

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-16**

**Ordinance to Re-Zone Property Located
Southwest of Holy Cross Circle and Holy Cross Drive
John W. West Irrevocable Trust**

WHEREAS, John W. West Irrevocable Trust as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as B-1, Local Business, to be Re-Zoned as MU, Mixed Use District; and

WHEREAS, said real property is Southwest of Holy Cross Circle and Holy Cross Drive, and more particularly described as follows:

Legal Description for Re-Zone:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, SUBDIVISION OF ISAAC AUSTIN'S PROPERTY, AS SHOWN ON PLAT THEREOF RECORDED IN MAP BOOK 4, PAGE 252, ALSO RECORDED AS SLIDE 292-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 21°41'59" EAST ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 A DISTANCE OF 247.64 FEET TO A 1" IRON REBAR; THENCE RUN NORTH 19°34'01" EAST ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 A DISTANCE OF 128.08 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTHERLY ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 AND A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 3964.05 FEET, AN ARC LENGTH OF 285.34 FEET, A CHORD BEARING NORTH 16°31'41" EAST, AND A CHORD DISTANCE OF 285.28 FEET TO A 1/2" IRON REBAR WITH CAP (CA#092); THENCE RUN SOUTH 89°40'20" EAST A DISTANCE OF 12.48 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE) ON THE WEST RIGHT-OF-WAY OF HOLY CROSS DRIVE; THENCE RUN SOUTH 00°29'05" EAST ALONG THE WEST RIGHT-OF-WAY OF HOLY CROSS DRIVE A DISTANCE OF 624.13 FEET TO A 3/4" CRIMPED TOP IRON PIPE; THENCE CONTINUE SOUTH 00°29'05" EAST ALONG THE WEST RIGHT-OF-WAY OF HOLY CROSS DRIVE A DISTANCE OF 25.70 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 89°17'43" WEST A DISTANCE OF 242.73 FEET TO A 1" OPEN TOP IRON PIPE ON THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98; THENCE RUN NORTH 21°58'16" EAST ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 A DISTANCE OF 24.41 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL LYING WITHIN FRACTIONAL SECTION 30, TOWNSHIP 5 SOUTH, RANGE 2 EAST, AND CONTAINING 1.77 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on February 22, 2018, the Commission considered said request and set forth an unanimous 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 City Hall, a public hearing was held before the City Council on April 16, 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 B-1, Local Business District to MU, Mixed Use 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 7th day of May, 2018.



**Dane Haygood,
Mayor**

ATTEST:



**Candace G. Antinarella,
City Clerk**