

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-47**

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

**Located Northeast of County Road 64 and County Road 13, southeast of Rand
Avenue and County Road 13
Down by the Bay, LLC**

WHEREAS, on the 18th day of July 2019, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on October 21, 2019 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on August 22, 2019, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the November 4, 2019 regularly scheduled City Council meeting Ordinance 2019-46 was adopted pre-zoning the said property as B-2(a), General Business Alternate District.

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF-WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP

(ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

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

SECTION FIVE: PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE 4th DAY OF November, 2019.



Dane Haygood, Mayor

ATTEST



Candace G. Antinarella, City Clerk

Down By the Bay, L.L.C.

Pre-Zoning Amendment & Annexation

Legal Description

Exhibit "A"

LEGAL DESCRIPTION:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF- WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

