

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-02**

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

**Northwest Intersection of Alabama State Highway 181 and Milton Jones Road
Bertolla Properties, LLC**

WHEREAS, on the 17th day of October, 2016, 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 January 3, 2017 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on November 17, 2016, 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 January 17, 2017 regularly scheduled City Council meeting Ordinance 2017-01 was adopted pre-zoning the said property as B-3, Professional Business District.

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-00°17'41"-W, 1001.30 FEET TO A POINT; THENCE RUN WEST, 37.97 TO A POINT ON THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181; THENCE RUN S-00°19'48"-W ALONG

1617012

SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 748.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 877.04 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF MILTON JONES ROAD; THENCE RUN N-89°51'59"-W ALONG SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 818.90 FEET TO A POINT; THENCE RUN N-24°37'17"-W LEAVING SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 970.41 FEET TO A POINT; THENCE RUN S-89°40'12"-E, 1228.26 FEET TO THE POINT OF BEGINNING, CONTAINING 20.66 ACRES, MORE OR LESS.

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

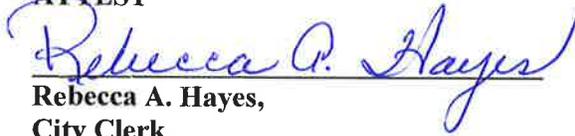
This Ordinance shall be published as required by Section 11-42-21 Code of Alabama 1975, as amended, and the property described herein shall be annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, 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 17TH DAY OF JANUARY, 2017.



**Dane Haygood,
Mayor**

ATTEST

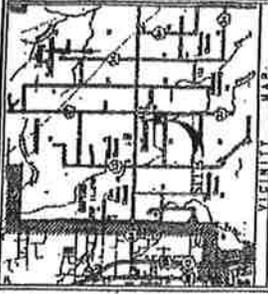
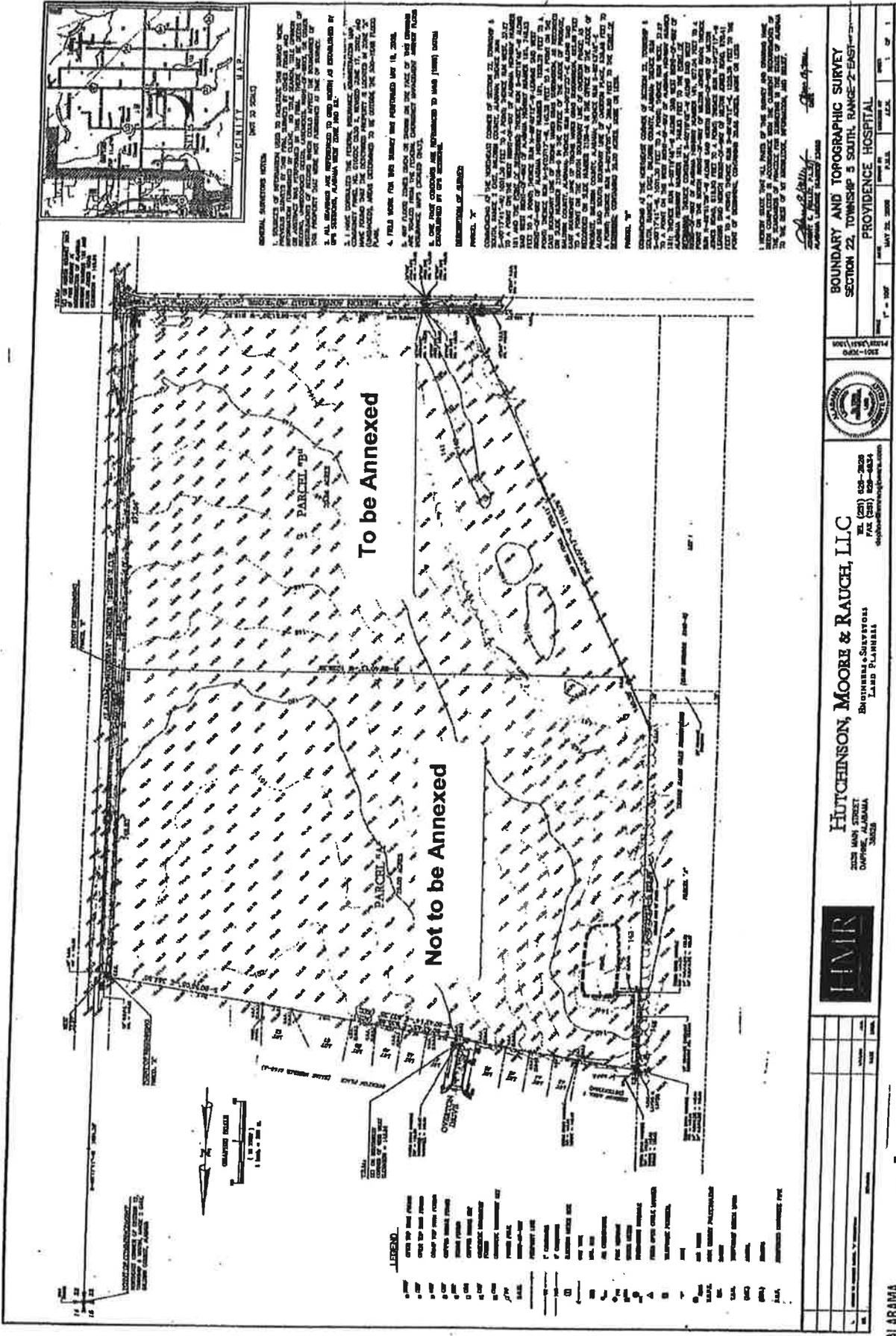


**Rebecca A. Hayes,
City Clerk**

Bertolla Legal Description to be Annexed:

PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-00°17'41"-W, 1001.30 FEET TO A POINT; THENCE RUN WEST, 37.97 TO A POINT ON THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181; THENCE RUN S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 748.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 877.04 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF MILTON JONES ROAD; THENCE RUN N-89°51'59"-W ALONG SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 818.90 FEET TO A POINT; THENCE RUN N-24°37'17"-W LEAVING SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 970.41 FEET TO A POINT; THENCE RUN S-89°40'12"-E, 1228.26 FEET TO THE POINT OF BEGINNING, CONTAINING 20.66 ACRES, MORE OR LESS



GENERAL SURVEY NOTES

1. ALL SURVEYS WERE MADE BY THE SURVEYOR IN PERSON OR UNDER HIS CLOSE PERSONAL SUPERVISION AND THE ACCURACY OF THE SURVEY IS GUARANTEED BY HIS PERSONAL OBSERVATION AND MEASUREMENTS.

2. ALL SURVEYS WERE MADE BY THE SURVEYOR IN PERSON OR UNDER HIS CLOSE PERSONAL SUPERVISION AND THE ACCURACY OF THE SURVEY IS GUARANTEED BY HIS PERSONAL OBSERVATION AND MEASUREMENTS.

3. ALL SURVEYS WERE MADE BY THE SURVEYOR IN PERSON OR UNDER HIS CLOSE PERSONAL SUPERVISION AND THE ACCURACY OF THE SURVEY IS GUARANTEED BY HIS PERSONAL OBSERVATION AND MEASUREMENTS.

4. FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 08/18/2017.

5. ALL PLACED CORNER MARKS OR MONUMENTS ON THE FACE OF THIS SURVEY WILL BE PLACED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE ALABAMA SURVEYING BOARD.

6. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE ALABAMA SURVEYING BOARD.

7. THE SURVEY WAS MADE IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE ALABAMA SURVEYING BOARD.

8. THE SURVEY WAS MADE IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE ALABAMA SURVEYING BOARD.

9. THE SURVEY WAS MADE IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE ALABAMA SURVEYING BOARD.

10. THE SURVEY WAS MADE IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE ALABAMA SURVEYING BOARD.

To be Annexed

Not to be Annexed



- LEGEND**
- Corner of Section
 - Corner of Township
 - Corner of Range
 - Corner of County
 - Corner of State
 - Corner of Federal
 - Corner of Private
 - Corner of Public
 - Corner of Unimproved
 - Corner of Improved
 - Corner of Enclosed
 - Corner of Open
 - Corner of Occupied
 - Corner of Vacant
 - Corner of Contested
 - Corner of Disputed
 - Corner of Adversely Affected
 - Corner of Beneficially Affected
 - Corner of Injured
 - Corner of Restored
 - Corner of Preserved
 - Corner of Protected
 - Corner of Endangered
 - Corner of Threatened
 - Corner of Extinct
 - Corner of Reintroduced
 - Corner of Recovered
 - Corner of Conserved
 - Corner of Managed
 - Corner of Sustainably Used
 - Corner of Responsibly Used
 - Corner of Ethically Used
 - Corner of Legally Used
 - Corner of Morally Used
 - Corner of Spiritually Used
 - Corner of Intellectually Used
 - Corner of Emotionally Used
 - Corner of Socially Used
 - Corner of Culturally Used
 - Corner of Environmentally Used
 - Corner of Economically Used
 - Corner of Politically Used
 - Corner of Legally Used
 - Corner of Morally Used
 - Corner of Spiritually Used
 - Corner of Intellectually Used
 - Corner of Emotionally Used
 - Corner of Socially Used
 - Corner of Culturally Used
 - Corner of Environmentally Used
 - Corner of Economically Used
 - Corner of Politically Used



HUTCHINSON, MOORE & RAUCH, LLC
 2025 MAIN STREET
 DAPHNE, ALABAMA 36528
 ENGINEERS & SURVEYORS
 LAND PLANNERS



BOUNDARY AND TOPOGRAPHIC SURVEY
 SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2-EAST
 PROVIDENCE HOSPITAL

1617012

BALDWIN COUNTY, ALABAMA
 TIM RUSSELL PROBATE JUDGE
 Filed cert. 2/ 8/2017 9:38 AM
 TOTAL \$ 18.00
 4 Pages

EXHIBIT B

