

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-37**

**Ordinance to Pre-Zone Property Located
On the East Side of Pollard Road, North of Creekside Subdivision
S. Hickory, Inc.**



WHEREAS, S. Hickory, Inc. as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-2, Single Family District, Baldwin County extraterritorial planning jurisdiction, to be pre-zoned as R-3, High Density Single Family Residential District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is on the east side of Pollard Road, north of Creekside Subdivision, and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT A CONCRETE MONUMENT FOUND (3" DIAMETER) MARKING THE NORTH EAST CORNER OF LOT 68, STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE SOUTH WEST CORNER OF LOT 36, THE RETREAT AT TIWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE COMMON NORTHERN CORNER FOR LOTS 33 AND 34, FRENCH SETTLEMENT, PHASE 1B AS RECORDED ON SLIDE 2366-E AND 2366-F IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG THE NORTH LINE OF STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F, THE NORTH LINE OF CREEKSIDE UNIT 2 AS RECORDED ON SLIDE 1779-A, THE NORTH LINE OF BROOKSIDE PATIO HOMES AS RECORDED ON SLIDE 2189-F, ALL BEING RECORDED IN THE PROBATE RECORDS BALDWIN COUNTY, AL., RUN NORTH 89° 38' 35" WEST FOR 2,613.31 FEET TO A 1/2" (#4) REBAR FOUND AT THE NORTH WEST CORNER OF LOT 16 OF SAID BROOKSIDE PATIO HOMES; THENCE ALONG THE EAST RIGHT OF WAY (80') LINE OF POLLARD ROAD RUN NORTH 00° 09' 19" EAST FOR 1,327.66 FEET TO A CAPPED REBAR (CA-0604-LS) THAT LIES 48.66' SOUTHERLY FROM THE SOUTH WEST CORNER LOT 3, THE PRESERVE AT TIWASSEE RECORDED ON SLIDE 2526-C IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE LEAVING SAID EAST RIGHT OF WAY, RUN SOUTH 89° 38' 52" EAST FOR 2,617.52 FEET TO A 3/4" IRON PIPE FOUND MARKING THE NORTH WEST CORNER OF LOT 46, THE RETREAT AT TIWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG WEST LINE OF SAID RETREAT AT TIWASSEE, RUN SOUTH 00° 20' 08" WEST FOR 1,327.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 79.72 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN IN BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on March 23, 2017, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 15, 2017; 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 pre-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 pre-zoned to R-3, High Density Single Family Residential District, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-2, Single Family District, Baldwin County extraterritorial planning jurisdiction.

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.

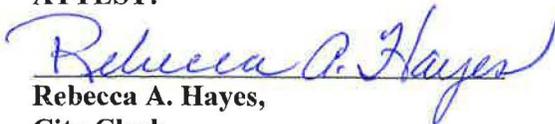
This Ordinance, and in particular the pre-zoning shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the property, shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the territory is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law then this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS 5th day of June, 2017.**



**Dane Haygood,
Mayor**

ATTEST:



**Rebecca A. Hayes,
City Clerk**

EXHIBIT "A"

S. HICKORY, INC.

PRE-ZONING AND ANNEXATION

**NORTH POLLARD ROAD
DAPHNE, BALDWIN COUNTY, ALABAMA**

**LEGAL DESCRIPTION OF PROPERTY TO BE PRE-ZONED AS R3 AND ANNEXED TO
THE CITY OF DAPHNE:**

BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A CONCRETE MONUMENT FOUND (3" DIAMETER) MARKING THE NORTH EAST CORNER OF LOT 68, STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE SOUTH WEST CORNER OF LOT 36, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL., ALSO BEING THE COMMON NORTHERN CORNER FOR LOTS 33 AND 34, FRENCH SETTLEMENT, PHASE 1B AS RECORDED ON SLIDE 2366-E AND 2366-F IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG THE NORTH LINE OF STRATFORD GLENN PHASE 3 AS RECORDED ON SLIDE 2152-F, THE NORTH LINE OF CREEKSIDE UNIT 2 AS RECORDED ON SLIDE 1779-A, THE NORTH LINE OF BROOKSIDE PATIO HOMES AS RECORDED ON SLIDE 2189-F, ALL BEING RECORDED IN THE PROBATE RECORDS BALDWIN COUNTY, AL., RUN NORTH 89° 38' 35" WEST FOR 2,613.31 FEET TO A 1/2" (#4) REBAR FOUND AT THE NORTH WEST CORNER OF LOT 16 OF SAID BROOKSIDE PATIO HOMES; THENCE ALONG THE EAST RIGHT OF WAY (80') LINE OF POLLARD ROAD RUN NORTH 00° 09' 19" EAST FOR 1,327.66 FEET TO A CAPPED REBAR (CA-0604-LS) THAT LIES 48.66' SOUTHERLY FROM THE SOUTH WEST CORNER LOT 3, THE PRESERVE AT TIAWASSEE RECORDED ON SLIDE 2526-C IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE LEAVING SAID EAST RIGHT OF WAY, RUN SOUTH 89° 38' 52" EAST FOR 2,617.52 FEET TO A 3/4" IRON PIPE FOUND MARKING THE NORTH WEST CORNER OF LOT 46, THE RETREAT AT TIAWASSEE RECORDED ON SLIDE 2545-B IN PROBATE RECORDS BALDWIN COUNTY, AL.; THENCE ALONG WEST LINE OF SAID RETREAT AT TIAWASSEE, RUN SOUTH 00° 20' 08" WEST FOR 1,327.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 79.72 ACRES MORE OR LESS AND LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN IN BALDWIN COUNTY, ALABAMA.

