CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
March 19, 2018

1. CALL TO ORDER

2. ROLL CALL
INVOCATION by Celebration Church
PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Dayna Oldham - Vacation of Right-of-Way for a portion of Church Street 3

PUBLIC HEARING: Re-zone of the WPNVA, LLC, Jay-E, LLC, John White-Spunner & Chester J. Stephan property located at the southeast corner of US Highway 98 & Johnson Road. 15

PUBLIC HEARING: Olde Towne Daphne Development, LLC – Vacation of Ingress & Egress Easements, Lot 5, Piazza di San Francesco & Tract 2, La Piazza di San Francesco Subdivision. 43

3. APPROVE MINUTES: **Council Meeting** – March 5, 2018 58

4. REPORTS OF STANDING COMMITTEES

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B. BUILDINGS & PROPERTY COMMITTEE – LeJeune
Review February Building reports 63

C. PUBLIC SAFETY COMMITTEE – Davis

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Goodlin

E. PUBLIC WORKS COMMITTEE – Coleman
Review minutes of March 5, 2018 70

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Davis

D. LIBRARY BOARD – Rudicell

F. PLANNING COMMISSION – Scott

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

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

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B. 2ND READ ORDINANCES:

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12. COUNCIL COMMENTS

13. ADJOURN

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

PETITION FOR VACATION OF RIGHT-OF-WAY

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

We, Dayna Oldham, hereinafter referred to as "The Petitioner", are owner(s) of property located at 1618 Sixth Street, hereby petition by the attached copies to vacate a certain right-of-way located in the City of Daphne, Alabama in Unit 1 of Dryers Subdivision, as shown in Map Book # 1, Page 78, Instrument# _____ in the Office of the Judge of Probate of Baldwin County, Alabama described herein as follows:

Legal Description
The South 17ft. of the unopened ROW of Church Street along the north boundary of LOT 1 Block #1 of Dyer Subdivision of Daphne Alabama as recorded in Map Book #1 page 78 in the records in the Office of the Judge of Probate.

"The Petitioner" presents unto the Honorable Council the following statements:

1. This vacation of a portion of Church Street is prepared in accordance with the provisions of Section 23-4-20, Code of Alabama, 1975, as may be amended from time to time; and,

2. It is in the best public interest that the right-of-way as described hereinabove be vacated and closed; and,

3. Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property; and,

4. All applicable utility providers, by instruments filed herewith, have consented to the vacation of said right-of-way, and the hereinabove described portion of the said right-of-way and the annulment of the dedication thereof as reflected on said recorded plat; and,

5. A copy of the map illustrating the location of the right-of-way as described hereinabove is attached hereto and incorporated into this petition as a part hereof; and,

"The Petitioner" further requests the Mayor and City Clerk be authorized and directed to execute a resolution which approves, ratifies, adopts, and confirms the vacation of the hereinabove described portion of the said right-of-way with the provisions of Section 35-2-54, Code of Alabama, 1975, as may be amended from time to time.

IN WITNESS WHEREOF, the Petitioner(s) have heretofore set their hand and seals on this the 16 day of January, 2018.

OWNER(S) SIGNATURE: Dayna Oldham

STATE OF ALABAMA)
COUNTY OF BALDWIN)

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

Given under my hand and seal on this 16 day of January, 2018.

Notary Public
My Commission Expires

VOR 2016

6. The street addresses and legal descriptions of all property abutting the right-of-way as described hereinabove and the names and addresses of the owner of said abutting properties are provided below:

Name	Street Address	Legal Description
City of Daphne ATTN: Dane Haygood	P.O. Box 400 Daphne AL 36526	

7. All applicable adjacent property owners, by instruments filed herewith, have consented to the vacation of said right-of-way, and the hereinabove described portion of the said right-of-way and the annulment of the dedication thereof as reflected on said recorded plat.

VACATION OF RIGHT-OF-WAY
A PORTION OF CHURCH STREET
RIFE/OLDHAM

COMMUNITY DEVELOPMENT

Daphne

ALABAMA

The Jubilee City

September 2017 Planning Report

ARTICLE XXIV
VACATION OF EASEMENT AND/OR RIGHT-OF-WAY

24-1 PROCEDURE

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

(a) An application on the prescribed form shall be submitted in writing to the Department of Community Development thirty (30) days prior to the regularly scheduled meeting of the Planning Commission and must be accompanied by an adjacent property owners list, warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property.

(b) The application shall be reviewed by the Planning Commission at its next regular meeting.

(c) Said Commission before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper notice as required by law. Due notice shall also be given to the parties in interest of the date, time, and place of said hearing.

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

(d) Said easement or right-of-way shall be vacated and/or relocated upon the recommendation of the Planning Commission and the acceptance by resolution of the City Council.

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

COMMUNITY DEVELOPMENT
VACATION OF RIGHT-OF-WAY REVIEW

Sarah Rife
Vacation of a Portion of Church Street

Dayna Oldham proposes to vacate a portion of Church Street located between 1618 Sixth Street and the Daphne Arts Center. Vacation of Right-of-Way process is governed by Code of Alabama Sections 23-4-20 and 35-2-54 and Article 24 of the Land Use & Development Ordinance.

Questions to consider as outlined in the code include the following (with staff comments highlighted in red):

- Is it in the best interest of the public to vacate this portion of Main Street?

  The additional area would benefit the property owner by enlarging the existing parcel, and bringing into compliance the existing carport which encroaches into the right of way.

  The area is paved currently used by the Arts Center and the occupants of the house. The area is utilized during Mardi Gras and other parades or runs for standing and parking along the parade route. Otherwise, there is no other public use for the land.

- Will vacation deprive other property owners of a convenient and reasonable means of ingress and egress to their property?

  Daphne City Hall abuts this right of way. Since the building was expanded, the subject right-of—way has not been used for ingress/egress. Ms. Oldham proposes to vacate a portion of the right of way and according to a conversation with Mayor Haygood and the Public Works director, the other half could be vacated for the purpose of providing additional parking by the Arts Center.

- Have all applicable utility providers consented to the vacation of this right of way?

  The applicant proposes to allow utility infrastructure to remain and not divest any utility provider of any existing rights to enter upon the land and service the lines.

- Have all applicable adjacent property owners consented to vacation of this right of way?

  Pending approval from the Mayor Haygood on behalf of the City of Daphne, owner of two adjacent properties.

Staff Recommendation: Recommend approval.

Daphne ALABAMA
The Jubilee City

Vacation of Right-of-Way Application

OFFICE USE ONLY	Application Number: VOR- 17-01	Date Submitted: Aug. 30, 2017
Planning Commission Decision:		Date Presented: Sept. 28, 2017
Date Submitted to City Clerk:		
Council Resolution Approval Date:		RESOLUTION NUMBER#

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

Property Owner(s): Dayna Oldham

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

Mailing Address: 1618 Sixth Street daynaoldham@yahoo.com

Daytime Phone: 751-6726 **Alternate Phone:** 621-8743 **Fax:** 621-8744

Location: Unit Blk 1 **Subdivision:** Dryers **Lot(s):** **Unit or Phase:**

Reason for request: My carport is in the ROW. I would like to free the grass area for use by me + my family.

To the best of your knowledge, are any utilities in the right-of-way or ingress/egress easement (including drainage ditches or pipes)? No

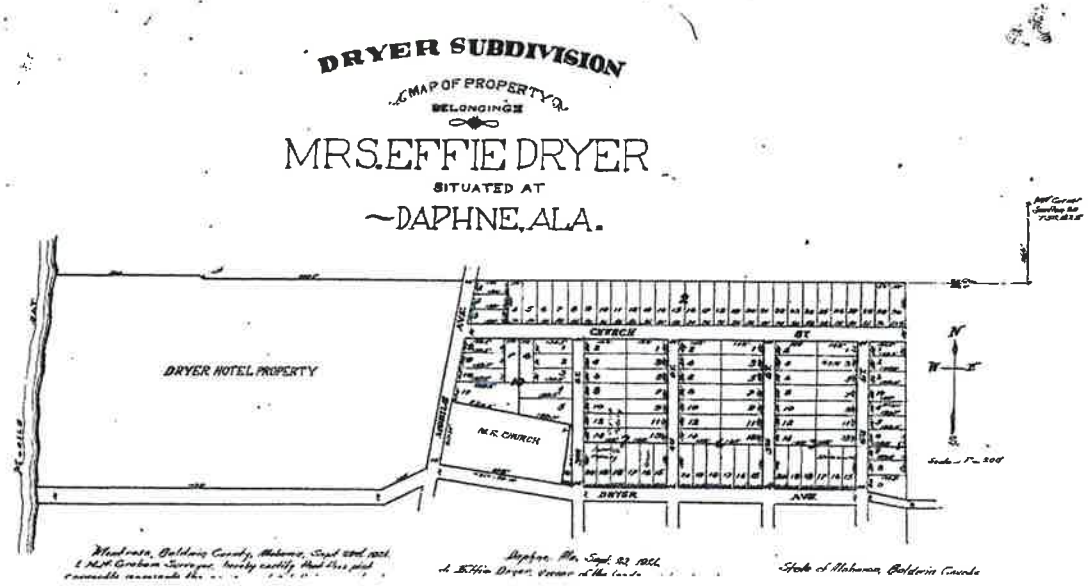
Check each item included:

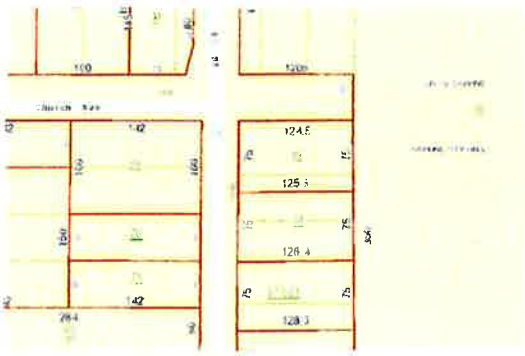
- ✓ Completed application form with non-refundable fee
- ✓ Notarized *Declaration of Vacation of Right-of-Way* completed by the applicant(s)
- ✓ Recorded subdivision plat or recording instrument by which such right-of-way or easement was dedicated
- ✓ Metes and bounds description of the property to be vacated & calculations of the total area in square feet
- ✓ 1 copy of a survey of the area proposed to be vacated prepared by an Alabama registered surveyor
- ✓ *Right of Way Release Form* from City of Daphne Division of Public Works
- ✓ Completed *Easement Release Form* from applicable utility providers:
  - Utilities Board of the City of Daphne (Daphne Utilities)
  - ~~Park City Water Authority~~
  - ~~Belforest Water System~~
  - Utilities Board of the City of Foley (Riviera Utilities) ✓
  - AT&T
  - Cable Company (Mediacom)
  - Other_____
  - Property Owners Association or similar body (if applicable)
- ✓ List of adjacent property owners. Also attach mailing address labels
- → ___ Completed *Consent to Vacate* forms ***from all owners abutting*** the right-of-way that is to be vacated

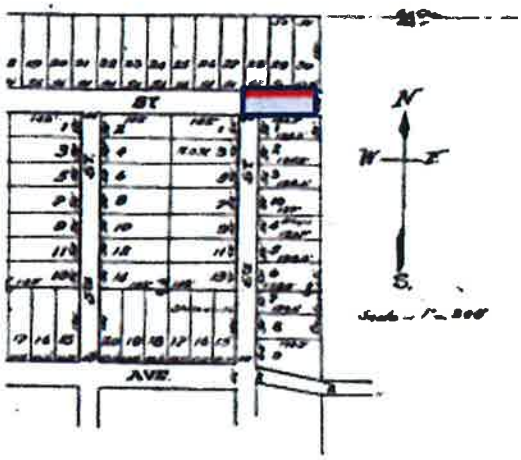
I hereby make application for vacation of certain right-of-way as cited above. I understand that the City may not approve what I am applying for, or may set conditions on approval. All statements contained in this application are true to the best of my knowledge and belief. I have attached all documents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

Signature/Date: Dayna Oldham

VOR 2016







State of Alabama, Baldwin County

RIGHT-OF-WAY/EASEMENT RELEASE FORM

WHEREAS, there currently exists a 50 ft. foot right of way dedicated as a public street, but not in use, known as Church Street located in the City of Daphne; and,

WHEREAS, a petition has been submitted to vacate a certain right-of-way as shown in "Exhibit A", we the undersigned, Richard D. Johnson, PE, do hereby give our permission/consent to vacate the drainage and utility easement within the right-of-way located in Unit BLK of DRYERS Subdivision, as shown in Map Book 1, Page 78, Instrument#_____ in the Office of the Judge of Probate of Baldwin County, Alabama pursuant to the following terms and conditions:

No objections, terms, or conditions to the vacation described above.

No objections to the vacation described above, provided the following terms and conditions:

1. All public utility easements are accommodated and/or preserved prior to vacation.
2. Access is not inhibited to any City-owned property (Daphne Art Center).
3. Any and all other recorded and/or prescriptive easements remain in place.

Objects to the vacation described above, reason described below.

AGENCY NAME: City of Daphne - Division of Public Works

By: Richard D. Johnson

Its: Director

STATE OF ALABAMA)
COUNTY OF BALDWIN)

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

Given under my hand and seal on this the 16 day of August, 2017.

Michele T. Hanson

Notary Public

My Commission Expires Michele T. Hanson My Commission Expires January 28, 2019

VOR 2016

CONSENT TO VACATE RIGHT-OF-WAY
ADJACENT PROPERTY OWNER

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

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

The undersigned Dane Haygood, Mayor, City of Daphne is/are the owner(s) of property adjacent to a Portion of Church Street, a right-of-way proposed to be vacated by The City of Daphne, Alabama. The right-of-way is located in Unit BLK of Dryer's Subdivision, as shown in Map Book 1, Page 78, Instrument# _____ in the Office of the Judge of Probate of Baldwin County, Alabama.

We, the undersigned, have consented to the vacation of said right-of-way. Such vacation will not deprive the undersigned of a convenient and reasonable means of ingress and or egress to our property located at 1705 Main Street; Daphne, AL 36526 - known as Daphne City Hall.

OWNER(S) SIGNATURE: _____

Dane Haygood, Mayor, City of Daphne

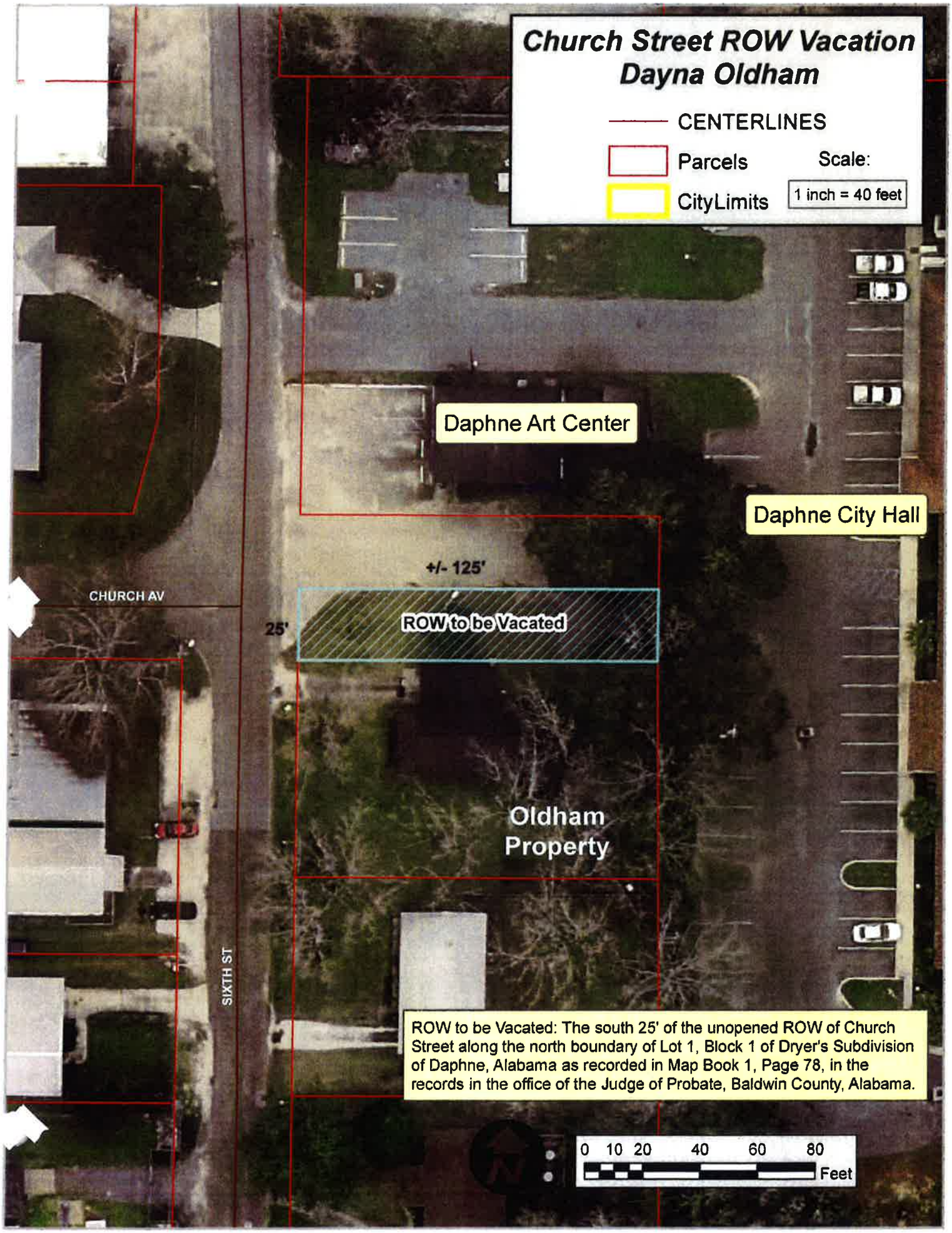
STATE OF ALABAMA)
COUNTY OF BALDWIN)

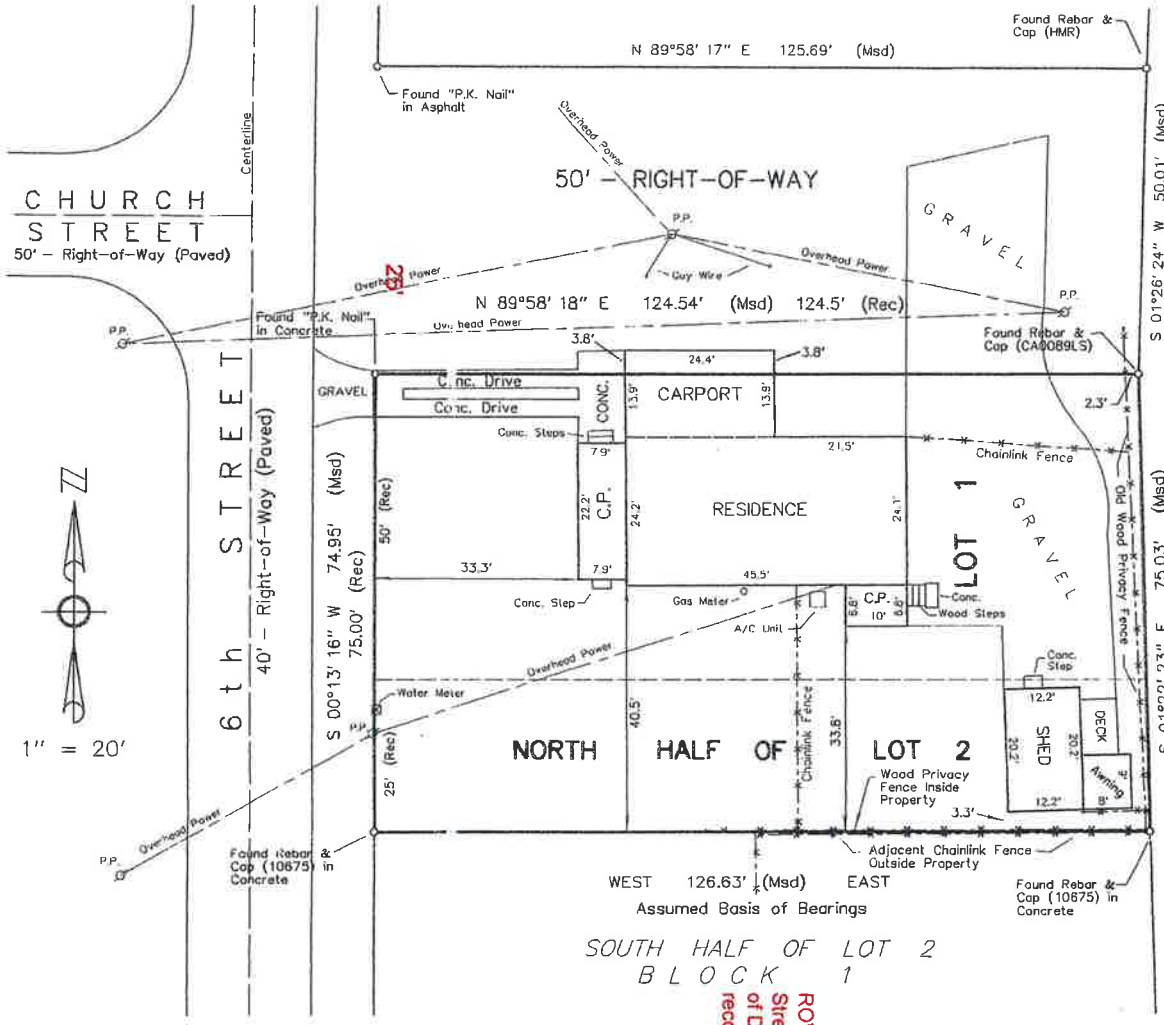
I, the undersigned, a Notary Public in and for said County and in said State hereby certify that , whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the ____ day of _____, _____

_____
Notary Public
My Commission Expires _____

VOR 2016


Church Street ROW Vacation
Dayna Oldham
CENTERLINES
Parcels
CityLimits
Scale:
1 inch = 40 feet
Daphne Art Center
Daphne City Hall
+/- 125'
CHURCH AV
25'
ROW to be Vacated
Oldham Property
SIXTH ST
ROW to be Vacated: The south 25' of the unopened ROW of Church Street along the north boundary of Lot 1, Block 1 of Dryer's Subdivision of Daphne, Alabama as recorded in Map Book 1, Page 78, in the records in the office of the Judge of Probate, Baldwin County, Alabama.
0 10 20 40 60 80
Feet



"EXHIBIT A"

(STATE OF ALABAMA)
(COUNTY OF BALDWIN)

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

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

ALL ACCORDING TO MY SURVEY MADE THIS THE 7th DAY OF AUGUST, 2017.

I ALSO STATE THAT THIS DRAWING AND OR CERTIFICATION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH, OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENTS AT TIME OF SURVEY.

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

ROW to be Vacated: The south 25' of the unopened ROW of Church Street along the north boundary of Lot 1, Block 1 of Dryer's Subdivision of Daphne, Alabama as recorded in Map Book 1, Page 78, in the records in the office of the Judge of Probate, Baldwin County, Alabama.

NOT VALID WITHOUT EMBOSSED SEAL

RECEIVED
SEP 13 2017
COMMUNITY DEVELOPMENT

BOUNDARY SURVEY
AT THE REQUEST OF
"DAYNA OLDHAM"
1618 6TH STREET
DAPHNE, AL 36526

BOUNDARY DESCRIPTION:
LOT 1 AND NORTH ON-HALF OF LOT 2 IN BLOCK 1 OF DRYER'S SUBDIVISION OF DAPHNE, ALABAMA, AS RECORDED IN MAP BOOK 1, PAGE 78, IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

PROJECT NO:	17125
DATE:	08/07/17
SCALE:	1" = 20'
DRAWN BY:	MK
FIELD WORK:	08/07
FIELD BOOK:	RGR3
SHEET 1 OF 1 SHEETS	

LEGEND
P.P. = POWERPOLE
MH = MANHOLE
REC = RECORD
P.L. = PROPERTY LINE
I.R. = FOUND IRON PIN
C.P. = COVERED PORCH
CONC. = CONCRETE
P.O.B.= POINT OF BEGINNING
ARC= ARC LENGTH
U.G.= UNDERGROUND
ELEV = ELEVATION
MH = MANHOLE
T.P. = TELEPHONE PEDESTAL
CATV = CABLE TELEVISION
+/- = MORE OR LESS
CALC = CALCULATED

GEO-SURVEYING, INC.
PROFESSIONAL LAND SURVEYING
129 Club Drive
Fairhope, Alabama 36532
Phone: (251) 990-0815 Fax: (251) 990-0866

SEAL

REVISIONS		
DESCRIPTION	DATE	BY

MEMORANDUM

To: Office of the City Clerk

From: Adrienne D. Jones,
Director of Community Development

Subject: WPNVA, L.L.C. Jay-E, L.L.C., John White-Spunner & Chester J. Stephan Zoning Amendment

Date: January 26, 2018

PRESENT ZONING: R-4, High Density Single & Multi-Family Residential

PROPOSED PRE-ZONING: B-2, General Business

LOCATION: Southeast corner of U.S. Highway 98 & Johnson Road

RECOMMENDATION: At the Thursday, January 25, 2018, regular meeting of the Daphne Planning Commission, seven members were present, and **the motion carried for a favorable recommendation for B-1, Local Business, in lieu of B-2 General Business** for the above mentioned 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 of Monday, February 5, 2018 to set a public hearing.

Thank you,
ADJ/jv

attachment(s)

1. Zoning Amendment Application
2. Community Development Report
3. Citizen Comments

FILE
01/26/18
10:00 am

APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816	Date Submitted 12/21/17
Application Number: ZA- 18 -01 or PZA-	Planning Commission Public Hearing Date: 01/26/18

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 CORNER OF U.S. HWY. 98 & JOHNSON ROAD	PPIN#(s): 035698
Gross Site Area (acreage): 5.8	Requested Zoning or Pre-Zoning: B-2, GENERAL BUSINESS
Current Zoning Designation(s): R-4, HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL	Amended Request: Initials: Date:
Current Land Use: AGRICULTURAL	Anticipated Land Use: COMMERCIAL

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": SEE ATTACHED LEGAL DESCRIPTION ON EXHIBIT A

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: WPNVA, LLC, JAY-E, LLC, CHESTER STEFAN, JOHN WHITE - SPUNNER	
Mailing Address: C/O WHITE - SPUNNER REALTY P.O. BOX 7475, MOBILE, AL 36670	**Phone/Fax:** 251.471.1000 **E-mail:**
Name of Authorized Agent: WILLIAM M. "B.J." LYON, JR. AND/OR SHARON WRIGHT	B.J. - 251.378.3623 bj@lyonlawmobile.com
Mailing Address: B.J. - P.O. BOX 8331, MOBILE, AL 36689 SHARON - P.O. BOX 7475, MOBILE, AL 36670	**Phone/Fax:** Sharon - 251.471.1000 **E-mail:** sharonewhite-spunnerrealty.com
Name of Developer*: N/A	**Phone/Fax:** **E-mail:**
Other:	**Phone/Fax:** **E-mail:**

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

Applicant's Signature:	Date
Agent's Signature:	Date

REVERSIONARY CLAUSE ACKNOWLEDGEMENT

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

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

CURRENT OWNER'S ACKNOWLEDGEMENT

I, WPNVA, LLC, JAY-E, LLC, CHESTER J. STEFAN AND JOHN WHITE-SPUNNER, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 12/20/17

PRINTED NAME OF CURRENT OWNER/PETITIONER

B.J. LYON JOHN WHITE-SPUNNER

DEVELOPER'S ACKNOWLEDGEMENT

I, N/A, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 12/20/17

WPNA, LLC, Jay-E, LLC, Chester Stefan

PRINTED NAME OF DEVELOPER John White-Spunner

PROPERTY ADDRESS OR PPIN#(S): 035698

WPNVA, L.L.C., JOHN WHITE-SPUNNER, JAY-E, L.L.C. & CHESTER STEPHAN

SOUTHEAST CORNER OF U.S. HIGHWAY 98 AND JOHNSON ROAD

ZONING AMENDMENT

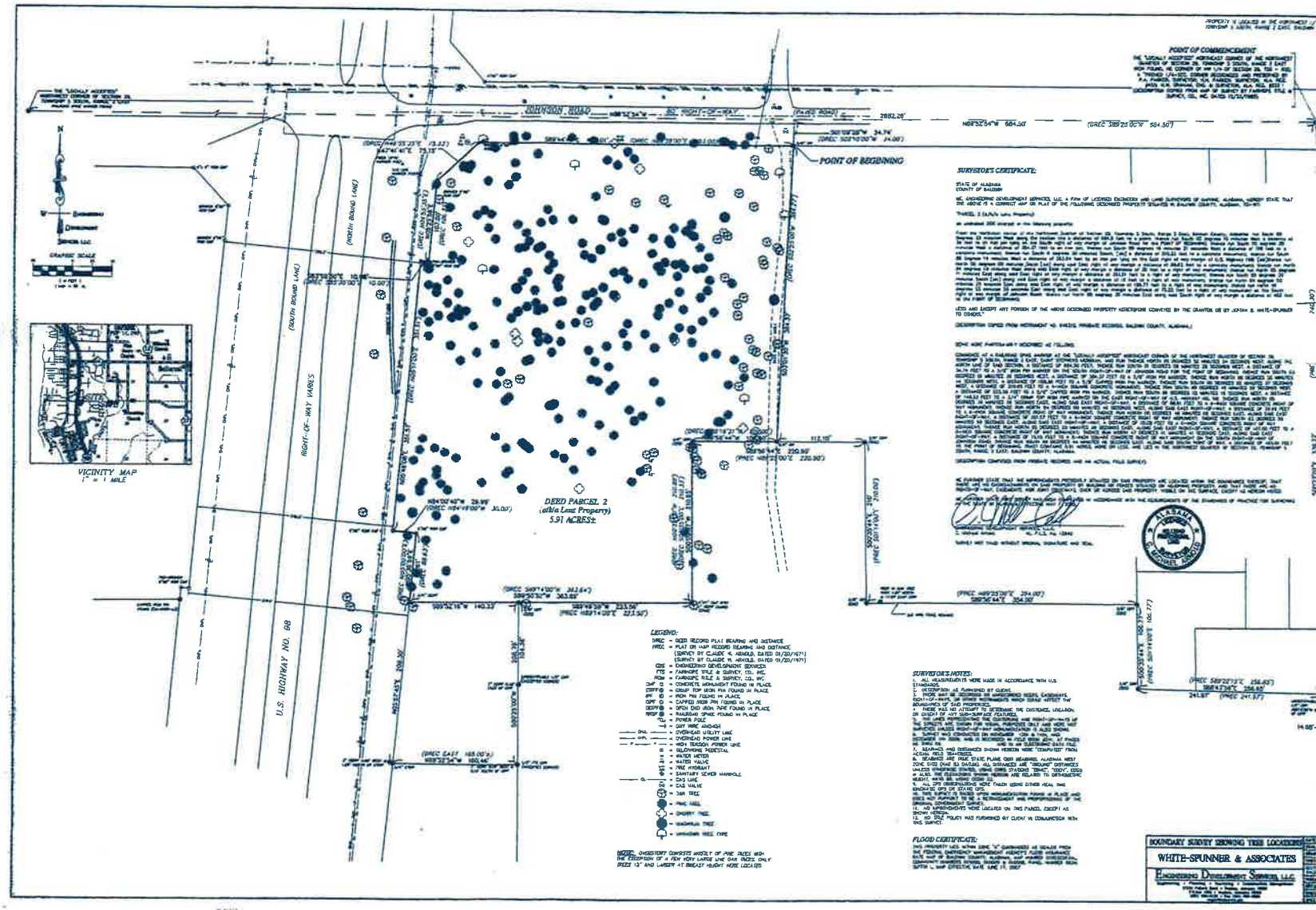
Exhibit "A"

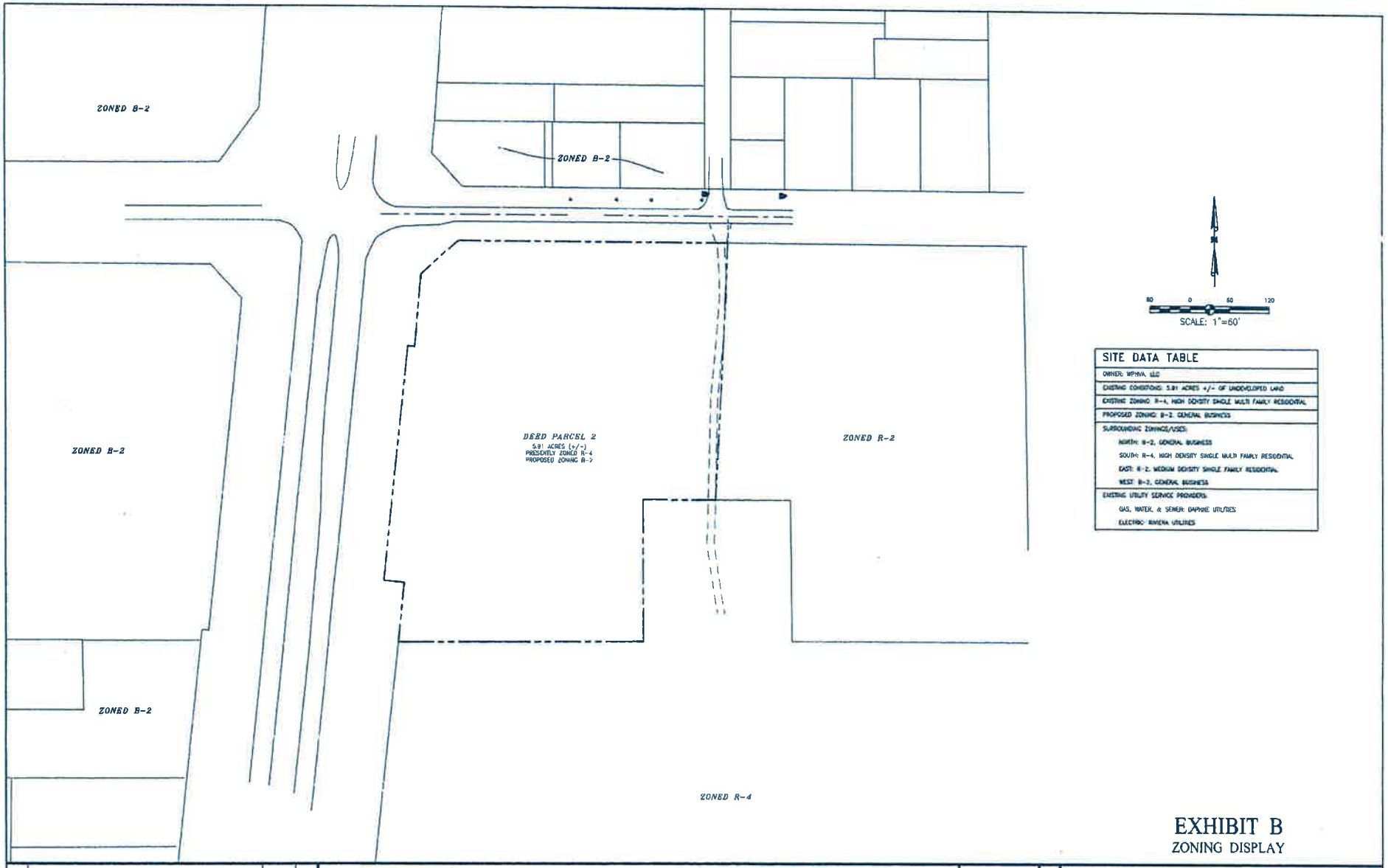
LEGAL DESCRIPTION OF PROPERTY:

PARCEL 2 (a/k/a Lenz Property), an undivided 20% interest in the following property:

From the Northeast corner of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama: run South 89 Degrees 25 minutes West along the section line a distance of 684.5 feet to a point; thence run South 02 degrees 10 minutes West a distance of 34 feet to an iron pin lying on the South right of way margin of Johnson Road for the POINT OF BEGINNING; thence run South 02 degrees 25 minutes West a distance of 384.27 feet to an iron pin; thence run South 89 degrees 16 minutes 21 seconds West a distance of 109 feet to a concrete monument; thence run South 0 degrees 35 minutes South; [sic] a distance of 210.33 feet to a concrete monument; thence run South 89 degrees 14 minutes West a distance of 363.64 feet to an iron pin lying on the East right of way margin of U.S. Highway 98; [sic]thence run North 05 degrees 00 minutes South [sic] along said East right of way margin a distance of 88.63 feet to a concrete monument; thence run North 84 degrees 49 minutes West along said East right of way margin a distance of 30 feet to a right of way monument; thence run North 05 degrees 11 minutes East along said East right of way margin a distance of 351.51 feet to a right of way monument; thence run South 85 degrees 30 minutes South [sic] along said East right of way margin a distance of 10 feet to a right of way monument; thence run North 04 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 106.77 feet to a right of way monument; thence run north 46 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 75.25 feet to a right of way monument on the South right of way margin of Johnson Road; thence run North 89 degrees 39 minutes East along said South right of way margin a distance of 403 feet to the POINT OF BEGINNING; containing 5.8 acres more or less.

EXHIBIT B


POINT OF COMMENCEMENT
POINT OF BEGINNING
JOHNSON ROAD
U.S. HIGHWAY NO. 98
RIGHT-OF-WAY VARIES
(SOUTH BOUND LANE)
(NORTH BOUND LANE)
DEED PARCEL 2
(a/k/a Lease Property)
5.91 ACRES±
VICINITY MAP
1" = 1 MILE
GRAPHIC SCALE
SURVEYOR'S CERTIFICATE:
LEGEND:
SURVEYOR'S NOTES:
FLOOD CERTIFICATE:
BOUNDARY SURVEY SHOWING TREE LOCATIONS
WHITE-SPUNNER & ASSOCIATES
ENGINEERING DEVELOPMENT SERVICES, LLC



SITE DATA TABLE
OWNER: WPNVA, LLC
EXISTING CONDITIONS: 5.91 ACRES +/- OF UNDEVELOPED LAND
EXISTING ZONING: R-4, HIGH DENSITY SINGLE MULTI FAMILY RESIDENTIAL
PROPOSED ZONING: B-2, GENERAL BUSINESS
SURROUNDING ZONINGS/USES:
NORTH: B-2, GENERAL BUSINESS
SOUTH: R-4, HIGH DENSITY SINGLE MULTI FAMILY RESIDENTIAL
EAST: R-2, MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
WEST: B-2, GENERAL BUSINESS
EXISTING UTILITY SERVICE PROVIDERS:
GAS, WATER, & SEWER: DAPHNE UTILITIES
ELECTRIC: RIVIERA UTILITIES

EXHIBIT B
ZONING DISPLAY

NO	REVISION	DATE	INITIAL

HMR

HUTCHINSON, MOORE & RAUCH, LLC
2039 MAIN STREET
DAPHNE, ALABAMA
36526
ENGINEERS ◆ SURVEYORS
LAND PLANNERS
TEL (251) 626-2626
FAX (251) 626-6934
daphne@hmrengineers.com

NOT FOR CONSTRUCTION

4468-10.01

PROPOSED REZONING OF PPIN# 035698
ZONING DISPLAY
WPNVA, LLC

SCALE	DATE	DRAWN BY	CHECKED BY	SHEET
1"=60'	MARCH 2017	AJT	JHR	1 OF 1

ADJACENT PROPERTY OWNERS
WPNVA, LLC / WHITE-SPUNNER REALTY

43-09-29-2-000-007.000
PICKETT, OTIS ETAL PICKETT, MADELINE
3716 HOLLY RIDGE CIR
MOBILE, AL 36693

43-04-20--3-000-067.001
WILLIAMS, ELLEN
1308 0AKST
DAPHNE AL 36526

43-04-20-3-000-071.001
AUTRY, MAXINE
1005 JOHNSON RD
DAPHNE, AL 36526

43-04-20--3-000--071.000
43-04-20-3-000-071.002
LAWSON, JEWEL
PO BOX 2
DAPHNE AL36526

43-04-20-3--000-052.000
DAPHNE , CITY OF
PO BOX 400
DAPHNE, AL 36526

43-09--29--2-000--009.000
CITIZENS BANK INC
PO BOX 569
ROBERTSDALE, AL 36567

43-09-29--2-000--020.000
JOHNSON, ROBERT L ETUX MONYA M
1960 STORY RD
SAN JOSE, CA 95122

43-09-29-2-000--027.000
COLONNADE AT EASTERN SHORE LLC
116 ONE MADISON PLAZA, SUITE 2100
MADISON, MS 39110 .

43-09-29-2-000-008.000
WPNVA, LLC ETAL
C/O SHARON WRIGHT
WHITE-SPUNNER REALTY
3201 DAUPHIN STREET, SUITE A
MOBILE, AL 36606

PLANNING COMMISSION
REZONING REQUEST FOR
WPNVA, LLC., JAY-E, LLC., JOHN WHITE-SPUNNER, CHESTER J. STEPHAN

Excerpt from City of Daphne Zoning Map

Existing Conditions: 5.8 acres+/- wooded undeveloped land

Existing Zoning: R-4 High Density Single Family Residential

Proposed Zoning: B-2, General Business

Surrounding Zonings/Uses:

North - B-2, General Business/single family residence

South - R-4, High Density Single Family Residential/The Colonnade Apartments-240 units

East - R-2, Medium Density Single Family Residential/undeveloped wooded land

West - B-2, General Business/Johnson Road Drainage Improvement project site (has not begun construction as of yet)

Existing Utility Service Providers:

Water, Sewer, Gas- Daphne Utilities

Electric - Riviera Utilities

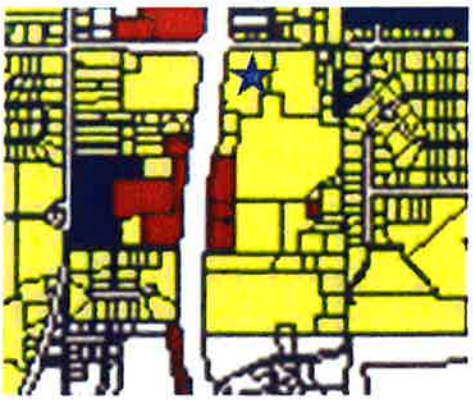
Affected City Service Providers:

Fire Protection-Station 1 Police Protection-Police Beat 1

Public Works

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The future land use map shows this area as residential; however, the plan did not take into account the presence of B-2, General Business zones on three corners of Highway 98 and Johnson Road. Rezoning the subject property to a commercial zoning district would be consistent with previously established zoning in the immediate area.



Existing Conditions

The site is located southeast of the intersection of Johnson Road and U.S. Highway 98. This intersection is the gateway into the Daphmont neighborhood, a single family residential community which has been in existence since 1958. Three parcels to the north across Johnson Road are zoned B-2, General Business. There are two residences and one undeveloped lot; however, at this time, neither parcel is being used for commercial purposes. The subject property abuts the Colonnade Apartment complex, a 240-unit multi-family residential development which opened in 2016. The lot to the west is zoned R-2, Medium Density Single Family Residential: the site is also undeveloped.

Staff Comments

The applicant has submitted a petition to rezone 5.3 acres from R-4 to B-2, General Business. No indication of the future use has been provided.

In recent years, Council has added new commercial zoning classifications and established precedents for commercial zoning where it abuts residential property. In 2015 and 2016 the City of Daphne amended the Land Use and Development Ordinance adding new zoning classifications for commercial use. B-2(A), General Business Alternate was adopted in May 2015. According to Article 12 of the Land Use and Development Ordinance, "This district is intended to provide opportunity for *activities that are more compatible with restrictive business districts and residential uses than those allowed in B-2*, General Business. These uses may serve as a regional or a local market and may require location in proximity to major transportation routes." Additionally, in June 2016 the B-1(A), Limited Local Business district was adopted.

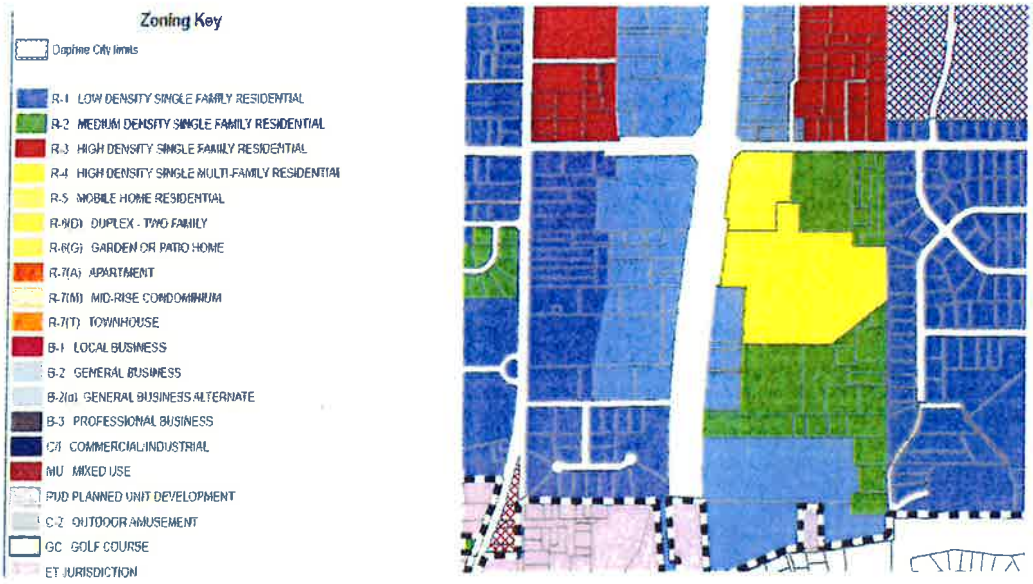
The zoning petition for the White-Spunner, et. al., property located at the northwest intersection of County Road 13 and U.S. Highway 90 was initially presented as B-2, but after the public hearing and upon receipt of the Planning Commission's input, the petitioner changed part of the request to B-2(A). On January 17, 2017, the City Council approved B-2 at the intersection only and approved the remaining area along County Road 13 as B-2(A); most notable here, the B-2(A) zoned portion abuts property rezoned as residential. (Reference Ordinance# 2016-81).

On June 5, 2017, the City Council concurred with the Planning Commission's March 2017 recommendation to rezone property to B-2(A) zone in lieu of the originally requested B-2 zoning. That property is located along U.S. Highway

90, due south of Renaissance Boulevard: across from B-2 zoned property and notably so, it is adjacent to residential zoned property. (Reference Ordinance 2017-45).

Recommendation: B-2 zone district would be consistent with the zoning of property located to the north and across Highway 98 to the west; however the City Council has adopted a zoning district which is intended to be *more compatible with restrictive business districts and residential uses than those allowed in B-2*, General Business. Commercial zoning is an obvious choice for a major intersection but it may be the case that B-2(A) zoning would be the better choice.

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.



Excerpt from City of Daphne Zoning Map

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

To: The Planning Commission and the Daphne City Council Members

We, the undersigned property owners and/or residents of the Daphmont Subdivision, do hereby oppose the proposed rezoning of the property on the Southeast Corner of U.S. Highway 98 and Johnson Road.

We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

	Print Name	Address	Phone #	Signature
1	Elease Powe	1306 Warren Dr	626 1534	Elease C Powe
2	Cooper Banks	1009 Pickett Ave	689-4055	Cooper Banks
3	Mary Welding	1012 Jones	251-626-5035	Mary Welding
4	Alexander Miller	1114 Johnson Rd	251 2324489	Alexander Miller
5	Elizabeth W. Miller	1112 Johnson Rd	251-626-0911	Elizabeth W Miller
6	Marjorie Y. Lewis	715 Daphmont Drive	251-626-1638	Marjorie Y. Lewis
7	Ora Arnold	1111 Harmony Drive	(251) 626 6877	Ora Arnold
8	Michael L. Hobbs	706 Daphmont Drive Daphne AL 36526	251 599-0394	Michael L. Hobbs
9	Janet Taylor	1317 oak Street Daphne, AL 36526	251 409-2093	Janet Taylor
10	Ellen Williams	1308 Oak St Daphne AL 36526	251 626-1080	Ellen Williams
11	Douglas M. Beard	Dean	626-8532	

PZ meeting 01/25/18 5:00 pm

	Print Name	Address	Phone #	Signature
12	LEON L. ALLEN	816 DAPHNEMONT DR	626-5951	Leon L. Allen
13	Sierra Patterson	711 Cedar Drive	525-0737	Sierra Patterson
14	Rhonda Pettibone	603 Elm Dr	604-1431	Rhonda Pettibone
15	JAMES SEWELL	1309 Johnson Rd.	716-2390	James Sewell
16	Josephine Sewell	1309 Johnson Rd.	222-2139	Josephine Sewell
17	Marie Sappard	504 Pine St		Marie Sappard
18	Mary C. Longmire	600 Pine St	(251) 689-6047	Mary C. Longmire
19	Marine Autry	1005 Johnson	251 288389	Marine Autry
20	Jennett Stubbs	1406 Maple Dr	621-1397	Jennett Stubbs
21	Linda + Thomas Batie	1312 Warren Dr.	626-1432	Linda Batie
22	Eddie Rudolph	710 Daphnemont Dr Daphne	348-4870	Eddie Rudolph
23	Majid Gharbi	503 Pine ST	707 534-9220	Majid Gharbi
24	George Rudolph	1306 Oak St Daphne	605-4378	George Rudolph
25	Lola Herron	604 Pine ST. Daphne	251-626-1768	Lola Herron
26	Eddie Herron	604 Pine St. Daphne, al.	626-1768	Eddie Herron
27	Terese Howard	604 Pine ST. Daphne, al	626-1768	Terese Howard
28	India Hopkins	704 Pine St. Daphne	367-1696	India Hopkins
29	Richard Hopkins	704 Pine St. Daphne	367-1344	Richard Hopkins
30	Alfred Agee	702 Pine St Daphne	251 626 1611	Alfred Agee Jr.
31	Yvonne Agee	702 Pine St	251-626-1611	Yvonne Agee

Print Name	Address	Phone #	Signature
32 Robert Gulley	1403 MAPLE Dr	251 626 773	Robert Gulley
33 George Smith	1408 Maple Dr	622-5468	[illegible]
34 Gloria Smith	1408 Maple Dr	622-5468	[illegible]
35 Jennett Stubbs	1407 Maple	621-1397	[illegible]
36 Mary Coats	1404 Maple Dr	626-1221	Mary M. Coats
37 Bendy Tinsley	1408 Maple Dr	689-1939	Bendy Tinsley
38 Bernadette Douglas	504 Pecan Dr	459-1963	[illegible]
39 Lena Quinney	501 Pecan Dr	626-2102	Lena Quinney
40 Jason Barrow	502 Pecan Dr	272-0171	Jason Barrow
41 Bessie Walker	501 Pecan Dr		Bessie Walker
42 Carl L. Sifford	504 PINE ST.	626-5498	Carl L. Sifford
43 Cedric Sledge	605 Daphnmont Dr	786-0399	Cedric Sledge
44 Adell Powe	607 Daphmont Dr	209-2031	A Powe
45 Lynderia Montgomery	126 Valrie Lane	(251)382-5012	[illegible]
46 [illegible]	126 Valrie Lane	251 382-5012	[illegible]
47 Marcelete Mitchell	127 Valrie Ln	251-626-1071	Marcelete Mitchell
48 Dagean Reed	110 Valrie Lane	(251) 680-6224	Dagean Reed
49 Andrie McConico	113 Valrie Lane	251-591-4343	Andrie McCon
50 ALLISON SAMPLEY	607 DAPHMONT DR	251 2095828	[illegible]
51 Derrick Yelding	712 Daphmont Dr	2513670581	Derrick Yelding

	Print Name	Address	Phone #	Signature
52	Denita Patterson	711 Cedar Dr., Daphne	232-6320	Denita Patterson
53	Bob Patterson	711 Cedar Dr. Daphne	232-1291	Bob Patterson
54	Brianna Patterson	711 Cedar Dr. Daphne	232-1863	Brianna Patterson
55	Timothy Wms	717 Cedar Dr	367-5840	Timothy Wms
56	Gloria Wisby	717 Cedar Dr	367-5840	Gloria Wisby
57	Evelyn Campbell	714 Cedar Dr.	625-4460	Evelyn Campbell
(2)	Harry & Hazel Baldwin	721 Cedar Dr	621-0154	HARRY & HAZEL BALDWIN
60	Julius Bradley	719 Cedar Dr.	626-3687	Julius Bradley
61	Deborah Bradley	719 Cedar Dr.	626-3687	Deborah Bradley
62	Demerica Wms	707 Cedar Cir	626-5983	Demerica
63	Ruth Hector	707 Cedar Cir	626-5983	Ruth Hector
64	Damian Smith	707 Cedar Cir	626-5983	Damian S.
65	Riley Hector	707 Cedar Cir	626-5983	Riley H.
66	Bria Howard	604 Pine St.	626-7768	Bria Howard
67	Vashti Johnson	800 Pine St.	678-386-7446	Vashti Johnson
68	Jordan Smith	800 Pine St.		
69	Sonia Reed	802 Pine St	251-554-5886	Sonia Reed
70	Jay Reed	802 Pine St		Jay Reed
71	Sierra Hunt	802 Pine St		Sierra Hunt
72	Jay Reed Jr	802 Pine St		Jay Reed Jr.
73	Ardella Jackson	501 Pine St, Daphne	251-610-1816	Ardella Jackson

	Print Name	Address	Phone #	Signature
74	Cora Johnson	7736 Gaskin lane	554-8482	Cora Johnson
75	Henry Thomas	7470 Gaskin LA.	2093718	Henry Thomas
76	Rachel Thomas	7470 GASKIN LA	2093716	Rachel Thomas
77	Edward Schubert	1301 oak St.	408-1628	[illegible]
78	Ashley Schubert	1301 OAK ST.	408-1628	[illegible]
79	William Wright	604 Daphnant DR	623 5055	[illegible]
80	Susan Wright	604 Daphnant Dr	552-1438	[illegible]
81	Lurvia Smith	907 JONES ST	753-[illegible]	Lurvia Smith
82	Joseph Smith	907 JONES ST	604 0174	Joseph Smith
83	Robert Tensley	1004 Pickett (Alley)	623-2325	[illegible]
84	Byron Baker	508 Pine Street	232-2[illegible]	[illegible]
85	Rudolph Baker	508 Pine St	656-5899	Rudolph Baker
86	Kathleen Baker	508 Pine ST.	621-1713	Kathleen Baker
87	Fred Pickett			[illegible]

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

To: The Planning Commission and the Daphne City Council Members

We, the undersigned property owners and/or residents of the Daphmont Subdivision, do hereby oppose the proposed rezoning of the property on the Southeast Corner of U.S. Highway 98 and Johnson Road.

We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

	Print Name	Address	Phone #	Signature
88	Cora Campbell	603 Daphmont Dr	251-626-1947	Cora Campbell
89	Lula Dungan	506 Daphmont dr	272-2302	Lula D
90	Toni White	1198 Browns Ln	281-6456	Toni White
91	IRENE	GASKIN	BATHER	
92	[illegible]	501 Daphmont dr	545-5018	[illegible]
93	[illegible]	201 Daphmont	2516458960	[illegible]
94	[illegible]	207	[illegible]	[illegible]
95	CLARA DALE	251-508-3451		
96	PAUL DALE	251-186-6292		
97	PAUL DALE JR.	251-209-6231		
98	Dorothy Dale	251-990-8441		Dorothy Dale

PETITION TO OPPOSE REZONING

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	Print Name	Address	Phone #	Signature
99	Ruth Y Bolton	1205 Warren Dr	251 626-8981	Ruth Y Bolton
100	Larry L. Yelding	1207 Warren Dr	251 422-8215	Larry L Yelding
101	Ellen L Yelding	1207 Warren D.R	251 422-8215	Ellen L Yelding
102	Ebony G. Yelding	1207 Warren Drive	251-550-4445	Ebony G Yelding
103	Charlesetta Rudolph	703 Daphmount	251-455-0337	Charlesetta Rudolph
104	Mary Wood	713 Daphmont Dr.	251-626-0935	Mary Wood
105	Damian Bolton	1205 Warren Dr	251-626-8981	Damian Bolton
106	Rosa Nell Turner	700 Pine St Daphne	251-454-0788	Rosa Nell Turner
107	Janice Reed	1200 Warren Dr	251-391-8080	Janice Reed
108	Norman Reed	1200 Warren Dr	251-604-3078	[illegible]
109	Christine Greene	807 Daphmont Dr.	251-510-1485	[illegible]

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	Print Name	Address	Phone #	Signature
110	Erica Washington	700 cedar drive	(251)455-8469	[illegible]
111	Lizzie Bagley	702 Cedar drive	(251) 626-2[illegible]	[illegible]
112	Clifford Hall, Sr	701 Cedar Dr.	251/626-0709	Clifford Hall
113	Julia G. FRYe	703 Cedar DR	251-626-638[illegible]	Julia Frye
114	Leonard Mitchs	705 Cedar Dr	251-654-118[illegible]	[illegible]
115	Mary A. Highsmith	704 Cedar Dr. Daphne	251-643-5490	Mary A. Highsmith
116	George Highsmith	704 Cedar Dr Daphne	251-406-9178	George Highsmith
117	Alice V. HARDIN	708 CEDAR DAPHNE	251-644-8278	Alice V. Hardin
118	Barbara Smith	709 Cedar Dr.	621-7818	Barbara Smith
119	Sharonda Gregory	715 Cedar Dr Daphne, AL	295-5663	S. Gregory
120	Minnie Reid	713 Cedar Dr.	251-626-3317	Minnie Reid

8

PETITION TO OPPOSE REZONING

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	Print Name	Address	Phone #	Signature
121	Alice Smith	P.O. Box 1722 Daphne, AL 36526	251-232-4044	Alice Smith
122	Don Smith	P.O. Box 1722 Daphne, AL 36526	251-229-0742	Don Smith
123	Janet Cottrell	P.O. Box 472 Daphne, AL 36526	251-423-4300	Janet Cottrell
124	Cameron Reed	P.O. Box 1722 Daphne, AL 36526	(251) 626-6194	Cameron Reed
125	Ellen Thompson	1003 Pine St Daphne, AL	251.626-9859	Ellen Thompson
126	LAURA BALDWIN	913 JONES ST DAPHNE, AL	251-626-0997	Laura Baldwin
27	Joyce Hutera	912 Jones St Daphne, AL	251-284-7575	Joyce Hutera
28	Michelle Howard	P.O Box 795 604 Pine ST	251-626-1768	Michelle Howard
29	FLOYD TOLBERT	715 CEDAR DRIVE	251-209-3538	[illegible]
30	Tabatha Reed	705 Pine Street	251-610-7861	Tabatha Reed
31	Matilda Bigham	1404 Warren Dr Daphne	251-459-1785	[illegible]

9

PETITION TO OPPOSE REZONING

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	Print Name	Address	Phone #	Signature
132	Alma Rudolph	703 Daphmont Drive	251-626-1665	A. R.
133	Joseph Woodley	705 Daphmont Dr	251/6[illegible]24	JR
134	DeLwin Knight	1302, Oak, St. Oak St	251-222-6599	D.K
135	William Armstrong	1304 Oak st	425-7625	WAS
136	Irvin Rudolph	1305 Oak st	251-643-2733	[illegible]
137	Willie Shaw	1315 Oak St	251-402-9880	[illegible]
138	Edmond Taylor	1317 Oak st	251 709 2092	[illegible]
139	Dorcas Banks	1318 Oak St.	334-360-2174	Dorcas Banks
140	MOSES MORRISON	1320 OAK ST.	251-626-[illegible]	[illegible]
141	James Ash	1407 Maple St.	251-716-0569	[illegible]
142	Bryant Faust	1405 Maple st.	251-510-[illegible]	[illegible]

10

	Print Name	Address	Phone #	Signature
143	Joseph McCants	1404 Warren DR	251-421-2051	
144	Keedon Ward	818 Daphnemont Dr		
145	Dinn Reed	705 Pine	251-463-4587	
146	[illegible]	921 Daphnemont Dr	251.626.0014	
147	Jeri Anderson	1113 Johnson Rd	251-753-3957	Jeri Anderson
148	Robert Fowler	1113 Johnson Rd	7278049780	Robert Fowler
149	Curtis Allen	115 Johnson	251-302-[illegible]	Curtis Allen
150	Travis Coleman	810 Daphnemont Dr.	626-4061	Travis Coleman
151	Jewel Lawson	1001 Johnson Rd	626-1526	Jewel Lawson
152	Olea Jackson	1001 Johnson Rd.	626-0778	Olea Jackson

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	Print Name	Address	Phone #	Signature
53	Shirley Thomas	7467 Reed Lane Daphne, Alabama	404-713-0395	Shirley Thomas
54	Mary A Benson	P.O. Box 695 Daphne Al 36526	251-626-1594	Mary Alice Benson
55	Charles L Thomas	PO Box 695 Daphne, Alabama	251 626-1594	Charles L Thomas
56	Ed Thomas	P.O. Box 2251 Daphne AL	621-1373	Ed Thomas
57	Pam Thomas	" " " "	" "	Pam Thomas
58	Yulette Bray	PO Box 1202 Daphne AL 36526	621-9443	Yulette Bray
59	Brenda Reed	P. O. Box 1202	621-0232	Brenda Reed
60	Sankie Reed III	P.O Box 1202, Daphne, AL	621-0232	Sankie Reed III

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PETITION TO OPPOSE REZONING

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	Print Name	Address	Phone #	Signature
61	Michael L. Hobbs	706 Daphmont DR. Daphne, AL. 36526	251 599-0394	Michael L. Hobbs
62	Lisa Banks	1110 Johnson Rd DAPHNE AL 36526	251 321-3525	[illegible]
163	GEORGE COLEMAN	810 Daphmont Dr. Daphne AL 36526	(251) 626-3061	George Coleman

	Print Name	Address	Phone #	Signature
164	DOROTHY BANKS	1013 Pickett AV	251-232-0445	Dorothy Banks
165	HENRY BANKS JR	1013 pickett AV	251-284-6089	Henry Banks JR
166	Glenda R. Banks Glenda R. Banks	1001 Pickett ave	251-504-7915	Glenda R. Banks
167	Dehavline Faust	1003 Pickett Ave	(251) 463-7090	Dehavline Faust
168	[illegible]	1001 Pickett AVE	6055399	[illegible]
169	George Pickett	P.O. Box 508	454-9837	George Pickett
170	Thomas WARNER	1315 WARREN RD	455-7142	[illegible]

	Print Name	Address	Phone #	Signature
170	Christa Montgomery	1409 Warren Drive Daphne, AL 36526	(251) 626-7282	Christa Montgomery
171	WINDRILA LONGMIRE	1201 JOHNSON ROAD DAPHNE, AL 36526	(251) 626-4714	[illegible]
172	Fred Lambert	1001 Johnson Road Daphne, Al 36526	251 490-4929	Fred Lambert

15

PETITION TO OPPOSE REZONING

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	Print Name	Address	Phone #	Signature
173	Kimberly Matthews	8742 US HWY 98 Daphne AL 36526	321-830-3775	[illegible]
174	Amelia Clark	1406 Warren Dr.	251-231-8288	Amelia Clark
175	Larry Dacus	1301 Johnson Rd	367-4794	Larry Dacus
176	Shirley Dacus	" " "	621-9873	Shirley Dacus
177	Lovell McCreary	1102 Hwy 98	626-1673	Lovell McCreary
178	[illegible]	1309 Johnson Rd	7162390	[illegible]

More

Daphmont Rezoning

Anthony Sampson (asampson@bcbe.org) Thu, Jan 25, 2018 3:34 pm

To: you Details

Mrs. Lawson,
As promised.

Good evening,

My name is Anthony Tyrone Sampson. I reside at 800 Daphmont Dr., Daphne, AL 36526.

I am requesting that this correspondence be shared and included in the official records of the Daphne Planning Commission's Public Hearing regarding the proposed B2 rezoning of the property at the intersection of Highway 98 and Johnson Road.

I appreciate the Planning Committee and City Council's previous dissenting vote in response to the residents request to deny the proposed plans.

I am deeply concerned in the developers failures to embrace the recommendations offered by the City Council, residents of Daphmont Subdivision and the community at large. No site plan has been submitted and no effort to communicate with the residents has transpired.

Unfortunately, I am unable to attend due to work obligations.

I appreciate your continued support of smart economic and community development.

Respectfully submitted,

Anthony Sampson

Daphmont Resident

pc meeting
01/25/18
5:00 pm-42

MEMORANDUM

To: Office of the City Clerk

From: Adrienne D. Jones,
Community Development Director

Subject: Olde Towne Daphne Development, L.L.C.
Vacation of Ingress & Egress Easements,
Lot 5, Piazza di San Francesco & Tract 2,
La Piazza di San Francesco Subdivision

Date: January 26, 2018

At the, January 25, 2018, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a ***favorable recommendation*** of the above-mentioned vacation of the ingress & egress easements.

Attached please find said documentation for placement on the Monday, February 5, 2018 City Council for action by the City Council.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Planning Report
2. Petition for Vacation of Easements
3. Subdivision Plat
4. Legal Description
5. Adjacent Property Owners List
6. Easement Release Forms

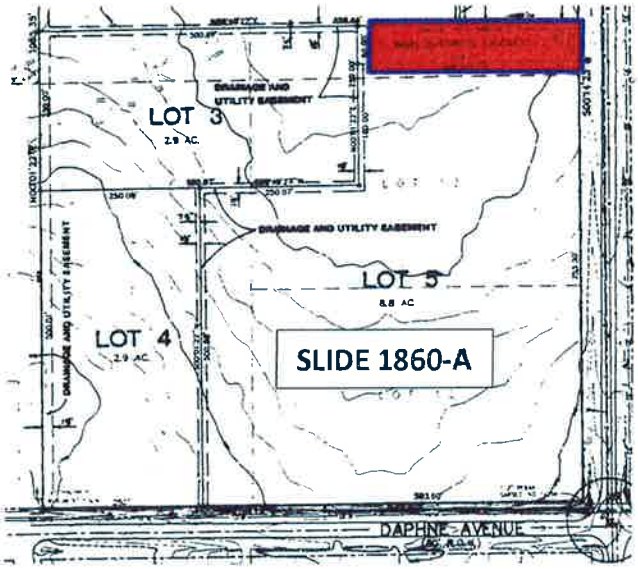
FILE
01/22/18
10:00am

PLANNING COMMISSION
VACATION OF RECORDED EASEMENT

COMMUNITY DEVELOPMENT
Daphne
ALABAMA

OLDE DAPHNE DEVELOPMENTE, INC.

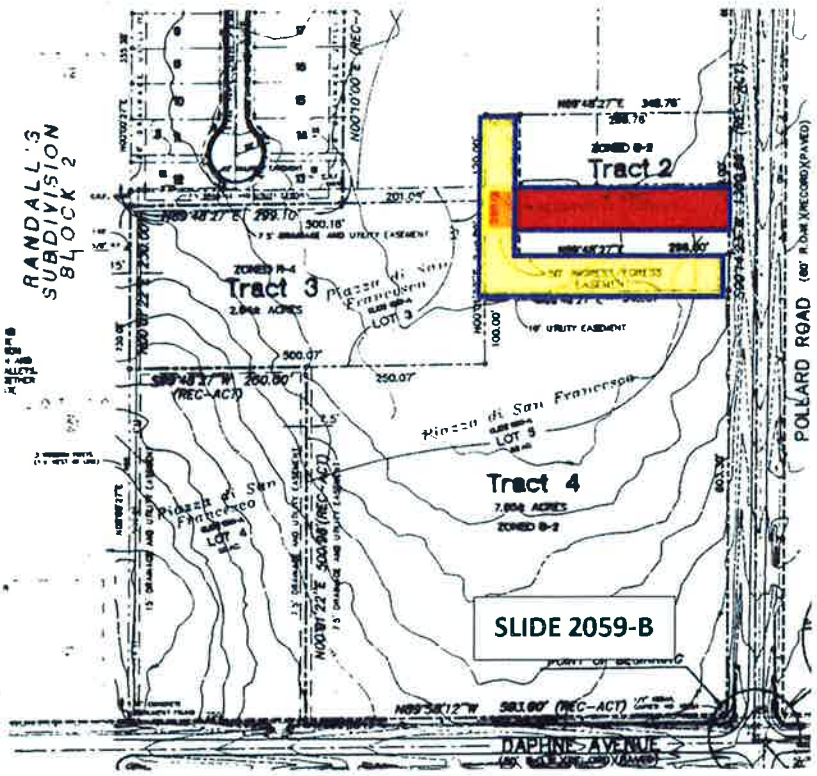
In 1998, the Daphne Planning Commission approved the Piazza di San Francesco preliminary/final subdivision plat, a resubdivision of Lots 11, 12, 13, 14, 15 and 16 of Randall's subdivision block 2.



A 60-ft wide easement for ingress/egress on Lot 5 runs east to west 346.38 feet from Pollard Road to Lot 3.

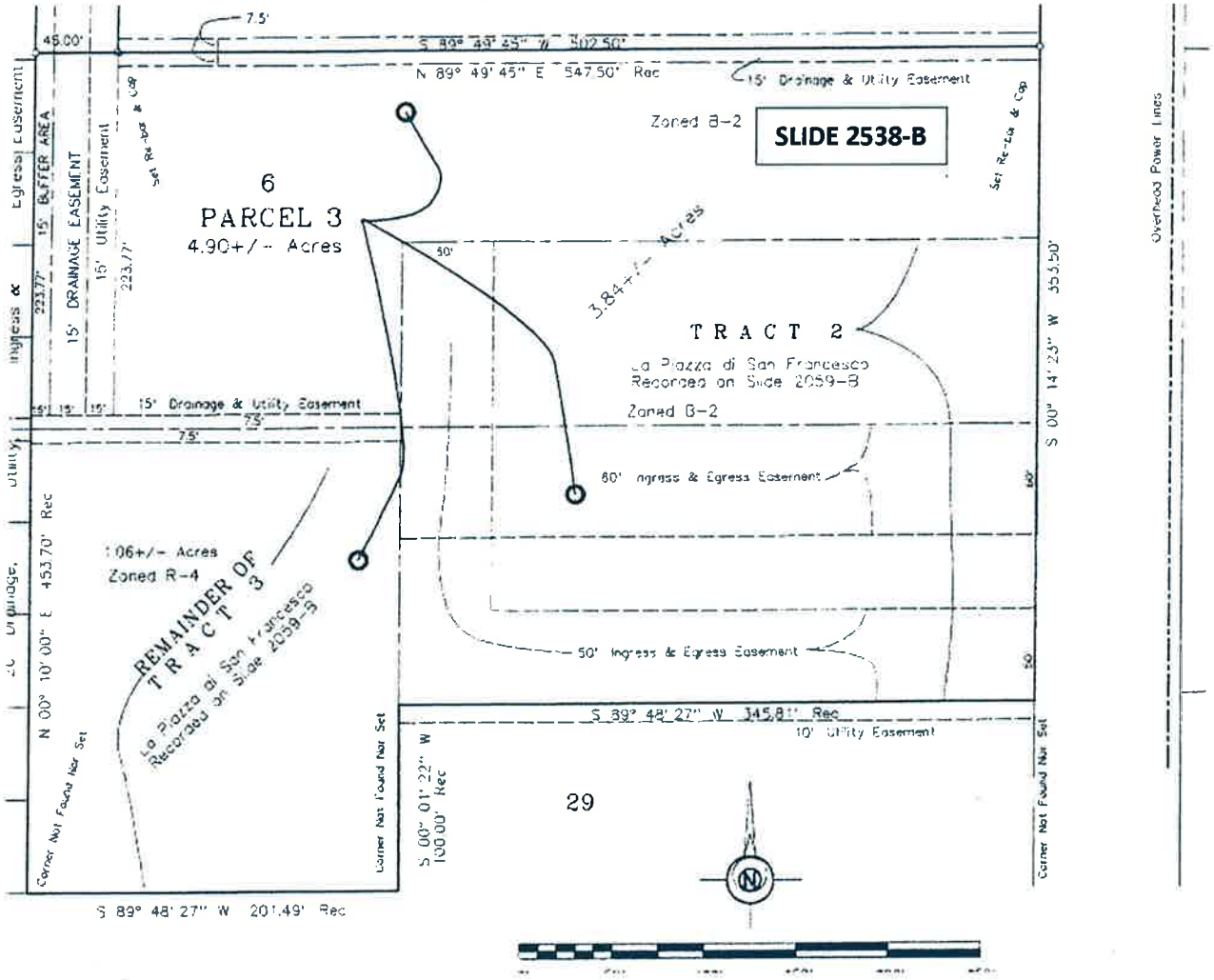
In 2001, the Planning Commission approved the preliminary/final subdivision Piazza di San Francesco which appears to replat Lots 5, 4, 3 and 2.

The 60-ft wide ingress/egress easement remained as the northernmost property boundary for Tract 4 and ran east to west 346.38 feet from Pollard Road to Tract 3.

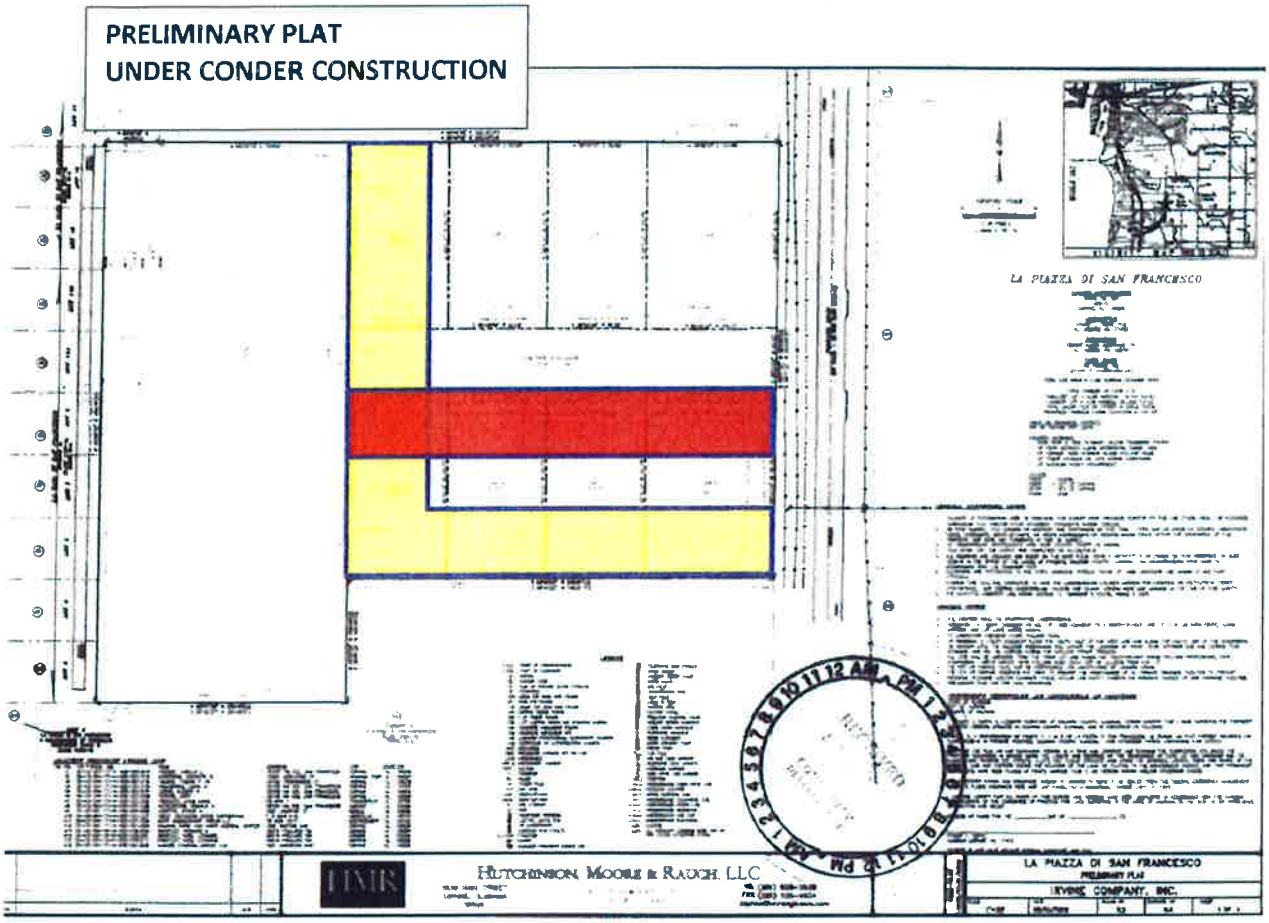


A new 50-ft wide ingress/egress easement was placed on Tract 4 running east to west from Pollard Road to Tract 3 **and** running north to south providing access to Tract 1.

In July 2015, land within the La Piazza di San Francesco subdivision was resubdivided again: Tracts 1, 2 and 3 were replatted as Parcels 1, 2 and 3. Since the aforementioned easements were never vacated, the easements remain on Parcel 3. The property representatives were made aware of the need to vacate the easements but desired to postpone the vacation process until now.



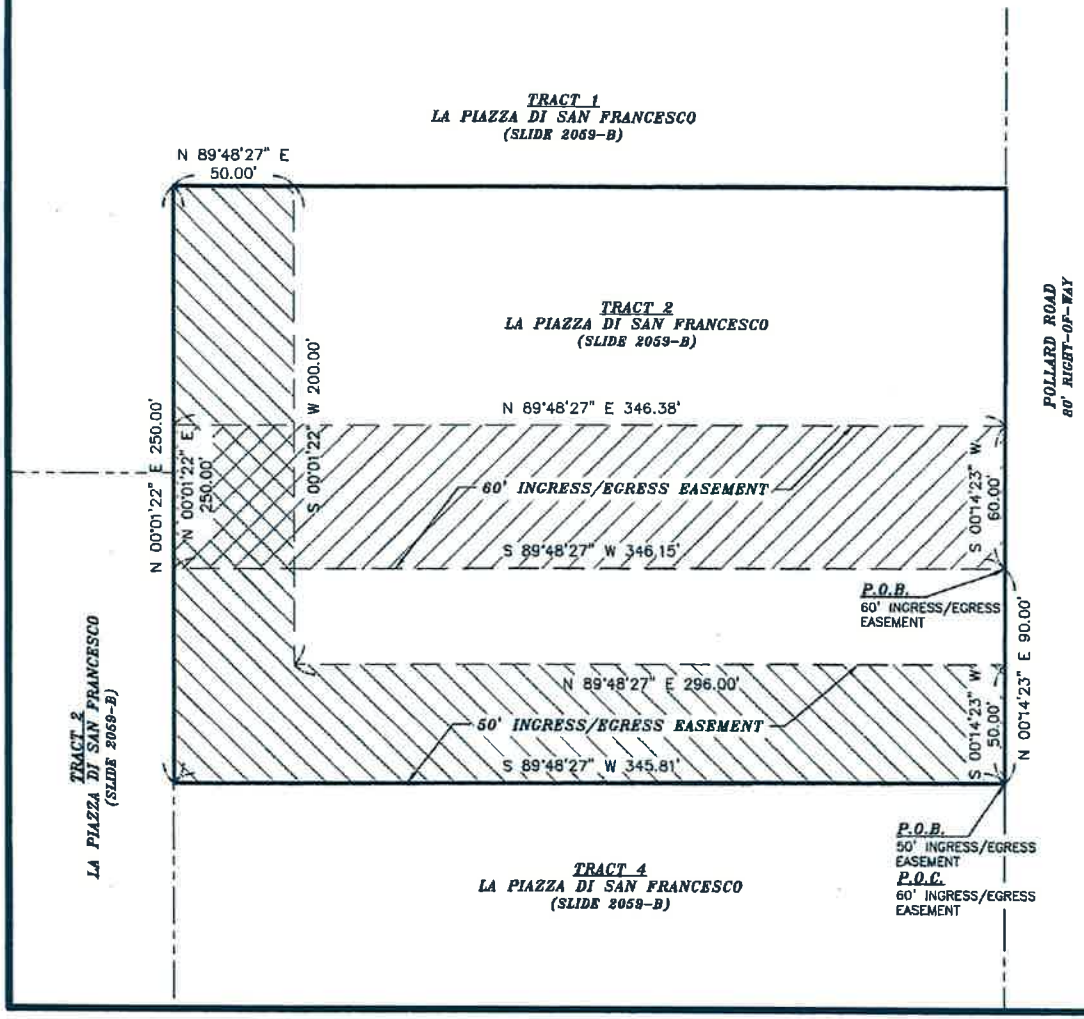
In August 2016, the Planning Commission granted preliminary subdivision approval for another resubdivision of land in La Piazza di San Francesco: Parcel 3 would be subdivided into 9 lots for a commercial park. The two existing ingress/egress easements would be located as shown below.



The La Piazza di San Francesco Via Del Pollard subdivision infrastructure is under construction.

Staff recommends the vacation of both easements. The preliminary plat provides a 50-ft wide right-of-way for access to each of the lots within the subdivision.

EXHIBIT



DESCRIPTION FOR VACATION OF A 60' INGRESS/EGRESS EASEMENT

VACATION OF AN INGRESS/EGRESS EASEMENT CREATED ALONG THE NORTH 60 FEET OF LOT 5, PIAZZA DI SAN FRANCISCO, A RESUBDIVISION OF LOTS 11, 12, 13, 14, 15 AND 16 OF RANDALL'S SUBDIVISION BLOCK 2, AS SHOWN ON PLAT RECORDED ON SLIDE 1860-A IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID EASEMENT BEING THE SAME 60' INGRESS/EGRESS EASEMENT SHOWN RUNNING THROUGH THE MIDDLE OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B, AND ALSO BEING THE SAME 60' INGRESS/EGRESS EASEMENT IN THE MIDDLE OF TRACT 2, A RESUBDIVISION OF TRACTS 1, 2 AND 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID DESCRIBED 60' INGRESS/EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°14'23" EAST ALONG THE WEST RIGHT-OF-WAY OF POLLARD ROAD (80' R/W) A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89°48'27" WEST A DISTANCE OF 346.15 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID TRACT 2; THENCE RUN NORTH 00°01'22" EAST ALONG THE WEST LINE OF SAID TRACT 2 A DISTANCE OF 60.00 FEET TO A POINT; THENCE LEAVING SAID WEST LINE NORTH 89°48'27" EAST A DISTANCE OF 346.38, FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY OF POLLARD ROAD; THENCE RUN SOUTH 00°14'23" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

DESCRIPTION FOR VACATION OF A 50' INGRESS/EGRESS EASEMENT

VACATION OF AN INGRESS/EGRESS EASEMENT CREATED ALONG THE SOUTH 50 FEET AND THE WEST 50 FEET PORTION OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, AND BEING THE SAME 50' INGRESS/EGRESS EASEMENT SHOWN ALONG THE SOUTH AND WEST PORTION OF TRACT 2, A RESUBDIVISION OF TRACTS 1, 2 AND 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID DESCRIBED 50' INGRESS/EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°48'27" WEST ALONG THE SOUTH LINE OF SAID TRACT 2 A DISTANCE OF 345.81 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID TRACT 2; THENCE RUN NORTH 00°01'22" EAST ALONG THE WEST LINE OF SAID TRACT 2 A DISTANCE OF 250.00 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID TRACT 2; THENCE RUN NORTH 89°48'27" EAST ALONG THE NORTH LINE OF SAID TRACT 2 A DISTANCE OF 50.00 FEET TO A POINT; THENCE RUN PARALLEL TO THE WEST LINE OF SAID TRACT 2 SOUTH 00°01'22" WEST A DISTANCE OF 200.00 FEET, MORE OR LESS, TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF TRACT 2; THENCE RUN PARALLEL TO THE SOUTH LINE OF SAID TRACT 2 NORTH 89°48'27" EAST A DISTANCE OF 296.00 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY OF POLLARD ROAD (80' R/W); THENCE RUN SOUTH 00°14'23" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

HUTCHINSON, MOORE & RAUCH, LLC
ENGINEERS • SURVEYORS

Daphne
The Jubilee City

Vacation of Easement Application

OFFICE USE ONLY	Application Number: VOE-18-01	Date Submitted: 12/6/17
Planning Commission Decision:		Date Presented: 01/26/18
Date Submitted to City Clerk:		
Council Resolution Approval Date:		RESOLUTION NUMBER#

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

Property Owner(s): Olde Towne Daphne Developmente, Inc

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

Mailing Address: 809-C Daphne Ave Suite 101 Daphne AL

Daytime Phone: 621-1337 **Alternate Phone:** **Fax:**

Location: Pollard Rd. **Subdivision:** la Piazza **Lot(s):** 9 **Unit or Phase:** 1

Reason for request: This easement is old and no longer needed.

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

Check each item included with this submittal:

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

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

Signature/Date: J Stanhe Jinne, President
12/06/2017

VOE 2016

PETITION FOR VACATION OF EASEMENT

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

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

The undersigned Olde Towne Daphne Developmente, Inc. is/are the owner(s) of said property and this is a statement and petition seeking vacation of the ingress/egress easement(s) as shown on the aforesaid plat and/or restrictive covenants to said subdivision. Owner(s) hereby petitions, by the attached copies to vacate the ingress/egress easements described as follows:

> The ingress/egress easement lines between Tracts 2, 3 and 4 of La Piazza del San Francesco Subdivision, as shown on plat recorded on Slides 2059-B + 2060A in the Office of the Judge of Probate of Baldwin County, Alabama, said easement being located in Section 17, Township 5 South, Range 2 East.
> MORE COMMONLY DESCRIBED IN THE ATTACHED LEGAL DESCRIPTIONS.

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

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

IN WITNESS WHEREOF, the Petitioner(s) have hereto set their hand and seal on this the 3 day of January, 2018

OWNER(S) SIGNATURE: Samuel Starke Irwin Pres.
Olde Towne Daphne Developmente, Inc

STATE OF ALABAMA)
COUNTY OF BALDWIN)

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

Given under my hand and seal on this the 3 day of January, 2018

Kimberly H. Helms
Notary Public
My Commission Expires

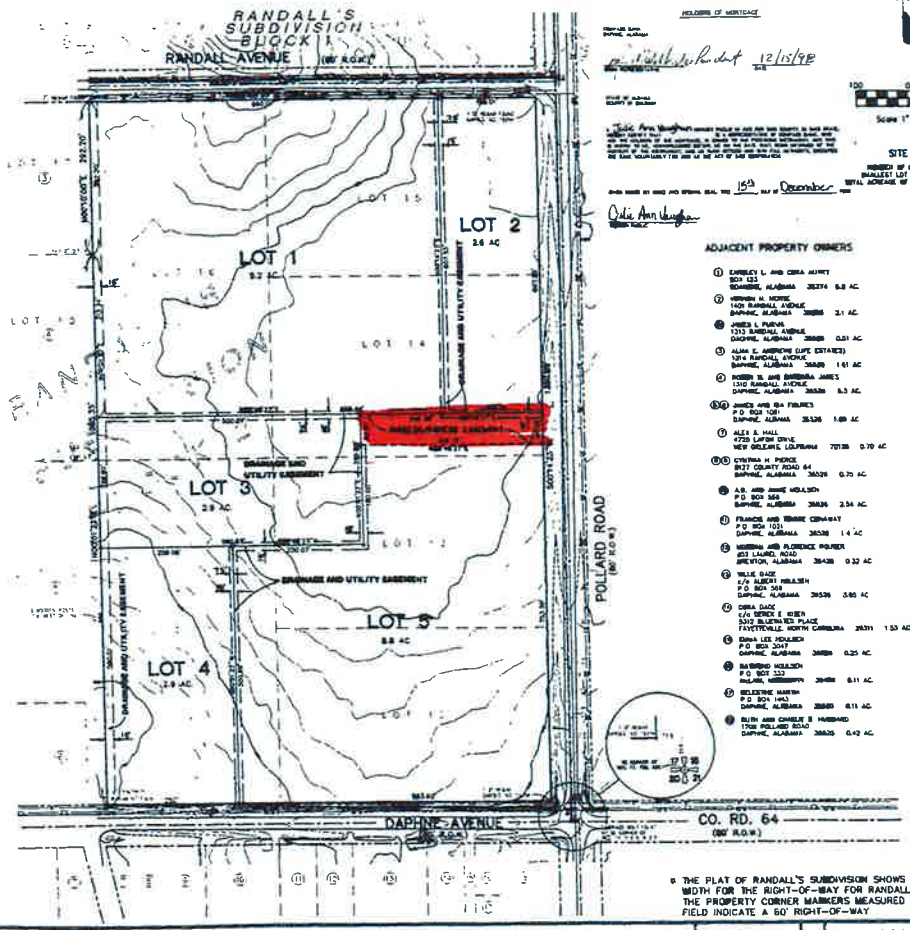
KIMBERLY H HELMS
My Commission Expires
September 22, 2019

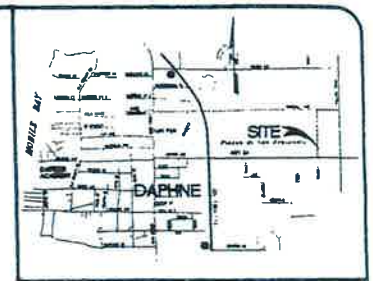
VOE

1860

01000 A

Piazza di San Francesco





VICINITY MAP

Scale 1" = 100'

SITE DATA

NUMBER OF LOTS = 5
SMALLEST LOT SIZE = 2.6 ACRES
TOTAL ACREAGE OF SITE = 20.94 ACRES

ADJACENT PROPERTY OWNERS

1. EARNLEY L. AND CORA MUNN, BOX 133, BOAMERE, ALABAMA 36374 6.8 AC.
2. HERMAN H. MOORE, 1406 RANDALL AVENUE, DAPHNE, ALABAMA 36526 3.1 AC.
3. JAMES L. PURVIS, 1313 RANDALL AVENUE, DAPHNE, ALABAMA 36526 0.51 AC.
4. ALMA E. ANDRONE (LIFE ESTATE), 1314 RANDALL AVENUE, DAPHNE, ALABAMA 36526 1.61 AC.
2. ROBIN N. AND BARBARA JAMES, 1310 RANDALL AVENUE, DAPHNE, ALABAMA 36526 6.3 AC.
5,6. JAMES AND IDA FRIERES, P.O. BOX 1081, DAPHNE, ALABAMA 36526 1.69 AC.
7. ALEX E. HALL, 4720 LAFON DRIVE, NEW ORLEANS, LOUISIANA 70126 0.70 AC.
8,9. CYNTHIA H. PIERCE, 8437 COUNTY ROAD 64, DAPHNE, ALABAMA 36526 0.75 AC.
10. A.B. AND ANNIE HOLLIDAY, P.O. BOX 564, DAPHNE, ALABAMA 36526 2.54 AC.
11. FRANCES AND BENNIE CERNAFAY, P.O. BOX 1031, DAPHNE, ALABAMA 36526 1.4 AC.
12. MORRIS AND FLORENCE FRUSER, 653 LAUREL ROAD, BRENTON, ALABAMA 36426 0.32 AC.
13. WILLIE DADE, C/O ALBERT HOLLIDAY, P.O. BOX 564, DAPHNE, ALABAMA 36526 3.65 AC.
14. CORA DADE, C/O DERICK E. HIRER, 5312 BLUETHICH PLACE, FAYETTEVILLE, NORTH CAROLINA 28311 1.53 AC.
15. EDNA LEE HOLLIDAY, P.O. BOX 2047, DAPHNE, ALABAMA 36526 0.25 AC.
16. RAYMOND HOLLIDAY, P.O. BOX 333, BILOXI, MISSISSIPPI 39533 0.11 AC.
17. BELESTINE MARTIN, P.O. BOX 1443, DAPHNE, ALABAMA 36526 0.11 AC.
18. RUTH ANN CHARLE B. HUSBAND, 1708 POLLARD ROAD, DAPHNE, ALABAMA 36526 0.42 AC.

LEGEND

EXISTING UTILITIES
- BURIED TELEPHONE
- FORCE MAIN W/SIZE
- WATER LINE W/SIZE
- GAS LINE
- OVERHEAD POWER
- GAS VALVE
- WATER VALVE

SANITARY SEWER WILL BE LOCATED AT A LATER DATE

OWNER

ARTHUR MANCI ESTATE
C/o MARLEY CUMMINS
P.O. BOX 7160
SPANISH FORT, ALABAMA 36577

DEVELOPER

BLUE DAPHNE DEVELOPMENT, L.L.C.
P.O. BOX 2487
DAPHNE, ALABAMA 36526

ENGINEER

WALTER E. SCOTT, P.E.
ALA. REG. NO. 8940

SURVEYOR

RAY B. MOORE, P.L.S.
ALA. REG. NO. 15712

JUDGE OF PROBATE

THE HEREON ATTACHED PLAT WAS FILED FOR RECORD ON THE _____ 1998 AND RECORDED AT SLIDE FILE _____ PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

NOTES

1. PROPERTY IS LOCATED WITHIN THE CITY OF DAPHNE AND IS ZONED R-2, MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL.
2. PER DAPHNE LAND USE ORDINANCE, DATED 2-16-96, SECTION 14.73, SIDEWALKS SHALL BE CONSTRUCTED BY THE DEVELOPER.
3. THE PROJECT WILL HAVE SANITARY SEWER, HOWEVER, THE EXACT LOCATION HAS NOT BEEN DETERMINED.

LEGAL DESCRIPTION

STATE OF ALABAMA
COUNTY OF BALDWIN

I, RAY B. MOORE, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, STATE THAT THE FOREGOING PLAT IS TRUE AND CORRECT OF THAT CERTAIN PROPERTY DESCRIBED AS, TO WIT:

A RESUBDIVISION OF LOTS 11, 12, 13, 14, 15, AND 16 OF RANDALL'S SUBDIVISION, BLOCK 2, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGE 237, BALDWIN COUNTY, ALABAMA, PROBATE RECORDS.

THAT I HAVE CONSULTED THE FEDERAL INSURANCE FLOOD BOUNDARY MAP DATED JANUARY 3, 1983, AND FOUND THAT THE ABOVE DESCRIBED IS LOCATED IN FLOOD ZONE "C", COMMUNITY PANEL NO. 010008-0003-C.

THAT THE IMPROVEMENTS PRESENTLY SITUATED ON SAID PROPERTY ARE LOCATED WITHIN THE BOUNDARIES THEREOF; THAT THERE ARE NO ENCROACHMENTS ON SAID PROPERTY BY BUILDINGS OR FENCES SITUATED ON ADJOINING PROPERTY EXCEPT AS HEREON NOTED; AND THAT THERE ARE NO RIGHTS OF WAY, EASEMENTS, NOR JOINT DRIVEWAYS, OVER OR ACROSS SAID PROPERTY, VISIBLE ON THE SURFACE, EXCEPT AS HEREON NOTED.

I FURTHER CERTIFY THAT THIS SURVEY AND DRAWING MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA.

ALA. REG. NO. 15712

* THE PLAT OF RANDALL'S SUBDIVISION SHOWS NO WIDTH FOR THE RIGHT-OF-WAY FOR RANDALL AVENUE. THE PROPERTY CORNER MARKERS MEASURED IN THE FIELD INDICATE A 60' RIGHT-OF-WAY

McCrory Williams INCORPORATED
Engineers Surveyors

1703 MAIN STREET
POST OFFICE DRAWER 2067
DAPHNE, ALABAMA
36526
(334) 626-2626

PRELIMINARY/FINAL PLAT OF *Piazza di San Francesco*
A RESUBDIVISION OF LOTS 11, 12, 13, 14, 15, AND 16 OF
RANDALL'S SUBDIVISION BLOCK 2
ARTHUR MANCI ESTATE

SCALE: 1" = 100'	DATE: AUG. 28, 1998	DRAWN BY: JMW	DESIGNED BY:	SHEET 1 OF 1

2059-B

La Piazza di San Francesco

A PLANNED UNIT DEVELOPMENT

CERTIFICATE OF APPROVAL OF THE CITY OF DAPHNE PLANNING COMMISSION AND AUTHORIZATION FOR RECORDING

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

DATED THIS 31 OCTOBER, 2001

PLANNING COMMISSION CHAIRMAN OR AUTHORIZED REPRESENTATIVE

PLANNING DIRECTOR'S APPROVAL

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

I, WILLIAM H. EAST, JR., PLANNING DIRECTOR FOR THE CITY OF DAPHNE, ALABAMA, DO HEREBY CERTIFY THAT THE FINAL PLAT HAS BEEN EXAMINED BY ME AND THE SUBDIVIDER'S PLANS AND SPECIFICATIONS COMPLY WITH THE REQUIREMENTS SET FORTH IN THE DAPHNE LAND USE AND DEVELOPMENT ORDINANCE.

DATED THIS 4th DAY OF Oct 2001

WILLIAM H. EAST JR., PLANNING DIRECTOR FOR THE CITY OF DAPHNE, ALABAMA

CERTIFICATION OF THE APPROVAL OF UTILITIES

STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

I, A.C. ANGEL, DIRECTOR OF UTILITIES FOR THE UTILITIES BOARD OF THE CITY OF DAPHNE, ALABAMA, DO HEREBY CERTIFY THAT THE FINAL PLAT HAS BEEN EXAMINED BY ME AND ALSO THAT THE SUBDIVIDER'S PLANS AND SPECIFICATIONS APPEAR TO COMPLY WITH THE GENERAL REQUIREMENTS OF THE UTILITIES BOARD.

I FURTHER CERTIFY THAT THE UTILITY IMPROVEMENTS HAVE BEEN INSTALLED AND ARE NOW SUBJECT TO A ONE YEAR GUARANTEE PRIOR TO ACCEPTANCE FOR OWNERSHIPS UNLESS OTHERWISE NOTED BY WRITTEN AGREEMENT.

DATED THIS 2nd DAY OF Oct 2001

DIRECTOR OF UTILITIES

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

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

DATED THIS 22 DAY OF Oct 2001

OWNER — SIGNATURE AND TITLE

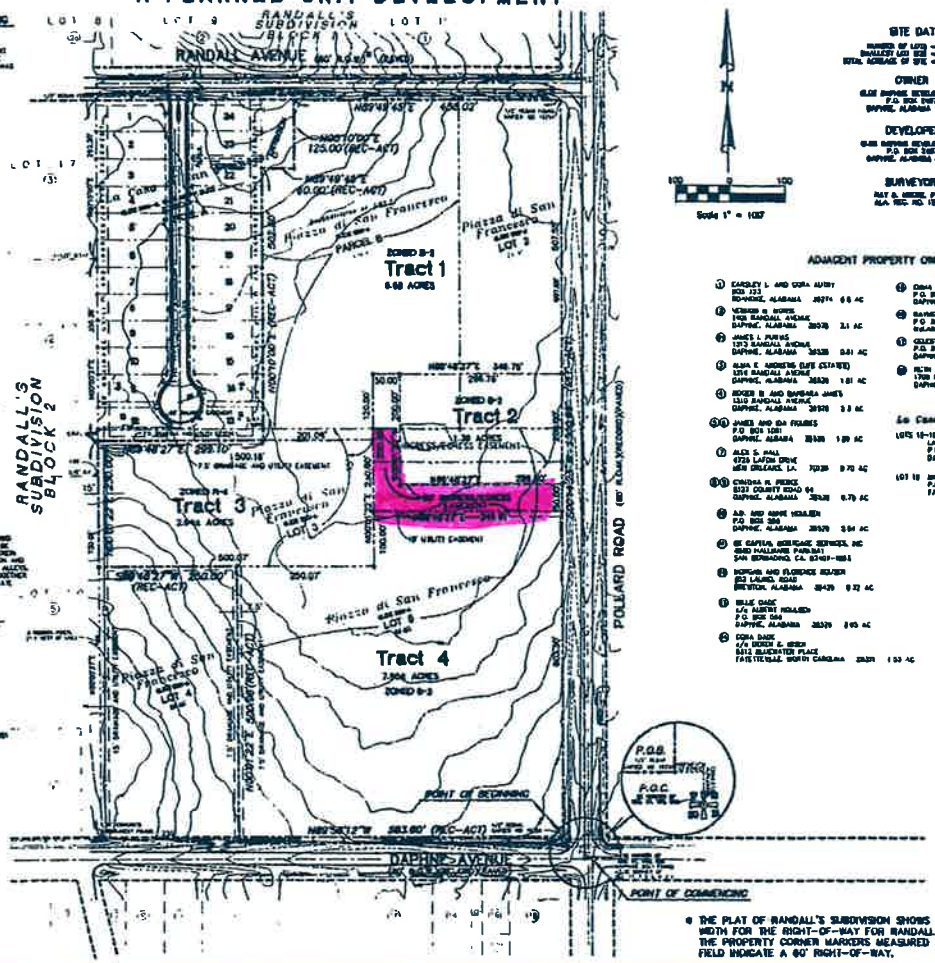
CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Rebecca J. Gardner, A NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN IN THE STATE OF ALABAMA DO HEREBY CERTIFY THAT WHOSE NAMES IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED SEALED AND DELIVERED THE INSTRUMENT AT THE FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES SET FORTH.

GIVEN UNDER MY HAND AND SEAL THIS THE 22 DAY OF October 2002

NOTARY PUBLIC — STATE OF ALABAMA AT LARGE



Scale 1" = 100'

SITE DATA

NUMBER OF LOTS = 4
SMALLEST LOT SIZE = 1.28 ACRES
TOTAL ACREAGE OF SITE = 10.624 ACRES

OWNER

OLDE DAPHNE DEVELOPMENTE, L.L.C.
P.O. BOX 2487
DAPHNE, ALABAMA 36526

DEVELOPER

OLDE DAPHNE DEVELOPMENTE, L.L.C.
P.O. BOX 2487
DAPHNE, ALABAMA 36526

SURVEYOR

RAY A. MOORE, P.L.S.
ALA. REG. NO. 15712

ADJACENT PROPERTY OWNERS

1. CARDLEY L. AND DORA AUSTIN, BOX 123, BON HARBOR, ALABAMA 36374 — 0.6 AC
2. VERNON H. HOWES, 1400 RANDALL AVENUE, DAPHNE, ALABAMA 36526 — 2.1 AC
3. JAMES L. PURVIS, 1312 RANDALL AVENUE, DAPHNE, ALABAMA 36526 — 0.61 AC
4. ALAN E. ANDRETSE ELIFE (ESTATE), 1316 RANDALL AVENUE, DAPHNE, ALABAMA 36526 — 1.01 AC
5. ROGER B. AND BARBARA JAMES, 1320 RANDALL AVENUE, DAPHNE, ALABAMA 36526 — 2.3 AC
6. JAMES AND IDA FRAZIER, P.O. BOX 1081, DAPHNE, ALABAMA 36526 — 1.09 AC
7. ALEX S. HALL, 4726 LAFON DRIVE, NEW ORLEANS, LA. 70128 — 0.70 AC
8. CINDRA R. PRINCE, 8121 COUNTY ROAD 64, DAPHNE, ALABAMA 36526 — 0.70 AC
9. A.D. AND ANNE HOWLEN, P.O. BOX 384, DAPHNE, ALABAMA 36526 — 0.94 AC
10. BE CAPITAL MORTGAGE SERVICES, INC, 4860 MALLMANN PARKWAY, SAN BERNARDINO, CA. 92407-1851
11. NORMAN AND FLORENCE KEARSEY, 852 LAUREL ROAD, BREWTON, ALABAMA 36426 — 0.72 AC
12. BILLIE DADE, C/O HUBERT HOWLEN, P.O. BOX 384, DAPHNE, ALABAMA 36526 — 0.65 AC
13. DORA DADE, C/O DEREK E. GREEN, 5802 ELEMENTER PLACE, FAYETTEVILLE, NORTH CAROLINA 28311 — 1.53 AC
14. DORA LEE HOWLEN, P.O. BOX 2047, DAPHNE, ALABAMA 36526 — 0.69 AC
15. RAYMOND HOWLEN, P.O. BOX 322, MOBILE, MISSISSIPPI 36616 — 0.11 AC
16. COLESTINE MARTIN, P.O. BOX 1443, DAPHNE, ALABAMA 36526 — 0.11 AC
17. RUTH AND CHARLIE B. MURDAUGH, 1700 POLLARD ROAD, DAPHNE, ALABAMA 36526 — 0.42 AC

La Casa di San Francesco

LOTS 12-19, AND 20-24 — LA CASA DEVELOPMENT COMPANY, P.O. BOX 2487, DAPHNE, ALABAMA 36526

LOT 10 — MICHAEL MANAGEMENT c/o TIM MICHAEL, P.O. BOX 522, FAIRHOPE, ALABAMA 36532

LEGEND

	RIGHT-OF-WAY
	PROPERTY LINE
	CENTERLINE
	OPEN TOP IRON FOUND
	CROSS TOP IRON FOUND
	CAPPED REBAR FOUND
	REBAR FOUND
	CAPPED REBAR SET
	CONC. MON. FOUND
(REC)	RECORD
(ACT)	ACTUAL
	BURIED TELEPHONE
	FENCE MAN W/BRACE
	BURIED LINE W/MAR
	GAS LINE
	OVERHEAD POWER
	GAS VALVE
	WATER VALVE

NOTES

1. PROPERTY IS LOCATED WITHIN THE CITY OF DAPHNE
2. PER DAPHNE LAND USE ORDINANCE, SECTION 2-10-08, SIDEWALKS SHALL BE CONSTRUCTED ON THE RIGHT-OF-WAY
3. THE PROJECT WILL HAVE MANDATORY SEWER HOWEVER, THE EXACT LOCATION HAS NOT BEEN DETERMINED
4. REACTS 1, 2, AND 4 ARE ZONED B-3, GENERAL BUSINESS. TRACT 3 IS ZONED R-4, HIGH DENSITY, SINGLE FAMILY RESIDENTIAL

2059-B

State of Alabama, Baldwin County
I certify this instrument was filed and land record indexed on

Instrument Number: 1-11-2002
Instrument Number: 2002-
Recording Fee: $0.00
Recorded: 1-11-2002
Pages: 1
Recorded By: [illegible]
Section 1, Article, copy of Probate

VICINITY MAP

SITE — La Piazza di San Francesco — DAPHNE

STATE OF ALABAMA
COUNTY OF BALDWIN

I, RAY A. MOORE, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT PLAT OF THE FOLLOWING DESCRIBED PROPERTY: [illegible]

THIS PLAT WAS CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP AND FLOOD INSURANCE RATE MAP DATED JANUARY 3, 1983 AND FOUND THAT THE ABOVE DESCRIBED PROPERTIES ARE LOCATED IN FLOOD ZONE "C" COMMUNITY PANEL NO. 0100D-0005C.

I FURTHER STATE THAT ALL POINTS ARE SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

ACCORDING TO MY SURVEY THIS THE 20TH DAY OF JUNE, 2001

RAY A. MOORE, PLS
ALABAMA 15712

HUTCHINSON, MOORE & RAUCH, LLC
ENGINEERS & SURVEYORS
1290 MAIN STREET, SUITE D
POST OFFICE BOX 2087
36526
DAPHNE, ALABAMA
TEL (334) 626-2929
FAX (334) 626-9934
hmr_mobile@bellsouth.net

PRELIMINARY / FINAL PLAT
La Piazza di San Francesco
OLDE TOWNE DEVELOPMENTE, L.L.C.

SCALE	DATE	DRAWN BY	DESIGNED BY	SHEET
1" = 100'	JUNE 21, 2001	JMR	RAM	1 OF 1

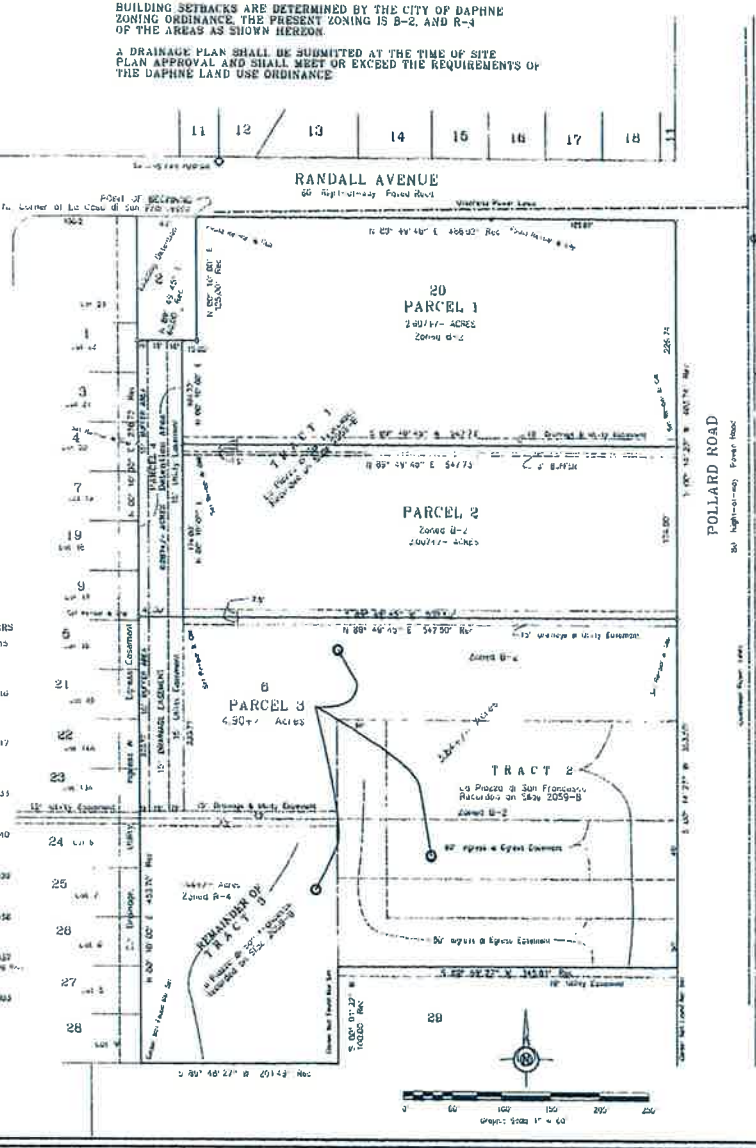
SLIDE 0802538-B

1829140

A STORM WATER MANAGEMENT PLAN SHALL BE SUBMITTED AT THE TIME OF SITE PLAN APPROVAL AND SHALL MEET OR EXCEED THE REQUIREMENTS OF THE DAPHNE LAND USE ORDINANCE AND ALABAMA DEPARTMENT ENVIRONMENTAL MANAGEMENT (ADEM) REQUIREMENTS AS PER THE 2009 HANDBOOK.

BUILDING SETBACKS ARE DETERMINED BY THE CITY OF DAPHNE ZONING ORDINANCE. THE PRESENT ZONING IS B-2, AND R-4 OF THE AREAS AS SHOWN HEREON.

A DRAINAGE PLAN SHALL BE SUBMITTED AT THE TIME OF SITE PLAN APPROVAL AND SHALL MEET OR EXCEED THE REQUIREMENTS OF THE DAPHNE LAND USE ORDINANCE.



ADJACENT PROPERTY OWNERS

21	05-43-04-17-4-000-0021.015 Phenia Marilyn Parker 26186 Trowbridge Ct Daphne, Al 36526	
22	05-43-04-17-4-000-0021.016 Nolin Deborah 26182 Via Del San Francisco Daphne, Al 36526	
23	05-43-04-17-4-000-0021.017 Albert Lorine 26198 Via Del San Francisco Daphne, Al 36526	
24	05-43-04-17-4-000-0021.033 Cody Barbara 26148 Via Del San Francisco Daphne, Al 36526	
25	05-43-04-17-4-000-0021.040 David Hudgins P.O. Box 1574 Daphne, Al 36526	
26	05-43-04-17-4-000-0021.039 Hinkle Richmond 26124 Via Del San Francisco Daphne, Al 36526	
27	05-43-04-17-4-000-0021.038 Bryan Lisette 26108 St. Helena, Al 35139	
28	05-43-04-17-4-000-0021.037 Great Southern Wood Preserving Co. P.O. Box 610 Abbeville, Al 36310	
29	05-43-04-17-4-000-0021.003 Baldwin Bank & Trust 1505 Daphne Ave Daphne, Al 36526	

ADJACENT PROPERTY OWNERS LIST
REFERENCE ON SAN A PORTION OF TRACT 1, LA PIAZZA DI SAN FRANCESCO

1	Sullivan Marvin C. Etal 26234 Via Del San Francisco Daphne, Al 36526	
2	La Casa Development Company P.O. Box 2497 Daphne, Al 36526	
3	Arrington, Mark J. 26228 Via Del San Francisco Daphne, Al 36526	
4	Angel, Douglas 26216 Via Del San Francisco Daphne, Al 36526	
6	Henderson, Alexander D. 26180 Via Del San Francisco Daphne, Al 36526	
8	Cooper Realty Inv. d/b/a Hyway Co., Inc 8050 Daphne Ave., Ste. 101 Daphne, Al 36526	
7	Bell, Mary Etal 26208 Via Del San Francisco Daphne, Al 36526	
8 & 30	Blackburn, Alan Lawrence Etal 26214 Pollard Road Daphne, Al 36526	
9	Mahan, Donald L. 26190 Via Del San Francisco Daphne, Al 36526	
10	Zaudke, L.L.C. P. O. Box 1530 Daphne, Al 36526	
11	Deerwood Square, NOA 7973 Deerwood Avenue Daphne, Al 36526	
12	Cole, Nancy 8016 Deerwood Drive Daphne, Al 36526	
13	Morse, Kathleen 8024 Deerwood Drive Daphne, Al 36526	
14	Hauer, Sara 8030 Deerwood Drive Daphne, Al 36526	
15	Metz, Brian 9861 Bay View Daphne, Al 36526	
16	Lockenbrod, Marie 8054 Deerwood Dr. S Daphne, Al 36526	
17	Price, Charles 8065 Deerwood Drive Daphne, Al 36526	
18	[illegible] 8075 Deerwood Drive Daphne, Al 36526	
19	Hartwig, John D. 26196 Via Del San Francisco Daphne, Al 36526	
20	John Crane P.O. Box 53 Montrose, Al 36559	

SITE DATA

1. Total Footprint of Lots 4, Project Size 9.87 Acres, Set Back Lot 0.267 Acres, Largest Lot 4.9 Acres
2. The Lots are served by AT & T Communications (BellSouth) Telephone, Daphne Utilities Board Water, Sewer, Riviera Utilities Power
3. Property is in the City of Daphne, Alabama
4. Property is Zoned Parcel 1, 2 and 4 are Zoned B-2 Parcel 3 has 3.84 Acres Zoned B-2 and 1.08 Acres R-4

NO NEW Streets or Utility lines this Project at this time

Easements as shown on Plat

FLOOD CERTIFICATE:
[illegible] Flood Ins. Rate Map Community Number 010005, Panel Number 0652 L, (010005C0652 L) and found referenced not shown in Flood Zone X, Map Dated June 17, 2008, Or, Revised July 17 2007

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF PROPERTY
STATE OF ALABAMA
CITY OF DAPHNE
COUNTY OF BALDWIN

[illegible] Date July 22 15

LEGAL DESCRIPTION FOR PARCEL 1 AND 2
BEGINNING AT THE NORTHEAST CORNER OF LA CASA DI SAN FRANCESCO SUBDIVISION, AS RECORDED IN SLIDE 2059-B IN THE JUDGE OF PROBATE'S OFFICE, BALDWIN COUNTY, ALABAMA, SAID POINT LYING ON THE SOUTH RIGHT-OF-WAY LINE OF RANDALL AVENUE. THENCE RUN NORTH 89 DEGREES 49 MINUTES 45 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1000.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD. THENCE RUN SOUTH 00 DEGREES 14 MINUTES 23 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1037.74 FEET TO A POINT. THENCE RUN SOUTH 89 DEGREES 49 MINUTES 45 SECONDS WEST, A DISTANCE OF 1417.50 FEET TO A POINT ON THE EAST LINE OF SAID LA CASA DI SAN FRANCESCO. THENCE RUN NORTH 00 DEGREES 10 MINUTES 00 SECONDS EAST ALONG SAID EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 1319.71 FEET TO A POINT. THENCE RUN NORTH 89 DEGREES 49 MINUTES 45 SECONDS EAST ALONG SAID SUBDIVISION LINE A DISTANCE OF 1000.00 FEET TO A POINT. THENCE RUN NORTH 00 DEGREES 10 MINUTES 00 SECONDS EAST ALONG SAID SUBDIVISION A DISTANCE OF 1000.00 FEET TO THE POINT OF BEGINNING. CONTAINING 4.903 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR PARCEL 3
COMMENCE AT THE NORTHEAST CORNER OF LA CASA DI SAN FRANCESCO SUBDIVISION, AS RECORDED IN SLIDE 2059-B IN THE JUDGE OF PROBATE'S OFFICE, BALDWIN COUNTY, ALABAMA, SAID POINT LYING ON THE SOUTH RIGHT-OF-WAY LINE OF RANDALL AVENUE. THENCE RUN NORTH 89 DEGREES 49 MINUTES 45 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1000.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD. THENCE RUN SOUTH 00 DEGREES 14 MINUTES 23 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1037.74 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE SOUTH 00 DEGREES 14 MINUTES 23 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1373.50 FEET TO A POINT. THENCE RUN SOUTH 00 DEGREES 01 MINUTES 23 SECONDS WEST A DISTANCE OF 1000.00 FEET TO A POINT. THENCE RUN SOUTH 89 DEGREES 49 MINUTES 23 SECONDS WEST, A DISTANCE OF 2014.9 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF PHASE IV LA CASA DI SAN FRANCESCO RECORDED ON SLIDE 2199-C. THENCE RUN NORTH 00 DEGREES 10 MINUTES 00 SECONDS EAST ALONG SAID EAST LINE OF SAID LA CASA DI SAN FRANCESCO A DISTANCE OF 1537.00 FEET TO A POINT. THENCE RUN NORTH 89 DEGREES 49 MINUTES 45 SECONDS EAST, A DISTANCE OF 1417.50 FEET TO THE POINT OF BEGINNING. CONTAINING 4.9 ACRES, MORE OR LESS.

CERTIFICATE OF APPROVAL BY FIRE DISTRICT
Date July 15

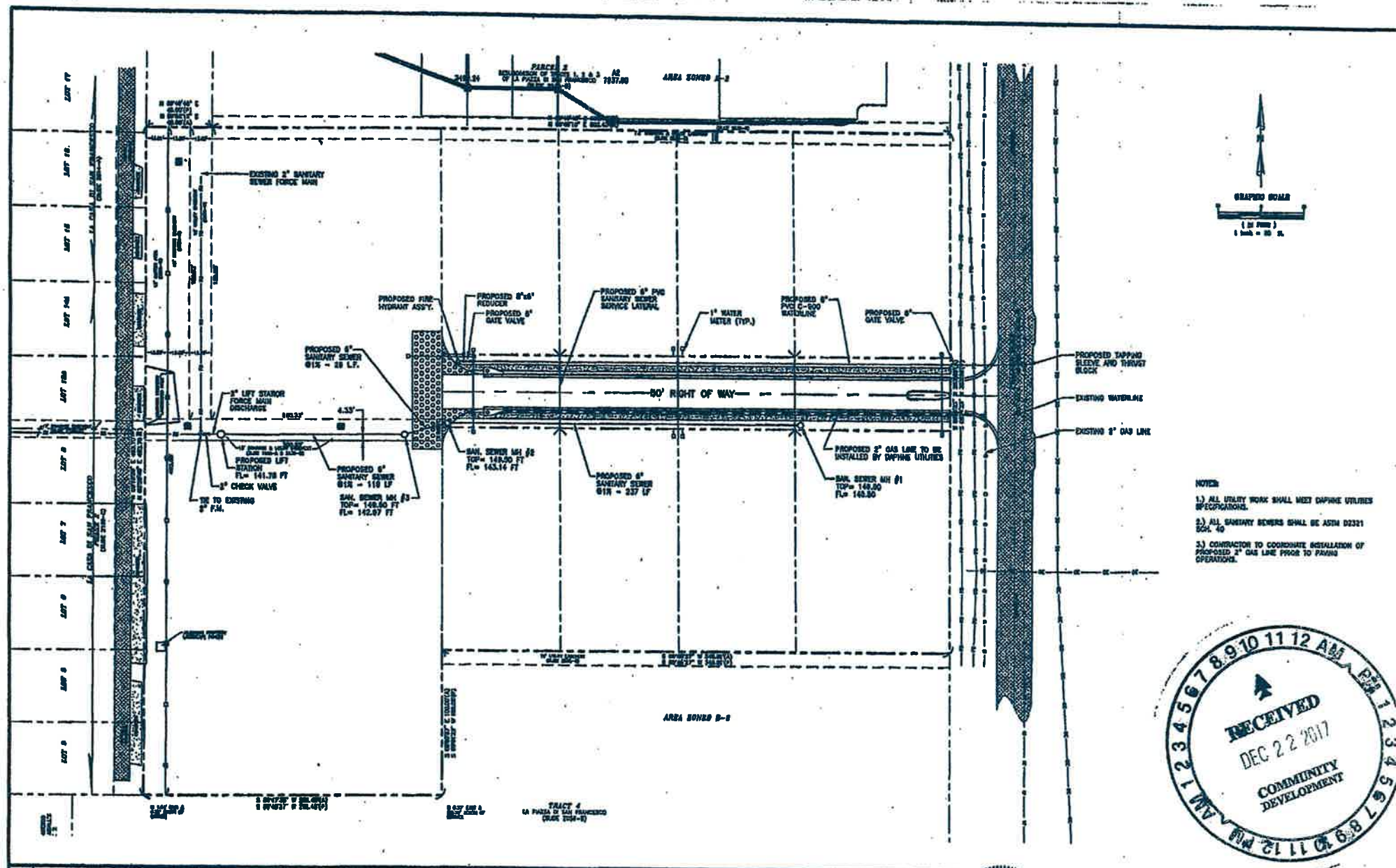
CERTIFICATE OF APPROVAL BY FIRE DISTRICT
Date July 15

MOORE SURVEYING, INC.
PROFESSIONAL LAND SURVEYING
666 NORTH SECTION STREET,
FAIRHOPE, ALABAMA 36532
PHONE (251) 928 - 8777
Email mooresurveying@bellsouth.net

JOB NO.	2015.85
DATE	6/22/15
FIELD BK	
DRAWN BY	SWM
SCALE	1" = 60'
REVISIONS	

A RESUBDIVISION OF TRACTS 1, 2 & 3 OF
La Piazza di San Francesco

PRELIMINARY/FINAL PLAT



HMR

HUTCHINSON, MOORE & RAUCH, LLC

2039 MAIN STREET
DAPHNE, ALABAMA
36526

ENGINEERS • SURVEYORS
LAND PLANNERS

TEL. (251) 626-2626
FAX (251) 626-6934
daphne@hmrengineers.com

NO.	REVISION	DATE	DWN.

SITE UTILITY PLAN
LA PIAZZA DI SAN FRANCESCO
IRVINE CO., INC.

SCALE	DATE	DRAWN BY	CHECKED BY	SHEET
1"=20'	JUNE, 2016	C.S.O.		3 OF 3

OLDE TOWNE DAPHNE DEVELOPMENTE, INC.

VACATION OF INGRESS/EGRESS EASEMENTS

EXHIBIT A

DESCRIPTION FOR VACATION OF A 60' INGRESS/EGRESS EASEMENT

VACATION OF AN INGRESS/EGRESS EASEMENT CREATED ALONG THE NORTH 60 FEET OF LOT 5, PIAZZA DI SAN FRANCISCO, A RESUBDIVISION OF LOTS 11, 12, 13, 14, 15 AND 16 OF RANDALL'S SUBDIVISION BLOCK 2, AS SHOWN ON PLAT RECORDED ON SLIDE 1860-A IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID EASEMENT BEING THE SAME 60' INGRESS/EGRESS EASEMENT SHOWN RUNNING THROUGH THE MIDDLE OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B, AND ALSO BEING THE SAME 60' INGRESS/EGRESS EASEMENT IN THE MIDDLE OF TRACT 2, A RESUBDIVISION OF TRACTS 1, 2 AND 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID DESCRIBED 60' INGRESS/EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°14'23" EAST ALONG THE WEST RIGHT-OF-WAY OF POLLARD ROAD (80' R/W) A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89°48'27" WEST A DISTANCE OF 346.15 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID TRACT 2; THENCE RUN NORTH 00°01'22" EAST ALONG THE WEST LINE OF SAID TRACT 2 A DISTANCE OF 60.00 FEET TO A POINT; THENCE LEAVING SAID WEST LINE NORTH 89°48'27" EAST A DISTANCE OF 346.38, FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY OF POLLARD ROAD; THENCE RUN SOUTH 00°14'23" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

DESCRIPTION FOR VACATION OF A 50' INGRESS/EGRESS EASEMENT

VACATION OF AN INGRESS/EGRESS EASEMENT CREATED ALONG THE SOUTH 50 FEET AND THE WEST 50 FEET PORTION OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, AND BEING THE SAME 50' INGRESS/EGRESS EASEMENT SHOWN ALONG THE SOUTH AND WEST PORTION OF TRACT 2, A RESUBDIVISION OF TRACTS 1, 2 AND 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID DESCRIBED 50' INGRESS/EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°48'27" WEST ALONG THE SOUTH LINE OF SAID TRACT 2 A DISTANCE OF 345.81 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID TRACT 2; THENCE RUN NORTH 00°01'22" EAST ALONG THE WEST LINE OF SAID TRACT 2 A DISTANCE OF 250.00 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID TRACT 2; THENCE RUN NORTH 89°48'27" EAST ALONG THE NORTH LINE OF SAID TRACT 2 A DISTANCE OF 50.00 FEET TO A POINT; THENCE RUN PARALLEL TO THE WEST LINE OF SAID TRACT 2 SOUTH 00°01'22" WEST A DISTANCE OF 200.00 FEET, MORE OR LESS, TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF TRACT 2; THENCE RUN PARALLEL TO THE SOUTH LINE OF SAID TRACT 2 NORTH 89°48'27" EAST A DISTANCE OF 296.00 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY OF POLLARD ROAD (80' R/W); THENCE RUN SOUTH 00°14'23" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

La Piazza di San Francesco via del Pollard

Adjacent Property Owners List

Baldwin Bone and Joint Medical Center
1505 DaphneAve.
Daphne , AL. 36526

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, Daphne Public Works, do hereby give our permission/consent to vacate the ***ingress/egress easements*** **as setforth on the attached exhibits** with the following comments:

Comments

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

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

AGENCY NAME: Daphne Public Works

By: [signature]

Its: Public Works Director

STATE OF ALABAMA)
COUNTY OF BALDWIN)

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

Given under my hand and seal on this the 10 day of Jan., 2018

Sandra Watts-Cushway

Notary Public
My Comm. Expires

SANDRA WATTS-CUSHWAY NOTARY PUBLIC STATE AT LARGE ALABAMA My Comm. Expires May 24, 2020

MARCH 5, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1. CALL TO ORDER:

There being a quorum present Councilwoman Conaway called the meeting to order at 6:32 p.m.

2. ROLL CALL:

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

Also Present: Dane Haygood, Mayor; Candace Antinarella, City Clerk; Brandy Volovecky, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; David McKelroy, Recreation Director; Adrienne Jones, Planning Director; Richard Merchant, Building Department; Kelli Kichler, Finance Director/Treasurer; David Carpenter, Police Chief; Jeremy Sasser, Public Works Director; Ronnie Huskey, Facilities Director; Margaret Thigpen, Civic Center Director; Vickie Hinman, Human Resources Director.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Brad McClain, Daphne Police Department Chaplain.

3. APPROVE MINUTES:

The minutes of the February 19, 2018 Council Meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Rudicell

Councilman Rudicell said the Finance Committee met on February 19, 2018, and the minutes are in the packet. He said the December 31, 2017 unrestricted cash-flow balance was $13,468,667; the Lodging Tax collected for December was $63,869.19; and the Sales and Use taxes collected for December were $1,653,961.87.

B. BUILDINGS & PROPERTY COMMITTEE – LeJeune

Councilman LeJeune said the next Buildings and Property Committee meeting will be March 12, 2018 at 5:15 p.m. after the Public Safety Committee meeting.

C. PUBLIC SAFETY COMMITTEE – Davis

Councilman Davis said the minutes of the January 9, 2018 meeting and the reports from the February 12, 2018 report are in the packet. The next meeting will be on March 12, 2018 at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Goodlin

Councilman Goodlin said that the Code Enforcement/Ordinance Committee met this afternoon and had a very light agenda. He said the next meeting will be on April 2, 2018 at 4:30 p.m.

E. PUBLIC WORKS COMMITTEE – Coleman

Councilman Coleman said the Public Works Committee met this afternoon and discussed a variety of ongoing Public Works projects. He said the meetings are open to the public and the next meeting will be on April 2, 2018 and 5:30 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

At the March 1, 2018 meeting, there was an application for Bayside Academy – Special Exception, which was requested by the applicant to be tabled until April 5, 2018.

B. Downtown Redevelopment Authority – Conaway

Council President Conaway said the minutes from the January 24, 2018 Downtown Redevelopment Authority meeting are in the packet.

C. Industrial Development Board – Davis

The next Industrial Development Board work session will be tomorrow at 11:30 a.m. in the Jubilee Conference Room and the regular meeting will be on March 20, 2018 at 5:30 p.m. The Industrial Development Board extended the purchase option on the DISC property.

D. Library Board – Rudicell

No report.

E. Planning Commission – Scott

The minutes from the January 25, 2018 Planning Commission meeting are in the packet as well as the report from the February 22, 2018 meeting. The next meeting will be on March 22, 2018 at 5 p.m.

F. Recreation Board – LeJeune

No report.

G. Utility Board - LeJeune

No report.

6. MAYOR'S REPORT:

Mayor Haygood asked for a moment of silence for Mobile Police Officer Justin Billa who was killed in the line duty. He said we should all thank the first responders who put their lives on the line for us every day.

Infirmary Health and UAB Health System have formed a strategic alliance which will enable the University of Alabama at Birmingham's (UAB) medical students to work with Infirmary Health and to rotate through this area. He said it will also offer additional access to specialists and clinical trials which will be available to the public.

There was a second claim related to an incident at Daphne Central Park. The issues are stemming from springs which are popping up around there.

Jamie Smith, Revenue Officer, has resigned to pursue a job with the City of Foley. He said she has done a great job at the City of Daphne. He would like to wish Ms. Smith success at her new job; it will be hard to fill her shoes. She has done a tough job with a smile and has kept the Council and Mayor informed.

The deadline for TAP applications for Fiscal Year 2019 has been moved up in order to give communities an opportunity to know what they have been awarded prior to budget adoptions.

A motion was made to extend the terms of the Agreement between Daphne Strike Soccer Club, Inc. and the City of Daphne for an additional 90 days at the February 19, 2018 City Council meeting. The City is still waiting on one more Daphne Strike signature; once that is done, the City can sign off on it and it will be in the bank's hands.

The Purple Heart City signs have been installed. He noted that the signs are small; they are looking into working with Dr. Booth to order larger signs.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

David McKelroy, Recreation Director, provided information on upcoming tournaments and events. The first Sunday Sunset Concert Series event will take place on March 18, 2018.

Jeremy Sasser, Public Works Director, invited the public to the Arbor Day Tree Giveaway on Saturday, March 10, 2018, at the Daphne Civic Center.

9. CITY CLERK'S REPORT:

MOTION by Councilman Scott to approve ABC License for Yinzers LLC doing business as Yinzers Brew and Grill located at 28850 US Highway 98, Suite 200, Daphne – 040-Retail Beer and 060 Retail Table Wine (on or off premises). Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Rudicell to approve the American Foundation for Suicide Prevention's Eastern Shore Out of the Darkness Walk on October 14, 2018 – no street closure. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to approve the publication and set a public hearing on April 16, 2018 for the pre-zone of Bertolla Properties LLC property located Southeast of Alabama 181 and Austin Road. Seconded by Councilman Goodlin.

AYE Rudicell, Conaway, Goodlin, LeJeune, Davis, Scott ABSTAIN Coleman

MOTION CARRIED.

MOTION by Councilman Scott to approve the publication and set a public hearing on April 16, 2018 for the Annexation of Bertolla Properties LLC property located Southeast of Alabama 181 and Austin Road. Seconded by Councilman Goodlin.

AYE Rudicell, Conaway, Goodlin, LeJeune, Davis, Scott ABSTAIN Coleman

MOTION CARRIED.

MOTION by Councilman Rudicell to approve the publication and set a public hearing on April 16, 2018 for the zoning amendment of John W. West Irrevocable Trust property located Southwest of Holy Cross Circle and Holy Cross Drive. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

10. PUBLIC PARTICIPATION:

Jerry Johnson, 27276 East Beach Boulevard, Orange Beach, said he is a candidate for the Baldwin County Commission, District 4. He has served on the Orange Beach City Council for six years. He wants to bring a relationship style of leadership to the Baldwin County Commission. He would like to see the Commission partner with the municipalities to leverage resources. He spoke about several issues that are important to him including the protection and preservation of our natural resources and the safety of Baldwin County's residents and schools. The election will take place on June 5, 2018.

Kirk Fonder, 1443 Randall Avenue, said he is concerned about vehicles speeding on Randall Avenue. He said the speed limit is 25 mph but it is not unusual for vehicles to be traveling at 50 mph. The sidewalks are no more than two feet from the road in certain areas and he believes it is only a matter of time before a pedestrian is hit. He is requesting traffic deterrents such as speed bumps, increased enforcement, or digital speed limit signs that show the driver's current speed.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

2018-08 – 2018 D-Oil & Lubricants

2018-09 – Authorizing the Finance Director to invest $500,000 from the City's General Fund in a one-year Certificate of Deposit

MOTION by Councilman Rudicell to waive the reading of Resolution 2018-08 and Resolution 2018-09. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Rudicell to adopt Resolution 2018-08. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Rudicell to adopt Resolution 2018-09. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

2nd READ:

2018-06 – An Ordinance consenting to the sale by the Utility Board of the City of Daphne of certain surplus personal property

MOTION by Councilman LeJeune to waive the reading of Ordinance 2018-06. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman LeJeune to adopt Ordinance 2018-06. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY.

1st READ:

2018-07 – Appropriation: Lodging Tax Fund: Invasive Species Control for Bayfront & Village Point Wetland Areas

2018-08 – Appropriation: Signs for Central Park, Alphonse Memorial Veterans Point, and Gator Boardwalk

12. COUNCIL COMMENTS:

Councilman Rudicell said he appreciates the decorum during the difficult public hearing at the last meeting. He said voting is one of the hardest things the council has to do. The way the council members handled themselves made him proud to be a part of this body.

Councilman Davis said he wants to echo the Mayor's comments regarding Officer Justin Billa; his granddaughter is on the police force in Mobile and trained with Officer Billa. Officer Billa is a great example of why we are as great as we are. He asked Chief White and Chief Carpenter to pass on appreciation to their staff for all that they do. He thanked Jerry Johnson for coming to the meeting. He said citizens get to vote for all four County Commissioners; they are elected at large. He said is very excited about the Infirmary Health and UAB partnership.

Mayor Haygood spoke regarding the difficult public hearing Councilman Rudicell just spoke about. He said the applicant has not submitted anything back to the City; the earliest that could happen at this point would be at the April 26, 2018 Planning Commission meeting. The applicant did submit a request today to the Mayor, the City Clerk and City Attorney to "withdraw their withdrawal" from the last meeting. He believes the City Attorney has responded to their council indicating that is not possible; once something has been withdrawn, the process must be started over. This has really highlighted the need for the City to communicate information in a timely manner.

Council President Conaway said the deadline for applications for the Education Advisory Committee is Friday, March 9, 2018.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:10 p.m.

Respectfully submitted by,

Certification of Presiding Officer

_____
Candace G. Antinarella, City Clerk

_____
Tommie Conaway, Council President

Feb. 2018

Permit Activity Report

New Construction

Thursday, March 1, 2018

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Permit Code From: BL To: BL
Issued Date From: 2/1/2018 To: 2/28/2018
Improvement Type: NEW

Permit Code: BL **BUILDING PERMIT**

Residential - NEW - R1 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM	18-141		8361 IRWIN LOOP	Yes	A	02/07/2018	02/05/2018	$122,100.00	$630.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		WINGED FOOT		SQ. FT	Lot: 43
				Total Residential - NEW - R1 BL Permit(s)				1	$122,100.00	$630.00

Residential - NEW - R3 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5754-1	TRULAND HOMES	18-166		8828 LONGUE VUE	Yes	A	02/07/2018	02/07/2018	$167,130.00	$855.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:		French Settlement		SQ. FT	Lot: 70
5754-1	TRULAND HOMES	18-167		8834 LONGUE VUE	Yes	A	02/07/2018	02/07/2018	$166,560.00	$850.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:		French Settlement		SQ. FT	Lot: 69
				Total Residential - NEW - R3 BL Permit(s)				2	$333,690.00	$1,705.00

Residential - NEW - R2 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
6309-1	GLH HOME BUILDERS LLC	18-279		29691 JASON MALBIS ✓ BLVD	Yes	A	02/23/2018	02/23/2018	$208,200.00	$1,060.00
	GLH HOME BUILDERS LLC			Daphne, AL 36526	Sub Division:		Historic Malbis		SQ. FT	Lot: 10
				Total Residential - NEW - R2 BL Permit(s)				1	$208,200.00	$1,060.00

Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM	18-192		9757 VOLTERRA AVE	Yes	A	02/12/2018	02/12/2018	$133,140.00	$685.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		Bellaton		SQ. FT	Lot: 206

5278-1	D R HORTON INC - BIRMINGHAM	18-188		9781 VOLTERRA AVE	Yes	A	02/12/2018	02/12/2018	$117,210.00	$605.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		Bellaton		SQ. FT	Lot: 210
5278-1	D R HORTON INC - BIRMINGHAM	18-189		24490 KIPLING CT	Yes	A	02/12/2018	02/12/2018	$114,450.00	$590.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		Bellaton		SQ. FT	Lot: 187
5278-1	D R HORTON INC - BIRMINGHAM	18-191		9751 VOLTERRA AVE	Yes	A	02/12/2018	02/12/2018	$121,950.00	$625.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		Bellaton		SQ. FT	Lot: 205
5278-1	D R HORTON INC - BIRMINGHAM	18-193		9763 VOLTERRA AVE	Yes	A	02/12/2018	02/12/2018	$117,210.00	$605.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		Bellaton		SQ. FT	Lot: 207
5278-1	D R HORTON INC - BIRMINGHAM	18-194		9769 VOLTERRA AVE	Yes	A	02/12/2018	02/12/2018	$115,680.00	$595.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		Bellaton		SQ. FT	Lot: 208
5278-1	D R HORTON INC - BIRMINGHAM	18-209		9775 VOLTERRA AVE	Yes	A	02/15/2018	02/15/2018	$114,450.00	$590.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		Bellaton		SQ. FT	Lot: 209
5278-1	D R HORTON INC - BIRMINGHAM	18-268		25806 POLLARD RD UNITS (57-60)	Yes	A	02/22/2018	02/22/2018	$391,560.00	$1,975.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		VILLAS AT ST CHARLES		SQ. FT	Lot:
5278-1	D R HORTON INC - BIRMINGHAM	18-212		9787 VOLTERRA AVE	Yes	A	02/15/2018	02/15/2018	$114,450.00	$590.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		Bellaton		SQ. FT	Lot: 211

Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s) 9 $1,340,100.00 $6,860.00

Residential - NEW - R4 - MULTI-FAMILY BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM	18-270		25806 POLLARD RD UNITS (61-66)	Yes	A	02/22/2018	02/22/2018	$587,340.00	$2,925.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		VILLAS AT ST CHARLES		SQ. FT	Lot:
5278-1	D R HORTON INC - BIRMINGHAM	18-271		25806 POLLARD RD UNITS (67-72)	Yes	A	02/22/2018	02/22/2018	$587,340.00	$2,925.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		VILLAS AT ST CHARLES		SQ. FT	Lot:

5278-1	D R HORTON INC - BIRMINGHAM	18-269		25806 POLLARD RD UNITS (51-56)	Yes	A	02/22/2018	02/22/2018	$587,340.00	$2,925.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		VILLAS AT ST CHARLES		SQ. FT	Lot:
5278-1	D R HORTON INC - BIRMINGHAM	18-272		25806 POLLARD RD UNITS (73-78)	Yes	A	02/22/2018	02/22/2018	$587,340.00	$2,925.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		VILLAS AT ST CHARLES		SQ. FT	Lot:
			Total Residential - NEW - R4 - MULTI-FAMILY BL Permit(s)					4	$2,349,360.00	$11,700.00

Residential - NEW - R-6G BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5754-1	TRULAND HOMES	18-208		30246 PERSIMMON DRIVE	Yes	A	02/15/2018	02/15/2018	$141,750.00	$725.00
	TRULAND HOMES			Daphne, AL 36527	Sub Division:		Timber Creek		SQ. FT	Lot: 7
5754-1	TRULAND HOMES	18-207		30264 PERSIMMON DRIVE	Yes	A	02/15/2018	02/15/2018	$140,760.00	$720.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:		Timber Creek		SQ. FT	Lot: 9
5754-1	TRULAND HOMES	18-164		7843 ELDERBERRY DRIVE	Yes	A	02/07/2018	02/07/2018	$183,090.00	$935.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:		Timber Creek		SQ. FT	Lot: 33
5754-1	TRULAND HOMES	18-165		7823 ELDERBERRY DRIVE	Yes	A	02/07/2018	02/07/2018	$190,140.00	$970.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:		TiMmber Creek		SQ. FT	Lot: 31
			Total Residential - NEW - R-6G BL Permit(s)					4	$655,740.00	$3,350.00

Residential - NEW - PUD R-3 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM	18-211		24482 KIPLING COURT	Yes	A	02/15/2018	02/15/2018	$115,680.00	$595.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		Bellaton		SQ. FT	Lot: 188
5278-1	D R HORTON INC - BIRMINGHAM	18-210		26161 GILMORE WAY	Yes	A	02/15/2018	02/15/2018	$122,100.00	$630.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		WINGED FOOT		SQ. FT	Lot: 13

5278-1	D R HORTON INC - BIRMINGHAM	18-190		8181 IRWIN LOOP	Yes	A	02/12/2018	02/12/2018	$122,100.00	$630.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		WINGED FOOT		SQ. FT	Lot: 55
5278-1	D R HORTON INC - BIRMINGHAM	18-163		26132 GILMORE WAY	Yes	A	02/07/2018	02/07/2018	$122,100.00	$630.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		WINGED FOOT		SQ. FT	Lot: 6
5278-1	D R HORTON INC - BIRMINGHAM	18-162		8263 IRWIN LOOP	No	A	02/07/2018	02/07/2018	$122,100.00	$630.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		WINGED FOOT		SQ. FT	Lot: 50
5278-1	D R HORTON INC - BIRMINGHAM	18-161		8301 IRWIN LOOP	Yes	A	02/07/2018	02/07/2018	$122,100.00	$630.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		WINGED FOOT		SQ. FT	Lot: 48
5278-1	D R HORTON INC - BIRMINGHAM	18-160		8328 IRWIN LOOP	Yes	A	02/07/2018	02/07/2018	$122,100.00	$630.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		WINGED FOOT		SQ. FT	Lot: 17
5278-1	D R HORTON INC - BIRMINGHAM	18-159		8353 IRWIN LOOP	Yes	A	02/07/2018	02/07/2018	$122,100.00	$630.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526	Sub Division:		WINGED FOOT		SQ. FT	Lot: 44

Total Residential - NEW - PUD R-3 BL Permit(s)	8	$970,380.00	$5,005.00
Total Residential - NEW BL Permit(s)	29	$5,979,570.00	$30,310.00
Total Residential BL Permit(s)	29	$5,979,570.00	$30,310.00

Non Residential - NEW - B2 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
6352-1	KV PROPERTIES LLC	18-138		26087 CAPITAL DRIVE	Yes	A	02/01/2018	02/01/2018	$375,000.00	$2,264.00
	KV PROPERTIES LLC			Daphne, AL 36526	Sub Division:		DaPHNE COMMERCIAL		SQ. FT	Lot:

Total Non Residential - NEW - B2 BL Permit(s)	1	$375,000.00	$2,264.00
Total Non Residential - NEW BL Permit(s)	1	$375,000.00	$2,264.00
Total Non Residential BL Permit(s)	1	$375,000.00	$2,264.00
Total BL Permit(s)	30	$6,354,570.00	$32,574.00
Grand Totals	30	$6,354,570.00	$32,574.00

Feb 2018

Permit Activity Summary Report

Thursday, March 1, 2018

Permit Code From: BL To: xSG
Issued Date From: 2/1/2018 To: 2/28/2018

Permit Code	Description	# Of Permits	Job Cost/Value	Permit Fee
BL	BUILDING PERMIT	76	$7,202,957.57	$38,238.00
EL	ELECTRICAL PERMIT	3	$29,600.00	$690.00
EL-NEW	ELECTRICAL - NEW	32	$0.00	$3,520.00
ME	MECHANICAL PERMIT	8	$116,449.00	$1,696.00
ME-NEW	MECHANICAL - NEW	13	$0.00	$1,760.00
PL	PLUMBING PERMIT	4	$12,000.00	$597.00
PL-NEW	PLUMBING - NEW RESIDENTIAL	26	$0.00	$2,860.00
	Grand Totals	162	$7,361,006.57	$49,361.00

additional fee's $5000.66

$54,361.66

Feb. 2018

Periodic Report of Permits Issued by Improvement

03/01/2018

Issued Date From: 2/1/2018 To: 2/28/2018

		Code	Count	# Of Units	Valuation	Permit Fee
BUILDING PERMIT						
Residential						
REINSPECTION FEE	R3	BL	2			$100.00
REINSPECTION FEE	R4 - HIGH DENSITY R	BL	2			$100.00
REINSPECTION FEE	PUD R-3	BL	1			$50.00
NEW	R1	BL	1		$122,100.00	$630.00
NEW	R3	BL	2		$333,690.00	$1,705.00
NEW	R2	BL	1		$208,200.00	$1,060.00
NEW	R4 - HIGH DENSITY R	BL	9		$1,340,100.00	$6,860.00
NEW	R4 - MULTI-FAMILY	BL	4		$2,349,360.00	$11,700.00
NEW	R-6G	BL	4		$655,740.00	$3,350.00
NEW	PUD R-3	BL	8		$970,380.00	$5,005.00
REPAIR	R1	BL	5		$26,666.68	$215.00
REPAIR	R3	BL	2		$10,388.54	$85.00
REPAIR	R4 - MULTI-FAMILY	BL	1		$12,731.41	$79.00
REMODEL	R4 - MULTI-FAMILY	BL	1		$10,000.00	$65.00
RE-ROOF	R1	BL	7		$115,608.94	$695.00
RE-ROOF	R3	BL	11		$112,834.00	$745.00
RE-ROOF	R4 - MULTI-FAMILY	BL	1		$20,935.00	$120.00
POOL	R1	BL	1		$45,000.00	$240.00
POOL	R3	BL	2		$54,020.00	$305.00
STORAGE BUILDING	R1	BL	1		$1,000.00	$20.00
STORAGE BUILDING	R3	BL	1		$3,000.00	$30.00
MISCELLANEOUS	R4 - HIGH DENSITY R	BL	1		$610.00	$20.00
MISCELLANEOUS	R4 - MULTI-FAMILY	BL	1		$25,000.00	$140.00
Non-Residential						
PLAN REVIEW	B2	BL	1			$100.00
NEW	B2	BL	1		$375,000.00	$2,264.00
REMODEL	B2	BL	1		$202,000.00	$1,212.00
RE-ROOF	B2	BL	1		$98,593.00	$594.00
INTERIOR BUILD OUT	B2	BL	2		$95,000.00	$659.00
ALTERATIONS	B2	BL	1		$15,000.00	$90.00
	Total - BUILDING PERMIT		76		$7,202,957.57	$38,238.00
	Grand Total		76	0.00	$7,202,957.57	$38,238.00

Feb. 2018

Certificate Of Occupancy Report

Printed On : 3/1/2018

CO Issued Date From: 2/1/2018 To: 2/28/2018

Permit Number	CO Issued	Owner Name	Address	Sub Division	Status
17-712	2/2/2018	TRULAND HOMES	27073 ALLENBROOK COURT	Brookhaven	I
17-1002	2/7/2018	D R HORTON	24738 CHANTILLY LANE	Bellaton	I
17-939	2/8/2018	D R HORTON	10723 DUNMORE DRIVE	Dunmore	I
17-1132	2/8/2018	TRULAND HOMES	27689 RHONE DRIVE	RETREAT AT TIAWASEE	I
17-630	2/8/2018	TRULAND	8830 Rosedown Lane	French Settlement	I
17-690	2/8/2018	TRULAND HOMES	8836 ROSEDOWN LANE	French Settlement	I
17-1330	2/9/2018	TRULAND HOMES	27041 ALLENBROOK COURT	Brookhaven	I
17-891	2/14/2018	D R HORTON	25806 POLLARD RD UNITS (1	VILLAS AT ST CHARLES	I
17-317	2/16/2018	RICH'S CAR WASH	28823 US HWY 98	RICH'S CAR WASH	I
17-899	2/19/2018	TRULAND HOMES	7788 HEMLOCK STREET	Timber Creek	I
17-1203	2/21/2018	D R HORTON	27332 LASHAY DRIVE	Caroline Woods	I
17-144	2/21/2018	D R HORTON	7877 BARRINGTON LANE	CAROLINE WOODS	I
17-805	2/23/2018	D R HORTON	23900 FLYNT DRIVE	Dunmore	I
17-1071	2/26/2018	D R HORTON	24739 CHANTILLY LANE	Bellaton	I
17-199	2/27/2018	D R HORTON	10527 DUNMORE DRIVE	Dunmore	I

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CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
March 5, 2018 - 5:30 P.M.
DAPHNE CITY HALL

I. CALL TO ORDER

Councilman Joel Coleman called the meeting to order at 5:30 p.m.

II. **Committee Members Present**: Joel Coleman (Chairman), Councilwoman Tommie Conaway; Councilman Pat Rudicell; Councilman Doug Goodlin; Councilman Ron Scott; Councilman Joe Davis; Mayor Haygood; City Attorney Jay Ross.
Others Present: William "BJ" Eringman, PW Deputy Director; Jeremy Sasser, PW Deputy Director; Andy Bobe, Dewberry/Preble-Rish; Andy James & Tim Patton, Volkert; Scott Hutchinson, HMR; John Peterson, Mott-McDonald; Dorothy Morrison, Betsy Schneider, Candace Antinarella, Kelli Kichler, Adrienne Jones, Edward Miller (Belrose citizen); Wade Burcham (Integrated Science and Engineering)

III. PUBLIC PARTICIPATION & CORRESPONDENCE

A. **Work Request Report –** January 2017 & 2018 were reviewed.
B. **Vehicle/Equipment Maintenance Report** – The reports for January 2017-2018 were reviewed.
C. **Correspondence /Public Participation –**Mr. Miller inquired about the progress of Belrose Park. Mr. Jeremy Sasser advised the resident that the damage was done by a resident driving off of the road. The City of Daphne recently received a check from the insurance company of the driver at fault and now proceeding with renovations

IV. OLD BUSINESS

A. **Minutes –** February 5, 2018 Minutes were reviewed by the committee. ***Motion by Joe Davis, seconded by Doug Goodlin*** to approve the minutes. All in favor. Motion carried.
B. **Mosquito Report** – No Report
C. **Street Sweeper Report** – January Report was reviewed by the committee.

V. NEW BUSINESS

A. **Recycling Update—**Mr. Sasser & Mr. Eringman toured ECUA and Caraustar. Mr. Sasser is putting together a preliminary packet, which will be ready by the next Finance Meeting.
B. **2018 Sidewalk Discussion—**Mr. Sasser informed the committee that 50% of the sidewalk is installed at Daphmont.
C. **Recreation/Park Improvement Update—**Mr. Sasser informed the committee that there is no definitive timeline for Village Point Boardwalk. He has been in communication with FEMA and it will be approximately 6 months before funding will be available. Mr. Sasser requested the committee fund upfront and receive a reimbursement from FEMA at a later date—75% Federal, 12.5% state, 12.5% local. Mr. Sasser informed the committee that the cost would be approximately $200,000 to $225,000. ***Motion by Ron Scott, seconded by Joe Davis*** to approve the start of construction at Village Point Boardwalk. All in favor. Motion carried. Mr. Sasser also discussed concerns over the infrastructure of accessing the new ball fields at the park. He has requested a traffic consultant for what the city should do to be proactive with the amount of traffic. The consultant is working towards a proposal for the study. Anticipated completion date is Spring 2019. Council would like to review what has been done thus far with an on-site visit.
D. **Street Light Discussion—**Mr. Eringman discussed 1.) French Settlement Phase III—4 lights at $15/ea.; $60/month cost for the city 2.)Wingfoot Phase—25 lights at $212.50/month cost for the city 3.)Carolyn Woods Phase III A/B—6 lights at $53.04/month cost for the city. The committee asked that a resolution be presented on how to proceed with what the city will cover in costs vs. POA requirements for street lights.

VI. DIRECTOR'S REPORT

A. **Public Works Related Overtime Report –**
Mr. Sasser reviewed the report.

VII. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

A. Monthly Recycle Tonnage Report (Tonnage Comparison) – January 2018

Report was reviewed by the committee. Mr. Sasser informed the committee that the tonnage numbers were low for January due to the fact that our hauling company was unavailable the last week of the month; however the tonnage numbers should be larger for the month of February.

B. Solid Waste New Customer Report – January 2018

Report was reviewed by the committee. Twelve (14) residential, one (1) commercial customers were added in September.

C. Tallent Lane Facility Report – January 2018

The total tonnage collected for September was 306.68 ton.

VIII. MUSEUM COMMITTEE

A. Minutes – January 8, 2018 meeting minutes were reviewed by the committee.

IX. BEAUTIFICATION COMMITTEE

A. Minutes – January 2, 2018 meeting minutes were reviewed by the committee.

X. ENVIRONMENTAL ADVISORY COMMITTEE

A. Minutes – January 29, 2018 meeting minutes were reviewed by the committee.

XI. ENGINEER'S REPORT

See Attached Report –

Engineers reviewed the reports for their projects. Council discussed several projects throughout the city.

XII. FUTURE BUSINESS

A. Next Meeting will be April 2, 2018 at 5:30 p.m. at Council Executive Room.

XIII. ADJOURNMENT

Motion by Joel Coleman, seconded by Tommie Conaway to adjourn. Motion carried. Meeting adjourned at 6:25 p.m.

CITY OF DAPHNE, ALABAMA
RESOLUTION NO. 2018-10

Resolution to Vacate an Unopened Portion of the Church Street Right of Way

WHEREAS, Dayna Oldham, as the abutting property owner of the hereinafter described right-of-way in the City of Daphne, Alabama, has petitioned the City Council of the City of Daphne, Alabama to assent to the vacation and closing by her as abutting property owner of a portion of the right-of-way hereinafter described; and

WHEREAS, it has been shown to the satisfaction of the Daphne City Council that Dayna Oldham owns all of the property abutting said portion of right-of-way, that the same is not needed as a public road in the City of Daphne, that no property owner owns lots or parcels that will be cut off from access thereby over some other reasonable and convenient way, and that it is in the best interest of the public that such portion of right-of-way be vacated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, that its assent be, and the same hereby is, given to Dayna Oldham as the abutting property owner, to the vacation and closing of the following portion of right-of-way situated on Church Street, East of Sixth Street, being more particularly described as follows:

> The South 17 feet of the unopened Right-of-Way of Church Street along the North boundary of Lot 1 Block #1 of Dyer Subdivision of Daphne Alabama as recorded in Map Book #1 page 78 in the records in the Office of the Judge of Probate.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, that its assent be, and the same hereby is, given to vacate and annul any portion of any map recorded in the Office of the Judge of Probate of Baldwin County, Alabama, which shows the hereinabove described portion of right-of-way in accordance with the laws of the State of Alabama. The filing of this Resolution in the Probate Court of Baldwin County, Alabama, shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in those parts of the right-of-way vacated. Title and all public rights, including the portion of right-of-way, shall vest in the abutting landowner pursuant to *Code of Alabama (1975), Sections 23-4-20* and *23-4-2*, provided that entities with utility lines, equipment, or facilities in place at the time of vacation, if any, shall have the right to continue to maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred. The City Council hereby finds that it is in the interest of the public that this portion of right-of-way be vacated.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2018.

_____
Dane Haygood,
Mayor

ATTEST:

_____
Candace G. Antinarella,
City Clerk

CITY OF DAPHNE, ALABAMA
RESOLUTION NO. 2018-11

Resolution for Vacation of Ingress & Egress Easements
Lot 5, Piazza di San Francesco & Tract 2, La Piazza di San Francesco

WHEREAS, Baldwin Bone and Joint Medical Center, as the abutting property owner of the following described Ingress and Egress Easement in the City of Daphne, Alabama, have petitioned the City Council of the City of Daphne, Alabama to assent to the vacation and closing by them as abutting property owners of the Ingress and Egress Easement hereinafter described; and

WHEREAS, it has been shown to the satisfaction of the Daphne City Council that Baldwin Bone and Joint Medical Center own all of the property abutting said easements, that the same are not needed for public use in the City of Daphne, that no property owner owns lots or parcels that will be cut off from access thereby over some other reasonable and convenient way, and that it is in the best interest of the public that such easement be vacated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, that its assent be, and the same hereby is, given to Baldwin Bone and Joint Medical Center as abutting property owners, to the vacation and closing by them of the following eassement situated at Lot 5, Piazza di San Francesco & Tract 2, La Piazza di San Francesco Subdivision, being more particularly described as follows:

> DESCRIPTION FOR VACATION OF A 60' INGRESS/EGRESS EASEMENT
> VACATION OF AN INGRESS/EGRESS EASEMENT CREATED ALONG THE NORTH 60 FEET OF LOT 5, PIAZZA DI SAN FRANCISCO, A RESUBDIVISION OF LOTS 11, 12, 13, 14, 15 AND 16 OF RANDALL'S SUBDIVISION BLOCK 2, AS SHOWN ON PLAT RECORDED ON SLIDE 1860-A IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID EASEMENT BEING THE SAME 60' INGRESS/EGRESS EASEMENT SHOWN RUNNING THROUGH THE MIDDLE OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B, AND ALSO BEING THE SAME 60' INGRESS/EGRESS EASEMENT IN THE MIDDLE OF TRACT 2, A RESUBDIVISION OF TRACTS 1, 2 AND 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID DESCRIBED 60' INGRESS/EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
>
> COMMENCING AT THE SOUTHEAST CORNER OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°14'23" EAST ALONG THE WEST RIGHT-OF-WAY OF POLLARD ROAD (80' R/W) A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89°48'27" WEST A DISTANCE OF 346.15 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID TRACT 2; THENCE RUN NORTH 00°01'22" EAST ALONG THE WEST LINE OF SAID TRACT 2 A DISTANCE OF 60.00 FEET TO A POINT; THENCE LEAVING SAID WEST LINE NORTH 89°48'27" EAST A DISTANCE OF 346.38, FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY OF POLLARD ROAD; THENCE RUN SOUTH 00°14'23" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

DESCRIPTION FOR VACATION OF A 50' INGRESS/EGRESS EASEMENT

VACATION OF AN INGRESS/EGRESS EASEMENT CREATED ALONG THE SOUTH 50 FEET AND THE WEST 50 FEET PORTION OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, AND BEING THE SAME 50' INGRESS/EGRESS EASEMENT SHOWN ALONG THE SOUTH AND WEST PORTION OF TRACT 2, A RESUBDIVISION OF TRACTS 1, 2 AND 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID DESCRIBED 50' INGRESS/EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°48'27" WEST ALONG THE SOUTH LINE OF SAID TRACT 2 A DISTANCE OF 345.81 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID TRACT 2; THENCE RUN NORTH 00°01'22" EAST ALONG THE WEST LINE OF SAID TRACT 2 A DISTANCE OF 250.00 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID TRACT 2; THENCE RUN NORTH 89°48'27" EAST ALONG THE NORTH LINE OF SAID TRACT 2 A DISTANCE OF 50.00 FEET TO A POINT; THENCE RUN PARALLEL TO THE WEST LINE OF SAID TRACT 2 SOUTH 00°01'22" WEST A DISTANCE OF 200.00 FEET, MORE OR LESS, TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF TRACT 2; THENCE RUN PARALLEL TO THE SOUTH LINE OF SAID TRACT 2 NORTH 89°48'27" EAST A DISTANCE OF 296.00 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY OF POLLARD ROAD (80' R/W); THENCE RUN SOUTH 00°14'23" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, that its assent be, and the same hereby is, given to vacate and annul any portion of any map recorded in the Office of the Judge of Probate of Baldwin County, Alabama, which shows the hereinabove described easement in accordance with the laws of the State of Alabama. The filing of this Resolution in the Probate Court of Baldwin County, Alabama, shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in those parts of the easement vacated. Title and all public rights, including the easement, shall vest in the abutting landowners pursuant to *Code of Alabama (1975), Sections 23-4-20* and *23-4-2*, provided that entities with utility lines, equipment, or facilities in place at the time of vacation, if any, shall have the right to continue to maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred. The City Council hereby finds that it is in the interest of the public that these easements be vacated.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2018.

_____

Dane Haygood,
Mayor

ATTEST:

_____

Candace G. Antinarella,
City Clerk

CITY OF DAPHNE, ALABAMA
RESOLUTION NO. 2018-12

Application for Recreation Trails
Program Grant for Village Point Park

WHEREAS, the City of Daphne intends to submit an Application to the Alabama Department of Economic and Community Affairs (ADECA) requesting grant assistance from the Recreational Trails Program (RTP) to continue the elevated wooden boardwalk walking trail at Village Point Park; and

WHEREAS, the grant funds requested are $210,205.48 (80%) and the local match provided by the City of Daphne is $52,551.37 (20%) for a total project cost of $262,756.85; and

NOW, THEREFORE IT BE RESOLVED that the City Council of Daphne authorizes the submission of an application to ADECA requesting $210,205.48 in FY 2018 RTP Funds; and

BE IT FURTHER RESOLVED that in the event a grant is awarded; the City will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF MARCH, 2018.

_____
Dane Haygood, Mayor

ATTEST:

_____
Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-07

APPROPRIATION: INVASIVE SPECIES CONTROL FOR BAYFRONT AND VILLAGE POINT WETLAND AREAS

WHEREAS, Ordinance 2017-77 approved adopted the Fiscal Year 2018 Budget on October 2, 2017; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2018 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2018 budget; and

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for Bayfront grounds/property improvements; and

WHEREAS, the this invasive species control project meets such criteria; and

WHEREAS, the wetland areas at Bayfront and Village Point require additional invasive species control to maintain the wetland areas;

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

1. The Fiscal Year 2018 Budget is hereby amended to include an appropriation from the Lodging Tax Fund in the amount of $5,400 for Invasive Species Control Project: Village Point and BayFront wetlands.
2. The Mayor is authorized to execute all agreements, on behalf of the City of Daphne, as necessary for such purpose.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA this ____ day of _____, 2018.

_____
Dane Haygood, Mayor

Attest:

_____
Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-08

APPROPRIATION: SIGNS FOR CENTRAL PARK, ALPHONSE MEMORIAL VETERANS POINT, AND GATOR BOARDWALK

WHEREAS, Ordinance 2017-77 approved adopted the Fiscal Year 2018 Budget on October 2, 2017; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2018 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2018 budget; and

WHEREAS, signs are needed to provide information to the public visiting the parks; and

WHEREAS, quotes have been obtained for signs/lettering/logo for Central Park, Alphonse Memorial Veterans Point, and Gator Boardwalk in the amount of $10,200:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the Fiscal Year 2018 Budget is hereby amended to include an appropriation from the **General Fund** in the amount of $10,200 for installation of signs/lettering/logo at Central Park, Alphonse Memorial Veterans Point, and Gator Boardwalk.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA this ____ day of _____, 2018.

_____
Dane Haygood, Mayor

Attest:

_____
Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-09

Ordinance to Re-Zone Property Located
Southeast Corner of US Highway 98 and Johnson Road
WPNVA, LLC, Jay-E LLC, John White-Spunner & Chester J. Stephan

WHEREAS, WPNVA, LLC, Jay-E LLC, John White-Spunner & Chester J. Stephan as the owner of certain real property located within the City of Daphne, has requested that said property that is currently under County zoning as R-4, High Density Single and Multi-Family Residential District, to be Re-Zoned as B-2, General Business District; and

WHEREAS, said real property is Southeast Corner of US Highway 98 and Johnson Road, and more particularly described as follows:

Legal Description for Re-Zone:

PARCEL 2 (a/k/a Lenz Property), an undivided 20% interest in the following property:

From the Northeast corner of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama: run South 89 Degrees 25 minutes West along the section line a distance of 684.5 feet to a point; thence run South 02 degrees 10 minutes West a distance of 34 feet to an iron pin lying on the South right of way margin of Johnson Road for the POINT OF BEGINNING; thence run South 02 degrees 25 minutes West a distance of 384.27 feet to an iron pin; thence run South 89 degrees 16 minutes 21 seconds West a distance of 109 feet to a concrete monument; thence run South 0 degrees 35 minutes South; [sic] a distance of 210.33 feet to a concrete monument; thence run South 89 degrees 14 minutes West a distance of 363.64 feet to an iron pin lying on the East right of way margin of U.S. Highway 98; [sic]thence run North 05 degrees 00 minutes South [sic] along said East right of way margin a distance of 88.63 feet to a concrete monument; thence run North 84 degrees 49 minutes West along said East right of way margin a distance of 30 feet to a right of way monument; thence run North 05 degrees 11 minutes East along said East right of way margin a distance of 351.51 feet to a right of way monument; thence run South 85 degrees 30 minutes South [sic] along said East right of way margin a distance of 10 feet to a right of way monument; thence run North 04 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 106.77 feet to a right of way monument; thence run north 46 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 75.25 feet to a right of way monument on the South right of way margin of Johnson Road; thence run North 89 degrees 39 minutes East along said South right of way margin a distance of 403 feet to the POINT OF BEGINNING; containing 5.8 acres more or less.

WHEREAS, at the regular Planning Commission meeting on January 25, 2018, the Commission considered said request and set forth a favorable recommendation for B-1, Local Business District in lieu of B-2 General Business; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 19, 2018; 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 re-zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-4, High Density Multi-Family Residential District to B-1 Local Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION 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 after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2018.

_____

Dane Haygood,
Mayor

ATTEST:

_____

Candace G. Antinarella,
City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-46(a)

Ordinance to Amend City of Daphne Ordinance 2017-46 to Correct Error

WHEREAS, on June 5, 2017, the City of Daphne, Alabama adopted 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; and

WHEREAS, said Ordinance stated that City Ordinance 2017-45 was passed pre-zoning the subject property as B-2, General Business District; and

WHEREAS, Ordinance 2017-45 actually stated that the subject real property was pre-zoned B-2(a), General Business Alternate District, said Ordinance being recorded with the Office of the Judge of Probate of Baldwin County, Alabama in Instrument Number 1638169; and

WHEREAS, the records of the City of Daphne reflect the Planning Commission of the City of Daphne recommended a B-2(a) zoning of said property, the City Council held a public hearing on the recommended B-2(a) zoning, the City Council voted and passed the Pre-Zoning Ordinance with the B-2(a) zoning of the subject property; and

WHEREAS, Ordinance 2017-45 contained the correct zoning of B-2(a), but due to a typographical error Ordinance 2017-46, an Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne, contained the incorrect zoning designation; and

WHEREAS, the City Council of the City of Daphne desires to correct said typographical error and to reflect the actual action taken by the Council; and

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

Section Two of City of Daphne, Alabama Ordinance 2017-46 shall be and is hereby amended to read as follows:

SECTION TWO: ZONING
At the June 5, 2017 regularly scheduled City Council meeting Ordinance 2017-45 was adopted pre-zoning the said property as B-2(a), General Business Alternate District.

All other terms and conditions of City of Daphne, Alabama Ordinance 2017-46 shall remain the same.

This Ordinance shall take effect upon its approval by the City Council of the City of Daphne and publication as required by law. This Ordinance shall be recorded with the Office of the Judge of Probate of Baldwin County, Alabama as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS_____ day of _____, 2018.

_____
Dane Haygood,
Mayor

ATTEST:

_____
Candace G. Antinarella,
City Clerk