

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2020-16**

**Ordinance to Re-Zone Property Located
Northeast corner of US Highway 98 and Dale Road
Zeolia Dale c/o Velma Jackson**

WHEREAS, Zeolia Dale c/o Velma Jackson, as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as B-2, General Business District, be re-zoned as PUD, Planned Unit Development; and

WHEREAS, said real property is located at the Northeast corner of US Highway 98 and Dale Road, and more particularly described as follows:

Legal Description of Property to be Re-Zoned to PUD, Planned Unit Development:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND RUN THENCE SOUTH 00 DEGREES 01 MINUTES 58 SECONDS WEST, A DISTANCE OF 2153.48 FEET; THENCE RUN NORTH 89 DEGREES 56 MINUTES 48 SECONDS EAST, A DISTANCE OF 1367.70 FEET TO A CAPPED REBAR (SE CIVIL) ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 98 FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 45 MINUTES 05 SECONDS EAST, A DISTANCE OF 1138.44 FEET TO A CRIMPED TOP IRON PIPE; THENCE RUN SOUTH 00 DEGREES 03 MINUTES 11 SECONDS WEST, A DISTANCE OF 418.82 FEET TO AN OPEN END PIPE; THENCE RUN SOUTH 89 DEGREES 27 MINUTES 05 SECONDS WEST, A DISTANCE OF 61.94 FEET TO A CRIMPED TOP IRON PIPE; THENCE RUN SOUTH 03 DEGREES 02 MINUTES 03 SECONDS EAST, A DISTANCE OF 159.75 FEET TO A CRIMPED TOP IRON PIPE; THENCE RUN SOUTH 89 DEGREES 42 MINUTES 41 SECONDS WEST, A DISTANCE OF 234.39 FEET TO A CAPPED REBAR (26621); THENCE RUN NORTH 01 DEGREES 22 MINUTES 55 SECONDS WEST, A DISTANCE OF 71.85 FEET TO AN OPEN END PIPE; THENCE RUN SOUTH 87 DEGREES 02 MINUTES 51 SECONDS WEST, A DISTANCE OF 146.81 FEET TO A CAPPED REBAR (HMR); THENCE RUN SOUTH 01 DEGREES 22 MINUTES 32 SECONDS EAST, A DISTANCE OF 305.36 FEET TO A CAPPED REBAR (SE CIVIL) ON THE NORTH RIGHT-OF-WAY OF DALE ROAD (30 FOOT RIGHT-OF-WAY); THENCE RUN SOUTH 88 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 98.32 FEET TO A CAPPED REBAR (SE CIVIL); THENCE RUN SOUTH 67 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 599.63 FEET TO A CAPPED REBAR (SE CIVIL) ON THE AFOREMENTIONED EAST RIGHT-OF-WAY OF U.S. HIGHWAY 98; THENCE RUN NORTH 59 DEGREES 07 MINUTES 35 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 58.00 FEET TO A CAPPED REBAR (HMR); THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 8484.37 FEET, AN ARC LENGTH OF 782.41 FEET, (CHORD BEARS NORTH 01 DEGREES 55 MINUTES 51 SECONDS WEST, A DISTANCE OF 782.13 FEET) TO A CAPPED REBAR (HMR); THENCE RUN SOUTH 88 DEGREES 37 MINUTES 45 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A CAPPED REBAR (HMR); THENCE ALONG SAID EAST RIGHT-OF-WAY, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 8474.37 FEET, AN ARC LENGTH OF 252.69 FEET, (CHORD BEARS NORTH 01 DEGREES 38 MINUTES 09 SECONDS EAST, A DISTANCE OF 252.68 FEET) TO THE POINT OF BEGINNING. TRACT CONTAINS 20.72 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on March 26, 2020, the Commission considered said request and set forth a favorable recommendation; 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, and a public hearing was held before the City Council on May 18, 2020; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and 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

The above described real property is hereby re-zoned from B-2, General Business District, be re-zoned as PUD, Planned Unit Development, and the zoning ordinance and zoning map shall 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.

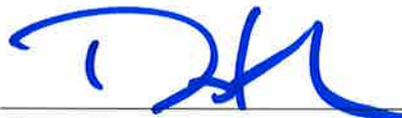
SECTION III: SEVERABILITY.

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 DATE AND REVERSION.

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. This zoning classification is subject to a two (2) year reversionary clause. Two years from the date this Ordinance is enacted, if the site development has not started for the purpose listed herein, the zoning shall be null and void and the property shall revert to the prior zoning district. Refer to Section 22-2, Reversionary Clause, of the Daphne Land Use and Development Ordinance.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 1st day of June, 2020.



Dane Haygood, Mayor

ATTEST:



Candace G. Antinarella, City Clerk