

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2018-24**

**Ordinance to Re-Zone Property Located  
Southeast of Van Avenue and Main Street  
The Estate of Victorine Nelson**

**WHEREAS**, The Estate of Victorine Nelson as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as R-3, High Density Single Family Residential, to be Re-Zoned as B-3, Professional Business District; and

**WHEREAS**, said real property is Southeast of Van Avenue and Main Street, and more particularly described as follows:

**Legal Description for Re-Zone:**

68V – VAN AVENUE PARCEL

"PARCEL 1: BEGIN AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, AND RUN THENCE SOUTH ALONG THE SECTION LINE DIVIDING SECTIONS 19 AND 20, FOR A DISTANCE OF 2226.76 FEET; THENCE RUN NORTH 89 DEGREES 21 MINUTES EAST 40 FEET TO THE POINT OF BEGINNING OF THE LOT HEREBY CONVEYED; THENCE CONTINUE NORTH 89 DEGREES 21 MINUTES EAST 99 FEET; THENCE RUN SOUTH 131.51 FEET; THENCE RUN SOUTH 89 DEGREES 21 MINUTES WEST 99 FEET; THENCE RUN NORTH 131.51 FEET TO THE POINT OF BEGINNING.

PARCEL 2: BEGINNING AT THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST BALDWIN COUNTY, ALABAMA, AND RUNNING THENCE SOUTH 33.75 CHAINS TO A POINT; THENCE RUN EAST 139 FEET TO A POINT FOR A PLACE OF BEGINNING: THENCE RUN EAST 120 FEET; THENCE WEST 120 FEET; AND THENCE NORTH 134 FEET TO THE POINT OF BEGINNING. SITUATED IN SECTION 20, T5S, R2E, BALDWIN COUNTY, ALABAMA.

PARCEL 3: BEGIN AT THE NORTHWEST CORNER OF SECTION TWENTY (20), TOWNSHIP FIVE (5) SOUTH, RANGE TWO (2) EAST AND RUN THENCE SOUTH 2361 FEET TO A POINT; THENCE EAST 25 FEET TO A POINT ON THE EAST LINE OF THE STATE HIGHWAY FOR THE POINT OR PLACE OF BEGINNING; THENCE SOUTH ALONG THE EAST LINE OF THE STATE HIGHWAY 108 FEET TO A POINT; THENCE EAST 230 FEET TO A POINT; THENCE NORTH 108 FEET TO A POINT; THENCE WEST 230 FEET TO THE PLACE OF BEGINNING IN SECTION TWENTY (20), TOWNSHIP FIVE (5) SOUTH, RANGE TWO (2) EAST, CONTAINING ONE HALF ACRE, MORE OR LESS."

(DESCRIPTION COPIED FROM STEWART TITLE GUARANTY COMPANY, TITLE COMMITMENT NO. 300-1710-00455, DATED NOVEMBER 10TH, 2017 AT 08:00 AM).

LANDS SURVEYED BEING COMBINED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCE AT THE NORTHWEST OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00°16'43" WEST, A DISTANCE OF 2226.76 FEET TO A POINT; THENCE RUN NORTH 89°40'15" EAST, A DISTANCE OF 40.00 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF MAIN STREET AND THE SOUTH RIGHT-OF-WAY OF VAN AVENUE FOR THE POINT OF BEGINNING: CONTINUE THENCE NORTH 89°40'15" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID VAN AVENUE, A DISTANCE OF

219.00 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) IN AN OLD CHAIN-LINK FENCE; THENCE

RUN SOUTH 00°17'58" WEST, ALONG AND WITH SAID CHAIN-LINK FENCE, A DISTANCE OF 240.63 FEET TO A 1" OPEN END IRON PIPE AT THE END OF SAID CHAIN-LINK FENCE; THENCE RUN SOUTH 89°53'55" WEST, A DISTANCE OF 218.90 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) ON THE EAST RIGHT-OF-WAY OF SAID MAIN STREET; THENCE RUN NORTH 00°16'43" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID MAIN STREET, A DISTANCE OF 239.76 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 1.21 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST. (DESCRIPTION COMPOSED FROM FIELD SURVEY).

**WHEREAS**, at the regular Planning Commission meeting on April 26, 2018, no action was taken due to insufficient quorum of the Planning Commission members; therefore, the proposed zoning amendment moves forward with no recommendation to rezone the subject property; 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 City Hall, a public hearing was held before the City Council on June 18, 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-3, High Density Single Family Residential, to B-3, Professional 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 2<sup>nd</sup> day of July, 2018.



Dane Haygood, Mayor

Attest:



Candace G. Antinarella, City Clerk