel Dyas asked members to review minutes in meeting packet from March 22, 2017.

Motion by Dorothy Morrison to approve minutes from meeting on March 22, 2017
Second by Debbie Strahley
Aye, All in favor
Motion Carried Unanimously

4. TREASURER'S REPORT

Treasurer, Doug Bailey gave Treasurer's Report.

March 2017 - Beginning Statement Balance:	\$238,159.78
March 13, 2017 – Deposit – City of Daphne	+\$4,034.11
March 2017 – Ending Statement Balance:	\$242,193.89
April 2017 – Beginning Statement Balance:	\$242,193.89
April 3, 2017 – Deposit – City of Daphne	+\$657.04
April 14, 2017 – Deposit – City of Daphne	+\$4,714.36
April 21, 2017 – Check 1045 – Dorothy Morrison	-\$174.24
April 2017 - Current Balance:	\$247,391.05

Motion by Debbie Strahley to approve Treasurer's Report
Second by Brandy Lister
Aye, All in favor
Motion Carried Unanimously

5. OLD BUSINESS

Downtown Redevelopment Authority Map, Adopted, February 22, 2017

Chairman Daniel Dyas discussed the map of ***Development Area of the Downtown Redevelopment Authority***, Adopted February 22, 2017 enclosed with packet for review.

Councilwoman Tommie Conaway requested DRA present map at Council Work Session in June. Jenny Opal White will request to Council President, Councilman Ron Scott that map is added to the June 2017 Work Session Agenda.

Chairman Dyas requested to leave map on agenda for next month's meeting.

Downtown Redevelopment Authority Website

Chairman Daniel Dyas has received former Chairman, Casey Gay Williams DRA book and discussed DRA website. Current website is <http://downtowndaphne.com/>.

Motion by Dorothy Morrison to table Downtown Redevelopment Authority website until next month
Second by Doug Bailey
Aye, All in favor
Motion Carried Unanimously

Downtown Redevelopment Authority Logo

Nicole Simms presented logo examples for DRA.

Motion by Dorothy Morrison to have Nicole Simms change logo To Olde Towne Daphne
Second by Doug Bailey
Aye, In favor, Doug Bailey, Dorothy Morrison, Debbie Strahley, Brandy Lister, Belle Laurendine, Nicole Simms, and Patricia Vanderpool (7)
Nay, Daniel Dyas (1)
Motion Carried

Chairman Daniel Dyas commented the logo should carry the legal name. Chairman Dyas requested to keep DRA Logo on agenda for next month.

Main Street Alabama

Patricia Vanderpool will forward copy of notes to authority on past Main Street Alabama training seminar.

Patricia Vanderpool will forward hotel receipt for reimbursement.

Dorothy Morrison commented on upcoming seminar in Florence, Alabama.

Members discussed presenting Main Street Alabama to Council at Work Session Meeting.

6. NEW BUSINESS

Announcing a New Look for the Daphne Museum

Ken Balme presented flyer announcing a new look for the Daphne Museum. Event will take place on Sunday, April 30th from 2:00 – 5:00 p.m. There will be a drone flying exhibition, music, fifty (50) free harmonicas, professional storytelling, and much more.

A new exhibit, "Toys of Yesteryear", will be making its debut. If you have any old toys, children's books, or games that you would consider donating or loaning to the museum for this exhibit, please call (251) 621-9620.

Ken Balme asked DRA for reimbursement of the fifty (50) harmonicas for event as he had formally discussed at the last Downtown Redevelopment Meeting on March 22, 2017.

Motion by Dorothy Morrison to move for reimbursement of \$173.00
to Ken Balme for the fifty (50) harmonicas
Second by, Patricia Vanderpool
Aye, All in favor
Motion Carried Unanimously

A Walk to Remember

Chairman Daniel Dyas inquired on the paver brick project.

Ken Balme commented the paver bricks are \$35.00/each with laser engraving.

Motion by Debbie Strahley for DRA to purchase \$35.00 brick engraved
Downtown Redevelopment Authority
Second by, Patricia Vanderpool
Aye, All in favor
Motion Carried Unanimously

7. COMMUNITY LIAISON REPORTS

Beautification Committee

Beautification Committee Chairman, Dorothy Morrison discussed new sign for "Gator Ally". Dorothy commented there would be more new signs in city.

Dorothy complimented the new look of the Daphne Museum. She noted Public Works support was appreciated.

Dorothy invited everyone out to the Mayday Park Gazebo Dedication on Monday, May 1, 2017 at 10:00 a.m.

Recreation Board

Kit Smith spoke on behalf of the Recreation Board. Kit discussed the transformation of Lott Park.

Industrial Development Board

Doug Bailey spoke on behalf of the Industrial Development Board. Doug discussed the DISC Project is moving forward.

8. OPEN DISCUSSION

Ken Balme inquired on why Bike Night was taken off agenda. Jenny Opal White commented the event permit was proposed in 2016. The city can only accommodate eight (8) approved permits with closed streets a year. Eight (8) approved event permits are approved for 2017. The event permit can be presented for 2018.

Ken Balme informed committee of commercial property for sale on Daphne Avenue.

Patricia Vanderpool informed authority of the 2017 Your Town Alabama. Jenny Opal White will forward information to authority.

9. NEXT MEETING

Chairman Daniel Dyas commented the next DRA meeting is scheduled for Wednesday, May 24, 2017 at City Hall in the Jubilee Conference Room at 5:30 p.m.

10. ADJOURN

Motion by Dorothy Morrison to adjourn meeting at 6.45 pm

Second by Doug Bailey

Aye, All in favor

Motion Carried Unanimously

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2017
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:10 p.m.

Call of Roll:

Members Present:

Charles Smith, Secretary
Marybeth Bergin, Chairman
Andrew Prescott
Ron Scott, Councilman
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney
Patrick Dungan, Attorney
Brennan Walters, Planner

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

Chairman asked for questions, comments or corrections to the minutes *of the regular meeting of February 23, 2017. There being none, minutes are approved as submitted.*

Chairman commented on a request to change the order of the agenda to hear a pre-zoning amendment for George Kalasountas.

Chairman stated if Commissioners would like to consider this that she would entertain a motion to rearrange the order of the agenda.

A **Motion** was made by Chief White and **Seconded** by Mr. Sandefur *to change the order of the agenda to hear a pre-zoning amendment for George Kalasountas.*

During discussion, Ms. Jones commented that the agenda has been published for a while and some people may show up later in the meeting expecting to be able to speak on the item. Although the Commission may hear a discussion now, it would be appropriate to reopen the hearing and to vote later at its current position on the agenda.

Having considered Ms. Jones' comments, Chief White and Mr. Sandefur rescinded the motion.

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Chairman stated the agenda item shall remain in the order presented.

The next order of business is the Residential High Rise Condominium Development District Amendment.

An introductory presentation was given by Cheryl Stovall, representative of WHLC Architecture, of a five and one-half acre high density multi-family residential parcel located southwest of 2nd Street and U.S. Highway 98. Our firm is currently unable to construct a seventy-nine unit development with a fifty-foot height restriction; therefore, we have asked that the Residential High Rise Condominium Development District be amended to include our property.

Chairman asked for Commission questions or comments.

Mr. Scott commented that it is his understanding that a request for a building height of two hundred feet is no longer available. Ms. Jones stated a height of one hundred ten feet or ten stories is my recommendation for a request to be included in this district which is to be determined upon justification and Commission approval.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur to **set forth a favorable recommendation to council to amend Article 38, Residential High Rise Condominium Development District, Section 11, District Map to include Lots 2 and 2a of Westbrook Commercial Park Subdivision as recorded in the Office of the Judge of Probate of Baldwin County as Instrument No. 2133-C and to amend the provisions of Article 38, Residential High Rise Condominium Development District, Section 2(a), Height Exceptions, to read as follows: building height may be allowed up to two hundred (200) feet or sixteen (16) stories by the Planning Commission, with the exception that any land added to the High Rise Condominium Development District boundary after October 2, 2006 may be allowed up to one hundred and ten (110) feet or ten (10) stories by the Planning Commission; and conditioned that the land owner shall impose upon the subject property a restrictive covenant that expressly states that the maximum height for any structure thereupon shall be no greater than one hundred and ten (110) feet in height. There was no discussion on the motion. The Motion carried unanimously.**

Mr. Scott stated this is only a recommendation to City Council of which they may add additional restrictions or approve it as is.

The next order of business is site plan review for Johnson Road Grading & Drainage.

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Regular Meeting of March 23, 2017
Council Chamber, City Hall - 5:00 P.M.

Mr. Sandefur asked how this site plan is different from the previous use of the property.

Ms. Jones stated the Land Use Ordinance states that, "Automobile service including minor repair and installation of items sold, including gas, oil or grease is permitted by Planning Commission approval".

Chief White asked if the deficiencies outlined by the Code Enforcement Officer regarding signage have been addressed.

Mr. LeCraw stated we are aware of the sign comments and agree to comply with the request. Ms. Jones stated the applicant must submit a sign permit application in compliance with the ordinance to acquire a sign permit.

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

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur to approve the site plan for Take 5 Daphne oil change facility including the proposed use. There was no discussion on the motion. The Motion carried unanimously.

Mr. Smith recused himself from discussion or action on the following agenda item: site plan review for Macedonia Baptist Church Playground.

The next order of business is site plan review for Macedonia Baptist Church Playground.

An introductory presentation was given by Carlos Gant, representative of Carlos Gant Architecture, requesting site plan review of two-point two-acre site of which the church would like to add a basketball court, two playgrounds, and the necessary storm water drainage located southeast of the intersection of Guarisco and Mancini Avenue.

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

A Motion was made by Mr. Sandefur and Seconded by Mr. Smith to approve the site plan for Macedonia Baptist Church Playground. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is site plan review for Auto Zone Store.

An introductory presentation was given by Ray Flake, representative of Civil Engineering Services, requesting site plan review of automotive retail parts store located at the southwest corner of U.S. Highway 98 and Wilson Avenue.

**The City of Daphne
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Regular Meeting of March 23, 2017
Council Chamber, City Hall - 5:00 P.M.**

Chairman asked for Commission questions or comments and about the deficiencies outlined by the Public Works Director and Environmental Programs Manager, and stated that the owner has agreed to work with Public Works regarding the installation of sidewalks.

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

A Motion was made by Mr. Smith and **Seconded** by Mr. Sandefur **to approve the site plan for Auto Zone Store. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Waffle House.

An introductory presentation was given by Paul Marcinko and Max Dearing, representatives of Jade Consulting, requesting site plan review of restaurant facility located on the west side of U.S. Highway 98 between Van Avenue and Halls Lane.

Chairman asked for Commission questions or comments.

Mr. Scott commented on residents on Bass Street to express their concerns and asked about a vegetative buffer and not to direct lighting into the residential neighborhood. Mr. Marcinko stated on the landscape plan, a six-foot privacy feet is shown, and we will address the issue of lighting.

Chairman stated this is also a request for a waiver of the installation of sidewalks on U.S. Highway 98 and Bass Street and asked for a motion.

A Motion was made by Mr. Scott and **Seconded** by Chief White **to approve the site plan for Waffle House and waiver of sidewalks on U. S. Highway and Bass Street. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Olde Towne Daphne Townhomes.

An introductory presentation was given by Daniel Dyas, representative of Dyas Development, requesting site plan review for the development of thirty-six units in an R-7(T), Townhouse District, located northwest of U.S. Highway and Halls Lane.

Chairman asked for Commission questions or comments and about the green belt and stated the Commissioners have received a revision to the plan for review. Mr. Dyas stated the greenbelt area comment has been addressed by providing a diagram of a greenbelt that exceeds the buffer requirements by thirty percent.

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Council Chamber, City Hall - 5:00 P.M.

Chairman asked for Commission questions or comments.

Chief White stated the revision does not address the secondary access.

Mr. Dyas stated the latest revision of the site plan illustrates the proposed location of a secondary access to be either at the southwest corner of the property near Jacobs Way or the fifty-foot ingress/egress easement at the northeast corner of the property. We are committed to providing a secondary access prior to the issuance of a certificate of occupancy.

Chief White commented these access points are proposed and the fire department would prefer a dedicated secondary access.

Mr. Smith asked weren't we informed that the adjacent property owner was not in favor of providing property for the secondary access. Chairman confirmed receipt, but could not verify the location of the property.

Chairman asked for Commission questions or comments and about the deficiencies outlined by the Public Works Director.

Mr. Johnson recommended site plan approval, conditioned upon the owner establishing all required requisite ALDOT right-of-way improvements that were associated with approval of the first phase of Shore Oaks Center, and that those improvements shall be in place prior to the issuance of the first certificate of occupancy. Mr. Dyas consented to the stipulation.

Mr. Scott stated the recommended motion does include Mr. Johnson comments.

Mr. Smith commented on traffic congestion associated with the proposed residential development behind the existing commercial businesses, and Chief White responded that is why the fire department requested a secondary access.

Mr. Dyas stated clarified that a connection could be made to the right-of-way of U.S. Highway 98 along the fifty-foot strip on the north side of the property, but that he would prefer to negotiate a connection to Main Street for the benefit of the development and city from a connectivity and walkability standpoint.

Chief White asked if they dedicate the fifty-foot strip as the secondary access would the applicant be able to revise the site plan. Ms. Jones stated the Commission should address that in the motion.

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Mr. Prescott asked Ms. Jones if the revised site revision address staff comments.

Ms. Jones stated Mr. Ross needs to speak to the greenbelt requirement as it requires a twenty-five foot wide greenbelt along the perimeter of the property, and what has been presented to you is a variation of that. The ordinance does not speak to the Planning Commission having the authority to grant a variation of the greenbelt. Section 13-3, Compliance with District Requirements, states any use permitted in any district whether by Right, Planning Approval, Administrative Approval, or as a Special Exception, must comply with the requirements of the district in which it is located.

Ms. Jones stated unless a variance from such requirement is specifically requested and granted by the Board of Zoning Adjustment; unless approved as a Planned Unit Development with modifications as required by the Planning Commission provisions of Article 11-5, Subdivision Exceptions and Exemptions. The R-7(T) requirements provide the minimum setbacks, maximum height, distance between the buildings, and a greenbelt along the remaining roadway and project boundary, and Mr. Ross can expound on the requirement of the greenbelt. Mr. Ross stated this section states that the twenty-five foot wide greenbelt shall be along perimeter roadway and shall run the entire length of the project boundary. If you look at twenty-five feet around the circumference of the property, that may equate to forty two thousand square feet. The design is clever; however, because of location of the greenbelt in relationship to the roadway, it is hard to determine if it meets the requirements. It may be more square footage, but it does not seem to comply with the ordinance.

Mr. Dyas stated we are building a residential use and are surrounded by commercial uses so the setback and the greenbelt are for the benefit of the adjacent property owners. If you require a continuous greenbelt the property in an R-7(T) district, you preclude an owner from gaining access into his property. Mr. Scott asked Mr. Ross to address you cannot access your property in the strict interpretation of the ordinance.

Ms. Jones stated actually you can because at the southwest corner of the property in which he has proposed the secondary access and running east to west is the access to his property. The problem is the design is putting an alley way the greenbelt is supposed to be. Mr. Dyas stated that the design exists with the setback exceeds the area calculations of the twenty-five foot wide greenbelt by thirty percent.

Mr. Scott stated it is my understanding that you have already been to the BZA.

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Mr. Ross stated they have been to the BZA on a particular aspect of this project, but were denied, and they have appealed that decision to Circuit Court. Mr. Scott asked if that appeal was for the greenbelt. Mr. Ross stated the request was regarding setbacks. Mr. Dyas stated by gaining the setback variance, it would have allowed us to save some of the Live Oaks on the property.

Mr. Prescott asked why he had not pursued a Planned Unit Development which would have resolved the issue with the setback and the greenbelt requirement. Mr. Dyas stated we pursued this development as the entitled use based on the zoning of the property. We see the greenbelt issue as a difference of opinion with regard to interpretation of the ordinance and believe that our design exceeds the greenbelt requirement by thirty percent.

Mr. Dyas stated the property was rezoned in 2016 at which time it was B-2 with zero setback and greenbelt. Ms. Jones stated Eastern Shore Associates, L.L.C. is the current owner, and they presented along with their application to rezone to R-7(T), a design concept that met all of the requirements of the ordinance.

Mr. Prescott asked the definition of a greenbelt. Mr. Ross stated Section 19-8 states that a greenbelt zone shall be designated on each site to create a natural buffer along the perimeter of the proposed development site, and that greenbelt areas shall be landscaped with trees, shrubs, ground cover and grass.

Ms. Jones asked the number of Live Oaks to be removed and/or preserved. Mr. Dyas stated there are eight onsite. Ms. Jones stated there are twelve Live Oaks to be preserved and three to be removed which are mitigated in the landscape plan.

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

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur to approve the site plan for Olde Towne Daphne Townhomes, with the greenbelt as presented in lieu of Article 13-3, contingent upon compliance with the minimum setback requirements; contingent upon receipt of a signed and recorded agreement regarding an ingress/egress easement through Shore Oaks Center to be submitted to Community Development prior to the issuance of a site disturbance permit; with a condition that no certificate of occupancy will be issued until such time as a satisfactory secondary access is provided and available for ingress/egress, and all requisite ALDOT right-of-way improvements shall be installed prior to issuance of the first certificate of occupancy. There was no discussion on the motion. The Motion carried. Ms. Bergin and Mr. Prescott dissented.

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Mr. Prescott recused himself from discussion or action on the upcoming agenda item, final plat review for Caroline Woods Subdivision, Phase Three B.

The next order of business is final plat review for Caroline Woods Subdivision, Phase Three B.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry Preble-Rish, requesting final plat review of a twenty-five lot subdivision consisting of approximately seven point five two acres located north of Madison Place Subdivision, west of Daphne Commercial Park, Phase Two.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur **to approve the final plat for Caroline Woods Subdivision, Phase Three B. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Corte-13 Subdivision.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry Preble-Rish, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately one hundred and fifty-two point seven-six acres located southeast of County Road 13 and Corte Road and stated this is the first step of the process so we can move forward with the development of Blackstone Lakes Subdivision. It is necessary for us to carve out Lot 1 of this tract for that purpose and to dedicate additional right-of-way for the improvement a portion of Corte Road.

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

Richard Jaehne, 9499 Bella Drive, recommended improvement of the right-of-way of Corte Road to Alabama Highway 181.

Chairman closed public participation.

Mr. Scott stated that Mr. Johnson has been authorized by City Council to acquire and improve the right-of-way of Corte Road from County Road 13 to Alabama Highway 181.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Smith **to approve the preliminary/final plat for Corte-13 Subdivision.**

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There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a pre-zoning amendment for Louise Volovecky, Volovecky Farms, and Joseph A. Allegri Jr. Properties I and II, L.L.C.

Chairman reiterated that the next agenda item of an application for pre-zoning for Volovecky and Allegri, Alabama Highway 181 and County Road 64 has been postponed to the regular meeting of April 27, 2017. The agenda item will be heard concurrently with an application for pre-zoning for Allegri remanded back to the Planning Commission by the City Council on February 20, 2017.

The next order of business is a pre-zoning amendment for S. Hickory, Inc.

An introductory presentation was given by William Miller, representative of S. Hickory, Inc., of a request to pre-zone and annex seventy-nine point seven-two acres located on the east side of Pollard Road, north of Creekside Subdivision from an RSF-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of Daphne, to R-3, High Density Single Family Residential District.

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

Greta Collins, 27324 Creekwood Drive, expressed concerns regarding drainage, density, preservation of trees and traffic and asked if the cleared area for the installation of drainage behind Tiawasee Creek Subdivision was for fire and police access.

Kevin Spriggs, 23 Signal Hill Road, stated a Bill is before the legislature to cut funding for education by five million dollars and asked residents to contact their legislators to ask that funding of the Baldwin County School System remain. This amount of growth of school system is going to need the funding.

Bill Lees, 27430 Creekwood Drive, expressed concerns regarding the setbacks and the downstream impacts and asked if public notices are sent to all residents.

Ms. Jones stated only to contiguous property owners and a sign is posted on the property.

Don Ouellette, 7720 Elizabeth Drive, expressed concerns regarding traffic congestion on Pollard Road.

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Randy Jones, an adjacent resident, asked how many units will be in the subdivision.

Chairman stated we do not know the number of units, but the lot size will be comparable to the neighboring subdivisions. That is a drainage project for the city. An additional access will come from this development's connection to the Retreat of Tiawasee through Tiawasee Trace and Stratford Glen Subdivisions.

Mr. Miller responded that Creekside Subdivision is zoned R-3 and Brookside is zoned R-4 which is a zoning designation that is no longer available. The density of the property will be at about sixty percent and less than what would be allowed by Baldwin County which equates to approximately one hundred sixty or eighty lots. The developer has made committed to address the traffic and drainage issues at the time of development.

Chairman asked for Commission questions or comments and closed public participation.

Mr. Scott stated this property will be developed whether it is in the county or city. We are not approving a subdivision, but rather a request to pre-zone the property to R-3 to the same zoning designation as Creekside Subdivision. If the zoning designation is deemed appropriate, then we will consider a request to annex.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **of a favorable recommendation to the City Council to pre-zone seventy-nine point seven two acres for S. Hickory, Inc. to R-3, High Density Single Family Residential. There was no discussion on the motion. The Motion carried unanimously.**

Chairman stated this is a recommendation to the City Council of which there will another public hearing to express your concerns. Mr. Scott asked the date of the council public hearing. Ms. Jones responded the first meeting in May.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Smith **of a favorable recommendation to the City Council to annex seventy-nine point seven two acres for S. Hickory, Inc. into the City of Daphne. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a pre-zoning amendment for George Kalasountas.

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An introductory presentation was given by Christopher Thompson, representative of George Kalasountas on behalf of Infirmary Health Systems, of a request to pre-zone and annex three-lots consisting of seventeen point eight acres located on the south side of U.S. Highway 90 at Renaissance Boulevard from an RSF-1, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of Daphne, to B-2, General Business. There are no existing structures onsite, and the current land use is general open space. As far as the future use of the site, my client is seeking to develop a series of medical and office buildings of eighty to one hundred thousand square feet.

Mark Nix, President and CEO of Infirmary Health System, stated the development of a free-standing emergency department has in a positive way increased the need for medical physicians to move into this area to serve the continued population growth. Our goal for the seventeen-acre site is to continue to build professional medical and office facilities and a B-3, Professional Business, zoning designation would be a low density, limited use facility. The nature of the businesses would be medical and office space, as well as, other related uses to support the facilities such as a credit union, retail gift shop or coffee shop.

Mr. Scott commented on the recommendations provided by staff for B-2 and B-2(a) and asked if the uses Mr. Nix mentioned would be allowed in B-2(a). Ms. Jones stated both uses are allowable in either zone.

Mr. Scott stated when we looked at the pre-zoning of the property previously as B-2, with no specific use, the Commission denied the request because it was speculative in nature; however, the proposed request as B-2 or B-2(a) would be an appropriate use for that portion of the property that on U.S. Highway 90, but would be problematic for property that abuts Malbis Lane.

Chairman asked for Commission questions or comments.

Mr. Sandefur asked is it necessary for all of the lots to be the same zoning and the buffer requirements. At the work session, the representative commented that additional buffering will be installed abutting the residential neighborhood. Ms. Jones stated you have the right to pre-zone one or two of the lots a different zoning in the recommendation, and the setback and buffer requirements are the same for B-2 and B-2(a).

Mr. Smith asked if there is a height restriction and Ms. Jones responded the maximum height is fifty feet, unless otherwise approved by the Planning Commission.

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Mr. Nix commented that he had met with the adjacent property owners in an effort to address their concerns which are: the alignment with the traffic signal, shield lighting from the residential neighborhood. He noted that the facilities have finite hours and not open on weekends.

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

Normand McAllister, 9595 Malbis Lane, President for the Homeowners' Association of Malbis and Vlahlos Lane, responded that uses he referenced would also be allowed in a B-3 zone. The homeowners would like for the property to remain R-1 and have expressed concerns about the preservation of the Historic District designation; that the Infirmary Health Systems development may not occur, and the property will be commercial.

Felicia McAllister, 9595 Malbis Lane, reiterated the recommendation to rezone the property to B-3.

George Kalasountas, 9563 Malbis Lane, expressed support to rezone the property for the development of the medical facility as it will benefit the community and the city.

Clark Geck, 9756 Malbis Lane, expressed support of rezoning the property to B-3.

Betty Godwin, 9790 Malbis Lane, expressed support for the development of the emergency department and related uses for the betterment of the community, and also thanked the Commissioners for acting in good faith in the protection of their community, for the future of the residents of Daphne, and asked to consider two different zoning designations to further protect the residents.

Chairman closed public participation.

Mr. Scott asked if the Commission can recommend the installation of a brick wall similar to the one separating the residential and commercial developments in Historic Malbis Subdivision. Ms. Jones stated the ordinance says where a commercial abuts, a B-2, General Business district, abuts any part of a residential district, a natural undisturbed buffer fifteen (15) feet in width and an eight (8) foot high privacy fence shall be required, or a planted buffer fifteen (15) feet in width and an eight (8) foot high privacy fence shall be required, but the recommendation should be done at site plan review. Mr. Nix commented that Infirmary Health Systems has embraced the Historic District at the time of the development of the stand-alone emergency department and stated they will address the buffer requirement and the installation of a wall at site plan review.

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Chairman asked for Commission questions or comments.

Mr. McAllister requested to speak and Chairman responded this is a recommendation to the City Council of which there will another public hearing to express your concerns.

Mr. Scott asked the size of the parcel on U.S. Highway 90 and to the south, and Chairman commented the parcel on U.S. Highway 90 is three hundred feet, and the one to the south is four hundred feet.

Mr. Sandefur expressed support and stated this is the perfect potential development for the residents and this area, but expressed concern with a recommendation of B-2.

Ms. Jones stated the Planning Commission has the ability to apply the reversionary clause to the zoning which sets a period of time to start development.

Mr. Sandefur asked the period of time. Ms. Jones stated with B-1, B-2 or B-3 property, the period of time is two to three years depending on acreage of the property.

Mr. Nix requested the Commission to consider B-2 for the property on U.S. Highway 90 and B-2(a) for the property abutting the residents.

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

A **Motion** was made by Mr. Scott and **Seconded** by Chief White **of a favorable recommendation to the City Council to pre-zone seventeen-point eight acres for George Kalasountas to B-2(a), General Business Alternate. There was no discussion on the motion. The Motion carried unanimously.**

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **of a favorable recommendation to the City Council to annex seventeen-point eight acres for George Kalasountas into the City of Daphne. There was no discussion on the motion. The Motion carried unanimously.**

Ms. Jones requested a brief recess.

Meeting recessed at 7:08 p.m. and reconvened at 7:21 p.m.

The next order of business is a pre-zoning amendment for Bertolla Properties, L.L.C.

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An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish on behalf of the owner and developer, of a request to pre-zone three hundred and sixty-one point five-five acres, known as Jubilee Farms, located southeast of Alabama Highway 181 from an RSF-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of Daphne, to a PUD, Planned Unit Development. The developer of Jubilee Farms proposes a range of lot sizes for the nine hundred and fifteen lots. In exchange of the zoning designation as a planned unit development, the master plan consists of one fourth or eighty-eight acres of common area, nine acres of wetlands, twenty-six acres of formal open space, and fifty-three acres of passive open space, walking trails, sidewalks and amenities. Traffic concerns will be addressed by the Alabama Department of Transportation by planning to four-lane Alabama Highway 181 to State Highway 104. There is a consideration from the city to improve Corte Road from County Road 13 to Alabama Highway 181, and they are in discussions with Baldwin County and the developer to realign Austin Road and Corte Road for the installation of a traffic signal at Alabama Highway 181 and Corte Road. This development will be accessed at Alabama Highway 181, Austin Road and through Dunmore Subdivision. Also, you will notice there are two pods that are a part of this development which consist of fifty lots and access County Road 54, not this development. As far as the comments from the Board of Education, this is a county that has exploded and shame on us for not addressing this sooner and whereby doing a disservice to our young people. Developers build where the homeowners want to live. Throughout this county are specific areas that people want to live and this city and school district is one that they want to be a part of. The development of this subdivision will occur over the next twenty years.

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

Kevin Spriggs, 23 Signal Hill Road, stated a Bill is before the legislature to cut funding for education by five million dollars and asked residents to contact their legislators to ask that funding of the Baldwin County School System remain. This amount of growth of school system is going to need the funding. My experience as a business owner has been that the city is a very processed procedure oriented organization and will afford you every opportunity to provide comments regarding development.

Richard Jaehne, 9499 Bella Drive, commented on development in the area recommended the improvement of the infrastructure and right-of-ways of Corte Road and Alabama Highway 181 for the benefit of public safety.

Bill Hatter, 9743 Bella Drive, reiterated Mr. Jaehne's comments regarding public safety.

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Karen Simmons, 25896 Austin Road, spoke in opposition and stated that Austin Road is narrow and is not suitable for automobile or pedestrian traffic and access to Alabama Highway is impossible.

Sean Walker, 24782 Bosbyshell, spoke in opposition and commented regarding drainage and flooding issues of Austin Bridges Subdivision,

Cynthia Lazzari, 11118 County Road 64, spoke in opposition and commented regarding drainage and flooding issued on her property.

Stephanie Alexander, 829 Portobello Road, spoke in opposition and commented regarding drainage and flooding issues of Austin Bridges Subdivision, traffic congestion, and the school system; there is no benefit of this development to Belforest and asked that the Planning Commission to be objective and preserve the community that is there now.

John Wilson, CFO of the Baldwin County Board of Education, stated that he is speaking on behalf of Superintendent Eddie Tyler and the Baldwin County Board of Education. There are a couple of points that he would like to address to the Commission. The system is at full capacity at almost every school across the Eastern Shore. The Board is building and implementing expansion now to meet the growth that we are aware of. It is very important to keep the Board informed about the growth about the developers that have long range plans in the community which will help us to utilize what limited funding that we have to prepare for growth in the area. The residents of Baldwin County rejected the additional tax necessary to fund growth of the school system. Since rejection, the school board has been cutting the budgets and reducing spending to provide for the pay as you go plan to improve schools. The Board's options when presented with overcrowding situations throughout the county are the expansion of current facilities or the addition of portable classrooms. The other option in lieu of a tax increase is attendance zone rebalancing or redistricting. There is no guarantee that any property or subdivision hereof is guaranteed attendance in a school zone of which it is currently placed. To be blunt, this unplanned growth, lack of coordination, and gross lack in infrastructure is putting the Board in a very difficult situation where all options must be on the table and considered. Also, would like to point out that this is not solely a Daphne issue. As you move forward, please consider the implications that will affect the school system.

Robert Lane, Dunmore Subdivision, spoke in opposition and commented regarding speeding, and traffic congestion and access to Alabama Highway 181,

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Jeff Shoemaker, 11232 St. Ives Court, spoke in opposition and commented regarding drainage and flooding issues of Avalon Subdivision and size of the lots in the pods that access County Road 54.

Darryl Moyer, 24226 Tullamore, spoke in opposition and commented about the traffic patterns of Scully Lanes and that access to Dunmore Subdivision is denied.

Clayton Lincoln, 11210 St. Ives Court, spoke in opposition and commented that the current infrastructure or public services cannot support this subdivision.

Terry Moseley, 24650 County Road 54 West, spoke in opposition and commented regarding traffic congestion on County Road 54.

Lee Yokel, 320 Whiting Court, spoke in opposition and commented that the city and the county should be working together to counteract the comments that have been made tonight and to consider a special zoning that has the special qualities of the city, if you are considering annexing this property.

Mike Rader, 24454 Saxon Court, spoke in opposition and commented regarding drainage and flooding issues of Avalon Subdivision and size of the lots in the pods that access County Road 54.

Veronica Keyes, 10614 Sassaman Court, spoke in opposition and commented regarding drainage and flooding issues of Avalon Subdivision, traffic congestion and asked if there is a landfill in Baldwin County that can support development in this area.

Robert Smith, 10572 Sassaman Court, spoke in opposition and commented regarding traffic congestion and suggested the installation of a traffic signal on Alabama Highway 181.

Chairman asked for Commission questions or comments and closed public participation.

Mr. Scott commented that this subdivision is comparable to TimberCreek Subdivision which construction in 1989 with eight hundred lots and is still under construction. There is a limit to what we can do if the developer subdivides the property in a legal way in the city or the county at which time all of the issues mentioned tonight will be addressed. The only issue before the Commission tonight is a planned unit development the appropriate zoning for this property. Also, the landowner is donating an acre and one-half for the city to erect a fire station on Milton Jones Road.

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Mr. Scott stated that communication is a two-way street. We discovered the school board was adding fourteen new classrooms at Daphne East Elementary School when the construction sign was erected. We need to communicate with the school board in a better way and ensure that they have access to Planning Commission agendas that are distributed on a monthly basis for development that is coming before the Planning Commission. The question before the Commission tonight is it appropriate planning to allow for a fifteen to twenty-year development of a subdivision and for it to be in the city.

Chairman asked when this property was zoned RA and RSF-2. Ms. Jones stated it was zoned when Baldwin County established Baldwin County District 15.

Mr. Scott stated there was no zoning established until 2007.

Mr. Sandefur asked the difference between formal and passive open space and Mr. Pumphrey responded formal open space is the amenities and passive open space is the trail ways and the detention pond will serve as a lake.

Chief White commented on public safety and stated that annexation of this property would provide for city fire and police protection.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **of a favorable recommendation to the City Council to pre-zone three hundred and sixty-one point five-five acres for Bertolla Properties, L.L.C. to a PUD, Planned Unit Development. There was no discussion on the motion. The Motion carried unanimously.**

Mr. Scott stated this is just a recommendation and that nothing is final until it goes to City Council.

Chairman asked Ms. Jones to explain the one hundred and eighty days with regard to the recommendation for pre-zoning. Ms. Jones stated the first meeting in May maybe the City Council's public hearing, and you will be given an opportunity to speak again. The third Monday would be the meeting at which the Council will decide to pre-zone the property. At that point, the developer has one hundred and eighty days to request annexation into the city. If the property is not annexed within the one hundred and eighty day time period, the pre-zoning amendment is null and void.

The next order of business is a petition for annexation for Fred L. Corte.

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An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, of a request to annex seventy-three point five three acres located southeast of County Road 13 and Corte Road as a PUD, Planned Unit Development.

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

A **Motion** was made by Mr. Scott and **Seconded** by Chief White **of a favorable recommendation to the City Council to annex seventy-three point five-three acres for Fred L. Corte into the City of Daphne. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Mike Rader, 24454 Saxon Court, asked why notification is required and Mr. Scott responded because it is required by Alabama Law.

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

Mr. Ross stated no report.

The next order of business is commissioner's comments.

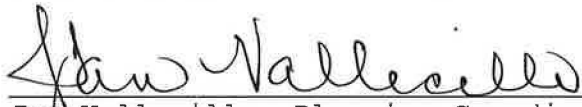
None presented.

The next order of business is director's comments.

None presented.

There being no further business, the meeting was adjourned at 8:26 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: April 27, 2017



Mary Beth Bergin, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF APRIL 27, 2017
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

1. **CALL TO ORDER:** 5:04 P.M.
2. **CALL OF ROLL:** Marybeth Bergin, Charles Smith, Ron Scott, Andrew Prescott, Philip Hodgson and Chief White
3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of March 23, 2017. **(APPROVED WITH REVISIONS)**
4. **NEW BUSINESS:**
 - A. **SOUTH BRANCH MASTER PLAN:**
 1. **File MP17-03: (APPROVAL OF MASTER PLAN, CONTIGENT UPON ANNEXATION INTO THE CITY)**

Presentation to be given by William Miller, representing S. Hickory, Inc., requesting master plan review of South Branch Subdivision.
 - B. **SITE PLAN REVIEW:**
 1. **File SP17-12: (APPROVED)**

Site:	Buckley Dental
Zoning(s):	<i>B-1, Local Business</i>
Location:	Southwest of the intersection of Mill Lane and Timber Circle, Lot 2, TimberCreek Business Park
Area:	0.41 ± Acres
Owner:	DLB, L.L.C. - Daniel Buckley
Engineer:	Barton & Shumer Engineering - David Shumer
 - C. **PRELIMINARY PLAT REVIEW:**
 1. **File SDP17-03: (APPROVAL OF PLAT, CONTINGENT UPON ANNEXATION INTO THE CITY; CONDITIONED UPON THE SUBMISSION OF REVISIONS TO ADDRESS ITEMS DENOTED IN LETTER TO COMMUNITY DEVELOPMENT DIRECTOR FROM PUBLIC WORKS DIRECTOR AND ENVIRONMENTAL PROGRAMS MANAGER, AND SUBMISSION OF A LETTER OF SATISFACTORY REVIEW FROM THE PUBLIC WORKS DIRECTOR, PRIOR TO THE ISSUANCE OF A SITE DISTURBANCE PERMIT)**

Subdivision:	Blackstone Lakes
 <i>Present Zoning: RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne, per Ord. 2016-62 PUD pre-zoning for Fred L. Corte (Blackstone Lakes), pending annexation hearing, May 15, 2017</i>	
Location:	Southeast of County Road 13 and Corte Road
Area:	73.53 ± Acres, (175) lots
Owner:	Fred L. Corte
Agent:	Dewberry/Preble-Rish - Steve Pumphrey
Engineer:	Dewberry/Preble-Rish - Jason Estes
Surveyor:	Dewberry/Preble-Rish - David Diehl

D. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF17-05: (APPROVED)

Subdivision: Resubdivision of Wachter

Present Zoning: MU, Mixed Use

Location: Northwest corner of Trione and Guarisco Street
Area: 0.45 ± Acres, (3) lots
Owner(s): Howard Company – Chason Wachter
Agent: Barton & Shumer Engineering - David Shumer
Surveyor: Geo Surveying – Matt Kountz

2. File SDPF17-06: (APPROVAL OF PLAT, REPLAT OF LOT 5, RESUBDIVISION OF LOT 1, HIGHWAY 64 COMMERCIAL PARK SUBDIVISION)

Subdivision: Daphne Commercial Storage

Present Zoning: B-2, General Business

Location: Northwest of the intersection of County Road 64 and Capital Drive
Area: 1 ± Acres, (1) lot
Owner(s): 26088 Capital Drive, L.L.C. – John Chapman
Agent: K.V. Properties - Keith Vaughn
Surveyor: Byrd Surveying – Gerald Byrd

E. FINAL PLAT REVIEW:

1. File SDF17-03: (APPROVED)

Subdivision: Canaan Place, Phase Two B

Zoning(s): RSF-3, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

Location: Northwest of the intersection of County Roads 54 and 54 East
Area: 9.35 Acres ±, (26) lots
Owner(s): Smart Living, L.L.C. - Louis W. Breland
Agent: Dewberry/Preble-Rish - Steve Pumphrey
Engineer: Dewberry/Preble-Rish – Jason Estes
Surveyor: Dewberry/Preble-Rish - David Diehl

F. ZONING AMENDMENT PETITION: (TABLED UNTIL REGULAR MEETING OF MAY 25, 2017 AT APPLICANT'S REQUEST)

1. File Z17-01: WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, & Chester J. Stephan

Present Zoning: R-4, High Density Single and Multi-Family Residential

Proposed Zoning: B-2, General Business

Location: At the Southeast corner of U. S. Highway 98 and Johnson Road
Area: 5.8 Acres ±
Owner(s): WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, & Chester J. Stephan
Developer: BFHK, L.L.C. – Keith Baker
Agent: Hutchinson, Moore & Rauch – Doug Bailey & Jaye Robertson

G. ADMINISTRATIVE PRESENTATION:

1. File AP17-03: (FAVORABLE RECOMMENDATION)

Presentation of the City of Daphne Official Zoning and Street Maps by Community Development.

2. File AP17-04: (FAVORABLE RECOMMENDATION)

Presentation to be given by Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within Caroline Woods Subdivision, Phase 3B. Said right-of-ways being Elise Court (867 linear feet), Barrington Lane (303 linear feet), and Delmar Drive (190 linear feet).

3. File AP17-05: (NO ACTION TAKEN)

Presentation by Community Development of a motion made on Monday, April 10, 2017 by Finance Committee and approved by the Daphne City Council on April 17, 2017 to request the Planning Commission to consider an amendment to the provisions of the Commercial/Industrial zoning district.

5. PUBLIC PARTICIPATION: None presented

6. ATTORNEY'S REPORT: Mr. Dungan suggested review of the statute and attorney general opinion for preparation of the Comprehensive Plan.

7. COMMISSIONER'S COMMENTS: Mr. Scott commented on preparation of an updated Comprehensive Plan, impact fees, and school tax.

8. DIRECTOR'S COMMENTS:

Ms. Jones presented the following:

- a. City Council's recent action to request the Planning Commission to review and consider cumulative zoning;
- b. Upcoming community events – Brown Bag concerts, Thursday, May 4, 12, 18 & 25 and June 1, 2017, 11:30 a.m. – 1:30 p.m.;
- c. The upcoming meeting dates are site preview, May 17 & regular meeting, May 25, 2017;
- d. Allegri/Volovecky pre-zoning request at 181 & 64, 75 acres, PUD & Mixed Use, requested an additional month extension;
- e. Preconstruction meetings are scheduled for May 2 & 16, 2017, 9:00 - 11:00 a.m.

9. ADJOURNMENT: 6:10 p.m.

SET PUBLIC HEARING DATE FOR

JUNE 19, 2017

TO CONSIDER:

1. Revisions to the City of Daphne Zoning Map

To: Office of the City Clerk

From: Adrienne D. Jones, *ADJ*
Community Development Director

Subject: Revised City of Daphne Zoning Map

Date: May 3, 2017

MEMORANDUM

At the, April 27, 2017, regular meeting of the City of Daphne Planning Commission, six members were present. The motion carried unanimously to set forth a ***favorable recommendation*** of acceptance of the above-mentioned revision to the zoning map containing annexation, zoning changes and street acceptance that were approved between October 1, 2016 and March 31, 2017.

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 of Monday, May 15, 2017 to set the public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Map Planning Report (Copy Attached)
2. Zoning Map (Display - Posted in Council Chambers)



Zoning & Street Map Codifications Report (October 1, 2016 through March 31, 2017)

Petitions	Council Approval Date	Council Action Ordinance	Property Size
Annexation			
Jeanette D. Lazzari Ins# 1599106	October 3, 2016	#2016-59	68.87 ac
Bertolla Properties, LLC Ins#1617012	January 17, 2017	#2017-02	20.66 ac
White Spinner, et. al Ins#1617013	January 17, 2017	#2017-03 (see also #2016-82)	2.52 ac
Rezoning or Prezoning			
Jeanette D. Lazzari Ins# 1599105	October 3, 2016	#2016-58	ETJ/prezone to PUD 68.87 ac
Earth, Inc Ins#1612667	November 21, 2016	#2016-68	Rezone R-3 to R-6(G) 5.95 ac
GCOF 64-13, LLC Ins#1612668	November 21, 2016	#2016-70	Rezone B-2 to R-7(A) 16.83 ac
White Spinner, et. al Ins#1612669	January 3, 2017	#2016-81	Rezone R-3 to R-7(A), R-7T, B-2, B-2(A), GC 77.49 ac
White Spinner, et. al Ins#1612670	January 3, 2017	#2016-82	ETJ/prezone to R-7(A), B-2, B-2(A), GC 2.52 ac
Bertolla Properties, LLC Ins#1617011	January 17, 2017	#2017-01	ETJ/prezone to B-3 20.66 ac
Street Acceptance			
Lake Shore Drive – Lake View Subdivision	October 2016	#2016-74	Maintenance Bond (20% of value) n/a Linear Feet 600
Caroline Woods Phase Two C & D	December 5, 2016	#2016-92	\$46,202.67 861
Brookhaven Unit 3	February 6, 2017	#2017-05	\$101,604.08 1,969.41
Bellaton Phase 4	March 6, 2017	#2017-12	\$88,132.89 3,639

- City GIS zoning, street and city limits shapefiles have been updated to include all applicable, above-noted amendments.
- Previous street map adopted Resolution #2016-73 on October 3, 2016.
- Previous zoning map adopted Ordinance #2016-69 on November 21, 2016.

PLEASE Publish in the Bulletin Legal Section on May 17,
2017.

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on June 19, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance Revising the City of Daphne Zoning map as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on April 27, 2017 favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by No. 2011-54 and 2016-69; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2016-69; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on June 19, 2017; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the

PLEASE Publish in the Bulletin Legal Section on Wednesday,
May 24, 2017

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given on May 17, 2017, that the City Council of the City of Daphne will hold a Public Hearing on June 19, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an ordinance revising the City of Daphne Zoning map as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

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WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2016-69; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on June 19, 2017; and

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on April 27, 2017 favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by No. 2011-54 and 2016-69; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2016-69; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on June 19, 2017; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H "Exhibit A", and Ordinance No. 2016-69 are hereby repealed, and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City of Daphne City Council and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE _____ DAY OF _____, 2017.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Zoning & Street Map Codifications Report (October 1, 2016 through March 31, 2017)

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- City GIS zoning, street and city limits shapefiles have been updated to include all applicable, above-noted amendments.
- Previous street map adopted Resolution #2016-73 on October 3, 2016.
- Previous zoning map adopted Ordinance #2016-69 on November 21, 2016.

**AMENDMENT NUMBER ONE (1)
TO LEASE AGREEMENT
(ANTENNA SPACE)**

THIS AMENDMENT NUMBER ONE (1) TO LEASE AGREEMENT (ANTENNA SPACE) (the "First Amendment") made and entered into by and between Southern Communications Services, Inc., d/b/a Southern Linc, a Delaware corporation ("Lessee"), and City of Daphne ("Lessor") and is effective on the date it is executed by the later of Lessee and Lessor (hereinafter referred to as "Effective Date"). Lessor and Lessee are sometimes referred to individually as "Party" and collectively as "the Parties."

RECITALS:

WHEREAS the Parties entered into that certain Lease Agreement (Antenna Space) dated June 1, 2006 (the "Lease");

WHEREAS, the Parties now desire to amend said Lease to add Lessee's additional equipment to Lessee's Premises and Lessee's Facilities;

NOW, THEREFORE, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties intending to be legally bound, hereby covenant and agree as follows:

1. Capitalized Terms. All capitalized words and phrases used herein, unless otherwise defined herein, shall have the same meanings ascribed to them in the Lease.

2. Existing Equipment. Lessee's existing tower mounted and ground based equipment is described in Exhibits "B" and "C" of the Lease.

3. Reserved Space for Additional Equipment. Lessee shall have future rights ("Reserved Space") to attach the additional tower mounted equipment ("Additional Equipment") described in Exhibit "1-C" of this First Amendment.

4. Exhibit B-Premises. Exhibit "B" of the Lease is hereby replaced by Exhibit "1-B" of the First Amendment to add space for Lessee's Additional Equipment to Lessee's Premises. Lessee's existing tower mounted equipment and Additional Equipment is shown on the Tower Elevation Drawing attached hereto as Exhibit "1-F" of this First Amendment. Upon Lessee's removal of its existing antennas or on January 1, 2019, whichever occurs first, Exhibit "1-B" shall be extinguished in its entirety from this Agreement, except for its use by reference as provided in Section 7 herein, and Exhibit "1-G" of this First Amendment shall solely describe Lessee's Premises.

5. Exhibit C-Lessee's Facilities. Exhibit "C" of the Lease is amended to add Lessee's Additional Equipment to Lessee's Facilities. Lessee's Additional Equipment is shown on Exhibit "1-C" of this First Amendment. Upon Lessee's removal of its existing antennas or after December 31, 2018, whichever occurs first, Exhibit "C" of the Lease and Exhibit "1-C" of this First Amendment shall be extinguished in their entirety from this Agreement, except for their use by reference as provided in Section 7 herein, and Exhibit "1-H" of this First Amendment shall solely describe Lessee's Facilities.

Daphne/A9921/LTE

6. Rent Increase for Additional Equipment. Lessee's current rent is One Thousand Six Hundred Eighty Nine Dollars and .24/100 (\$1,689.24) (the "Existing Equipment Rent"). The Existing Equipment Rent will escalate on July 1, 2017, in accordance with Section 3 (b) of the Lease. On the earlier of the first (1st) day of the month following the install of the Additional Equipment or May 1, 2017, Lessee's then current monthly rent shall be increased by an additional One Thousand One Hundred and No/100 Dollars (\$1,100.00) per month (the "Additional Equipment Rent"). The Parties agree that the Additional Equipment Rent will not escalate on July 1, 2017; however, if Lessee's existing antennas are not removed on or before the next annual escalator of July 1, 2018, the combined total of the then current Existing Equipment Rent and Additional Equipment Rent will be escalated in accordance with Section 3 (b) of the Lease until such time as the rent decrease is applied as more particularly described in Paragraph 7 of this First Amendment.

7. Rent Decrease for Removal of Existing Antennas and Holdover. On the first (1) day of the month following the removal of Lessee's existing antennas as described in paragraph one (1) of Exhibit "B" and Exhibit "C" of the Lease, Lessee's then current monthly rent (the combined total of the then current Existing Equipment Rent and Additional Equipment Rent) shall be reduced by Five Hundred and No/100 Dollars (\$500.00) per month. Rental for any partial month shall be prorated. Lessee shall remove its existing antennas by December 31, 2018, or pay Lessor a one hundred percent (100%) holdover charge of the Additional Equipment Rent amount per month until the existing antennas are removed. After Lessee removes its existing antennas or after December 31, 2018, whichever occurs first, Lessee's Premises and Lessee's Facilities will have a final site configuration as described in Exhibit "1-G" of this First Amendment.

8. Extensions. Section 3 (a) of the Lease is amended to add five (5) additional five (5) year Extension Terms that will follow the current term expiration of June 30, 2021 (the "Second Extension"). The seventh (7th) Extension Term has a final term expiration of June 30, 2046.

All references in Section 3 (c) of the Lease to the fourth (4th) Extension Term are deleted and replaced with the seventh (7th) Extension Term.

9. Notices. Section 26 of the Lease is amended to add the following:

Lessee shall give Lessor prompt written notice when Lessee adds Lessee's Additional Equipment and Lessee removes Lessee's existing antennas as described herein. Said notices shall provide the effective date of any rent increase and any rent decrease as more particularly described herein.

Section 26 of the Lease is further amended to delete Lessee's notice addresses and replace them with the following:

Lessee: Southern Communications Services, Inc.
5555 Glenridge Connector, Suite 500
Atlanta, Georgia 30342
Attention: Lease Administrator

10. Counterparts. Each Party is permitted to execute this First Amendment in multiple counterparts each of which shall be deemed an original and all of which together shall constitute one and the same instrument. Each Party is permitted to deliver this First Amendment to the other Party by means of delivery of one or more counterpart signature pages via facsimile or other electronic means as an attachment in portable document format (".pdf") or other similar format. Any photographic copy, photocopy or similar reproduction of this First Amendment, any electronic file of this First Amendment in .pdf format or other similar format, or any copy of this First Amendment delivered by facsimile, in each case with all signatures reproduced on one or more sets of signatures pages, will be considered as if it were manually executed.

11. Agreement in Effect. Except as expressly modified by this First Amendment, all other terms and conditions of the Lease and the First Amendment shall remain in full force and effect.

(NO FURTHER TEXT ON THIS PAGE; SIGNATURES BEGIN ON NEXT PAGE)

Daphne/A9921/LTE

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be executed in duplicate originals by their duly authorized representatives on the respective dates entered below.

LESSOR:

City of Daphne

By: _____

Name: <Print Name>

Title: Mayor

Date: _____

LESSEE:

**SOUTHERN COMMUNICATIONS
SERVICES, INC., d/b/a Southern Linc, a
Delaware corporation**

By: _____

Name: Carmine Reppucci

Title: CFO, Vice President and Treasurer

Date: _____

Daphne/A9921/LTE

Exhibit "1-B"
(Replaces Exhibit "B" of Lease)

Lessee's Premises During Transition Period

- 1. Adequate space on the Tower Facilities for the installation of:**
 - a) Five (5) Omni Whip Antennas, and One (1) Tower Top Amplifier (LNA), Base Mounted at 275' with Six (6) runs of Heliax cable (Three (3) runs of 7/18", Two (2) runs of 1 5/8", and One (1) run of 1/2") on the 295' self support tower;**
 - b) Three (3) Kathrein 80010736V1 antennas at the 245' RAD elevation on the Tower Facilities with one (1) run of Huber Suhner MLUH 3 x 3 8 AWG Hybrid cable;**
 - c) Three (3) Ericsson RRUS 11;**
 - d) Three (3) Ericsson Public Safety Notch Filters; and**
 - e) Two (2) 3' microwave dishes at the 175' elevation on the Tower Facilities with four (4) runs of 3/8" coax.**
- 2. Adequate space upon the Land for the installation of Lessee's foundation pad and equipment building (measuring approximately 12' x 26'), and Lessee's foundation pad and a natural gas powered emergency generator. (No storage tank will be installed. Generator will be supplied by underground gas line(s) to be installed.)**
- 3. Ingress and Egress is to be approved by City. Lessee may perform work at any time, but must obtain City approval before entering City property. Further, Lessee agrees to repair any damage to the right of way and/or property upon which it travels or performs work upon, and to return it to its original condition.**

Daphne/A9921/LTE

Exhibit “1-C”

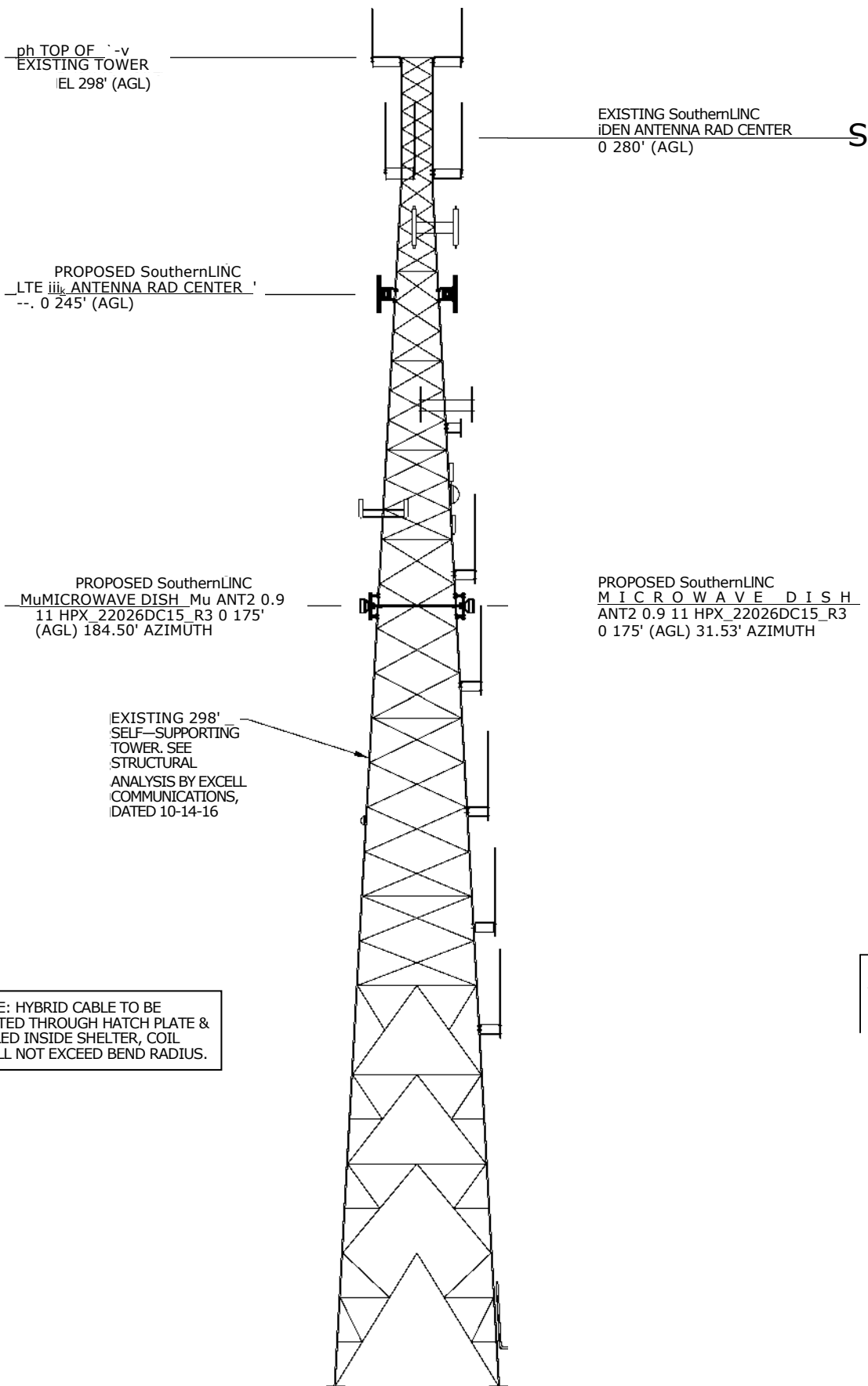
Lessee’s Facilities During Transition Period

- 7. Three (3) Kathrein 80010736V1 antennas @ the 245’ RAD elevation on the Tower Facilities with one (1) run of Huber Suhner MLUH 3 x 3 8 AWG Hybrid cable**
- 8. Three (3) Ericsson RRUS 11**
- 9. Three (3) Ericsson Public Safety Notch Filters**
- 10. Two (2) 3’ microwave dishes @ the 175’ elevation on the Tower Facilities with four (4) runs of 3/8” coax**

Exhibit “1-F”

See Attached Tower Elevation Drawing

Daphne/A9921/LTE



TOWER ELEVATION

NTS

Exhibit “1-G”

**Lessee’s Premises After Removal of Existing Antennas or After December 31, 2018,
Whichever Occurs First**

- 1. Adequate Space on the Tower Facilities for the installation of:**
 - a) Three (3) Kathrein 80010736V1 antennas @ the 245’ RAD elevation on the Tower Facilities with one (1) run of Huber Suhner MLUH 3 x 3 8 AWG Hybrid cable**
 - b) Three (3) Ericsson RRUS 11**
 - c) Three (3) Ericsson Public Safety Notch Filters**
 - d) Two (2) 3’ microwave dishes @ the 175’ elevation on the Tower Facilities with four (4) runs of 3/8” coax**
- 2. Lessee’s foundation pad and equipment building (measuring 12’ x 26’), and Lessee’s foundation pad and a natural gas powered emergency generator. (No storage tank will be installed. Generator will be supplied by underground gas line(s) to be installed).**
- 3. Two (2) Motorola RLN-4394B GPS Antennas mounted on equipment building**
- 4. Ingress and Egress as approved by the City**

Exhibit "1-H"

**Lessee's Facilities After Removal of Existing Antennas or After December 31, 2018,
Whichever Occurs First**

- 1. Three (3) Kathrein 80010736V1 antennas @ the 245' RAD elevation on the Tower Facilities with one (1) run of Huber Suhner MLUH 3 x 3 8 AWG Hybrid cable**
- 2. Three (3) Ericsson RRUS 11**
- 3. Three (3) Ericsson Public Safety Notch Filters**
- 4. Two (2) 3' microwave dishes @ the 175' elevation on the Tower Facilities with four (4) runs of 3/8" coax**

Title to Lessee's Facilities shall be and remain in Lessee.

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2017-28**

**AUTHORIZING CONSTRUCTION & DEMOLITION (C&D)
LANDFILL OPERATIONS AT THE TALLENT LANE FACILITY**

WHEREAS, in 2012, in settlement of litigation, the City of Daphne acquired the dirt pit formerly operated by Earth, Inc. (Scott Curtis) at the southeast terminus of Tallent Lane in the City of Daphne; and

WHEREAS, in addition to its mining operation, Earth, Inc. was landfilling inert vegetative debris and, per the settlement, the Alabama Department of Environmental Management (ADEM) Permit was transferred to the City of Daphne; and

WHEREAS, the City named the landfill the “Tallent Lane Facility” and continues to landfill inert vegetative debris produced by the City of Daphne under the management of the City’s Public Works Department, Division of Solid Waste; and

WHEREAS, from the time of settlement and acquisition it was the intent of the City to modify the ADEM Permit to include the landfill of Construction and Demolition (C&D) Debris produced by the City of Daphne that is collected and transported by the Division of Solid Waste; and

WHEREAS, prior to the application to ADEM for Permit Modification, “Host Government Approval” was sought from and granted by the Baldwin County Waste Siting Board (Baldwin County Commission) and the South Alabama Regional Planning Commission (SARPC); and

WHEREAS, following receipt of “Host Government Approval,” the City applied to ADEM for landfill permitting for Construction and Demolition (C&D) Debris and, on April 18, 2017, the landfill permit was granted for a period of five (5) years;

NOW, THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Mayor and the Director of Public Works are hereby authorized to proceed with all necessary actions to begin landfill operations at the City’s Tallent Lane Facility for all Construction and Demolition (C&D) Debris produced and collected by the City of Daphne. These actions are undertaken with the understanding that all related operation costs incurred during the current Fiscal Year are accounted for within the current budget and that no additional City personnel shall be hired nor equipment acquired to facilitate use of the Tallent Lane Facility unless otherwise approved by this Council.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this _____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE
RESOLUTION NO. 2017 - 29**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on April 27, 2017 approved a favorable recommendation to the City Council of the City of Daphne, Alabama for a revision to the City of Daphne Street Map and presented at said meeting; and

WHEREAS, said revision to street map is necessary due to additional streets being added to and accepted by the City; and

WHEREAS, the City Council of the City of Daphne, Alabama, after due consideration, and upon the recommendation of the Planning Commission of the City of Daphne, believes it is in the best interest of the health, safety and welfare of the citizens of the City to accept the revisions to the City of Daphne Street Map; and

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

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on April 27, 2017, and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit "A" is hereby adopted as the official "City of Daphne Street Map."

SECTION II: REPEALER

THAT Resolution No. 2016-73 entitled "Revisions to City of Daphne Street Map" is hereby repealed in its entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

THAT This Resolution shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne, Alabama.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2016.

**DANE HAYGOOD,
MAYOR**

ATTEST:

**REBECCA A. HAYES,
CITY CLERK**

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

Subject: Revised City of Daphne Street Map

Date: May 3, 2017

MEMORANDUM

At the, April 27, 2017, regular meeting of the City of Daphne Planning Commission, six members were present. The motion carried unanimously to set forth a ***favorable recommendation*** of acceptance of the above-mentioned revision to the street map containing codifications that were approved between October 1, 2016 and March 31, 2017.

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 of Monday, May 15, 2017.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Street Map Planning Report (Copy Attached)
2. Street Map (Display - Posted in Council Chambers)



Zoning & Street Map Codifications Report (October 1, 2016 through March 31, 2017)

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Brookhaven Unit 3	February 6, 2017	#2017-05	\$101,604.08 1,969.41
Bellaton Phase 4	March 6, 2017	#2017-12	\$88,132.89 3,639

- City GIS zoning, street and city limits shapefiles have been updated to include all applicable, above-noted amendments.
- Previous street map adopted Resolution #2016-73 on October 3, 2016.
- Previous zoning map adopted Ordinance #2016-69 on November 21, 2016.

CITY OF DAPHNE

RESOLUTION 2017-30

**Acceptance of Streets and Drainage
Located in the Caroline Woods, Phase Three B**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Caroline Woods, Phase Three B on March 23, 2017, and the City of Daphne hereby recommends acceptance of said street(s) located in Caroline Woods, Phase Three B; and,

Whereas, an inspection was made by the Director of Community Development, and all reports, as well as, all other related documents have been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

Whereas, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said streets and storm water drainage of Caroline Woods, Phase Three B; and,

Whereas, the developer has provided to the City a two-year maintenance bond in the amount of \$43,217.75 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

Whereas, the developer has caused the plat to be recorded on slide #2593-D of the records in the Baldwin County Judge of Probate Office; and,

Whereas, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said right-of-way; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Caroline Woods, Phase Three B, a portion of Barrington Avenue (303 linear feet) a 50-ft right of way; and, a portion of Elise Court (867 linear feet) a 60-ft right of way, and Delmar Drive (190 linear feet), a 50-ft right of way according to the plat presented by Dewberry Preble-Rish as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____DAY OF _____, 2017.

**THE CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION**

**DANE HAYGOOD,
MAYOR**

ATTEST:

REBECCA HAYES, CITY CLERK

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Caroline Woods Subdivision, Phase 3B
Acceptance of Roads and Rights-of-Ways
Date: May 3, 2017

MEMORANDUM

LOCATION: North of Madison Place Subdivision, west of
Daphne Commercial Park, Phase Two

RECOMMENDATION: At the, April 27, 2017, regular meeting of
the City of Daphne Planning Commission, six
members were present. The motion carried
unanimously for a **favorable recommendation**
for the acceptance of Elise Court,
Barrington Lane, and Delmar Drive as a city
street(s) for maintenance.

Attached please find said documentation for placement on
Monday, May 15, 2017 City Council agenda.

Thank you,
ADJ/jv

cc: file
Richard Johnson, Public Works Director

attachment(s)

1. Resolution
2. Correspondence from project engineer requesting acceptance
3. Record plat
4. Petition of Acceptance of Roads and Rights-of-Ways



February 7, 2017

Mrs. Adrienne Jones
Planning Director, City of Daphne
P.O. Box 400
Daphne, Alabama 36526

RE: Caroline Woods Phase 3B

Dear Mrs. Jones:

I, Jason Estes, a professional engineer registered in the State of Alabama, Registration Number 22714, do hereby certify that the streets for Caroline Woods Phase 3B have been constructed under my supervision in accordance with the approved construction plans.

I further certify I have checked all test reports and that all construction materials have been installed in accordance with the typical sections, profiles, and plan details and meet minimum requirements as set out in the State of Alabama Highway Department's Standard Specifications for Highway Construction, latest edition and current revisions.

Therefore, I hereby request that the City of Daphne accept the streets for Caroline Woods Phase 3B.

Sincerely,

JASON N. ESTES, P.E.
Project Engineer

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

SUBDIVISION NAME: CAROLINE WOODS, PHASE 3B

THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY is made this 31st day of MARCH, 20 17 by PLAN B INVESTMENTS, LLC, hereinafter called "the subdivider," owner of certain property located in the City of Daphne, Alabama known as CAROLINE WOODS, PHASE 3B to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments. The subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

WHEREAS, a bond is required by the City as a condition of the acceptance of any new roads or rights-of-way as outlined in Article XVII in an amount equal to twenty percent (20%) of all street and drainage improvements in the subdivision as a warranty for such improvements to last for a period of two (2) years after the date of dedication and upon acceptance by the City Council, the subdivider has provided a \$ 43,217.75 maintenance bond; and,

WHEREAS, the project engineer, JASON N. ESETES, acting on behalf of the subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards for construction as outlined in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments, and further warrants that the same are free from defects from any cause; and,

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on April 27, 2017 A.K.. Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

Name of Right of Way	Length (linear feet)	Width (feet)
ELISE COURT	867 LF	50' R/W
BARRINGTON LANE	303 LF	50' R/W
DELMAR DRIVE	190 LF	50' R/W

Are each hereby dedicated to the City of Daphne, Alabama as a city street.

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

IN WITNESS WHEREOF, the subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,

Plan B Investments, LLC
Name of Individual or Corporation (Printed)

By: Jacob Cunningham Jacob 45
(Print Legibly and Sign)

Its: Member
(Print Legibly)

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

I, the undersigned Notary Public in and for said State and County, hereby certify that Jacob Cunningham whose name as member of Plan B Investments LLC an Alabama corporation or as owner of _____ 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 officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 31 day of March, 2017.

Wanda La Coate (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: 11-21-2020

CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

Recommendation:

A handwritten signature in blue ink that reads "Richard D. Johnson, P.E." is written over a horizontal line.

Richard D. Johnson, P.E.
Public Works Director
City of Daphne

Approval:

A handwritten signature in blue ink that reads "Marybeth Bergin" is written over a horizontal line.

Marybeth Bergin
Planning Commission Chairman
City of Daphne

CITY OF DAPHNE, ALABAMA

ORDINANCE NUMBER 2017-34

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2016-61 OF THE CITY OF
DAPHNE, ALABAMA
REGARDING THE RULES AND REGULATIONS FOR DAPHNE CITY PARKS**

WHEREAS, Chapter 15, Section 15-10 of the City of Daphne Municipal Code establishes rules and regulations relating to the operation and usage of Daphne City Parks; and

WHEREAS, Ordinance 2016-61 promulgates the rules and regulations for the City of Daphne Parks; and

WHEREAS, the City of Daphne has undertaken a comprehensive review of the rules and regulations governing City parks with the intent of revising any and all provisions to improve the health, safety, and enjoyment of park patrons;

WHEREAS, the City of Daphne has determined that it is in the best interests of its citizens to revise and update certain provisions relating to the use of park areas or facilities as such relates to motorized vehicles, pets and commercial watercraft; and

WHEREAS, the City of Daphne desires to amend Chapter 15, Section 15-10 to better serve and protect its citizens and ensure proper operation and usage of City parks.

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

Chapter 15, Section 15-10 of the City of Daphne Municipal Code is hereby amended to read and Ordinance 2016-61 is hereby repealed and replaced with the following:

SECTION 1: DAPHNE CITY PARK RULES AND REGULATIONS

General Park Rules

1. City parks will open at sunrise and close at sunset, with the exception of parks which have lighting specifically designed for night activities and not merely parking.
2. No alcoholic beverages are allowed in any parks.
3. No person shall possess a weapon or discharge any weapon or explosive in a park or into a park from beyond the park boundaries to the maximum extent allowable by law.
4. No person shall deposit, drop or abandon garbage, rubbish, waste or any other kind of litter in or upon any waters or land within a park.
5. It shall be unlawful for any person to bring into, use or discard any glass beverage container, including any soft drink, beer, water bottles, drinking glasses or drinking cups made of glass and any and all similar beverage containers in any park.

6. Fires are allowed in cooking grills in designated areas only, Open “camp” fires are prohibited, unless permitted in writing by the Daphne Fire Department.
7. No person shall distribute or disseminate leaflets, pamphlets or other printed material or use any mechanical device in a park for soliciting or advertising, except upon prior written consent of the City. No person shall carry on or conduct any business or service within a park without the prior written approval of the City.
8. All camping activities shall be confined to designated areas in a park.
9. Hitting golf balls at any City park is strictly prohibited.
10. No person shall launch, land or leave unattended any boat, canoe, raft or other watercraft upon any water, bay, lagoon, lake or pond within a park except at locations and times designated for that purpose. No person shall operate any watercraft in a designated swimming area or other prohibited area or in violation of Alabama State Law.
11. No person shall use any marine areas or marine facilities, including, but not limited to, boat launches, docks, piers, wharfs, landings, moorings, floats, or shorelines within the limits of a park for commercial purposes or for commercial watercraft. For purposes of this section, “commercial watercraft” shall mean and include any and all boats, houseboats, motorboats, yachts, cruisers, inflatables, barges, vessels, canoes, rafts, jet skis, wet bikes and/or any other watercraft that is self-propelled or designed to be propelled by the use of internal combustion engines or electric motors.
12. No person shall wade or swim within a park except at beaches designated for that purpose and then only between sunrise and sunset or at such hours as may be designated by the City.
13. No person shall fish in a park in violation of Alabama State Law or in any area designated as “no fishing”.
14. No person shall operate a bicycle except on designated bikeways and roadways in a park.
15. No person shall operate any motorized vehicle within a park except on roadways, parking areas, or other designated locations. The speed limit shall be 15 MPH within the parks. For purposes of this rule, “motorized vehicle” shall mean and include any and all automobiles, motorcycles, all-terrain vehicles whether two, three or four wheel; mobile trailers; trucks; truck tractors; semitrailers; trailers and/or any other device that is self-propelled or drawn in, upon, or by which any person or property is or may be transported or drawn upon any trail, path, road, or highway.
16. No person shall launch, operate, or land within or upon any City park any remote control airplane, unmanned aircraft system (i.e. “drone” or “quad-copter”), or other unmanned aerial device (excluding kites) unless authorized by prior written consent of the City, except that certain areas may be designated appropriate landing places for law enforcement or official government aviation equipment. Exempted from the restrictions of this provision are:

- a.) any sports field located at Al Trione Sports Complex that is not otherwise occupied or in use; and
 - b.) any other fields (and the airspace immediately above such fields) approved for such purposes by the Daphne City Council.
- 17. Any person who obtains a special event permit may use a drone to photograph their special event in the park during the course of the event. For hobby or recreational use, unmanned aircraft, including but not limited to drones, quad-copters, and remote control planes, may only occur on fields located at Al Trione Sports Complex that are not otherwise occupied or in use and any other fields approved for such purposes by the Daphne City Council. Operation of any unmanned aircraft must be done so as to not be flown within 100 feet of people, power lines, buildings, or light fixtures.
 - 18. No person shall intentionally kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing will be permitted in designated areas.
 - 19. No person shall remove, leave or deposit any animal, living or dead, from a park, and any animal so taken or left will be considered contraband and subject to seizure and confiscation.
 - 20. No person shall intentionally feed any species of wildlife within a park.
 - 21. No person shall bring a dog, cat or other pet into a park unless caged or kept on a leash not more than six feet in length. All dogs must be under the control and within sight of owners/custodians at all times. All owners/custodians are legally and financially responsible for their dog's behavior. All users of the Park do so at their own risk and assume all liability.
 - 22. It shall be unlawful for any person to allow any dog, cat or other pet under his or her ownership, care, custody, or control to defecate in a park without removing the defecation to a proper trash receptacle.
 - 23. No person shall allow any dog, cat or other pet under his or her ownership, care, custody, or control to disturb, annoy or harass any patrons of the park, wildlife, or other pets.
 - 24. No person shall tether any animal to a tree or other plant. No person shall bring a dog, cat, or other pet into a park designated as an unauthorized area (playgrounds, athletic event parks).

Dog Park Rules – In addition to the Rules stated above, the following rules also apply within the confines of the Dog Park.

- 1. There is a limit of three (3) dogs per person. Owners/custodians must carry a leash for each dog and dogs may not be left unattended.
- 2. All dogs must be on a leash until inside the Park and upon leaving the Park.

3. There will absolutely be no female dogs in heat allowed inside the Park.
4. Each owner/custodian is responsible for cleaning up and properly disposing of dog excrement.
5. A dog must be removed from the Park at the first sign of aggression.
6. All dogs must wear a collar displaying current vaccination tags and current registration.
7. No collars that are visibly studded are permitted.
8. All children must be supervised and accompanied by an adult at all times. Children must not play in the Dog Park. The Daphne Dog Park is designed expressly for the recreation of dogs and the City of Daphne is not responsible for injuries to children.
9. No dogs under the age of four (4) months are allowed in the Park.
10. No food - human or pet - shall be allowed inside the Park.
11. All owners/custodians must stop their dog(s) from digging and shall fill any holes made by their dog(s).
12. The small dog area is reserved for dogs up to twenty-five (25) pounds. Small dogs are allowed in the large dog area, but no large dogs shall be allowed in the small dog area.

SECTION II: PENALTIES

Any person found guilty of violating any provision of this Ordinance shall be punished for a first offense by a fine of \$25, for a second offense \$50 and for a third offense \$100. For offenses greater than three, punishment may include a fine of not over \$500, by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the municipal judge.

SECTION III: SEVERABILITY

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

SECTION IV: REPEALER

Ordinances 2016-01 and all other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION V: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA ON THE ____ DAY OF _____, 2017.**

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

ORDINANCE NO. 2017-35

**AN ORDINANCE ESTABLISHING A POLICY
FOR EVENTS HELD WITHIN THE CITY OF DAPHNE**

WHEREAS, the City Council of the City of Daphne has determined that it is in the public interest to provide access to city-maintained roads for the purpose of holding parades, races, and other special events; and,

WHEREAS, to ensure that City resources are properly utilized, and to ensure the safety of participants for these events, the Council desires to provide for an established procedure for the administration of parades, races, and other events requiring City assistance; and,

WHEREAS, Ordinances 1968-7 and 2014-23 are repealed in their entirety and replaced with the following:

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

SECTION 1. DEFINITIONS

Unless the context clearly indicates a different meaning, the words, terms and phrases used in this Ordinance shall have the following respective meanings:

"City" shall mean the City of Daphne in the State of Alabama.

"Complete application form" shall mean a properly filled out application and all supporting documents.

"Person" shall mean any person, entity, firm, corporation, partnership, association, administrator, trustee, or other fiduciary.

"Race" shall mean any running event, which may but not necessarily be timed, that requires closure of City roads for the safety of participants.

"Band" shall mean a band, DJ, radio, CD player or any means to produce music outside.

"Special Event" is any event, including but not limited to parades, races, use of bands, cook-offs, or pastry sales, that significantly impacts the use of streets, roads, or other public place in the City.

"Parade" is any formal public procession, march, ceremony, show, exhibition, pageant, or a group of persons or vehicles containing persons moving forward in an orderly, ceremonious, or solemn procession, or any similar display in or upon any street, park or other public place in the City.

"Permit" is a permit as required by this Ordinance.

"City Council" is the City Council of the City of Daphne.

"Street" is any part of a public right-of-way in the City, including, but not limited to, that part known as a sidewalk.

SECTION 2. APPLICATION PROCESS

1. The City will create an approved Special Events Application Form. The current version of the Special Events Application Form is herein attached as an example but is not the definitive form. The form may be altered periodically by the City Council or its designee. This Form will be the only manner in which a request for City approval of all special events, including but not limited to parades, races, use of bands, and fundraising sales, will be entertained.

2. If a permit is issued, said permit will exempt the Special Event from Ordinance 2012-35, commonly known as the Noise Ordinance.

3. Application forms will be available upon request from the City Clerk's office or online at www.daphneal.com.

4. No person shall engage in, participate in, aid, form or start any Special Event, unless a permit shall have been obtained from the City Council.

5. This Ordinance shall not apply to:

- a. Funeral processions;
- b. Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities;
- c. Any governmental agency acting within the scope of its functions;
- d. Lawful picketing on sidewalks near the individuals' place of work;
- e. Demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics, or equipment, provided that:
 - i. No fee or donation is required or requested as a condition
 - ii. of participation in or attendance at such demonstration;
 - iii. The City Clerk is notified at least 48 hours in advance of the commencement of the demonstration.

SECTION 3. APPLICATION SUBMISSION DEADLINES

1. Applicants may not submit a permit for an event earlier than one (1) year before its scheduled date of occurrence.

2. Persons seeking to have their permit approved in a timely manner should complete their application form and submit it to the City Clerk's Office no later than as described below:

- a. For events requesting closure of City streets, or with over 200 expected participants, a completed application form must be submitted no later than sixty (60) days before the event date.
- b. For any other events requesting use of City property, a completed application form must be submitted no later than thirty (30) days before the event date.
- c. All other permits must be submitted no later than fifteen (15) days before the event date.

3. The City Council, where good cause is shown therefore, shall have the authority to consider any application hereunder which is filed less than ten (10) days before the date such event is proposed to be conducted.

SECTION 4. PERMIT APPROVAL PROCESS

The City Council shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

1. All Special Event permits have been approved by the Fire Chief and Police Chief, or their designees.

2. All Special Event permits related to band, parade and race permits, or which may impede the flow of traffic, have been approved by the Public Works Director or his designee.

3. All Special Event permits to include activity at or around any City park or other recreational facility have been approved by the Parks and Recreation Director or his designee.

4. The conduct of the Special Event will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto as to prevent reasonable police protection of the City.

5. The conduct of such Special Event will not require the diversion of so great a number of ambulances as to prevent reasonable ambulance services to portions of the City.

6. The concentration of persons, animals and vehicles at assembly points of the Special Event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.

7. The conduct of such Special Event will not interfere with the movement of firefighting equipment in route to a fire.

8. The conduct of the Special Event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

9. If the Special Event is a parade, it is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route. The parade will not substantially interrupt the safe and orderly movement of other traffic continuous to its route

10. The Special Event is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

11. Absent specific approval by the City Council, no special event or other permitted event may operate between the hours of 11:00 p.m. and 7:00 a.m.

SECTION 5. INSURANCE REQUIRED TO CONDUCT SPECIAL EVENTS

1. The event organizer of a special event must possess or obtain comprehensive general liability insurance from no less than an A-rated company to protect the City against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. Such insurance shall name the City, its officers, employees, and agents and, as required, any other public

entity involved in the event, as additional insured. Insurance coverage must be maintained for the duration of the event, including pre-event setup and post-event clean-up. Notice of cancellation shall be provided immediately to the City. When applicable, the City may require proof of workers compensation and auto liability insurance.

2. Except as provided in section 5-3, comprehensive general liability insurance coverage required by section 5-1 shall be in a combined aggregate limit of not less than \$1,000,000.00.

3. The insurance required by section 5-1 shall be provided for the benefit of the City and not as a duty, express or implied, to provide insurance protection for spectators or participants. The event organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the City Clerk at least sixty (60) calendar days before the event, unless the Mayor for good cause modifies the filing requirements.

4. No permit is valid until the applicant shall accept the classification and conditions imposed in accordance with the resolution of Council, as well as the applicant's agreement to hold harmless the City and its officers and employees from any damages to persons or property on claims that arise from the permitted event and by paying the applicable fees and providing adequate insurance.

SECTION 6. WAIVER OF INSURANCE REQUIREMENTS

1. Except for special events where the sale of alcoholic beverages is authorized or for traffic control issues, the insurance requirements of section 5 may be waived by the City Council. In making the determination of whether to waive insurance, the City Council shall consider the factors provided in subsections 6-(a)–(e).

- a. Whether the special event is expressive activity protected by the First Amendment;
- b. Whether the applicant or an officer of the sponsoring organization of a nonathletic event has filed a verified statement that he or she believes the event's purpose is First Amendment expression;
- c. Whether the applicant or officer of the sponsoring organization has determined that the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of First Amendment expression;
- d. Whether the event will involve the use of equipment (other than sound equipment), vehicles, animals, fireworks, or pyrotechnics; or
- e. Whether a fee or donation is charged or required as a condition of admission or participation in the event.

2. The statement required by subsection 6-1(c) shall include the name and address of one insurance broker or other source for insurance coverage contacted to determine premium rates for coverage.

3. Even if insurance is waived, no permit may be issued without the organizer of a special event agreeing to defend, indemnify, and hold harmless the City from any claim or liability arising from the event.

SECTION 7. DESIGNATED ROUTES AND TIMES FOR SPECIAL EVENTS

1. In addition to completing an application form as noted in Section 3 above, applicants requesting the closure of City streets for events including parades and races will be required to specify a route for their event. Applicants are limited to selecting among the provided pre-approved, certified routes.

2. Races may only be held on Saturdays, with set up beginning no earlier than 7 a.m. and ending no later than noon. Roads must be cleared by 10 a.m.

3. Mardi Gras events must be held in accordance with the provisions of Ordinances 2003-17 and 2005-03.

4. The number of races requiring street closures within one calendar year shall be limited to eight (8). This number shall not include events associated with national holidays, weekday runs or walks associated with the normal operation of public and private schools, Mardi Gras parades and any parade organized by a school within the limits of the City of Daphne.

5. The City Council shall act upon the application for a Special Event permit within a reasonable time but no later than thirty (30) days after the filing thereof. If the City Council fails to act within those thirty days, the application is deemed denied. If the City Council disapproves the application, the City Clerk shall mail to the applicant within six (6) days after the date upon which the Council acted, a notice of the City Council action, stating the reasons for denial of the permit.

SECTION 8. CITY LISTED AS EVENT SPONSOR

1. All events requesting street closures or use of City property shall be required to list the City as an event sponsor on any advertising or merchandise (including but not limited to t-shirts, flyers, signs, and newspaper advertisements). Listing may include use of the City logo if deemed necessary by the City Council or its designee.

2. Permittee shall comply with all permit directions and conditions and will follow all applicable laws and ordinances.

3. The parade chairman or other person leading such activity shall carry the Special Event permit upon his person for the duration of the Special Event.

SECTION 9. PUBLIC CONDUCT DURING SPECIAL EVENT

1. No person shall unreasonably hamper, obstruct, impede, or interfere with any Special Event or Special Event assembly or with any person, vehicle or animal participant or used in a Special Event. The permit language may put reasonable restrictions as to the conduct of the Special Event including but not limited to location and timing.

2. No driver of a motor vehicle, street car, golf cart, rickshaw, or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

3. The City Council shall have the authority to prohibit or restrict the parking of motor vehicles and other modes of transportation along the highway or part thereof constituting a part of the Special Event. The City Council may cause the Police Chief to post signs to such affect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

SECTION 10. PENALTIES

Any person or persons or association of persons, violating any of the provisions of the foregoing sections, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than \$25 nor more than the maximum allowed by law and may also be sentenced to imprisonment or hard labor for not exceeding six (6) months.

SECTION 11. RIGHT TO CANCEL/REVOCATION OF PERMIT

1. The City of Daphne reserves the right to cancel or postpone events for any reason deemed necessary by the City Council.

2. The City Council shall have the authority to revoke a parade permit issued hereunder upon failure of the applicants or participants to comply with the standards for issuance and the provisions herein set forth and such authority may be delegated to the officer or such other person designated by the City Council to supervise said parade.

SECTION 12. FEES

1. There are no fees for special events but donations to the City to offset costs may be accepted.

2. Refunds for donations associated with a Special Event permit are authorized only if written notice of cancellation is given to the City Clerk's office no later than 3:00 p.m. on the day before the event is scheduled to occur.

SECTION 13. APPROVED PERMITS

Within six (6) business days of approval, the applicant will be notified and a copy of the permit shall be supplied to them. All approved permits shall additionally be submitted to any appropriate City departments for adequate notification.

SECTION 14. SEVERABILITY

If any section, subsection, clause, provision or part of this Ordinance shall be held to be invalid or unconstitutional in a court of competent jurisdiction, such holding or holding shall not affect any other section, subsection, clause, provision or part of this Ordinance which is in itself and of itself valid and constitutional.

SECTION 15. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF ____, 2017.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-36**

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

**Southeast of County Road 13 and Corte Road
Fred L. Corte**

WHEREAS, on the 20th day of February, 2017, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on May 15, 2017 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on March 23, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: ZONING

At the November 21, 2016 regularly scheduled City Council meeting Ordinance 2016-62 was adopted pre-zoning the said property as Planned Unit Development (PUD) District.

SECTION THREE: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST

MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property (*Exhibit "B"*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FIVE: PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2017.

Dane Haygood,
Mayor

ATTEST

Rebecca A. Hayes,
City Clerk

EXHIBIT A
LEGAL DESCRIPTION FOR FRED L. CORTE PROPERTY (ANNEXATION)

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-37**

**Ordinance to Pre-Zone Property Located
On the East Side of Pollard Road, North of Creekside Subdivision
S. Hickory, Inc.**

WHEREAS, S. Hickory, Inc. as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-2, Single Family District, Baldwin County extraterritorial planning jurisdiction, to be pre-zoned as R-3, High Density Single Family Residential District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is on the east side of Pollard Road, north of Creekside Subdivision, and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT A CONCRETE MONUMENT FOUND (3" DIAMETER) MARKING THE NORTH EAST CORNER OF LOT 68, STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE SOUTH WEST CORNER OF LOT 36, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE COMMON NORTHERN CORNER FOR LOTS 33 AND 34, FRENCH SETTLEMENT, PHASE 1B AS RECORDED ON SLIDE 2366-E AND 2366-F IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG THE NORTH LINE OF STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F, THE NORTH LINE OF CREEKSIDE UNIT 2 AS RECORDED ON SLIDE 1779-A, THE NORTH LINE OF BROOKSIDE PATIO HOMES AS RECORDED ON SLIDE 2189-F, ALL BEING RECORDED IN THE PROBATE RECORDS BALDWIN COUNTY, AL., RUN NORTH 89° 38' 35" WEST FOR 2,613.31 FEET TO A 1/2" (#4) REBAR FOUND AT THE NORTH WEST CORNER OF LOT 16 OF SAID BROOKSIDE PATIO HOMES; THENCE ALONG THE EAST RIGHT OF WAY (80') LINE OF POLLARD ROAD RUN NORTH 00° 09' 19" EAST FOR 1,327.66 FEET TO A CAPPED REBAR (CA-0604-LS) THAT LIES 48.66' SOUTHERLY FROM THE SOUTH WEST CORNER LOT 3, THE PRESERVE AT TIAWASSEE RECORDED ON SLIDE 2526-C IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE LEAVING SAID EAST RIGHT OF WAY, RUN SOUTH 89° 38' 52" EAST FOR 2,617.52 FEET TO A 3/4" IRON PIPE FOUND MARKING THE NORTH WEST CORNER OF LOT 46, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG WEST LINE OF SAID RETREAT AT TIAWASSEE, RUN SOUTH 00° 20' 08" WEST FOR 1,327.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 79.72 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN IN BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on March 23, 2017, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 15, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby pre-zoned to R-3, High Density Single Family Residential District, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-2, Single Family District, Baldwin County extraterritorial planning jurisdiction.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____ day of _____, 2017.**

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes,
City Clerk**

EXHIBIT "A"

S. HICKORY, INC.

PRE-ZONING AND ANNEXATION

**NORTH POLLARD ROAD
DAPHNE, BALDWIN COUNTY, ALABAMA**

**LEGAL DESCRIPTION OF PROPERTY TO BE PRE-ZONED AS R3 AND ANNEXED TO
THE CITY OF DAPHNE:**

BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A CONCRETE MONUMENT FOUND (3" DIAMETER) MARKING THE NORTH EAST CORNER OF LOT 68, STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE SOUTH WEST CORNER OF LOT 36, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE COMMON NORTHERN CORNER FOR LOTS 33 AND 34, FRENCH SETTLEMENT, PHASE 1B AS RECORDED ON SLIDE 2366-E AND 2366-F IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG THE NORTH LINE OF STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F, THE NORTH LINE OF CREEKSIDE UNIT 2 AS RECORDED ON SLIDE 1779-A, THE NORTH LINE OF BROOKSIDE PATIO HOMES AS RECORDED ON SLIDE 2189-F, ALL BEING RECORDED IN THE PROBATE RECORDS BALDWIN COUNTY, AL., RUN NORTH 89° 38' 35" WEST FOR 2,613.31 FEET TO A 1/2" (#4) REBAR FOUND AT THE NORTH WEST CORNER OF LOT 16 OF SAID BROOKSIDE PATIO HOMES; THENCE ALONG THE EAST RIGHT OF WAY (80') LINE OF POLLARD ROAD RUN NORTH 00° 09' 19" EAST FOR 1,327.66 FEET TO A CAPPED REBAR (CA-0604-LS) THAT LIES 48.66' SOUTHERLY FROM THE SOUTH WEST CORNER LOT 3, THE PRESERVE AT TIAWASSEE RECORDED ON SLIDE 2526-C IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE LEAVING SAID EAST RIGHT OF WAY, RUN SOUTH 89° 38' 52" EAST FOR 2,617.52 FEET TO A 3/4" IRON PIPE FOUND MARKING THE NORTH WEST CORNER OF LOT 46, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG WEST LINE OF SAID RETREAT AT TIAWASSEE, RUN SOUTH 00° 20' 08" WEST FOR 1,327.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 79.72 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN IN BALDWIN COUNTY, ALABAMA.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-38**

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

**On the East Side of Pollard Road, north of Creekside Subdivision
S. Hickory, Inc.**

WHEREAS, on the 14th day of February, 2017, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on May 15, 2017 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on March 23, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: ZONING

At the June 5, 2017 regularly scheduled City Council meeting Ordinance 2017-__ was adopted pre-zoning the said property as R-3, High Density Single Family Residential District.

SECTION THREE: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

BEGINNING AT A CONCRETE MONUMENT FOUND (3" DIAMETER) MARKING THE NORTH EAST CORNER OF LOT 68, STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE SOUTH WEST CORNER OF LOT 36, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE COMMON NORTHERN CORNER FOR LOTS 33 AND 34, FRENCH SETTLEMENT, PHASE 1B AS RECORDED ON SLIDE 2366-E AND 2366-F IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG THE NORTH LINE OF STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE

2152-F, THE NORTH LINE OF CREEKSIDE UNIT 2 AS RECORDED ON SLIDE 1779-A, THE NORTH LINE OF BROOKSIDE PATIO HOMES AS RECORDED ON SLIDE 2189-F, ALL BEING RECORDED IN THE PROBATE RECORDS BALDWIN COUNTY, AL., RUN NORTH 89° 38' 35" WEST FOR 2,613.31 FEET TO A 1/2" (#4) REBAR FOUND AT THE NORTH WEST CORNER OF LOT 16 OF SAID BROOKSIDE PATIO HOMES; THENCE ALONG THE EAST RIGHT OF WAY (80') LINE OF POLLARD ROAD RUN NORTH 00° 09' 19" EAST FOR 1,327.66 FEET TO A CAPPED REBAR (CA-0604-LS) THAT LIES 48.66' SOUTHERLY FROM THE SOUTH WEST CORNER LOT 3, THE PRESERVE AT TIAWASSEE RECORDED ON SLIDE 2526-C IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE LEAVING SAID EAST RIGHT OF WAY, RUN SOUTH 89° 38' 52" EAST FOR 2,617.52 FEET TO A 3/4" IRON PIPE FOUND MARKING THE NORTH WEST CORNER OF LOT 46, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG WEST LINE OF SAID RETREAT AT TIAWASSEE, RUN SOUTH 00° 20' 08" WEST FOR 1,327.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 79.72 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN IN BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property (*Exhibit "B"*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FIVE: PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2017.

Dane Haygood,
Mayor

ATTEST

Rebecca A. Hayes,
City Clerk

EXHIBIT "A"

S. HICKORY, INC.

PRE-ZONING AND ANNEXATION

**NORTH POLLARD ROAD
DAPHNE, BALDWIN COUNTY, ALABAMA**

**LEGAL DESCRIPTION OF PROPERTY TO BE PRE-ZONED AS R3 AND ANNEXED TO
THE CITY OF DAPHNE:**

BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A CONCRETE MONUMENT FOUND (3" DIAMETER) MARKING THE NORTH EAST CORNER OF LOT 68, STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE SOUTH WEST CORNER OF LOT 36, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE COMMON NORTHERN CORNER FOR LOTS 33 AND 34, FRENCH SETTLEMENT, PHASE 1B AS RECORDED ON SLIDE 2366-E AND 2366-F IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG THE NORTH LINE OF STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F, THE NORTH LINE OF CREEKSIDE UNIT 2 AS RECORDED ON SLIDE 1779-A, THE NORTH LINE OF BROOKSIDE PATIO HOMES AS RECORDED ON SLIDE 2189-F, ALL BEING RECORDED IN THE PROBATE RECORDS BALDWIN COUNTY, AL., RUN NORTH 89° 38' 35" WEST FOR 2,613.31 FEET TO A 1/2" (#4) REBAR FOUND AT THE NORTH WEST CORNER OF LOT 16 OF SAID BROOKSIDE PATIO HOMES; THENCE ALONG THE EAST RIGHT OF WAY (80') LINE OF POLLARD ROAD RUN NORTH 00° 09' 19" EAST FOR 1,327.66 FEET TO A CAPPED REBAR (CA-0604-LS) THAT LIES 48.66' SOUTHERLY FROM THE SOUTH WEST CORNER LOT 3, THE PRESERVE AT TIAWASSEE RECORDED ON SLIDE 2526-C IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE LEAVING SAID EAST RIGHT OF WAY, RUN SOUTH 89° 38' 52" EAST FOR 2,617.52 FEET TO A 3/4" IRON PIPE FOUND MARKING THE NORTH WEST CORNER OF LOT 46, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG WEST LINE OF SAID RETREAT AT TIAWASSEE, RUN SOUTH 00° 20' 08" WEST FOR 1,327.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 79.72 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN IN BALDWIN COUNTY, ALABAMA.



**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-39**

**Ordinance to Pre-Zone Property Located
Southeast of Alabama Highway 181 and Austin Road
Bertolla Properties, L.L.C.**

WHEREAS, Bertolla Properties, L.L.C. as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-2, Single Family District, and RA, Rural Agricultural District, Baldwin County extraterritorial planning jurisdiction, to be pre-zoned as Planned Unit Development (PUD) District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is located southeast of Alabama Highway 181 and Austin Road and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT A 3/4" CRIMP TOP IRON PIPE AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89°49'02" WEST, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 2669.96 FEET TO A 1/2" CAPPED REBAR (CA-0604) AT THE SOUTHEAST CORNER OF LOT 28, DUNMORE, PHASE TWO, PART B, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2448-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°11'14" EAST, ALONG THE EAST MARGIN OF SAID DUNMORE, PHASE TWO, PART B AND DUNMORE, PHASE TWO, PART A, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2443-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND A PROJECTION THEREOF, A DISTANCE OF 2671.05 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE RUN SOUTH 89°34'24" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 2610.05 FEET TO 1/2" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00°10'51" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID ALABAMA HIGHWAY 181, A DISTANCE OF 400.02 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°34'24" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1402.13 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°03'11" EAST, A DISTANCE OF 902.21 FEET TO A 1/2" CAPPED REBAR ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89°32'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 1256.80 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°07'47" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 30.14 FEET TO 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 1 OF AUSTIN BRIDGES, UNIT 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2007-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89°22'04" EAST, ALONG THE SOUTH MARGIN OF SAID AUSTIN BRIDGES, UNIT 1 AND THE SOUTH MARGIN AUSTIN BRIDGES, UNIT TWO, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2082-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1297.53 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 18 OF SAID AUSTIN BRIDGES, UNIT TWO; THENCE RUN SOUTH 00°46'05" WEST, A DISTANCE OF 670.61 FEET TO 1/2" REBAR; THENCE RUN NORTH 89°25'58" EAST, A DISTANCE OF 1069.01 FEET TO A 1/2" CAPPED REBAR AT THE NORTHWEST CORNER OF LOT 1 OF STEPHEN SPRINGS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2346-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 300.66 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°25'14" EAST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'25" WEST, A DISTANCE OF 80.01 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHEAST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 89°25'14" WEST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.04 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38"

WEST, A DISTANCE OF 145.05 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°58'37" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 412.34 FEET TO 1-1/2" OPEN END IRON PIPE; THENCE RUN SOUTH 00°02'13" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 672.87 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHWEST CORNER OF TRACT 1 IN SECTION 26 OF HIGHLAND FARMS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT MISCELLANEOUS BOOK 1, PAGE 290-291, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°47'09" EAST, A DISTANCE OF 1923.05 FEET TO 1/2" REBAR; THENCE RUN NORTH 00°06'23" EAST, A DISTANCE OF 630.48 FEET TO A 1/2" REBAR ON THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN SOUTH 89°34'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 60.00 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE NORTHWEST CORNER OF LOT 1 OF AVALON PHASE 1A, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2104-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°06'23" WEST, A DISTANCE OF 630.25 FEET TO A 1/2" CAPPED REBAR ON THE WEST MARGIN OF LOT 73 OF AVALON, PHASE 3, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2220-D AND 2220-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°23'53" WEST, ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 663.68 FEET TO A 1/2" CAPPED REBAR; THENCE RUN SOUTH 88°35'21" EAST, A DISTANCE OF 7.96 FEET TO 5/8" CAPPED REBAR (CA-728); THENCE RUN SOUTH 00°08'21" WEST, CONTINUING ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 669.18 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°48'48" WEST, A DISTANCE OF 6.93 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°03'05" WEST, A DISTANCE OF 668.95 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°11'04" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 1319.23 FEET TO A 1/2" CAPPED REBAR (CA-1109) AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN SOUTH 89°55'01" WEST, A DISTANCE OF 1326.54 FEET TO A 2" OPEN END PIPE AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN NORTH 00°55'29" EAST, A DISTANCE OF 1323.76 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 361.55 ACRES, MORE OR LESS, AND LIES IN SECTIONS 25, 26 AND 36, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on March 23, 2017, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 15, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

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

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-2, Single Family District, and RA, Rural Agricultural District, Baldwin County extraterritorial planning jurisdiction.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____ day of _____, 2017.**

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes,
City Clerk**

JUBILEE FARMS PUD STANDARDS

Jubilee Farms, a Planned Unit Development (PUD), is a 361.55 acre site located southeast of the intersection of Alabama Highway 181 and Austin Road. The property is presently in the extraterritorial jurisdiction of the City of Daphne and is located in Baldwin County Planning District 15 and is zoned RA – Rural Agriculture (approximately 21 acres) and RSF-2 – Residential Single Family. Application has been made to the City of Daphne to Pre-zone this property as a PUD.

The proposed development consists of 915 single family lots, with 368 lots at 52' wide and a minimum of 6,500 sq. ft., and 414 lots at 70' wide and a minimum of 9,800 sq. ft., and 133 lots at 80' wide and a minimum of 12,000 sq. ft. The proposed density of the development is 2.53 units per acre. There are 88.17 acres, or 24.4% of the total site, proposed as common area. These common areas consists of 25.95 acres of formal open space, 53.24 acres of passive open space, and 8.98 acres of jurisdictional wetlands.

The residential lots shall have the following standards:

The 52' wide lots are to have building setbacks of 25' on the front and rear, 6' on the sides, and 15' on the street sides. The 70' wide lots are 30' on the front and rear, 6' on the sides, and 20' on the street sides. The 80' wide lots are 30' on the front and rear, 10' on the sides, and 20' on the street sides. The maximum building heights for all residential lots are to be as per the City's R-3 zoning district. The maximum building coverage of each residential lot is 45%.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. All roadways within the development will be public and sidewalks will be located on both sides of the proposed roadways. Sidewalks will be installed by the home builder at the time of house construction and will be required to be ADA compliant. All construction will be in accordance to the standards of the City of Daphne.

The stormwater management system will be designed in accordance with the standards of the City of Daphne. All stormwater facilities and structures outside of public right-of-ways will be maintained by the P.O.A. and not the City of Daphne.

A landscape plan will be provided as part of the subdivision process. The required landscaping will be provided in the common areas and installed during construction of the infrastructure adjacent to those common areas. Any additional landscaping will be provided by the home builders and/or the lot owners.

As per the City of Daphne Land Use and Development Ordinance, this development is considered a Large-Scale PUD, due to being over 300 acres in size. Developments of this size do require consideration of public facilities and services. The property owner has donated land to the City that is in the general area of this site, to provide for a Fire Station that can better serve this proposed development and other existing developments within the area. Multiple access points to this development will provide for alternate emergency access locations. A private school has recently been constructed in the near vicinity of this site and the developer will coordinate with the public school system on the proposed development plans and growth rate to assist them in their planning. Traffic studies will be conducted prior to subdivision application of

the first phase. Coordinated efforts are already underway between the City, ALDOT, and the County to realign area roadways and ALDOT has begun the process of surveying and designing the additional lanes for Highway 181 from Milton Jones Road to Alabama Highway 104. These improvements could begin sometime in 2018 and will be instrumental in providing for the additional traffic generated by this and other developments in the area. This development will be constructed in phases with a 15 to 20 year proposed build-out.

Jubilee Farms is to be a unique neighborhood offering varying lot types and amenities. The larger lots are located along the main road that basically runs through the center of the overall development. The other two lot types are divided into multiple separate neighborhoods throughout the development. These lot sizes and the associated building types will provide entry level options for perspective homeowners. Parks are located throughout the development with an approximately 6 acre site provided for multiple type amenities. Also the development provides 24.4% open space, which is almost 2.5 times more than is required in a PUD. Multi-use trails are also located along the common areas around the lakes, through the Parks, and along the rear of lots providing for additional pedestrian activities. As a public benefit the developer proposes a sidewalk along Austin Road adjacent to the development. The amenities, parks, multi-use trails, and sidewalks provide more opportunities for residents to enjoy on-site rather than having to use City parks. Finally the developer has elected to bring this development within the corporate limits of Daphne as opposed to staying in the County.

Covenants and Restrictions will provide for the formation of a Property Owner's Association for the Jubilee Farms development whereby maintenance responsibilities of the common areas and drainage infrastructure outside of public roadways will be established.

EXHIBIT A

LEGAL DESCRIPTION FOR JUBILEE FARMS (BERTOLLA PROPERTY)

BEGINNING AT A 3/4" CRIMP TOP IRON PIPE AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89°49'02" WEST, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 2669.96 FEET TO A 1/2" CAPPED REBAR (CA-0604) AT THE SOUTHEAST CORNER OF LOT 28, DUNMORE, PHASE TWO, PART B, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2448-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°11'14" EAST, ALONG THE EAST MARGIN OF SAID DUNMORE, PHASE TWO, PART B AND DUNMORE, PHASE TWO, PART A, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2443-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND A PROJECTION THEREOF, A DISTANCE OF 2671.05 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE RUN SOUTH 89°34'24" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 2610.05 FEET TO 1/2" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00°10'51" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID ALABAMA HIGHWAY 181, A DISTANCE OF 400.02 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°34'24" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1402.13 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°03'11" EAST, A DISTANCE OF 902.21 FEET TO A 1/2" CAPPED REBAR ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89°32'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 1256.80 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°07'47" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 30.14 FEET TO 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 1 OF AUSTIN BRIDGES, UNIT 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2007-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89°22'04" EAST, ALONG THE SOUTH MARGIN OF SAID AUSTIN BRIDGES, UNIT 1 AND THE SOUTH MARGIN AUSTIN BRIDGES, UNIT TWO, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2082-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1297.53 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 18 OF SAID AUSTIN BRIDGES, UNIT TWO; THENCE RUN SOUTH 00°46'05" WEST, A DISTANCE OF 670.61 FEET TO 1/2" REBAR; THENCE RUN NORTH 89°25'58" EAST, A DISTANCE OF 1069.01 FEET TO A 1/2" CAPPED REBAR AT THE NORTHWEST CORNER OF LOT 1 OF STEPHEN SPRINGS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2346-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 300.66 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°25'14" EAST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS;

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Jubilee Farms
A Planned Unit Development
Doyle, Alabama

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 The Red Cross is a symbol of humanitarian aid and relief. It is a red cross on a white background, enclosed in a red border.



224



CITY OF DAPHNE

ORDINANCE NO. 2017-40

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2011-54 / Article 38, Section 2
Residential High Rise Overlay Condominium District**

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 23, 2017 set forth a favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 15, 2017.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance as follows:

1. AMEND ARTICLE XXXVIII SECTION 1, PURPOSE

District map to include lot 2 and 2a of Westbrook Commercial Park Subdivision as recorded in the office of the Judge of Probate of Baldwin County as instrument #2133-C.

2. AMEND PROVISIONS OF ARTICLE XXXVIII, RESIDENTIAL HIGH RISE OVERLAY DISTRICT, SECTION 2(a), HEIGHT EXCEPTIONS: TO READ AS FOLLOWS:

- a.) Building height may be allowed up to two hundred (200) feet or sixteen (16) stories by the Planning Commission with the exception that any land added to the high rise condominium district boundary after October 2, 2006 may be allowed up to one hundred (100) feet or ten (10) stories by the Planning Commission; and conditioned that the land owner shall impose upon the subject property a restrictive covenant that expressly states that the maximum height for any structure thereupon shall be no greater than one hundred ten (110) feet in height of the above-mentioned revision to the Land Use and Development Ordinance.

SECTION II: CONFLICT WITH OTHER ORDINANCE

That any Ordinance heretofore adopted by the City Council, which is in conflict with this Ordinance, is hereby replaced to the extent of such conflict.

SECTION III: SEVERABILITY

That the provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,

distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect and be in forced from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

SECTION V: REPEALER

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE _____ DAY OF _____, 2017.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

ORDINANCE 2017-41

**2017 Interest Payment (on Debt Issuance) for
Recreation Park Facilities Improvements**

WHEREAS, Ordinance 2016-56 approved adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, the City Council of the City of Daphne, Alabama, has reviewed and evaluated the need for certain capital improvements related to the Recreation Parks. Total estimated amount for the Recreation park facilities improvements is \$16,463,550.

WHEREAS, Resolution 2016-14 established a loan with Regions Bank in the amount of \$12,000,000 with a 20 year repayment period and 2 levels of annual debt service payment, and

WHEREAS, the first interest payment in the amount of \$81,620 is due on July 1, 2017 and monies have not been appropriated; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2017 Budget is hereby amended to include an appropriation from the Lodging Tax Fund in the amount of \$81,620 for the July 1, 2017 interest payment due.

ADOTED AND APPROVED OPTION # _____ **this** _____ **day of** _____, 2017.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

City of Daphne, AL Loan Amortization Schedule					
Interest Rate- 3.18%					
Date	Funding	Annual Payment	Interest	Principal	Balance
4/14/2017	\$ 12,000,000.00				\$ 12,000,000.00
7/1/2017		\$ 81,620.00	\$ 81,620.00	\$ -	\$ 12,000,000.00
1/1/2018			\$ 190,800.00	\$ -	\$ 12,000,000.00
7/1/2018		\$ 526,600.00	\$ 190,800.00	\$ 145,000.00	\$ 11,855,000.00
1/1/2019			\$ 188,494.50	\$ -	\$ 11,855,000.00
7/1/2019		\$ 524,989.00	\$ 188,494.50	\$ 148,000.00	\$ 11,707,000.00
1/1/2020			\$ 186,141.30	\$ -	\$ 11,707,000.00
7/1/2020		\$ 523,282.60	\$ 186,141.30	\$ 151,000.00	\$ 11,556,000.00
1/1/2021			\$ 183,740.40	\$ -	\$ 11,556,000.00
7/1/2021		\$ 523,480.80	\$ 183,740.40	\$ 156,000.00	\$ 11,400,000.00
1/1/2022			\$ 181,260.00	\$ -	\$ 11,400,000.00
7/1/2022		\$ 876,520.00	\$ 181,260.00	\$ 514,000.00	\$ 10,886,000.00
1/1/2023			\$ 173,087.40	\$ -	\$ 10,886,000.00
7/1/2023		\$ 877,174.80	\$ 173,087.40	\$ 531,000.00	\$ 10,355,000.00
1/1/2024			\$ 164,644.50	\$ -	\$ 10,355,000.00
7/1/2024		\$ 879,289.00	\$ 164,644.50	\$ 550,000.00	\$ 9,805,000.00
1/1/2025			\$ 155,899.50	\$ -	\$ 9,805,000.00
7/1/2025		\$ 878,799.00	\$ 155,899.50	\$ 567,000.00	\$ 9,238,000.00
1/1/2026			\$ 146,884.20	\$ -	\$ 9,238,000.00
7/1/2026		\$ 880,768.40	\$ 146,884.20	\$ 587,000.00	\$ 8,651,000.00
1/1/2027			\$ 137,550.90	\$ -	\$ 8,651,000.00
7/1/2027		\$ 878,101.80	\$ 137,550.90	\$ 603,000.00	\$ 8,048,000.00
1/1/2028			\$ 127,963.20	\$ -	\$ 8,048,000.00
7/1/2028		\$ 878,926.40	\$ 127,963.20	\$ 623,000.00	\$ 7,425,000.00
1/1/2029			\$ 118,057.50	\$ -	\$ 7,425,000.00
7/1/2029		\$ 879,115.00	\$ 118,057.50	\$ 643,000.00	\$ 6,782,000.00
1/1/2030			\$ 107,833.80	\$ -	\$ 6,782,000.00
7/1/2030		\$ 878,667.60	\$ 107,833.80	\$ 663,000.00	\$ 6,119,000.00
1/1/2031			\$ 97,292.10	\$ -	\$ 6,119,000.00
7/1/2031		\$ 879,584.20	\$ 97,292.10	\$ 685,000.00	\$ 5,434,000.00
1/1/2032			\$ 86,400.60	\$ -	\$ 5,434,000.00
7/1/2032		\$ 878,801.20	\$ 86,400.60	\$ 706,000.00	\$ 4,728,000.00
1/1/2033			\$ 75,175.20	\$ -	\$ 4,728,000.00
7/1/2033		\$ 876,350.40	\$ 75,175.20	\$ 726,000.00	\$ 4,002,000.00
1/1/2034			\$ 63,631.80	\$ -	\$ 4,002,000.00
7/1/2034		\$ 876,263.60	\$ 63,631.80	\$ 749,000.00	\$ 3,253,000.00
1/1/2035			\$ 51,722.70	\$ -	\$ 3,253,000.00
7/1/2035		\$ 875,445.40	\$ 51,722.70	\$ 772,000.00	\$ 2,481,000.00
1/1/2036			\$ 39,447.90	\$ -	\$ 2,481,000.00
7/1/2036		\$ 879,895.80	\$ 39,447.90	\$ 801,000.00	\$ 1,680,000.00
1/1/2037			\$ 26,712.00	\$ -	\$ 1,680,000.00
7/1/2037		\$ 880,424.00	\$ 26,712.00	\$ 827,000.00	\$ 853,000.00
1/1/2038			\$ 13,562.70	\$ -	\$ 853,000.00
7/1/2038		\$ 880,125.40	\$ 13,562.70	\$ 853,000.00	\$ -

ORDINANCE 2017 - 42

Legislative Legal Advertising Budget – Additional Appropriation

WHEREAS, Ordinance 2016-56 approved and adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, Zoning ordinances, amendments, and public hearing notices are required to be advertised in the local paper, and

WHEREAS, several of the ordinances adopted for Fiscal Year 2017 have been larger than previous years and there has been an increase in public hearings which require two advertisements each; and

WHEREAS, with the increase in advertising cost for the additional advertisements an additional appropriation is needed for the Legislative budget line item for advertising.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$5,000 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2017 budget for the additional appropriation for Legislative Advertising.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, **this** _____ day **of** _____, 2017.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE 2017- 43

Project: STPOA-0216(250): Intersection Improvements: County Road 13 Turning Lanes at Sehoy Boulevard and Longue Vue Drive (*French Settlement*)

WHEREAS, Ordinance 2016-56 approved and adopted the Fiscal Year 2017 Budget on September 20, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, the City of Daphne is a member Government of the Eastern Shore Metropolitan Planning Organization (MPO); and

WHEREAS, the Eastern Shore MPO was formed in June 2012 and has three years to allocate MPO Surface Transportation Project funds through the adoption of the 2040 Long Range Transportation Plan and FY16-19 Transportation Improvement Program (TIP); and

WHEREAS, the City of Daphne appropriated \$67,754 in Ordinance 2015-60 to install Intersection Improvements on County Road 13 at Sehoy Blvd. and Longue Vue Drive (CR 13 Intersection Improvement Project) for inclusion in the FY 2016-2019 Transportation Improvement Program; and

WHEREAS, the project has been moved forward by the MPO and John G. Walton Construction Company, Inc. has been selected as the contractor; and

WHEREAS, the total project cost is \$785,625 (including CE&I) and the City's 20% match is \$166,561; and

WHEREAS, an additional appropriation will be required for the 20% match in the amount of \$98,807 (\$166,561-\$67,754).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that

- 1). funds in the amount of **\$98,807 from the Seven Cent Gas Tax Fund** are appropriated and made a part of the Fiscal Year 2017 budget for the City's 20% match for the project herein described.
- 2). the Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this ____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NUMBER 2017-44**

**AN ORDINANCE AUTHORIZING THE CITY OF DAPHNE
TO ACCEPT CREDIT CARDS**

WHEREAS, Sections 11-103-1 *et seq.*, Code of Alabama (1975), allow a municipal office, department, agency, board, or commission to accept credit card payments for municipal services if authorized by the municipal governing body; and

WHEREAS, the City of Daphne has determined that it is in the best interest of its citizens and the business community to accept credit card payments.

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

The Code of Ordinances of the City of Daphne is hereby amended by adding a new section, designated as Chapter 8, Section 4, as follows:

SECTION I: PAYMENTS BY CREDIT CARD

As authorized by Sections 11-103-1, *et seq.*, Code of Alabama (1975):

- (a) Any office, department, agency, board, or commission of the City is authorized to accept payment by credit card, charge card, and debit card (hereinafter referred to collectively as “credit card”) issued by any bank, foreign lender, domestic lender, or credit card bank as defined in the Alabama Credit Card Act, Sections 5-20-2 through 5-20-16, Code of Alabama (1975). Payment by credit card may be for, but is not limited to, taxes, license and registration fees, court fines, costs and penalties, building permits, filing fees, assessments against property, parks and recreation fees, rental expenses, event admissions, and garbage/trash/recycling collection fees.
- (b) A surcharge or convenience fee shall be added to any credit card payment in an amount not to exceed the transaction fee charged by the credit card issuer or processor. Payment of the surcharge or convenience fee is not refundable.
- (c) With the approval of the City Council, the Mayor is authorized to enter into appropriate agreements with one or more credit card issuers, credit card payment processors, or other appropriate parties as needed to facilitate the acceptance of credit card payments, without the need for competitive bidding to select such party or parties. Each agreement must provide that it may be canceled without penalty at any time by the City upon reasonable notice. No agreement shall exceed three (3) years in term.
- (d) No person or entity making payment by credit card shall be relieved of liability for the face amount of the payment except to the extent that the City realizes full and final payment of the underlying obligation in cash or its equivalent. If full and final payment is not made by the credit card issuer or other guarantor of payment in the credit card transaction, the underlying obligation shall survive and the City shall retain all remedies for enforcement which would have applied if the credit card transaction had not occurred.

(e) A City employee who accepts a credit card payment in accordance with this section and any applicable policy, rule, or regulation of the City shall not thereby incur any personal liability for the final collection of such payments.

(f) The finance director is authorized to establish policies, rules, and regulations governing the acceptance of payment for municipal services by credit card and to disseminate them to all employees.

SECTION II: IDENTITY THEFT PREVENTION

1. In the event that credit card payments to the City that are made over the internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

2. Account statements and receipts for covered accounts shall include only the last four (4) digits of the credit or debit card or the bank account used for payment of the covered account.

SECTION III: SEVERABILITY

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

SECTION IV: REPEALER

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

SECTION V: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA ON THE ____ DAY OF _____, 2017.**

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-45**

**Ordinance to Pre-Zone Property Located
On the Southside of U. S. Highway 90 at Renaissance Boulevard
George Kalasountas**

WHEREAS, George Kalasountas as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-1, Single Family District, Baldwin County extraterritorial planning jurisdiction, to be pre-zoned as B-2(a), General Business Alternate District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is on the Southside of U.S. Highway 90 at Renaissance Boulevard, and more particularly described as follows:

Legal Description for Pre-zone:

Lots 1, 2, and 3 A Replat of Property for George P. Kalasountas #2 as recorded
in the office of the Judge of Probate Baldwin County, Alabama

WHEREAS, at the regular Planning Commission meeting on March 23, 2017, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 5, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby pre-zoned to B-2(a), General Business Alternate District, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-1, Single Family District, Baldwin County extraterritorial planning jurisdiction.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____ day of _____, 2017.**

**Dane Haygood,
Mayor**

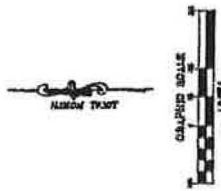
ATTEST:

**Rebecca A. Hayes,
City Clerk**

"Exhibit A"
Legal Description

Lots 1, 2, and 3 A Replat of Property for George P. Kalasountas #2 as recorded in the office of the Judge of Probate Baldwin County, Alabama *as side # 2520 F.*

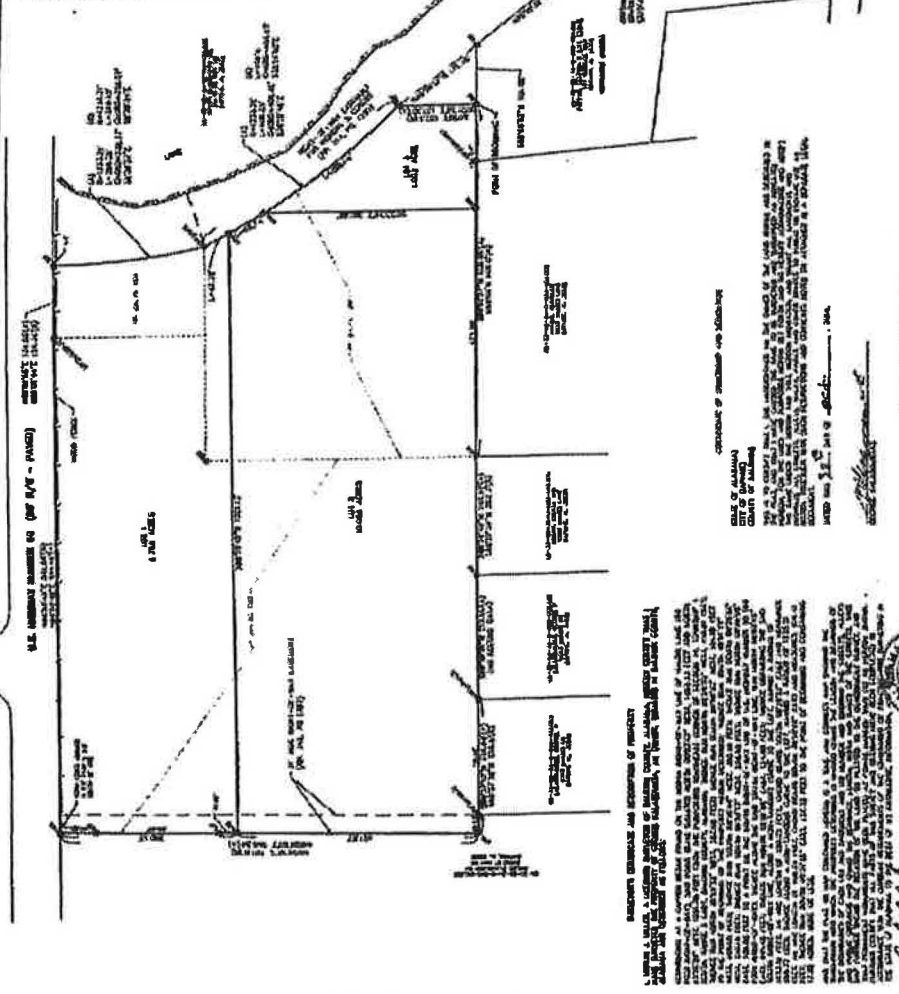
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COMMUNICATIONS SECTION
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2000-2001

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Adeline F. [Signature]
 1000 1/2 Ave. of the Americas, New York 10018

McCrory Williams

11307 INTERNATIONAL DRIVE, SUITE G
MOBILE, ALABAMA 36608
PHONE: (251) 476-4720
FAX: (251) 476-4721
EMAIL: info@tracfone.com

A REPLAT OF PROPERTY FOR GEORGE KALASOUNTAS # 2				
SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALA.	DATE: OCT. 7, 2014	BLANK ET AL	APPROVED BY	SHEET
SCALE: 1"=400'				

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-46**

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

**On the Southside of U. S. Highway 90 at Renaissance Boulevard
George Kalasountas**

WHEREAS, on the 21st day of February, 2017, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on May 15, 2017 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on March 23, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: ZONING

At the June 5, 2017 regularly scheduled City Council meeting Ordinance 2017-__ was adopted pre-zoning the said property as B-2, General Business District.

SECTION THREE: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

Lots 1, 2, and 3 A Replat of Property for George P. Kalasountas #2 as recorded in the office of the Judge of Probate Baldwin County, Alabama

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit “A” and attached hereto a map of the property (*Exhibit “B”*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FIVE: PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2017.

Dane Haygood,
Mayor

ATTEST

Rebecca A. Hayes,
City Clerk

"Exhibit A"
Legal Description

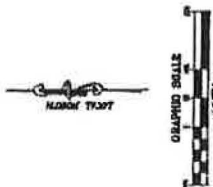
Lots 1, 2, and 3 A Replat of Property for George P. Kalasountas #2 as recorded in the office of the Judge of Probate Baldwin County, Alabama - *Slide #2520F*



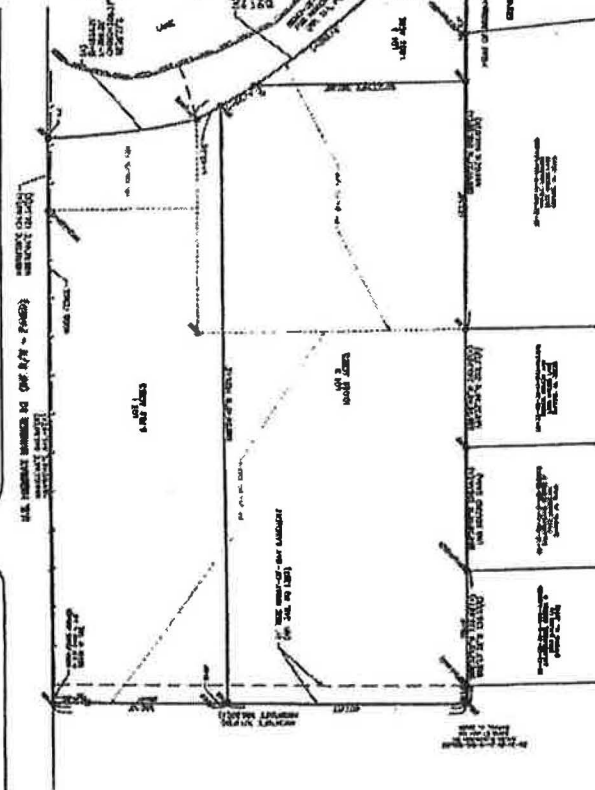
Figure 10. A black and white photograph showing a dense, textured surface, possibly a wall or a large piece of fabric, with a vertical line running down the center. The texture is highly irregular and grainy.

[illegible]

PLANTING CROPS & VEGETABLES

[illegible]

LEADS
00 1214 STAMPS 26 SURFAGE
00 4200 STAMPS 26 0011400
0005 0005 200 1000 1000
0005 0005 2000 1000
0005 100 1000 1000
0005 100 1000 1000



Available in paperback and electronic formats

1962-1963, and 1964-1965. The results of the study are presented in Table 1. The results show that the mean number of children per family was 2.1 in 1962-1963, 2.2 in 1963-1964, and 2.3 in 1964-1965. The mean number of children per family was 2.1 in 1962-1963, 2.2 in 1963-1964, and 2.3 in 1964-1965. The mean number of children per family was 2.1 in 1962-1963, 2.2 in 1963-1964, and 2.3 in 1964-1965.

NEW FRONTIERS FOR ENGINEERING IN INDUSTRY

CHANDLER, JR. 2017

ST. LOUIS, Mo. (UPI)—The St. Louis Police Department has announced that it has received information that a man who was arrested in connection with the assassination of Dr. Martin Luther King Jr. is now in the custody of the FBI.

SECRET

DECLARATION OF WORKING GROUP

THE NEW WORLD

[illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10/13/94 BY 60322 UCBAW

Adrianus B. P. S.

PROPERTY (including a power of attorney)

Exhibit "B"

McCroxy Williams

MOBILE, ALABAMA 36604
PHONE: (251) 478-4720
FAX: (251) 478-4721
EMAIL: info@mobtel.com

REPLAY OF PROPERTY
FOR
GEORGE KALASTINTAS

SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALA

DRAWING TITLE	DATED	CHECKED BY	APPROVED BY	SHEET
	OCT. 7, 2014			

RECEIVED
JAN 10 1964

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