

**CITY OF DAPHNE  
CITY COUNCIL MEETING AGENDA  
1705 MAIN STREET, DAPHNE, ALABAMA  
JANUARY 4, 2015  
6:30 P.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**

INVOCATION / Rabbi Dana Evan Kaplan of Springhill Avenue Temple

**PLEDGE OF ALLEGIANCE**

- 3. APPROVE MINUTES:** Council Meeting Minutes / December 21, 2015

**PRESENTATION:** Beautification 1<sup>st</sup> Quarter Award: Christ the King Catholic Church / Accepting Father O'Connor

**PUBLIC HEARING:** Proposed Redistricting of the Voting Districts / *Ordinance 2015-71*

**4. REPORTS OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE** – Fry

**B. BUILDINGS & PROPERTY COMMITTEE** - Lake

**C. PUBLIC SAFETY** - Conaway  
Review minutes December 21<sup>st</sup>

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE** - Scott  
Review minutes / December 21<sup>st</sup>

a.) Ordinance 2016-01 / Park Rules

**E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY** – LeJeune

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

**A. BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones  
Review minutes / November 5<sup>th</sup>

Review Staff Report / December 3<sup>rd</sup> meeting

**B. DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway  
Review minutes / December 2<sup>nd</sup>

**C. INDUSTRIAL DEVELOPMENT BOARD** – Phillips

**D. LIBRARY BOARD** – Lake

**E. PLANNING COMMISSION** – Scott  
Review special meeting minutes / November 5<sup>th</sup>

Staff Report / December 17<sup>th</sup> meeting

**MOTION:** Schedule a Public Hearing date for February 1, 2016 and approve advertising to consider:

**1.) Revisions to the Land Use and Development Ordinance / Revisions to the Olde Towne District Map**  
*(The Public Hearing was set for January 18, 2016, but that date is a holiday)*

Recommendation: Favorable

**2.) Pre-Zone: Red Barn, LLC**

Location: South and West of Oldfield Subdivision, Phase One

Present Zoning: RA, Rural Agricultural, Baldwin County District 15 in the extraterritorial planning jurisdiction of Daphne

Proposed Pre-Zoning: R-2, Medium Density Single Family Residential District; R-3, High Density Single Family Residential District and R-6, Garden/Patio Homes District

Recommendation: Unanimous Favorable

**3.) Annexation: Red Barn, LLC**

Location: South and West of Oldfield Subdivision, Phase One

Recommendation: Unanimous Favorable

**F. UTILITY BOARD – Fry**

**6. MAYOR’S REPORT**

**7. CITY ATTORNEY’S REPORT**

**8. DEPARTMENT HEAD’S REPORT**

**9. CITY CLERK’S REPORT**

a.) Events Permit / Bayside Medical Missions / September 17, 2016 *(4<sup>th</sup> run for 2016)*

b.) **MOTION:** To authorize the Mayor to enter into a memorandum of agreement with the City of Spanish Fort and the Mobile Bay Estuary Program

c.) Clarify / Resolution 2015-75 / Deep Water Horizon Funds Expenditure

**10. PUBLIC PARTICIPATION**

**11. RESOLUTIONS AND ORDINANCES:**

**RESOLUTIONS:**

a.) **Resolution 2016-01**.....Acceptance of Streets & Drainage & Rights- of- Way In the Retreat at Tiawasee Subdivision

b.) **Resolution 2016-02**.....Acceptance of Streets & Drainage / Portion of Lakeshore Drive In Lakeview Townhomes Phase II and III

**ORDINANCES:**

**2<sup>ND</sup> READ**

- a.) **Ordinance 2015-71**. . . . . Establishing District Line for the City of Daphne
- b.) **Ordinance 2015-74**. . . . . Annexation: Russell Steiner / Located Southeast of Interstate 10 and Blakely River
- c.) **Ordinance 2015-75**. . . . . Appropriation of Funds: Civic Center Roof Repair
- d.) **Ordinance 2015-76**. . . . . ADEM / 319 Tiawasee Creek Sub-Watershed Management Project
- e.) **Ordinance 2015-78**. . . . . Appropriation of Additional Lodging Tax Funds: TAP: Gator Alley Turnout / Overlook Drainage / Scenic Improvements
- f.) **Ordinance 2015-79**. . . . . Appropriation of Funds: Grant Proposal Writing, Consulting and Management Services for All City Grants / Grant Management LLC
- g.) **Ordinance 2015-80**. . . . . Removing Contingency Regarding Funds to Thomas Hospital

**1<sup>ST</sup> READ**

- a.) **Ordinance 2016-01**. . . . . Repealing and Replacing Ordinances 2007-37 and 2007-38 Regarding the Rules and Regulations for Daphne City Parks

**12. COUNCIL COMMENTS**

**13. ADJOURN**

**CITY OF DAPHNE  
CITY COUNCIL**

**ROLL CALL**

**CITY COUNCIL:**

<b>COUNCILWOMAN CONAWAY</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCILMAN LAKE</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCILMAN FRY</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCILMAN SCOTT</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCILMAN LEJEUNE</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCILWOMAN PHILLIPS</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCIL PRESIDENT RUDICELL</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____

**MAYOR:**

<b>MAYOR HAYGOOD</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
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**CITY CLERK:**

<b>REBECCA HAYES</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
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**CITY ATTORNEY:**

<b>JAY ROSS</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
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**DECEMBER 21, 2015  
CITY COUNCIL MEETING  
REGULAR BUSINESS MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**1. CALL TO ORDER:**

There being a quorum present Council President Rudicell called the meeting to order at 6:30 p.m.

**2. ROLL CALL**

**COUNCIL MEMBERS PRESENT:** Tommie Conaway; Pat Rudicell; John Lake; Randy Fry; Ron Scott; Robin LeJeune, Angie Phillips

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Melissa Wilt, Assistant City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; James White, Fire Chief; Vickie Hinman, HR Director; David McKelroy, Recreation Director; Kelli Kichler, Finance Director/Treasurer; Margaret Thigpen, Civic Center Director; Richard Johnson, Public Works Director; David Carpenter, Police Chief; Ashley Campbell Environmental Programs Manager; Anne Morris, Reference Librarian; Officer Clinton Riley, Police Department; Larry Cooke, BZA; Dorothy Morrison, Beautification Committee/DRA; Tim Patton, Volker & Associates.

Absent: Tonja Young, Library Director; Richard Merchant, Building Official; Adrienne Jones, Planning Director.

**INVOCATION/PLEDGE OF ALLEGIANCE:**

Pastor Scotty Jernigan of 3 Circle Church gave the invocation.

**PRESENTATION:** Baldwin County Board of Education Superintendent

Mr. David Tarwater, with the Baldwin County Board of Education, introduced the new Superintendent for the school system Mr. Eddie Tyler. Mr. Tyler thanked council for the opportunity to speak and said he was glad to be home. He looks forward to helping the schools and doing so within the budget they have. He mentioned to council that if they ever need him to help with anything just call him.

**3. APPROVE MINUTES:**

There being no corrections, the minutes for the December 7, 2015 council meeting stand approved.

<b>PUBLIC HEARING:</b>	Annexation:	Russell Steiner
	Location:	Property Located Southeast of Interstate 10 and Blakely River
	Present Zoning:	CR, Conservation Resource, Baldwin County District 10, Baldwin County
	Proposed Zoning:	R-1, Low Density Single Family Residential District, City of Daphne
	Recommendation:	Unanimous Favorable

Ashley Campbell gave the presentation.

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Council President Rudicell opened the Public Hearing at 6:43 p.m.

No one spoke in favor or against the proposed annexation.

Council President Rudicell closed the Public Hearing at 6:44 p.m.

**4. REPORT OF STANDING COMMITTEES:**

**A. *FINANCE COMMITTEE* – Fry**

The minutes for the December 14<sup>th</sup> meeting are in the packet.

**Treasurers Report / November 2015**

- Total Unrestricted Funds - \$ 10,771,967
- Increase from Last Year's Unrestricted Funds – \$1,195,759
- Total Restricted Funds - \$8,841,457
- Total City Funds - \$ 19,613,424

**Sales & Use Tax Collections / October 2015**

\$1,154,933 was collected for October 2015

- YTD Variance over Budget - \$ 63,879
- Percent change from last year's collections - +5.9%

**Lodging Tax Collections / October 2015**

collections for October 2015 were \$82,326 which is up \$7,745 from October's 2014's collections of \$ 74,582

- YTD Variance over Budget: \$5,831
- Percentage change YTD from last year's collections: + 9.4 %

**B. *BUILDINGS & PROPERTY COMMITTEE* – Lake**

The minutes for the December 7<sup>th</sup> meeting are in the packet.

**MOTION BY Councilwoman Conaway to authorize the Mayor to enter into a contract with Prebble-Rish for the Village Point Park Preserve Master Plan. *Seconded by Councilman Fry.***

**MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman Scott to authorize the Mayor to enter into a contract with Hatch Mott McDonald in the amount of \$27,000 for renovations to Fire Station #2. *Seconded by Councilwoman Phillips.***

**MOTION CARRIED UNANIMOUSLY**

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***C. PUBLIC SAFETY COMMITTEE*** – Conaway

The committee met today, and the next meeting will be January 19, 2016.

***D. CODE ENFORCEMENT/ORDINANCE COMMITTEE*** – Scott

The committee met today and put forth two ordinances. One is regarding Taxi Service / Uber Services, and the other one is regarding Park Rules which will include Daphne Central Park. The next meeting will be January 19, 2016 after the Public Safety meeting.

***E. PUBLIC WORKS COMMITTEE*** – LeJeune

The next meeting will be January 4<sup>th</sup> after the Buildings and Property meeting at 5:30 p.m.

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

***A. Board of Zoning Adjustments*** – Adrienne Jones

No report.

***B. Downtown Redevelopment Authority*** – Conaway

The next meeting will be January 26<sup>th</sup>, 2016 at 5:30 p.m.

***C. Industrial Development Board*** – Phillips

The minutes for the December 3<sup>rd</sup> special called meeting and the minutes for the December 16<sup>th</sup> special called meeting are in the packet. The next meeting will be January 25<sup>th</sup> at 6:00 p.m.

***D. Library Board*** – Lake

The next meeting will be January 14<sup>th</sup>. Councilman Lake mentioned the Christmas activities at the Library.

***E. Planning Commission*** – Scott

The Commission met last week, and the next meeting will be the fourth Thursday of January at 5:00 p.m.

***F. Utility Board*** – Fry

The October 28<sup>th</sup> minutes are in the packet. There will not be a meeting in December; next meeting will be in January.

**6. MAYOR'S REPORT**

Mayor Haygood reported on several closings of real property. He said that on Friday he received the renewal for a five year contract with Johnson Controls, that was put in place in 2010 for maintenance at the Civic Center, however, there are a couple of concerns, and they have not had a chance to negotiate with Johnson Controls, and it looks like there is some service degradation associated with this proposal. Previously, there was 24/7 premium services, and it looks like that has been replicated in the new proposal, which he thinks was an oversight that can be remedied. Legal had a couple of concerns, and will have to navigate those. The city has been paying upwards of \$18,000 and \$17,800 this past year, and they to continue to have an annual maintenance contract.

Council discussed the issue, and Council President Rudicell requested this go to the Buildings and Property Committee for review.

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Mr. Ross said one of the concerns of legal is does this have to be bid out or is it professional services. He will have an answer by the time of the Buildings and Property meeting.

The mayor referenced a discussion had at the Public Safety meeting regarding the Safe Room grant. He said pursuant to Resolution 2015-02 to add a safe room at Public Works they did not know the cost, however, there has been some verification of pricing, and it will be about a \$460,000 project with the city's match being \$117,000. They do have some in-kind match which is the donation of the property and some fees that have already been paid. He wanted everyone to know that down the line there will be an \$80,000 appropriation needed. He said that there are some documents that need signed to assure that the city will get the grant before the end of the year. They intend to move forward with this unless there are some objections from council. The mayor shared some good news with council regarding an award the city received from the Environmental Protection Agency under their Gulf Guardian Plan. The award was first place under the Partnership category for 2015 in which the partnership is the Intergovernmental Task Group, and consists of The City of Spanish Fort, members from Baldwin County and the City of Daphne. The award was for the partnership of these entities in the restoration of Joe's Branch. He gave thanks to all the partners, and especially to Ashley Campbell who has worked very hard on this project, and he said that the city could not do these kinds of projects without her. Even though he was in the pictures the award was all about Ashley.

**7. CITY ATTORNEY REPORT:**

No report.

**8. DEPARTMENT HEAD COMMENTS:**

*David Carpenter – Police Chief* – reported that as of today the purchased body cameras are on the officers.

*Margaret Thigpen – Civic Center Director* – reported that 1,308 attended the Ted Cruz event.

*Richard Johnson – Public Works Director* – reported the closures for the city and the makeup garbage pickup dates.

**9. CITY CLERK REPORT:**

a.) **ABC License / Red Bar Beverage Catering / 140 – Special Events Retail**

**MOTION BY Councilman Lake to approve the ABC License for Red Bar Beverage Catering / 140 – Special Events Retail. *Seconded by Councilman Fry.***

**MOTION CARRIED UNANIMOUSLY**

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**10. PUBLIC PARTICIPATION**

*Mr. Rod Drummond – 367 Ridgewood Drive* - gave kudos to Jane Ellis for the great job she is doing at the Senior Center. He also spoke regarding the DISC project, saying that he did not what was going on at the last council meeting, because he thought that was all settled.

*Mr. Jerry Davis 9630 TimberCreek Drive* – spoke regarding the new recreation facilities asking council to move the pool up in priority, because of children that are the swim team needing a place to practice.

**11. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) Resolution 2015-76.....Bid Award: Gator Alley Improvements / Blade Construction, LLC
- b.) Resolution 2015-77.....Bid Award: Park Chemicals / SiteOne Landscape Supply

Resolution 2015-76..... Bid Award: Gator Alley Improvements / Blade Construction, LLC  
MOTION BY Councilman Lake to waive the reading of Resolution 2015-76. *Seconded by Councilman Scott.*  
**MOTION CARRIED UNANIMOUSLY**

MOTION BY Councilman Lake to adopt Resolution 2015-76. *Seconded by Councilman Scott.*  
**MOTION CARRIED UNANIMOUSLY**

Resolution 2015-77.....Bid Award: Park Chemicals / SiteOne Landscape Supply  
MOTION BY Councilman Lake to waive the reading of Resolution 2015-77. *Seconded by Councilman Fry.*  
**MOTION CARRIED UNANIMOUSLY**

MOTION BY Councilman Lake to adopt Resolution 2015-77. *Seconded by Councilman LeJeune.*  
**MOTION CARRIED UNANIMOUSLY**

**DECEMBER 21, 2015  
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**ORDINANCES:**

**2<sup>ND</sup> READ**

- a.) **Ordinance 2015-72.** . . . . .Appropriating Additional Funds for Natural Resources Conservation Services (NRCS) Emergency Watershed Protection for: Canterbury / Old Pump Plant Areas and Palmetto Court
  
- b.) **Ordinance 2015-73.** . . . . .Deep Water Amend Lodging Tax Allocation

**Ordinance 2015-72.** . . . . . Appropriating Additional Funds for Natural Resources Conservation Services (NRCS) Emergency Watershed Protection for: Canterbury / Old Pump Plant Areas and Palmetto Court

**MOTION BY Councilman Scott to waive the reading of Ordinance 2015-72. Seconded by Councilman LeJeune.**

**MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilwoman Conaway to adopt Ordinance 2015-72. Seconded by Councilman LeJeune.**

**MOTION CARRIED UNANIMOUSLY**

**Ordinance 2015-73.** . . . . . Deep Water Amend Lodging Tax Allocation

**MOTION BY Councilman Scott to withdraw Ordinance 2015-73. Seconded by Councilwoman Phillips.**

**There was confusion about the language, and what council passed as far as the Deep Water Horizon Funds. He was looking at a signed copy of Resolution 2015-75, and it was not what was passed. He does not know how this happened, but he said they could find out after the meeting. It was not what was sent to Councilman Scott by the city attorney.**

**MOTION CARRIED UNANIMOUSLY**

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- a.) **Ordinance 2015-74**. . . . .Annexation: Russell Steiner / Located Southeast of Interstate 10 and Blakely River
- b.) **Ordinance 2015-75**. . . . .Appropriation of Funds: Civic Center Roof Repair
- c. **Ordinance 2015-76**. . . . . ADEM / 319 Tiawasee Creek Sub-Watershed Management Project
- d.) **Ordinance 2015-77**. . . . . Appropriation of Additional Funds: NRCS Emergency Watershed Protection Canterbury / Old Pump Plant Areas / Palmetto Court / **Duplicate / 2015-72**
- e.) **Ordinance 2015-78**. . . . .Appropriation of Additional Lodging Tax Funds: TAP: Gator Alley Turnout / Overlook Drainage / Scenic Improvements
- f.) **Ordinance 2015-79**. . . . .Appropriation of Funds: Grant Proposal Writing, Consulting and Management Services for All City Grants / Grant Management LLC
- g.) **Ordinance 2015-80**. . . . . Removing Contingency Regarding Funds to Thomas Hospital

**ORDINANCES 2015-74, 2015-75, 2015-76, 2015-78, 2015-79 AND 2015-80 ARE 1<sup>ST</sup> READ**

**12. COUNCIL COMMENTS**

**Councilwoman Phillips** - Thanked citizens for coming out tonight. She appreciates the time taken to share their thoughts with her about what is happening in the city.

**Councilman LeJeune** – wished everyone a Merry Christmas, and Happy Hanukkah.

**Councilman Scott** – wished everyone a Merry Christmas and Happy Hanukkah. He spoke regarding commercial improvements and public/private partnerships saying with those funds the city could pave roads. He said that deals are not identically structured. He thanked everyone for coming out.

**Councilman Fry** – thanked everyone for coming out. He said they need their input in order to get the facts. He wished everyone happy holidays and happy new year.

**Councilman Lake** – said that he did not like the way the public/private partnership went down with a previous council. He wished everyone a Merry Christmas.

**Councilwoman Conaway** – wished everyone a happy holiday season filled with love, joy and peace.

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*Mayor Haygood* – applauded Mr. Drummond for speaking up, and mentioned that there was a work session with the IDB, and there were three paths that came from that meeting from which council could choose. He said that at the January 11<sup>th</sup> work session council will be discussing council and mayor salaries and the form of government. There is a special called meeting for January 25<sup>th</sup> to discuss recreation, and February 8<sup>th</sup> there will be a discussion regarding the May Day boat ramp.

**MOTION BY Councilman Scott to call a special called council meeting for January 25, 2016 6:30 p.m. to discuss the recreation facilities, and whatever else is deemed necessary. *Seconded by Councilwoman Phillips.***

**MOTION CARRIED UNANIMOUSLY**

*Rebecca Hayes – City Clerk* – thanked the mayor, council and the citizens of Daphne for their thoughts, prayers and support after her fathers passing.

*Council President Rudicell* – listed items for discussion at upcoming council meetings and work sessions:

- January 4, 2016 council meeting / Second Public Hearing for the redistricting
- January 11, 2016 work session / Polling Places / Mayor and Council compensation
- February 8, 2016 work session / Employee insurance and retirement insurance

He wished everyone a Merry Christmas.

**13. ADJOURN:**

**MOTION BY Councilman Scott to adjourn *Seconded by Councilman Fry.***

**MOTION CARRIED UNANIMOUSLY**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:40 P.M.**

Respectfully submitted by,

Certification of Presiding Officer

\_\_\_\_\_  
Rebecca A. Hayes,  
City Clerk

\_\_\_\_\_  
Pat Rudicell,  
Council President

**DAPHNE BEAUTIFICATION COMMITTEE**

**PRESENTS THE FIRST QUARTER**

**2016 BEAUTIFICATION AWARD**

**TO**

**Christ the King Catholic Church**

**For Excellence in Beautifying the City of Daphne**

**Awarded this 4<sup>th</sup> day of January 2016**



*The Jubilee City*

A handwritten signature in black ink, appearing to read "Dane Haygood", written over a horizontal line.

**Dane Haygood, Mayor**

A handwritten signature in black ink, appearing to read "Laurel Anderson", written over a horizontal line.

**Laurel Anderson, Chairperson**

## **Public Safety Committee**

*Monday, December 21, 2015*

Councilman Pat Rudicell  
Councilman Randy Fry  
Councilman Robin LeJeune  
Councilman Ron Scott  
Fire Chief James White  
Public Works Director, Richard Johnson

Police Chief David Carpenter  
Captain Scott Taylor  
Tracy Bishop - Secretary  
Councilwoman Tommie Conaway  
Councilman John Lake  
Councilwoman Angela Phillips

### **Committee Members Attending:**

Councilman Pat Rudicell, Councilman Robin LeJeune, Councilman Ron Scott, Councilwoman Tommie Conaway, Councilman Randy Fry, Councilman John Lake, Councilwoman Angela Phillips, Chief David Carpenter, Captain Scott Taylor, Code Enforcement Officer Matt Creel, Public Works Director Richard Johnson

### **CALL TO ORDER**

Councilwoman Conaway **convened** the meeting at 4:30 p.m.

**PUBLIC PARTICIPATION** – Ben Cruitt, who resides at 333 Ridgewood Dr., was in attendance wanting the committee to look into some traffic matters. He complained of vehicles running red lights, stop signs, and speeding. He stated that the stop sign at Montclair Loop and Ridgewood Dr. was always being run and that speeding is constantly an issue in front of his residence. He says he sees no effort to enforce either. Maybe a few tickets every now and then are being written. He also complained about an overgrown crepe myrtle in the median between the Montclair Loops on Ridgewood Drive blocking drivers' vision. Chief Carpenter said that the first stop would be to call Lt. Hempfleng at the North Precinct so that the PD could CP and enforce this area of concern. Tracy will contact Hempfleng and line up a D-Run for this area.

Victoria Phelps was in attendance thanking the committee for the No Parking in Median signage in Lake Forest. She would like for the police department to step up the enforcement after the New Year. She personally dropped off bottles of old medications in the new drug disposal drop box at the police department. She added that there will be an article on Mr. Tarver, medal recipient from the Fire Department, in the Lake Forester. She will also run an article in the February Lake Forester that the police will be enforcing the new speed limit and median parking.

### **APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Minutes from November 2015 were adopted. Motion was made and passed.

### **POLICE DEPARTMENT**

- A. New Business** – Chief went over the stats. He stated that his department is concentrating on residential patrols during this holiday season. Councilman Lake said he was at a funeral and a lady locked her keys and phone in her car. He wanted to know if the PD could get with auto clubs and create a list of Daphne Locksmiths for citizens to use when in this predicament since the PD cannot do unlocks anymore. He requested that the attorney be contacted to see if the police department can do unlocks now or not. Some agencies are still doing unlocks and it is a great service. Chief advised that the cost of the Tahoe's has gone up about \$5,000 each. We have ordered 6 and not sure when they will be in. Chief advised that the department K-9, "DJ", has medical issues and by the Veterinarians opinion needs to be retired. The last

time we had to do a Resolution or Ordinance to give him away. The handler, Jeff Sulzmann, wants the dog after he is retired. Therefore we will need to purchase a new drug dog. A new dog will cost \$8,000 and training will be \$2,000 for a total of \$10,000. Councilman Lake asked if there was any drug money that could be used for the purchase. Chief said yes we have asset money but had to spend a lot of it supplementing this year's budget. Councilman Fry asked about the K-9 vehicle and what kind of special equipment is on it. Chief explained about the equipment that is in a K-9 vehicle. Councilman Scott asked if we could get the court to give some money toward the dog and the Chief stated "No" not on something like this. Chief stated that he would spend asset money for the dog. Councilwoman Phillips made a motion to bring it before Finance Committee to purchase the dog. Lake Seconded. Motion passed. Lake also made a motion to have the proper paperwork prepared to retire current K-9 "DJ". Phillips seconded. Motion passed.

## **FIRE DEPARTMENT**

**A: New Business** – Chief went over his stats. Chief showed a map of Oldfield Subdivision. With so much growth in this area City services are needed. We need to ask the owner/developer for a piece of property to place a Public Services Building. He stated that no one wants to talk about it and always puts him off. Councilman Lake made a motion for resolution to the council to have the Council President ask the developer to donate a piece of property for future use. Councilwoman Phillips seconded the motion. Motion passed. Councilman Scott said developers are all different out at Oldfield. The Council has rezoning/annexation abilities and we're almost to the point that they need to say no more building in that area. Corte stated he has never been contacted about donating land. Councilman Rudicell stated he will ask Jay Corte about it. A Motion was on the floor for the Council President to contact Jay Corte about donating property. Lake seconded. Motion passed. Councilman Fry said the Public Services Station should go on Co. Rd 13 and Chief White agreed. Richard Johnson stated that DR Horton has done well in our area and maybe would build the shell of the building.

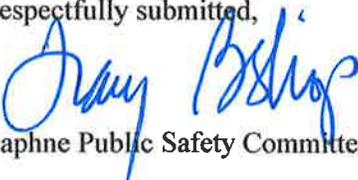
### **Old Business –**

**OTHER BUSINESS:** Richard Johnson said that one year ago he pursued a huge mitigation grant in Public Works. At this point the initial application and much work have gone into this grant. It is a 75/25 grant. We are submitting the final grant in hopes that it will be granted. The Mayor's concern is to make sure the council is aware of the city's share of the expense. It will be a safe room for Public Works employees which will withstand above Category 3 Hurricane winds. The current room only houses 1/3 of the essential personnel. The actual cost is \$468,000. The city's cost would be \$117,129 and the grant will cover \$351,388.50. By Johnson's calculations right now our match should be \$79,629.50 and should not exceed \$100,000. It gives a large safe room and can also be used for training, etc. We may not have to spend the money in this year's budget. It depends on FEMA. Eddie Culpepper stated that they have worked really hard on this grant. He has pulled unused monies from other parts of the state to put in the pot for Daphne. Councilman Scott said it is definitely a need in the city. Councilman Lake mentioned to add showers to the safe room facility. Councilwoman Phillips asked how many it will house and Johnson said 65. Councilman Scott stated that if it is not awarded this FY, we need to put our portion in the FY17 Budget. Culpepper said that once approved, the city has three years to build. Councilman Lake made a motion to get documents acknowledged and signed before the end of the year and to let the mayor know that all Public Safety approved. Councilwoman Phillips seconded. Motion passed.

**ADJOURN**

There being no further business to discuss, Councilman Lake made a motion to adjourn the meeting at 5:15 p.m. Councilman Scott seconded. The next meeting will be Tuesday, January 19, 2016 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,



Amy Bell

Daphne Public Safety Committee

Patrol Division	Detective Division: (Capt. Beedy/Lt. Gulsby)		JAIL: (Capt. Taylor/Lt. Yelding)		Animal Control (Capt. Taylor/Lt. Yelding)		Crimes Reported This Month:
(Capt. Beedy/Lt. Hempfleng)							
# Complaints	1,149	# New Cases Received: 85	Total Arrestees Received & Processed: 185	YTD			Arson 0
Accidents, Private Property	15	# Previous Unsolved Cases: 87	Arrestees by Agency:	185			Burglary - Commercial 0
Accidents, Roadway	70	# Cases Solved: 64	Daphne PD	118			Burglary - Residence 4
Accidents, Traffic Homicide	0	Resulting in Total Arrests: 22	BCSO	11			Burglary - Vehicle 7
Arrest, Controlled Substance	4	Felonies: 20	Spanish Fort PD	44			Criminal Mischief 1
Arrest, Drug Paraphernalia	6	Misdemeanors: 2	Silverhill PD	12			Disorderly Conduct 0
Arrest, Felony Marijuana	0	Houses Searched 0	Troopers	0			Domestic Disturbance 9
Arrest, Misdemeanor Marijuana	6		Other Agencies	0			False Info to Police 1
Arrest, Alias Warrant	37						Felony Assault 1
Arrest, DUI	9	Warrants:					Felony Theft 7
Arrest, Felony	13	Served 30					Harassment 2
Arrest, Misdemeanor	72	Agency Assists 0	Highest 29				Identity Theft 0
Assists, Motorist / Citizen	128	Recalls (Pd Fines) 23	Lowest 13				Indecent Exposure 1
Citations	422	Total Warrants Served 53					Kidnapping 0
Drug Report	11		Meals Served 1,845				Menacing 0
Routine Patrol/Special OPS	0	Sex Offender: 0	Medical Cost \$961.25				Misdemeanor Assault 1
Searches, Vehicle	48	New Registration: 0	Worker Inmate Hours 170				Misdemeanor Theft 9
Security Checks	1,280	Contact Verification 5					Murder 0
Warnings	264	Total # registered in Daphne 5					Other Death Investigations 0
		DARE:					Public Intoxication 1
		# Hours Report Writing: 4					Public Lewdness 0
		# Students Instructed SRO 240					Receiving Stolen Property 0
Drugs Seized:	10	# Students Instructed DARE 310					Reckless Endangerment 0
Money Seized:	0	# Police Reports by SRO 4					Resisting Arrest 1
Vehicles Seized:	0	# Arrest by SRO 1					Robbery 1
Vehicles Seized	0						Sex Crime Investigations 1
		CODE ENFORCEMENT:					Suicide 0
CMV Inspections / CMV OOS	39	Warnings: 28					Suicide, attempted 0
		Citations 31					Theft of Services 0
		Warning Compliance 48					Unauthorized Use of Services 0
		Follow - Up 0					Weapon Offenses 0
							White Collar Crimes 3

17 David Carpenter

**CITY OF DAPHNE**  
**FIRE DEPARTMENT MONTHLY REPORT**  
**Report Period October 2015**

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>	-	-
10-Fire, Other	1	6
11-Structure Fire/Commercial	1	7
11-Structure Fire/Residential	3	20
12-Fire in Mobile Property used as fixed structure	0	4
13-Mobile Property (vehicle) Fire	0	5
14-Natural Vegetation Fire	0	9
15-Outside Rubbish Fire	1	7
16-Special Outside Fire	0	2
17-Cultivated Vegetable Crop Fire	0	0
<b>2-Overpressure Rupture:</b>	0	0
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	188	1723
<b>4-Hazardous Conditions (No fire):</b>	4	28
<b>5-Service Call:</b>	8	119
<b>6-Good Intent Call:</b>	23	228
<b>7-False Alarm &amp; False Call:</b>	13	223
<b>8-Severe Weather &amp; Natural Disaster:</b>	0	2
<b>9-Other Situation:</b>	1	3
<b>Total Emergency Calls:</b>	237	2309
<b>Monthly Total Calls:</b>	243	2383
<b>Highest:</b>		
	19:00	19:00
<b>Lowest:</b>		
	<1:00	<1:00
<b>Average (Minutes/Seconds) :</b>		
	4:36	4:36
<b>Training Hours</b>		
	263.00	5180.95
<b>Property Loss - \$</b>		
	\$70,100.00	\$1,655,301.00
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>		
	0	0
<b>Advance Life Support Rescues</b>		
	163	1548
<b>Number of Patients Treated</b>		
	184	1846
<b>Child Passenger Safety Seat Inspections/Installations</b>		
	8	143
<b>Pre-Plans</b>		
	90	479
<b>Classes</b>		
	34	172
<b>Persons Attending</b>		
	428	1689
<b>Plan Reviews</b>		
	4	18
<b>Final/Certificate of Occupancy</b>		
	1	8
<b>General/Annual Inspections</b>		
	125	902
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>		
	20	284
<b>Business Licenses</b>		
	10	54
<b>All Other/Misc. Activities</b>		
	2	26
<b>Total Activities:</b>	142	1124

Authorized by:

*James White*

**Richard D. Johnson, P.E.**

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**From:** Richard D. Johnson, P.E.  
**Sent:** Monday, December 21, 2015 1:44 PM  
**To:** Mayor  
**Cc:** Kelli Kichler; Ciancetta, Christine (cciancetta@daphneal.com); Denise Penry (dpenry@daphneal.com)  
**Subject:** FW: Requested Information on Daphne Safe Room

Mayor:

In order to insure the City Council is fully aware of the commitment of this grant, I plan to address it tonight at the Public Safety Meeting. The hard cost to the City going forward is estimated at \$79,629.50 – the \$117,129.50 less 75% of the in-kind (fees and land). I will let them know that it is our anticipation that the remaining cash max is expected at \$80K and not to exceed \$100K. Mr. Culpepper plans to be in attendance as well.

RDJ

**Richard D. Johnson, P.E.**  
**Public Works Director**  
**26435 Public Works Road**  
**Daphne, AL 36526**

**Phone: (251) 621-3182**  
**Fax: (251) 621-3189**  
**Cell: (251) 379-1305**

[rjohnson@daphneal.com](mailto:rjohnson@daphneal.com)

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**From:** Eddie Culpepper [mailto:eculpepper@mindspring.com]  
**Sent:** Monday, December 21, 2015 8:10 AM  
**To:** Richard D. Johnson, P.E.; Kelli Kichler, CPA; Dane Haygood  
**Cc:** Christine Ciancetta; Denise Penry  
**Subject:** RE: Requested Information on Daphne Safe Room

Richard,

I have gone back and verified all the numbers:

Total Estimated Costs	Other Eligible	Eligible Costs	75% FEMA	25% Daphne
Includes InEligible	Added Costs			
and Eligible				
\$ 437,568.00		\$ 417,518.00	\$ 313,138.50	\$ 104,379.50
<b>Pre Award Cost</b>	\$ 16,000.00	\$ 433,518.00	\$ 325,138.50	\$ 108,379.50
<b>In Kind Property</b>	\$ 35,000.00	<b>\$ 468,518.00</b>	<b>\$ 351,388.50</b>	<b>\$ 117,129.50</b>

As you know in the beginning of this project, due to available funding levels for Baldwin County projects, and City of Daphne ranking with Baldwin County EMA, there wasn't enough money to reach 75% FEMA contribution.

Since that time, I've worked real hard with AEMA and FEMA to get the City of Daphne project fully funded at 75%, including pre-award and In-Kind Property.

AEMA and FEMA has set this amount of money aside for this project. We will not know the exact costs until the project is bid, which is required by State of Alabama Law for projects over \$50,000.

However, the architect has taken into account, with his estimates, for increased construction costs due to price increases, or a major disaster like a hurricane which causes prices to increase.

This is the best you can do at this point to define project costs.

We are trying to meet 1<sup>st</sup> round Request for Information (RFI) deadlines that FEMA has put on AEMA and this project.

We could have additional RFIs as FEMA engineering and environmental/historical activities are performed on this project.

We have to have those SF424 and Lobbying forms signed for this project to continue to move forward,

please advise?

Eddie Culpepper

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**From:** Richard D. Johnson, P.E. [<mailto:rjohnson@daphneal.com>]

**Sent:** Thursday, December 17, 2015 1:53 PM

**To:** Kelli Kichler, CPA; Dane Haygood

**Cc:** Christine Ciancetta; Eddie Culpepper; Denise Penry

**Subject:** RE: Requested Information on Daphne Safe Room

Eddie:

Please verify the numbers – I believe the SF4 includes the land value – this is on the PW Campus so we already own the land and will receive in-kind credit. I spoke with Kevin and their no applicable lobbying concerning this project so we just complete section 4 & 11 and submit.

RDJ

**Richard D. Johnson, P.E.**  
**Public Works Director**  
**26435 Public Works Road**  
**Daphne, AL 36526**

**Phone: (251) 621-3182**

**Fax: (251) 621-3189**

**Cell: (251) 379-1305**

[rjohnson@daphneal.com](mailto:rjohnson@daphneal.com)

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**From:** Kelli Kichler, CPA

**Sent:** Thursday, December 17, 2015 1:48 PM

**To:** Dane Haygood; Richard D. Johnson, P.E.

**Cc:** Christine Ciancetta; Eddie Culpepper; Denise Penry

**Subject:** RE: Requested Information on Daphne Safe Room

# **CODE ENFORCMENT/ORDINANCE COMMITTEE**

*Wednesday, December 21, 2015  
City Hall Executive Conference Room  
1705 Main Street  
Daphne, AL  
5:30 P.M.*

*Councilman Ron Scott, Chairman  
Councilman Randy Fry  
Councilman Pat Rudicell  
Councilwoman Tommie Conway*

*Councilwoman Angie Phillips  
Councilman John Lake  
Councilman Robin LeJeune*

## **I. CALL TO ORDER/ROLL CALL**

The chairman declared a quorum was present and called the meeting to order at 5:30 p.m.

**Members Present:** Ron Scott; Pat Rudicell; Randy Fry; Robin LeJeune; Tommie Conaway; John Lake; Angie Phillips.

**Also Present:** Rebecca Hayes, City Clerk / recording secretary; Jay Ross, City Attorney; Kevin Boucher, City Attorney; Jamie Smith, Revenue Officer; Richard Johnson, Public Works Director; Matt Creel, Code Enforcement Officer; Victoria Phelps; Tom Walker.

## **II. APPROVE MINUTES / November 16, 2015**

Councilwoman Phillips asked that she be listed as present at that meeting, and with that amendment the minutes for the November 16, 2015 meeting stand approved as written.

## **III. PUBLIC PARTICIPATION**

Ms. Victoria Phelps with the Lake Forest Property Owners Association commented on the rules for Daphne Central Park asking if they could be posted by January 9<sup>th</sup> for the grand opening of the park. The opening will be at 10:00 a.m. at Daphne Central Park.

## **IV. ORDINANCE REVIEW/DISCUSSION**

### **a.) Discuss: Taxi Service**

The Revenue Officer said the fee for Uber Taxi Service will be \$50 for the first one taxi and \$25 over one taxi. The driver is responsible the \$10 cost of the permit fee and \$5.00 for the renewal of the permit mentioned in the ordinance.

The committee wanted Jamie to send the ordinance to Uber for review as they would like feedback from Uber before they pass the ordinance.

**b.) Discuss: Amending Park Rules Ordinance / Rules for Daphne Central Park**

The committee requested the following amendments to the Park Rules Ordinance:

1. No hitting of golf balls in Daphne Central Park be added to the ordinance
2. No food - human or pet - shall be allowed inside the Dog Park.
3. Amend number 7 in the Dog Park Rules saying No collars on dogs that have visible studs

**MOTION BY Councilman LeJeune send the Park Rules ordinance with amendments to the City Council with a favorable recommendation, and to be on the January 4, 2016 agenda. Seconded by Councilwoman Phillips.**

**MOTION CARRIED UNANIMOUSLY**

**c.) Discuss: Policy for Appointing and Reappointing Committee and Board Members**

The committee discussed the process for knowing when member's terms will expire. The committee requested that the ordinance should state that there should be a staff member assigned to each committee and report when there is a vacancy or reappointment.

The ordinance will come back for the January meeting.

**d.) Discuss: Multi-Families in Single Family District**

The committee did not discuss this item.

**V. OTHER BUSINESS**

No other business to discuss.

**VI. NEXT MEETING / January 19, 2016**

**VII. ADJOURN**

**MOTION BY Councilman LeJeune to adjourn. Seconded by Councilman Rudicell.**

**MOTION CARRIED UNANIMOUSLY**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 6:21 P.M.**

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF NOVEMBER 5, 2015 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

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Acting Chairman stated the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m. and he asked for roll call.

Members Present:

Thomas Warner  
Billy Mayhand  
Philip Durant  
Frank Lamb

Members Absent:

Larry Cooke  
Willie Robison, Chairman  
William Scully

Staff Present:

Adrienne D. Jones, Director of Community Development  
Pat Johnson, Recording Secretary  
Tony Hoffman, BZA Attorney

Acting Chairman called for the **Approval of Minutes** of the July 2, 2015 meeting. There were no corrections, additions or deletions.

**The Minutes were approved unanimously.**

Ms. Jones cited that Mr. Robison would be late and a Chairman needed to be appointed.

A **Motion** was made by **Mr. Durant** and **Seconded** by **Mr. Lamb** to **appoint Mr. Billy Mayhand as Chairman.**

**The Motion carried unanimously.**

Chairman called the next item on the agenda, **Appeal #2015-05 Alex Mancini**, request for a Variance to the Daphne Land Use and Development Ordinance. The variance, if granted, would allow offsite parking, in lieu of the two parking spaces required per Article 14-10, Olde Towne Daphne District Parking Requirements. The property is 1711 Main Street, which is zoned B-2, General Business.

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF NOVEMBER 5, 2015 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

---

Ms. Jones displayed a Power Point Presentation of 1711 Main Street. Depicting the existing parking lot located at the rear of the building, and also a plat of the Yuille Subdivision recorded in 1907. She stated the survey shows parcel A & B at the intersection of Belrose Avenue and Main Street. The applicant desires to subdivide the eastern portion of Lot 34, parcel A and that application will be presented to the Planning Commission later this month. In order for this site to be compliant for parking they need a variance. The provision of the LUDO Article 14, Olde Towne Daphne, specially says that property which is twenty five-feet in width should have at least four parking spaces, and the property if subdivided would not have enough spaces. They do have two and they also have an agreement with the adjacent property owner for the use of the parking area to the west. Mancis Antique Club is one tenant space and there is another tenant space, which is the subject property that they want to sell. In order to sell they must have the subdivision and this is what brings them here tonight. Mr. Harry Johnson is here to answer any questions you may have.

Chairman opened the floor for discussion.

Mr. Johnson stated my name is Harry Johnson, one of the new partners of Mancis Antique Club, and this is Melissa Mancis Tolbert, Alex Mancis daughter, representing the family. We are trying to do is purchase the parcel talked about here from the family and we need a variance. We do have parking, but it is just the parking behind the building, we do not own it. We do have an agreement with the property owner for nights and weekends. The parcel we are talking about actually looks like the building next door, I think I gave you all a handout on this, it is the same height, and the same façade. The part that we are subdividing has separate utilities, a separate mailing address, and a separate entrance and exit. So we are trying to subdivide it so we can go ahead and purchase it from the Mancis family and move forward. The Mancis building years and years ago was a gas station and there might be some environmental issues with it which will have to be researched down the road before we move forward. Does anyone have any questions for me?

The Chairman stated is there anyone else that would like to speak in favor or opposition of the variance? Being none, the Chair closed the floor for public participation and entertained a motion.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF NOVEMBER 5, 2015 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

---

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Durant** to approve **Appeal #2015-05, Alex Mancini**, for a variance to allow offsite parking, in lieu of the two parking spaces required per **Article 14-10, Olde Towne Daphne District Parking Requirements**. The property is 1711 Main Street, which is zoned **B-2, General Business**.

Upon roll call vote, **the motion carried unanimously**.

<b>Mr. Warner</b>	<b>Aye</b>
<b>Mr. Durant</b>	<b>Aye</b>
<b>Mr. Lamb</b>	<b>Aye</b>
<b>Mr. Mayhand</b>	<b>Aye</b>

The Chairman stated the request for a variance is granted. You may go to the office of Community Development in the morning and pick up your paperwork.

Ms. Jones stated I have a small token of appreciation for your dedication to the City of Daphne in the Spirit of Thanksgiving.

Mr. Durant stated Ms. Jones and Ms. Johnson we thank you for your efforts you put forth in putting our packets together.

A **Motion** was made by **Mr. Durant** and **Seconded** by **Mr. Warner** for **Mr. Billy Mayhand** to transfer Chairmanship back to **Mr. Willie Robison**.

**The Motion carried unanimously.**

There being no other business the Chairman called for a **Motion to Adjourn**.

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Warner** to adjourn. There was no discussion on the motion.

**The Motion carried unanimously.**

The meeting was adjourned at 6:12 p.m.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF NOVEMBER 5, 2015 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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Respectfully submitted by:

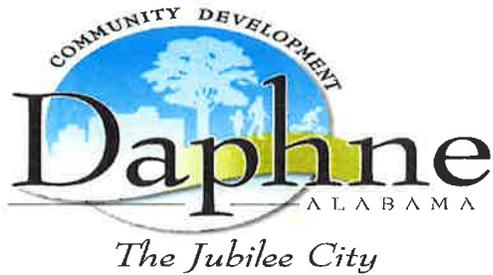
*Pat Johnson*

Pat Johnson, Recording Secretary

APPROVED: December 3, 2015

*Willie Robison*

Willie Robison, Chairman



CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT AGENDA  
DECEMBER 3, 2015 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

1. CALL TO ORDER - 6:05 p.m.
2. CALL OF ROLL - Present W. Robison, L. Cooke, F. Lamb, B. Mayhand, P. Durant, W. Scully
3. APPROVAL OF MINUTES - Approved

November 5, 2015

4. OLD BUSINESS
5. NEW BUSINESS - Approved

**Appeal #2015-06 Earline Martin - Harris**

A request for a Special Exception to the Daphne Land Use and Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would allow the operation of a day care as a home occupation in accordance to the LUDO Article 31-1. The property is 1111 Wilson Avenue, which is in an R-1, Low Density, Single Family Residential Zone.

**Election of Officers** - W. Robison, Chairman, L. Cooke, Vice Chairman, P. Johnson, Recording Secretary

6. ADJOURNMENT - 7:20 p.m.

**DOWNTOWN REDEVELOPMENT AUTHORITY  
1705 MAIN STREET, DAPHNE, AL  
December 2, 2015**

**COMMITTEE MINUTES**

**Members Present:**

Chairman Casey Zito, Ken Balme, Debbie Strahley, Dayna Oldham, Doug Bailey, Dorothy Morrison (Arrived 5:34pm), Patricia Vanderpool (Arrived 5:45pm)

**Also Present:** Councilwoman Tommy Conaway, Mayor Haygood, Councilman John Lake, Irvine Starke, Sarah Toulson

Members of Little Bethel Baptist Church: Earnestine McBride, Mellerene McDonald, Shirley Heard, Catherine Briner, Rev. Donald Parker, Walter Heard, Douglas Barrow, Cynthia Triplett, Carlos Ray

***Chairman Casey Zito called the meeting to order at 5:31 p.m.***

**1. Public Participation**

Rev Donald Parker of Little Bethel Baptist Church presented the Authority with a mini grant application for refurbishing the cemetery. It is in grave need of maintenance, including extensive tree removals, some of which the roots are growing into the graves. They are also looking at a fence for the property. Authority discussed options including looking into the type of trees that need removal and additional grant monies, including historic preservation grants (AL Historic Commission, Baldwin County Historic Commission). Authority mentioned looking at the City to assist in grant writing for the Church if possible. Members of the Authority were meeting with the Church at the cemetery to look at condition and discuss further.

**2. Approval of Minutes**

<p><b>Motion by Dorothy Morrison</b> to approve the minutes from the October 28, 2015 meeting as written. <b>Second by Doug Bailey.</b> <b>Motion Carried unanimously.</b></p>
--

**3. Treasurer's Report**

Doug Bailey reviewed the Treasurer's report, stating the balance for DRA funds currently stand at \$181,625.19.

<p><b>Motion by Dorothy Morrison</b> to accept the December 2, 2015 Treasurer's Report with a balance of \$181,625.19. <b>Seconded by Debbie Strahley.</b> <b>Motion carried unanimously.</b></p>
---

**4. Website Design – Sarah Toulson**

Ms. Toulson spoke with the Authority regarding their desires for the DRA’s website including website design and content, and logo design. She will send a proposal to be approved by Authority in January’s meeting.

**5. Terms of Members**

It was discussed that Danya Odem needs to be reappointed by the Authority.

**Motion by Dorothy Morrison** to reappoint Danya Odem on the Downtown Redevelopment Authority for a term of 6 years.

**Second by Patricia Vanderpool.**

**Motion Carried unanimously.**

Chairman Zito mentioned if anyone was interested in the Chairman position it may be time for new leadership. In addition, Authority needs to get more people involved in the DRA.

**7. Other Business Deemed Necessary**

Mr. Irvine mentioned how the Authority needs to extend Olde Downtowne to the Village Overlay district. The Authority discussed the need to create a strategic plan, goals, for 2016. They set a Strategic Planning meeting for Saturday, January 30<sup>th</sup> at 9am.

Dorothy Morrison requested the Authority authorize her purchasing lights for the downtown planter boxes.

**Motion by Danya Oldem** to approve \$150 for purchase of lights for the planter boxes downtown.

**Second by Doug Bailey.**

**Motion Carried unanimously.**

***With no other business to consider, the meeting was adjourned at 7:25 p.m.***

***Next Meeting: January 27<sup>th</sup>, 2016 at 5:30pm***

The City of Daphne  
Planning Commission Minutes  
Special Meeting of November 5, 2015  
Council Chamber, City Hall - 5:00 P.M.

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Call to Order:

The special meeting of the City of Daphne Planning Commission was called to order at 4:31 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Marybeth Bergin  
Charles Smith, Vice Chairman  
Larry Chason, Chairman  
Tyrone Fenderson  
Ron Scott, Councilman  
Hudson Sandefur  
Chief White

Staff Present:

Adrienne Jones, Director of Community Development  
Jan Vallecillo, Planning Coordinator  
Kevin Boucher, Attorney

The first order of business is the approval of the minutes.

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of September 24 and October 22, 2015. There being none, the minutes are approved as submitted.***

The first order of business is annexation review for the Property at Blakely River, L.L.C.

An introductory presentation was given by Ms. Ashley Campbell, Environmental Programs Manager and representative for Russell Steiner, the Property at Blakely River, L.L.C., to request annexation of a sixty-seven acre land donation located southeast of Interstate 10 and Blakely River as an R-1, Low Density Single Family Residential.

Chairman asked for Commission questions or comments and a motion recommending acceptance.

***A Motion*** was made by Mr. Scott and ***Seconded*** by Ms. Bergin ***of a unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of the annexation of a sixty-seven acre parcel located southeast of Interstate 10 and Blakely River as an R-1, Low Density Single Family Residential, for the Property at Blakely River, L.L.C. There was no discussion on the motion. The Motion carried unanimously.***

**The City of Daphne  
Planning Commission Minutes  
Special Meeting of November 5, 2015  
Council Chamber, City Hall - 5:00 P.M.**

**Draft**

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The next order of business is final plat review for the Retreat of Tiawasee Subdivision.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, of a forty-eight lot subdivision consisting of approximately twenty-seven point four eight acres located south of the intersection of Cowles Crossing and North Lamhatty Lane, and the maintenance issues of the Tiawasee POA have been addressed.

Chairman asked for Commission questions or comments and asked about Rivera Utilities. Mr. Pumphrey stated the installation of power utility is complete.

Mr. Scott asked if the regulations should include a provision to require internet/cable service in a new development. Mr. Boucher stated there is not a requirement for a utility company to provide internet and/or cable service.

Chairman asked for Commission questions or comments and a motion for approval.

**A Motion was made by Mr. Scott and Seconded by Mr. Fenderson to grant final plat approval to the Retreat of Tiawasee Subdivision. There was no discussion on the motion. Ms. Bergin abstained. The Motion carried.**

The next order of business is site plan review for Sunrise Marine.

An introductory presentation was given by Mr. Doug Bailey, representative of Hutchinson, Moore & Rauch, requesting site plan review of replacement of an existing office facility to a one thousand three hundred forty-four square foot modular building located southwest of Shriner's Avenue and U.S. Highway 98. The increase of the gross floor area of thirty (30) percent or more requires site plan review. In conjunction with the replacement of the office facility, the owner proposes to construct an access drive to a concrete pad and a twenty-foot hoist/lift, and additional landscaping/irrigation. At the time of the construction of the maintenance facility an oil/grease separator will be installed. A time line for construction was provided by the owner.

Chairman asked for Commission questions or comments.

The Commissioners discussed in length: the staging plan of construction of the temporary site plan, the requirement of additional landscaping/irrigation, definition of temporary and permanent site plan, the placement of a greenbelt and/or landscape buffer along U.S. Highway 98, the connection to the service road and adjacent property to the north, and replacement of signage.

**The City of Daphne  
Planning Commission Minutes  
Special Meeting of November 5, 2015  
Council Chamber, City Hall - 5:00 P.M.**

**Draft**

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Mr. Hamilton, representative for Sunrise Marine, agreed to the stipulations of site plan approval.

Chairman asked for Commission questions or comments and a motion for approval.

**A Motion was made by Mr. Scott and Seconded by Mr. Smith to grant approval of a temporary site plan for a period of two years for Sunrise Marine as outlined: replacement of the existing modular building, additional landscaping/irrigation, access to the rear of the property, concrete pad, a twenty-foot hoist lift, maintenance facility, and replacement of signage. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Chairman asked for public participation. No one came forward. He closed public participation.

The next order of business is the attorney's report.

Mr. Boucher stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

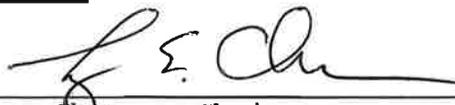
Ms. Jones stated Happy Thanksgiving and thanked the Commissioners for their attendance at the meeting.

**There being no further business, the meeting was adjourned at 5:44 p.m.**

**Respectfully submitted by:**

  
\_\_\_\_\_  
Jan Vallecillo, Planning Coordinator

**Approved:** December 17, 2015

  
\_\_\_\_\_  
Larry Chason, Chairman

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of November 19, 2015  
Council Chamber, City Hall - 5:00 P.M.

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Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Marybeth Bergin  
Charles Smith, Vice Chairman  
Larry Chason, Chairman  
Tyrone Fenderson  
Ron Scott, Councilman  
Chief White

Staff Present:

Adrienne Jones, Director of Community Development  
Jan Vallecillo, Planning Coordinator  
Kevin Boucher, Attorney

The first order of business is preliminary/final plat review for the Buster Mancini Tract.

An introductory presentation was given by Mr. Harry Johnson, representative of William A. Mancini, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately zero point one three acres located southwest of Belrose Avenue and Mancini Avenue.

Chairman asked for Commission questions or comments.

Mr. Bergin commented on parking. Ms. Jones stated on November 5, 2015, the owner was granted a variance for off-site parking by the Board of Zoning Adjustments.

Chairman opened the floor to public participation.

Ms. Elizabeth Mancini, 711 Captain O'Neal and owner of the adjacent parcel, stated she is not in opposition of the proposal, but wished to review the parking agreement. Chairman stated that Mr. Johnson will provide you with that documentation.

**A Motion was made by Mr. Scott and Seconded by Mr. Smith to grant approval of the preliminary/final plat for the Buster Mancini Tract. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Byer Properties.

**The City of Daphne  
Planning Commission Minutes  
Regular Meeting of November 19, 2015  
Council Chamber, City Hall - 5:00 P.M.**

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An introductory presentation was given by Mr. Robbie Strom, Hutchinson, Moore & Rauch, requesting site plan review of a funeral home and crematory located southwest of the intersection of Randall Avenue and Pollard Road.

The Commissioners asked is there a buffer. Ms. Jones stated that there is a twenty-five foot buffer provided.

Chairman asked for Commission questions or comments and a motion for approval.

**A Motion was made by Mr. Smith and Seconded by Mr. Fenderson to grant site plan approval to Hughes Funeral Home. There was no discussion on the motion. Mr. Chason abstained. The Motion carried.**

The next order of business is an administrative presentation for Caroline Woods Subdivision, Phase Two, Part C & D and Caroline Woods Subdivision, Phase 3B.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, requesting consideration of an approval of a one-year extension of the preliminary plat for Caroline Woods Subdivision, Phase Two, Part C & D and Caroline Woods Subdivision, Phase Three, Part B set to expire on October 13, 2014. He commented that the only significant difference in the subdivision design prior to the amendment of the regulations is the drainage requirement of first flush.

Chairman asked for Commission questions or comments and asked is a two-year extension acceptable. Ms. Jones stated the developer builds as needed; therefore, a two-year extension would be appropriate.

Chairman asked for Commission questions or comments and a motion for approval.

**A Motion was made by Mr. Fenderson and Seconded by Mr. Smith to grant a two-year extension for the preliminary plat for Caroline Woods Subdivision, Phase Two, Part C & D and Caroline Woods, Phase Three, Part B set to expire on November 19, 2017. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation to amend the Olde Towne Daphne District map.

An introductory presentation was be given by John W. West, owner, requesting to amend the Olde Towne Daphne District to include Lot 5 and 9, Issac Austin Properties Subdivision zoned B-1, Local Business, annexed into the City of Daphne.

**The City of Daphne  
Planning Commission Minutes  
Regular Meeting of November 19, 2015  
Council Chamber, City Hall - 5:00 P.M.**

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An introductory presentation was given by Mr. David Shumer, representative of Barton & Shumer Engineering, requesting site plan review of a two thousand four hundred square foot office facility for an accounting firm located southeast of the intersection of North Main Street & Pinehill Road.

Chairman asked for Commission questions or comments and asked about detention. Mr. Shumer stated detention is provided on the southern portion of the property in addition to the existing retaining wall.

Chairman asked for Commission questions or comments and a motion for approval.

**A Motion was made by Mr. Fenderson and Seconded by Mr. Smith to grant site plan approval for Byer Properties. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Christ the King Immaculata Center.

An introductory presentation was given by Mr. Gary Cowles and Mr. Bruce Smith, representatives of Cowles, Murphy and Glover, requesting site plan review of a six thousand square foot meeting facility located northwest corner of Main Street and Dryer Avenue.

Chairman asked for Commission questions or comments.

Mr. Cowles commented that no trees are to be removed and there will be less impervious area and stated the Parrish will rezone the central lot to serve as the required buffer between residential and commercial zones. Mr. Scott stated that no site disturbance permit will be issued until this is resolved. Ms. Jones stated a site disturbance permit shall be issued, but no certificate of occupancy can be issued until the buffer requirement is met.

Chairman asked for Commission questions or comments and a motion for approval.

**A Motion was made by Mr. Scott and Seconded by Ms. Bergin to grant approval of the site plan for Christ the King Immaculata Center, contingent upon the provision of a landscape buffer, rezoning of the adjacent parcel, or approval of a variance by the Board of Zoning Adjustment. There was no discussion on the motion. The Motion carried unanimously.**

Chairman recused himself from discussion or action on the agenda item.

The next order of business is site plan review for Hughes Funeral Home.

**The City of Daphne  
Planning Commission Minutes  
Regular Meeting of November 19, 2015  
Council Chamber, City Hall - 5:00 P.M.**

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Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for recommending acceptance.

**A Motion was made by Mr. Scott and Seconded by Ms. Bergin of a unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne to amend the Olde Towne Daphne District to include Lots 5 and 9 of the Issac Austin Properties Subdivision zoned B-1, Local Business for John W. West. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Chairman asked for public participation. No one came forward. He closed public participation.

The next order of business is the attorney's report.

Mr. Boucher stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented the following:

- a. The announcement of a new employee, Jessica Watts, Planner
- b. The upcoming meeting dates are site preview, December 9, and regular meeting, December 17, 2015.

**There being no further business, the meeting was adjourned at 5:37 p.m.**

**Respectfully submitted by:**

  
\_\_\_\_\_  
Jan Vallecillo, Planning Coordinator

**Approved:** December 17, 2015

  
\_\_\_\_\_  
Larry Chason, Chairman

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF DECEMBER 17, 2015**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

**REPORT**

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1. **CALL TO ORDER**

2. **CALL OF ROLL: LARRY CHASON, CHARLES SMITH, TYRONE FENDERSON, RON SCOTT, MARYBETH BERGIN, WILLIAM SCULLY, HUDSON SANDEFUR AND DWAYNE SMITH**

3. **APPROVAL OF MINUTES:**

Review of minutes for the special meeting of November 5, 2015 and regular meeting of November 19, 2015. **(APPROVED AS SUBMITTED)**

4. **NEW BUSINESS:**

A. **SITE PLAN REVIEW:**

1. **File SP15-17: (APPROVED SITE PLAN, WAIVED THE SIDEWALK REQUIREMENT)**

**Site:** Delta Life Fitness

**Zoning(s):** *B-2, General Business*

**Location:** Northwest of the intersection of County Road 64 and Equity Drive

**Area:** 0.51 Acres ±

**Owner:** Thomas Investment Properties, L.L.C. - Pratt Thomas

**Agent:** Delta Life Fitness - Jennifer Wisely

**Engineer:** Frank Dagley & Associates - Frank Dagley

B. **PRELIMINARY PLAT REVIEW:**

1. **File SDP15-01: PUBLIC HEARING (APPROVED)**

**Subdivision:** The Villas at St. Charles Village

**Zoning:** *PUD, Planned Unit Development*

**Location:** One quarter mile south of the intersection of County Road 64 and Pollard Road

**Area:** 7.27 Acres ±, (82) lots

**Owner:** Fortuna - St. Charles Development - Nathan Cox

**Agent:** Preble-Rish - Steve Pumphrey

**Surveyor:** Preble-Rish - David Diehl

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF DECEMBER 17, 2015**    **REPORT**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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**C.    PRELIMINARY/FINAL PLAT REVIEW:**

**1.    File SDPF15-07: PUBLIC HEARING (APPROVED, CONTINGENT UPON THE APPROVAL OF BALDWIN COUNTY)**

**Subdivision:**    Montrose Oaks

**Zoning:**        *RSF-2, Single Family Residential, Baldwin County District 16, in the Extraterritorial Planning Jurisdiction of Daphne*

**Location:**      Northwest corner of Gabel and 3<sup>rd</sup> Street  
**Area:**            3.73 Acres  $\pm$ , (6) lots  
**Owner:**         Real Estate Development, L.L.C. - Judith Niemeyer  
**Agent:**         McCrory & Williams - Daryl Russell  
**Surveyor:**      McCrory & Williams - Marlin J. Miller

**2.    File SDPF15-08: PUBLIC HEARING (APPROVED)**

**Subdivision:**    Garrett Estates

**Zoning:**        *RSF-1, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

**Location:**      25029 County Road 54 East  
**Area:**            2.76 Acres  $\pm$ , (2) lots  
**Owner:**         James Garrett  
**Surveyor:**      Moore Surveying - Seth Moore

**3    File SDPF15-09: PUBLIC HEARING (APPROVED)**

**Subdivision:**    C. R. Lazzari

**Zoning:**        *R-A, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

**Location:**      County Road 54 West, southeast of the intersection of Belforest Cemetery Road  
**Area:**            40.19 Acres  $\pm$ , (2) lots  
**Owner:**         Sarah Lazzari  
**Agent:**         Barton & Shumer Engineering- David Shumer  
**Surveyor:**      GeoSurveying - Matt Kountz

**CITY OF DAPHNE  
PLANNING COMMISSION AGENDA  
REGULAR MEETING OF DECEMBER 17, 2015    REPORT  
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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**D.    PETITIONS:**

**1.    RED BARN, L.L.C.:**

**(a)    MASTER PLAN:**

**File MPR15-03: (CONDITIONAL APPROVAL OF THE MASTER PLAN REQUIRING THAT A NOTE SHALL BE ADDED TO THE MASTER PLAN STATING THAT A SECONDARY ACCESS WILL BE CONSTRUCTED CONCURRENT WITH THE DEVELOPMENT OF THE NEW PHASES)**

Presentation to be given by Mr. Steve Pumphrey, representing Preble-Rish, requesting master plan review for Oldfield.

**(b)    PRE-ZONING AMENDMENT: (UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

**File PZ15-07:                    PUBLIC HEARING**

***Present Zoning(s):        RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***

***Proposed Zoning(s):     R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes***

**Location:                    South and west of Oldfield Subdivision, Phase One**

**Area:                         110.5 Acres ±**

**Owner(s):                    Red Barn, L.L.C. - Julio Corte, Jr.**

**Agent:                        Preble-Rish - Steve Pumphrey**

**Surveyor:                    Preble-Rish - David Diehl**

**(c)    ANNEXATION REVIEW:**

**File ANX15-07:**

**Presentation to be given by Mr. Steve Pumphrey, representing Preble-Rish, requesting annexation of a one hundred ten point five acres into the City of Daphne located south and west of Oldfield Subdivision, Phase One as R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes. The subject property is currently zoned RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Red Barn, L.L.C. - Julio Corte, Jr. (UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF DECEMBER 17, 2015**     **REPORT**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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**E.     ADMINISTRATIVE PRESENTATION:**

**1.     PETITION FOR STREET ACCEPTANCE:**

**a.     File AP15-06:**

**Presentation to be given by Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within the Retreat of Tiawasee Subdivision. Said right-of-ways being Cowles Crossing (438 linear feet ), Daintree Court (735 linear feet ), Rhone Drive (2,385 linear feet), and Danube Court (692 linear feet). (FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

**b.     File AP15-09:**

**Presentation to be given by Jackie Kearney, President of the Lakeview Townhomes Phases II and III Property Owners Association, requesting donation and dedication of Parcel A, Lakeview Townhomes Phase II, also known as Lake Shore Drive, and acceptance by the City of Daphne as a publicly maintained street and right of way. (FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

**2.     TIAWASEE STREAM RESTORATION PROJECT:**

**a.     File AP15-07: (NO ACTION TAKEN)**

**Presentation to be given by Ashley Campbell, Environmental Programs Manager, regarding the Tiawasee Creek Stream Restoration Project.**

**3.     NRCS PROJECTS:**

**a.     File AP15-08: (NO ACTION TAKEN)**

**Presentation to be given by Ashley Campbell, Environmental Programs Manager, regarding proposed NRCS projects: Canterbury & Old Pump Plant Areas, Mazie's Gulch Project, Judicial Center - Wacky Shrimp - Drainage Improvement, and Palmetto Court - Drainage Improvement.**

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF DECEMBER 17, 2015**    **REPORT**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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**F.    FINAL PLAT REVIEW:**

**1.    File SDF15-02: (APPROVED, CONTINGENT UPON THE APPROVAL OF BALDWIN COUNTY)**

**Subdivision:**    **Canaan Place, Phase Two A**

**Zoning(s):**      ***RSF-3, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***

**Location:**      Northwest of the intersection of County Road 54 and County Road 54 West

**Area:**            13.99 Acres ±, (34) lots

**Owner(s):**      First Horizon, Inc.

**Agent:**          Preble-Rish - Steve Pumphrey

**Surveyor:**      Preble-Rish - David Diehl

**G.    Planning Commission Discussion:**

**1.    Election of Officers: Larry Chason, Chairman, Charles Smith, Vice Chairman, Marybeth Bergin, Secretary**

**2.    Discussion to consider changing the time of site preview. (No action taken)**

**5.    PUBLIC PARTICIPATION**

**6.    ATTORNEY'S REPORT**

**7.    COMMISSIONER'S COMMENTS**

**8.    DIRECTOR'S COMMENTS:**

**a. Meeting dates: Site preview, January 20, and regular meeting, January 28, 2016**

**b. Merry Christmas**

**9.    ADJOURNMENT**

**SET PUBLIC HEARING DATE FOR**

**FEBRUARY 1, 2016**

**TO CONSIDER:**

**1.) Amending the Land Use and Development Ordinance / Revisions to Olde Towne District Map**

Recommendation: Favorable

**2.) Pre-Zone: Red Barn, LLC**

Location: South and West of Oldfield Subdivision, Phase One

Present Zoning: RA, Rural Agricultural, Baldwin County District 15 in the extraterritorial planning jurisdiction of Daphne

Proposed Pre-Zoning: R-2, Medium Density Single Family Residential District; R-3, High Density Single Family Residential District and R-6, Garden/Patio Homes District

Recommendation: Unanimous Favorable

**3.) Annexation: Red Barn, LLC**

Location: South and West of Oldfield Subdivision, Phase One

Recommendation: Unanimous Favorable

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Community Development Director

## MEMORANDUM

Subject: Proposed Amendment to the Olde Towne  
Daphne District Map

Date: December 1, 2015

At the November 19, 2015, regular meeting of the City of Daphne Planning Commission, six members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned amendment to the Olde Towne Daphne District Map.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, December 7, to set the public hearing for Monday, January 4, 2016.

Thank you,  
ADJ/jv

cc: file

attachment(s)

1. Olde Towne Daphne District Map Planning Report (Copy Attached)

# PLANNING COMMISSION



## PROPOSED AMENDMENT TO THE LAND USE & DEVELOPMENT ORDINANCE

### APPENDIX I EXHIBIT B OLDE TOWNE DISTRICT MAP

John W. West  
508 Main Street  
Daphne, Alabama 36526

10/16/15

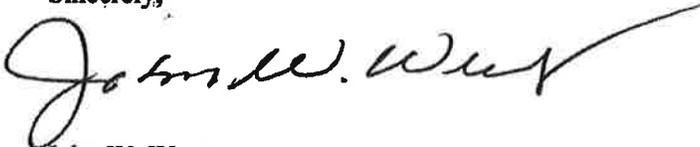
**Mrs. Adrienne D. Jones, Director  
City of Daphne Department of Community Development  
P.O. Box 400  
Daphne, Alabama 36526**

**RE: Proposed amendment to the Olde Towne District Map**

I, John W. West, the owner of Lots 1, 2, 3, 4 and 6, 7 and 8 of Issac Austin Properties Subdivision which are presented included in the District do hereby request to amend the Olde Towne Daphne District Map to also include the contiguous properties of Lot 5 and 9 of Issac Austin Properties Subdivision upon annexation as B-1 into the City of Daphne.

If you have any questions, please call.

Sincerely,

A handwritten signature in black ink that reads "John W. West". The signature is written in a cursive style with a long, sweeping underline.

John W. West

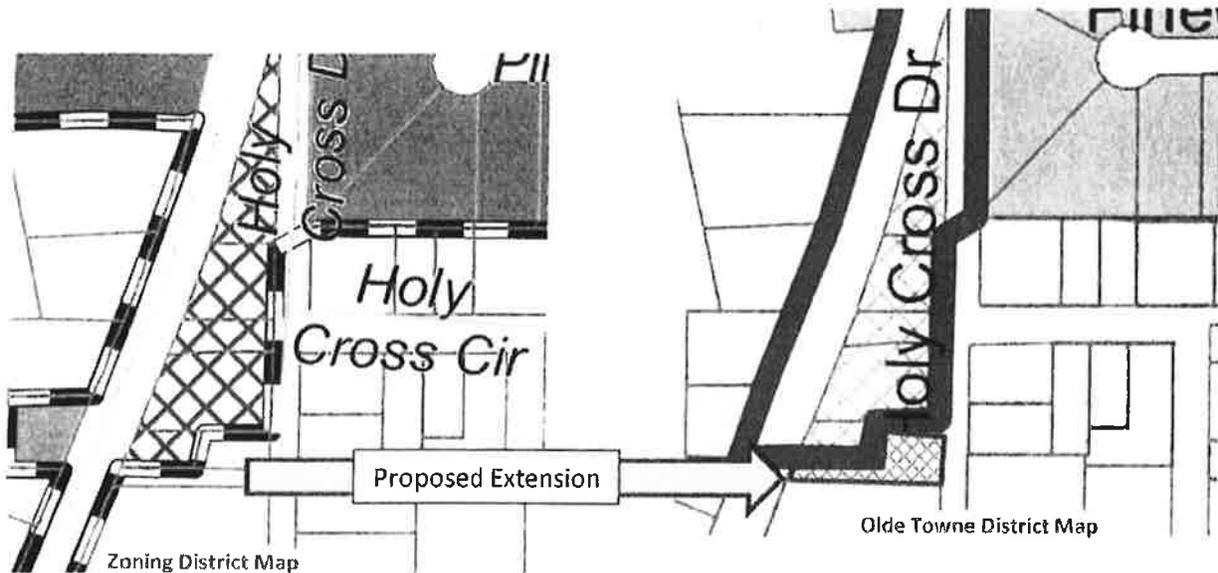
## Proposed Amendment to the Olde Towne Daphne District Map

The Olde Towne Daphne District was established by Ordinance 2002-08. The district map was adopted 2002-27 and amended by Ordinances 2003-05, 2005-12, 2008-04, 2009-66. *John West, the petitioner, requests consideration of an amendment the Olde Towne Daphne District Map to include 2 lots: Lot 5 Issac Austin subdivision and parcel known as Lot 9 of Issac Austin subdivision. This particular property was pre-zoned B-1, Local Business by City Council on November 2, 2015 as Ordinance 2015-62.\* In the same meeting, City Council approved the petition to annex the subject property into the City limits (Ordinance 2015-63\*).*

*The subject property is contiguous to the southern boundary of the Olde Towne District. It would be appropriate to amend the district map by incorporating said land therein.*

Inclusion in the Olde Towne District would be advantageous to the petitioner in that all of his real estate would be subject to the provisions of Article 14, Olde Towne Daphne District.

**Like zoning amendments, annexation petitions and preliminary plat approvals, an amendment to the Olde Towne Daphne map must be approved by an affirmative vote of six (6) members**



### SUMMARY OF DEPARTMENTAL REVIEWS/RECOMMENDATIONS



Community Development – Recommend approval

\*Note: Zoning changes occurring between July 1<sup>st</sup> and December 31<sup>st</sup> will be reflected in a future Official zoning map amendment.

**CITY OF DAPHNE**

**ORDINANCE NO. 2016-**

**Amending the Land Use and Development Ordinance 2011-54  
Revision to Appendix I of the City of Daphne  
Olde Towne District Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on November 19, 2015, favorably recommended certain amendments to the Olde Towne District Map approved and adopted by Ordinance No. 2011-54 referenced in Appendix I “Exhibit B” of the Daphne Land Use & Development Ordinance; and

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests, which have been approved since the adoption of Ordinance No. 2011-54 and Ordinance No. 2003-05, 2005-12, 2008-04 and 2009-66; and

**WHEREAS**, due notice of said proposed amendments to the Olde Towne District Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**WHEREAS**, a public hearing regarding the proposed Olde Towne District Map amendments was held by the City Council February 1, 2016; and

**WHEREAS**, the City Council of the City of Daphne after due consideration believe the amendment to said Olde Towne District Map as requested by the Planning Commission are proper and in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:**

**SECTION I. OLDE TOWNE DISTRICT MAP**

The Olde Towne District Map referenced hereto as Exhibit “A” attached to this Ordinance shall be the official boundary map for the Olde Towne District of the City of Daphne, Alabama.

**SECTION II. AMENDMENT**

Ordinances 2011-54, 2003-05, 2005-12, 2008-04 and 2009-66 and any other amendments to these Ordinances are hereby amended to the extent that the previous Olde Towne District Map referenced in Land Use Ordinance Appendix I of Exhibit “B” and any amendment thereto, conflict with the Olde Towne District Map referenced as Exhibit “A”.

**SECTION III.      REPEALER**

Any Ordinance(s) or parts of Ordinance(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION IV.      EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THE \_\_\_\_\_ DAY \_\_\_\_\_, 2016.**

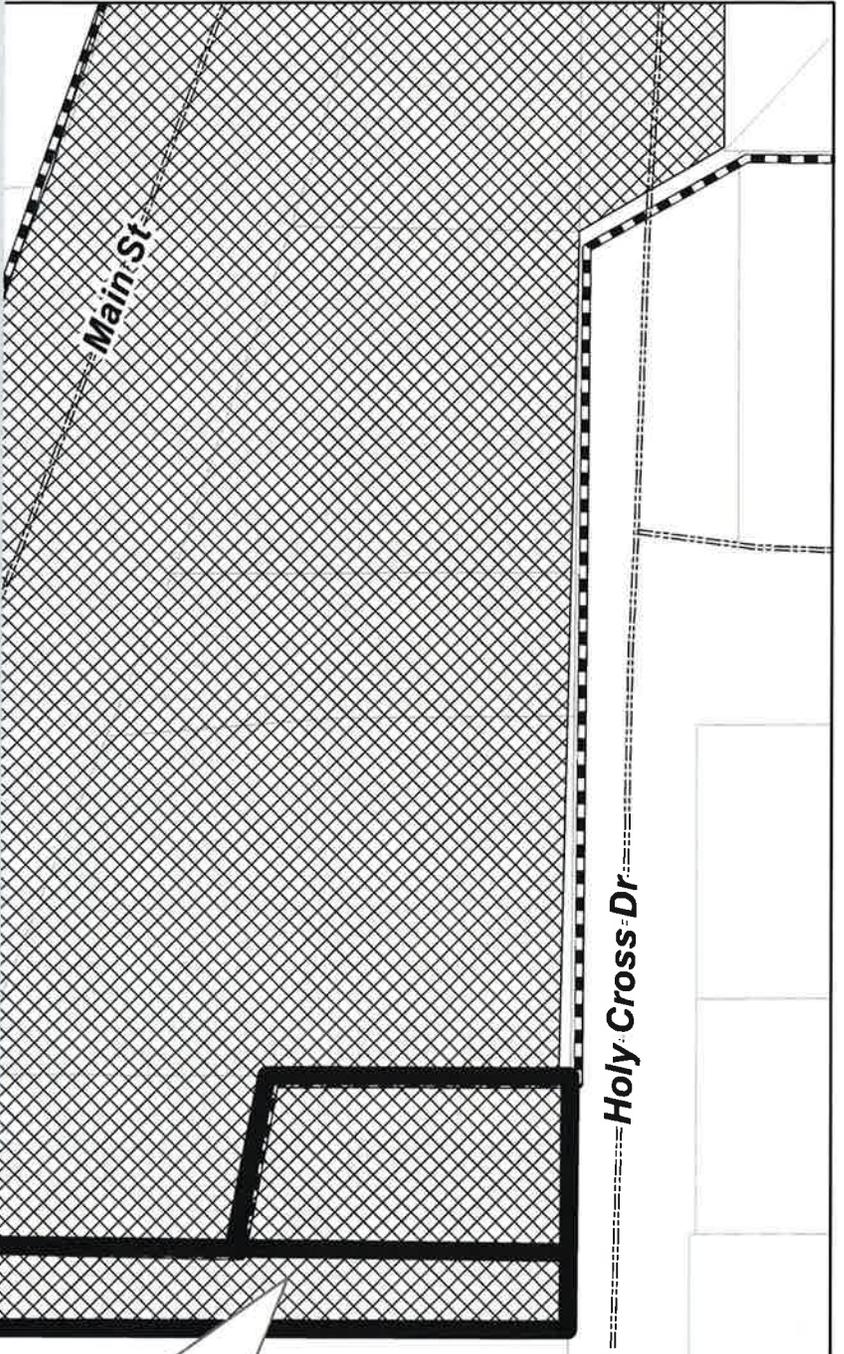
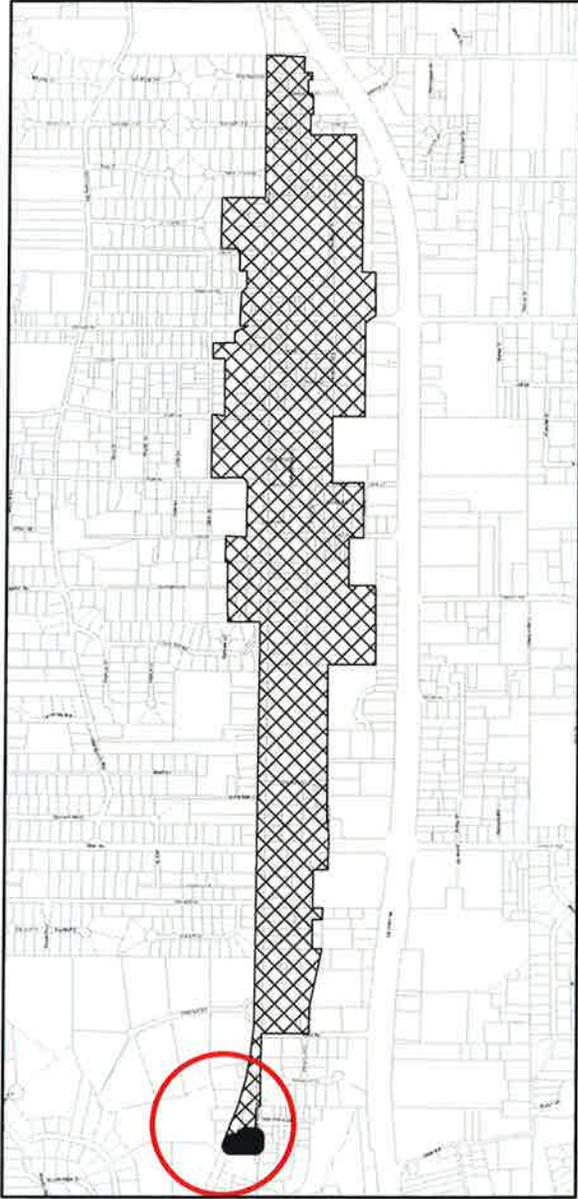
\_\_\_\_\_  
**Dane Haygood,**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes**  
**City Clerk**

# Olde Towne Overlay

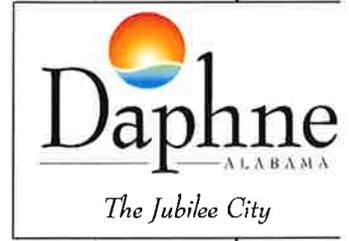
## Existing Olde Towne Overlay



**Proposed Addition to the  
Olde Towne Overlay District**

### Legend

-  Proposed Additional Parcels
-  Olde Towne Overlay
-  Daphne City Limits



The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assume no liability associated with the use of the data, and assume no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Planning Department. Tel. # 251-621-3111

PLEASE Publish in the Bulletin Legal Section on Wednesday, January 8, 2016.

**FIRST NOTICE OF PUBLIC HEARING**

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on February 1, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use and Development Ordinance / Olde Towne District Map. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

**PROPOSED ORDINANCE:**

**CITY OF DAPHNE  
ORDINANCE NO. 2016-**

**Amending the Land Use and Development Ordinance 2011-54  
Revision to Appendix I of the City of Daphne  
Olde Towne District Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on November 19, 2015, favorably recommended certain amendments to the Olde Towne District Map approved and adopted by Ordinance No. 2011-54 referenced in Appendix I "Exhibit B" of the Daphne Land Use & Development Ordinance; and

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests, which have been approved since the adoption of Ordinance No. 2011-54 and Ordinance No. 2003-05, 2005-12, 2008-04 and 2009-66; and

**WHEREAS**, due notice of said proposed amendments to the Olde Towne District Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**WHEREAS**, a public hearing regarding the proposed Olde Towne District Map amendments was held by the City Council February 1, 2016; and

**WHEREAS**, the City Council of the City of Daphne after due consideration

PLEASE Publish in the Bulletin Legal Section on Wednesday, January 15, 2016.

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time, the first notice was published on January 8, 2016, that the City Council of the City of Daphne will hold a Public Hearing on February 1, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an ordinance amending the Land Use and Development Ordinance / Olde Town District Map as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

**PROPOSED ORDINANCE:**

**CITY OF DAPHNE**

**ORDINANCE NO. 2016-**

**Amending the Land Use and Development Ordinance 2011-54  
Revision to Appendix I of the City of Daphne  
Olde Towne District Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on November 19, 2015, favorably recommended certain amendments to the Olde Towne District Map approved and adopted by Ordinance No. 2011-54 referenced in Appendix I "Exhibit B" of the Daphne Land Use & Development Ordinance; and

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests, which have been approved since the adoption of Ordinance No. 2011-54 and Ordinance No. 2003-05, 2005-12, 2008-04 and 2009-66; and

**WHEREAS**, due notice of said proposed amendments to the Olde Towne District Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**WHEREAS**, a public hearing regarding the proposed Olde Towne District Map amendments was held by the City Council February 1, 2016; and

**WHEREAS**, the City Council of the City of Daphne after due consideration believe the amendment to said Olde Towne District Map as requested by the Planning Commission are proper and in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY**

To: Office of the City Clerk  
From: Adrienne D. Jones, Director of Community Development  
Subject: Red Barn, L.L.C.  
Pre-Zoning Amendment  
Date: December 21, 2015

## MEMORANDUM

**PRESENT ZONING:** RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of Daphne

**PROPOSED<sup>Pre-</sup>ZONING:** R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes

**LOCATION:** South and west of Oldfield Subdivision, Phase One

**RECOMMENDATION:** At the Thursday, December 17, 2015, regular meeting of the Daphne Planning Commission, seven members were present. The motion carried for an **unanimous favorable recommendation** to the City Council of a pre-zoning amendment of the subject property for Red Barn, L.L.C. as R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,  
ADJ/jv

cc: file

attachment(s)

1. Zoning Amendment Application
2. Legal Description
3. Boundary Survey
4. Revised Master Plan
5. Adjacent property owners' list
6. Community Development Report



# REZONING OR PRE-ZONING APPLICATION

Office use only	Date Submitted <b>Nov. 17, 2015</b>
Application Number: ZA-                      or                      PZA- <b>15-07</b>	Planning Commission Public Hearing Date: <b>Dec. 17, 2015</b>

*Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.*

### SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): <b>WEST SIDE OF AL HWY 181 &amp; 1.6 MILES NORTH OF AL HWY 104. ADJACENT TO OLDFIELD SUBDIVISION</b>	PPIN#(s): <b>8624, 285592, 63521</b>
Gross Site Area (acreage): <b>110.5 ACRES</b>	Requested Zoning or Pre-Zoning: <b>R-2, R-3, R-6G</b>
Current Zoning Designation(s): <b>RA - COUNTY DISTRICT 15</b>	Amended Request: Initials:                      Date:
Current Land Use: <b>FARMING</b>	Anticipated Land Use: <b>RESIDENTIAL</b>
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": <b>SEE ATTACHED</b>	

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).  
 **Annexation**     Subdivision     Site Plan     Special Exception     Variance     Specify Other

### APPLICANT & AGENT INFORMATION

*\*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.*

Name of Current Owner: <b>RED BARN LLC</b>	
Mailing Address: <b>24311 ST HWY 181, DAPHNE, AL 36526</b>	Phone/Fax: E-mail:
Name of Authorized Agent: <b>PREBLE · RISH LLC</b>	<b>251-990-9950 (O) 251-990-9910 (E)</b>
Mailing Address: <b>9949 BELLATAV AVENUE, DAPHNE, AL 36526</b>	Phone/Fax: E-mail: <b>stere@preble-rish.net</b>
Name of Developer*:	Phone/Fax: E-mail:
Other:	Phone/Fax: E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature:	Date <b>11-17-15</b>
Agent's Signature:	Date <b>11-17-15</b>

# EXHIBIT "A"

R-2

19.66 AC.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE THENCE RUN NORTH 88 DEGREES 22 MINUTES 28 SECONDS EAST, A DISTANCE OF 100.12 FEET; THENCE RUN SOUTH 01 DEGREES 21 MINUTES 22 SECONDS EAST, A DISTANCE OF 150.46 FEET; THENCE RUN SOUTH 29 DEGREES 45 MINUTES 31 SECONDS WEST, A DISTANCE OF 58.39 FEET; THENCE RUN SOUTH 01 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 161.38 FEET; THENCE RUN NORTH 87 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 24.80 FEET; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 54 SECONDS WEST, A DISTANCE OF 170.42 FEET; THENCE RUN SOUTH 38 DEGREES 38 MINUTES 09 SECONDS WEST, A DISTANCE OF 74.94 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 47 SECONDS WEST, A DISTANCE OF 168.50 FEET; THENCE RUN NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 634.82 FEET; THENCE RUN NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 479.73 FEET; THENCE RUN SOUTH 11 DEGREES 16 MINUTES 08 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 236.43 FEET; THENCE RUN SOUTH 56 DEGREES 45 MINUTES 16 SECONDS WEST, A DISTANCE OF 143.32 FEET; THENCE RUN NORTH 27 DEGREES 11 MINUTES 29 SECONDS WEST, A DISTANCE OF 193.23 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 191.79 FEET, (CHORD BEARS SOUTH 79 DEGREES 09 MINUTES 17 SECONDS WEST, A DISTANCE OF 188.97 FEET); THENCE RUN NORTH 03 DEGREES 00 MINUTES 58 SECONDS EAST, A DISTANCE OF 436.03 FEET; THENCE RUN NORTH 22 DEGREES 05 MINUTES 33 SECONDS EAST, A DISTANCE OF 215.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 141.91 FEET, (CHORD BEARS SOUTH 65 DEGREES 00 MINUTES 51 SECONDS EAST, A DISTANCE OF 140.77 FEET); THENCE RUN NORTH 37 DEGREES 36 MINUTES 42 SECONDS EAST, A DISTANCE OF 203.37 FEET; THENCE RUN SOUTH 48 DEGREES 09 MINUTES 04 SECONDS EAST, A DISTANCE OF 154.05 FEET; THENCE RUN NORTH 85 DEGREES 09 MINUTES 13 SECONDS EAST, A DISTANCE OF 287.00 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61 FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.09 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.69 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 179.47 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 19.66 ACRES, MORE OR LESS.

# EXHIBIT "A"

R-3

36.10 AC.

BEGINNING AT THE SOUTHWEST CORNER OF COMMON AREA 10, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE SOUTH 89 DEGREES 40 MINUTES 58 SECONDS EAST, A DISTANCE OF 1575.78 FEET; THENCE RUN NORTH 00 DEGREES 38 MINUTES 46 SECONDS EAST, A DISTANCE OF 141.06 FEET; THENCE RUN NORTH 48 DEGREES 24 MINUTES 59 SECONDS EAST, A DISTANCE OF 68.81 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 52.89 FEET, (CHORD BEARS NORTH 05 DEGREES 14 MINUTES 12 SECONDS EAST, A DISTANCE OF 50.46 FEET); THENCE RUN NORTH 52 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 185.14 FEET; THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 20.32 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 13 SECONDS WEST, A DISTANCE OF 684.77 FEET; THENCE RUN NORTH 89 DEGREES 57 MINUTES 36 SECONDS WEST, A DISTANCE OF 44.89 FEET; THENCE RUN SOUTH 16 DEGREES 52 MINUTES 53 SECONDS WEST, A DISTANCE OF 197.60 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, A DISTANCE OF 343.64 FEET; THENCE RUN NORTH 89 DEGREES 43 MINUTES 30 SECONDS WEST, A DISTANCE OF 1709.97 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 478.40 FEET; THENCE RUN NORTH 11 DEGREES 52 MINUTES 21 SECONDS EAST, A DISTANCE OF 50.84 FEET; THENCE RUN NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 337.90 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 36.10 ACRES, MORE OR LESS.

# EXHIBIT "A"

R-6G

## 16.35 AC.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 38 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 99.55 FEET; THENCE RUN NORTH 08 DEGREES 25 MINUTES 02 SECONDS WEST, A DISTANCE OF 397.32 FEET; THENCE RUN NORTH 89 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 807.58 FEET; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.63 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 409.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 32 SECONDS EAST, A DISTANCE OF 51.82 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 04 SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61 FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.09 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.69 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 179.55 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 16.35 ACRES, MORE OR LESS.

## R-6G (CONT.)

### 25.74 AC

BEGINNING AT THE NORTHWEST CORNER OF LOT 59, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 479.73 FEET; THENCE RUN SOUTH 11 DEGREES 16 MINUTES 08 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 236.43 FEET; THENCE RUN SOUTH 56 DEGREES 45 MINUTES 16 SECONDS WEST, A DISTANCE OF 143.32 FEET; THENCE RUN SOUTH 14 DEGREES 16 MINUTES 17 SECONDS EAST, A DISTANCE OF 118.52 FEET; THENCE RUN SOUTH 08 DEGREES 21 MINUTES 07 SECONDS EAST, A DISTANCE OF 684.72 FEET; THENCE RUN SOUTH 22 DEGREES 38 MINUTES 30 SECONDS EAST, A DISTANCE OF 54.31 FEET; THENCE RUN SOUTH 00 DEGREES 20 MINUTES 07 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 53 SECONDS EAST, A DISTANCE OF 761.57 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 30 SECONDS EAST, A DISTANCE OF 21.62 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 478.40 FEET; THENCE RUN NORTH 11 DEGREES 52 MINUTES 21 SECONDS EAST, A DISTANCE OF 50.84 FEET; THENCE RUN NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 337.90 FEET; THENCE RUN NORTH 01 DEGREES 23 MINUTES 03 SECONDS EAST, A DISTANCE OF 169.91 FEET; THENCE RUN NORTH 13 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 154.58 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 67.37 FEET, (CHORD BEARS SOUTH 79 DEGREES 21 MINUTES 15 SECONDS WEST, A DISTANCE OF 66.96 FEET); THENCE RUN NORTH 20 DEGREES 21 MINUTES 27 SECONDS WEST, A DISTANCE OF 228.02 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 25.74 ACRES, MORE OR LESS.

## R-6G (CONT.)

### 12.65 AC

COMMENCE AT THE SOUTHEAST CORNER OF LOT 142, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE SOUTH 02 DEGREES 11 MINUTES 15 SECONDS WEST, A DISTANCE OF 32.39 FEET; THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 20.32 FEET TO THE POINT OF BEGINNING.

THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 241.99 FEET; THENCE RUN NORTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, A DISTANCE OF 503.24 FEET; THENCE RUN SOUTH 00 DEGREES 42 MINUTES 50 SECONDS WEST, A DISTANCE OF 815.88 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.10 FEET, (CHORD BEARS NORTH 45 DEGREES 11 MINUTES 47 SECONDS WEST, A DISTANCE OF 35.24 FEET); THENCE RUN SOUTH 89 DEGREES 59 MINUTES 47 SECONDS WEST, A DISTANCE OF 76.07 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 97.06 FEET, (CHORD BEARS NORTH 83 DEGREES 27 MINUTES 41 SECONDS WEST, A DISTANCE OF 96.85 FEET); THENCE RUN NORTH 76 DEGREES 55 MINUTES 09 SECONDS WEST, A DISTANCE OF 266.67 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 578.84 FEET, AN ARC LENGTH OF 131.31 FEET, (CHORD BEARS NORTH 83 DEGREES 27 MINUTES 41 SECONDS WEST, A DISTANCE OF 131.03 FEET); THENCE RUN NORTH 89 DEGREES 57 MINUTES 36 SECONDS WEST, A DISTANCE OF 155.31 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 684.77 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 12.65 ACRES, MORE OR LESS.

NORTH LINE OF SEC. 34, T28S, R2E.

**R-2 - 19.66 AC.**

BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLD FIELD PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2398-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE THENCE RUN NORTH 88 DEGREES 22 MINUTES 28 SECONDS EAST, A DISTANCE OF 100.12 FEET; THENCE RUN SOUTH 01 DEGREES 21 MINUTES 22 SECONDS EAST, A DISTANCE OF 180.46 FEET; THENCE RUN SOUTH 20 DEGREES 45 MINUTES 10 SECONDS WEST, A DISTANCE OF 58.39 FEET; THENCE RUN SOUTH 01 DEGREES 49 SECONDS EAST, A DISTANCE OF 150.09 FEET; THENCE RUN SOUTH 05 SECONDS WEST, A DISTANCE OF 24.80 FEET; THENCE RUN SOUTH 09 DEGREES 38 MINUTES 38 SECONDS WEST, A DISTANCE OF 170.42 FEET; THENCE RUN SOUTH 38 DEGREES 38 MINUTES 09 SECONDS WEST, A DISTANCE OF 74.94 FEET; THENCE RUN SOUTH 40 DEGREES 39 MINUTES 47 SECONDS WEST, A DISTANCE OF 108.50 FEET; THENCE RUN NORTH 88 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 654.82 FEET; THENCE RUN NORTH 88 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 234.43 FEET; THENCE RUN SOUTH 58 DEGREES 45 MINUTES 16 SECONDS WEST, A DISTANCE OF 143.32 FEET; THENCE RUN NORTH 27 DEGREES 11 MINUTES 26 SECONDS WEST, A DISTANCE OF 193.23 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 141.91 FEET, CHORD BEARS SOUTH 05 DEGREES 00 MINUTES 51 SECONDS EAST, A DISTANCE OF 140.75 FEET; THENCE RUN NORTH 03 DEGREES 00 MINUTES 58 SECONDS EAST, A DISTANCE OF 438.03 FEET; THENCE RUN NORTH 22 DEGREES 05 MINUTES 33 SECONDS EAST, A DISTANCE OF 215.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 141.91 FEET, CHORD BEARS SOUTH 05 DEGREES 00 MINUTES 51 SECONDS EAST, A DISTANCE OF 140.75 FEET; THENCE RUN SOUTH 48 DEGREES 00 MINUTES 04 SECONDS EAST, A DISTANCE OF 154.05 FEET; THENCE RUN NORTH 85 DEGREES 00 MINUTES 13 SECONDS EAST, A DISTANCE OF 287.00 FEET; THENCE RUN SOUTH 88 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61 FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 50.00 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 176.47 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 19.66 ACRES, MORE OR LESS.

**108 AC.±**

**R-6G (PROPOSED)**  
16.35 AC.

**R-2 (EXIST)**  
25.14 AC

**R-4SF (EXIST)**  
21.27 AC

**R-2 (PROPOSED)**  
19.66 AC

**R-1 (EXIST)**  
17.69 AC

**R-3 (EXIST)**  
18.91 AC

**R-6G (PROPOSED)**  
25.74 AC

**R-6 (PROPOSED)**  
12.65 AC

**R-3 (PROPOSED)**  
36.10 AC

CURVE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	322.00'	191.79'	98.84'	185.97'	S79°09'17"W
C2	322.00'	141.91'	72.13'	140.77'	S65°00'51"E

FUTURE DEVELOPMENT

**EXHIBIT "B"**  
**PROPOSED R-2**

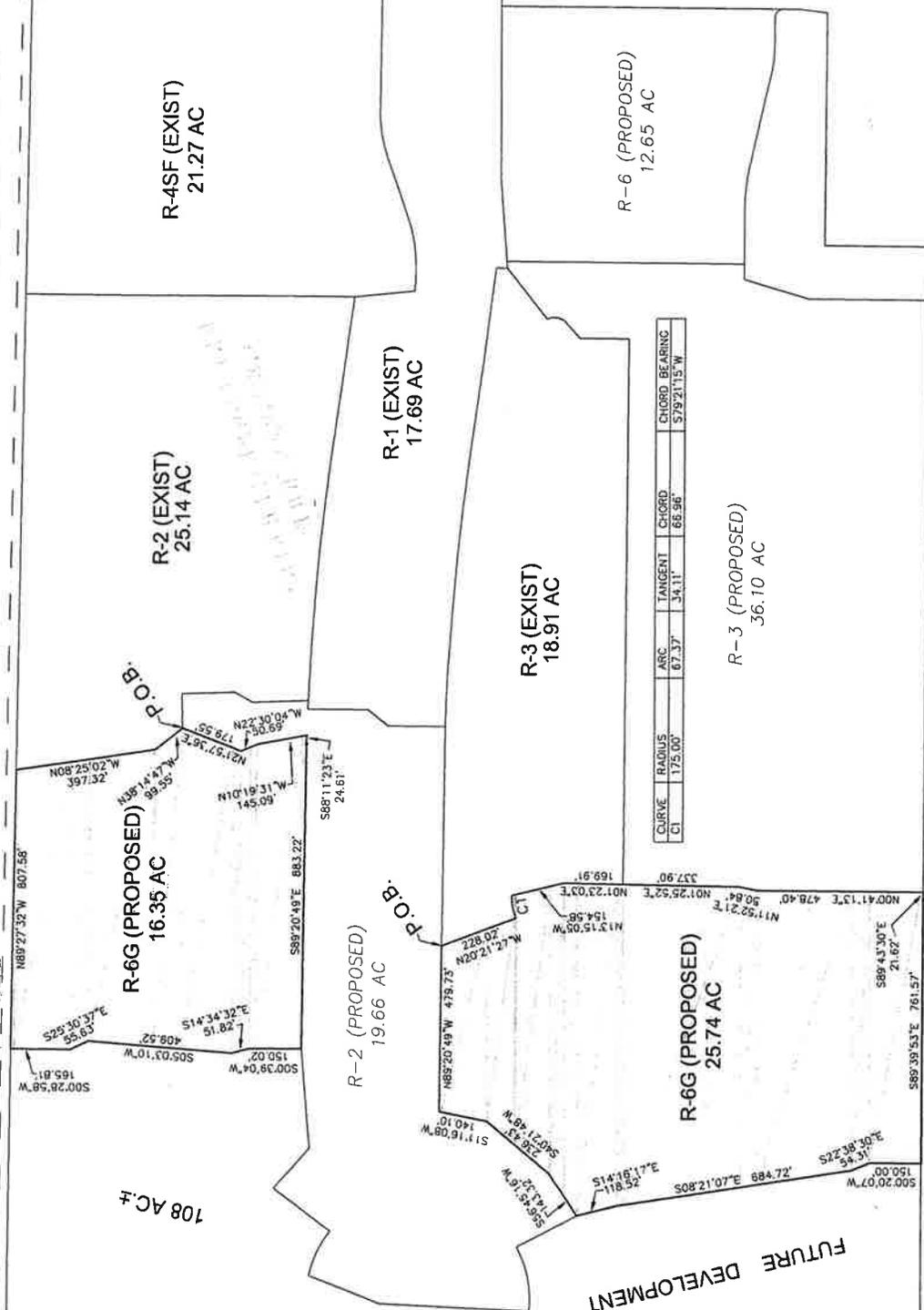
**OLD FIELD**





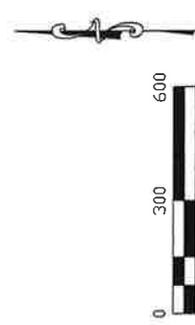
27 26  
34 35

ALABAMA STATE HIGHWAY NO. 181



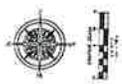
**R-6G - 16.35 AC.**  
 BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2329-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 26 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN NORTH 08 DEGREES 25 MINUTES 09 SECONDS WEST, A DISTANCE OF 807.58 FEET; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.63 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 408.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 39 SECONDS EAST, A DISTANCE OF 51.62 FEET; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN SOUTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61 FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.00 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.89 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 176.55 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 16.35 ACRES, MORE OR LESS.

**R-6G - 25.74 AC.**  
 BEGINNING AT THE NORTHWEST CORNER OF LOT 59, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2329-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 69 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 478.40 FEET; THENCE RUN SOUTH 11 DEGREES 49 MINUTES 49 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 238.43 FEET; THENCE RUN SOUTH 56 DEGREES 45 MINUTES 16 SECONDS WEST, A DISTANCE OF 143.32 FEET; THENCE RUN SOUTH 14 DEGREES 18 MINUTES 17 SECONDS EAST, A DISTANCE OF 118.52 FEET; THENCE RUN SOUTH 08 DEGREES 21 MINUTES 07 SECONDS EAST, A DISTANCE OF 684.72 FEET; THENCE RUN SOUTH 27 DEGREES 38 MINUTES 30 SECONDS WEST, A DISTANCE OF 84.31 FEET; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 88 DEGREES 38 MINUTES 53 SECONDS EAST, A DISTANCE OF 781.57 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 30 SECONDS EAST, A DISTANCE OF 21.62 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 478.40 FEET; THENCE RUN NORTH 11 DEGREES 52 MINUTES 21 SECONDS EAST, A DISTANCE OF 50.84 FEET; THENCE RUN NORTH 01 DEGREES 03 MINUTES 03 SECONDS EAST, A DISTANCE OF 149.81 FEET; THENCE RUN NORTH 13 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 154.58 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 67.37 FEET, (CHORD BEARS SOUTH 79 DEGREES 21 MINUTES 15 SECONDS WEST, A DISTANCE OF 66.96 FEET); THENCE RUN NORTH 20 DEGREES 21 MINUTES 27 SECONDS WEST, A DISTANCE OF 228.02 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 25.74 ACRES, MORE OR LESS.



**EXHIBIT "B"**  
**PROPOSED R-6G**  
**OLDFIELD**





# OLDFIELD MASTER PLAN

**PREBLERISH LLC**  
CONSULTING ENGINEERS & ARCHITECTS  
10000 W. 10TH AVENUE, SUITE 100  
DENVER, CO 80202  
303.751.1000  
www.preblerish.com

DECEMBER, 2015

**OPEN SPACE SUMMARY**

Lakes	21.2 AC.
Parks	41.8 AC.
Buffers, etc.	4.8 AC.
Open Space	67.8 AC.

**PROPOSED SUMMARY**

R-2	86 Units	70.4 AC.
R-3	178 Units	81.0 AC.
R-4	200 Units	81.7 AC.
Phase 2B	51 Units	5.7 AC.
<b>Total</b>	<b>465 Units</b>	<b>218.8 AC.</b>

**MASTERPLAN SUMMARY**

R-1	19 Units	17.7 AC.
R-2	130 Units	95.5 AC.
R-3	216 Units	99.9 AC.
R-4/R-6	250 Units	83.0 AC.
Phase 2B	51 Units	5.7 AC.
<b>Total</b>	<b>616 Units</b>	<b>301.8 AC.</b>

**PHASE ONE SUMMARY**

R-1	19 Units	17.7 AC.
R-2	44 Units	25.1 AC.
R-3	38 Units	18.9 AC.
R-4	50 Units	21.3 AC.
<b>Total</b>	<b>151 Units</b>	<b>83.0 AC.</b>

**110.50 ACRE SUMMARY**

PHASE 2A SUMMARY	PHASE 3A SUMMARY
ACREAGE 18.61 AC.	ACREAGE 17.39 AC.
100'S 30 Units	52'S 51 Units
PHASE 2B SUMMARY	PHASE 3B SUMMARY
ACREAGE 37.09 AC.	ACREAGE 37.41 AC.
52'S 33 Units	52'S 90 Units
80'S 51 Units	80'S 33 Units

NOTE: ADDITIONAL MODIFICATIONS TO THIS MASTER PLAN WILL BE MADE AS DEEMED APPROPRIATE BY THE URBAN PLANNING COMMISSION. THE MASTER PLAN IS A CONCEPTUAL DEVELOPMENT AND IS SUBJECT TO THE COMPREHENSIVE PLAN, ALL APPLICABLE CITY, COUNTY, STATE AND FEDERAL REGULATIONS.

# ADJACENT PROPERTY OWNERS TO OLDFIELD ANNEXATION AND REZONING

Pid	Owner	Address1	City	St	Zip
05-43-08-34-0-000-002.002	A&D CORTE FAMILY LIMITED PARTNERSHIP	23100 ST HWY 181	FAIRHOP	AL	36532
05-43-08-34-0-000-001.065	BAH, MOHAMED A ETAL COSGROVE, CYTHINA M	9595 COBHAM PARK DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.066	BASS, ADAM ETAL BASS, ERIN	5615 WOODRIDGE ST	HUNTSVIL	AL	35802
05-43-08-34-0-000-001.104	BASSETT, MELISSA G ETAL GINGRAS, RICHA	23971 WEATHERBEE PK	DAPHNE	AL	36526
05-43-08-34-0-000-001.001	BIERSTER, THOMAS J ETAL BIERSTER, JULIA	23325 ST HWY 181	DAPHNE	AL	36526
05-43-08-34-0-000-001.146	BOWMAN, MARCUS R ETAL BOWMAN, HEATHER H	9609 CAMBERWELL DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.145	BURNS, ANTHONY ETAL BURNS, AMANDA R	9540 CUMBRIA DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.068	CORCORAN, M SUE ETAL CORCORAN, MATTHEW	9547 COBHAM PARK DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.102	DUNBAR, JODI LYNNE	9547 CUMBRIA DR	DAPHNE	AL	36526
05-43-07-35-0-000-002.031	HEARTHSTONE MULTI-ASSET ENTITY D L P	24151 VENTURA BLVD	DAPHNE	AL	36526
05-43-08-27-0-000-003.000	JULIO CORTE FARM LIMITED PARTNERSHIP	24311 CO RD 27	CALABAS	CA	91302
05-43-08-34-0-000-001.067	LEE, MARJORIE M	9563 COBHAM PARK DR	DAPHNE	AL	36526
05-43-07-35-0-000-004.000	MANCI, JOSEPHA ETUX BARBARA SAWYER	307 BELROSE AVE	DAPHNE	AL	36526
05-43-08-34-0-000-001.173	OLDFIELD PROPERTY OWNERS ASSOCIATION INC	25366 PROFIT DRIVE	DAPHNE	AL	36526
05-43-08-34-0-000-001.002	OLDFIELD PROPERTY OWNERS ASSOCIATION INC	25366 PROFIT DRIVE	DAPHNE	AL	36526
05-43-08-34-0-000-001.174	OLDFIELD PROPERTY OWNERS ASSOCIATION INC	25366 PROFIT DRIVE	DAPHNE	AL	36526
05-43-08-34-0-000-001.011	OLDFIELD PROPERTY OWNERS ASSOCIATION INC	25366 PROFIT DRIVE	DAPHNE	AL	36526
05-43-08-34-0-000-001.005	OLDFIELD PROPERTY OWNERS ASSOCIATION INC	25366 PROFIT DRIVE	DAPHNE	AL	36526
05-43-08-34-0-000-001.003	OLDFIELD PROPERTY OWNERS ASSOCIATION INC	25366 PROFIT DRIVE	DAPHNE	AL	36526
05-43-08-34-0-000-001.069	OWEN, AMY B	9531 COBHAM PARK DRIVE	DAPHNE	AL	36526
05-43-08-34-0-000-001.004	RED BARN L L C	24311 ST HWY 181	DAPHNE	AL	36526
05-43-08-34-0-000-002.000	RED BARN L L C	24311 ST HWY 181	DAPHNE	AL	36526
05-43-08-34-0-000-001.000	RED BARN L L C	24311 ST HWY 181	DAPHNE	AL	36526
05-43-08-34-0-000-001.070	ROGERS, CHERYL LYNNE ETAL ROGERS, RON L	9515 COBHAM PARK DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.164	ROGERS, ROBERT E ETAL ROGERS, MICHELLE L	9604 CAMBERWELL DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.072	SMITH, SCOTT A ETAL SMITH, MARTHA L	9489 COBHAM PARK DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.106	STOUGH, JAMES E	23911 WEATHERBEE PARK DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.103	TOTH, KIRK	23959 WEATHERBEE PARK DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.071	TOULSON, TRAVIS ETAL TOULSON, SARAH	9501 COBHAM PARK DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.073	VARDAMAN, ROBERT M ETAL VARDAMAN, LINDA	9508 COBHAM PARK DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.120	VIERRA, GERALD ANTHONY ETAL VIERRA, SHER	29377 OAKSTONE DR W	DAPHNE	AL	36526
05-43-08-34-0-000-001.105	WALDING, KYLE W	23981 WEATHERBEE PARK DR	DAPHNE	AL	36526
05-43-08-34-0-000-001.155	WHITE, DANIEL ENOS ETAL WHITE, CATHERINE	9920 CAMBERWELL DRIVE	DAPHNE	AL	36526

DANE HAYGOOD  
MAYOR



ADRIENNE D. JONES  
COMMUNITY DEVELOPMENT  
DIRECTOR/ZONING ADMINISTRATOR

CITY COUNCIL  
TOMMIE CONAWAY  
DISTRICT 1  
PAT RUDICELL  
DISTRICT 2  
JOHN L. LAKE  
DISTRICT 3  
RANDY FRY  
DISTRICT 4  
RON SCOTT  
DISTRICT 5  
ROBIN LEJEUNE  
DISTRICT 6  
JOE DAVIS, III  
DISTRICT 7

December 4, 2015

#### NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Red Barn, L.L.C. containing 110.5 acres +/- located on the west side of Alabama Highway 181, one point six miles north of Alabama Highway 104, west of Oldfield Subdivision to be rezoned from RA, Rural Agricultural, Baldwin County District 15, to an R-2, Medium Density Single Family, R-3 High Density Single Family Residential, and R-6 (G), Garden/Patio Homes upon annexation into the corporate limits of the City of Daphne.

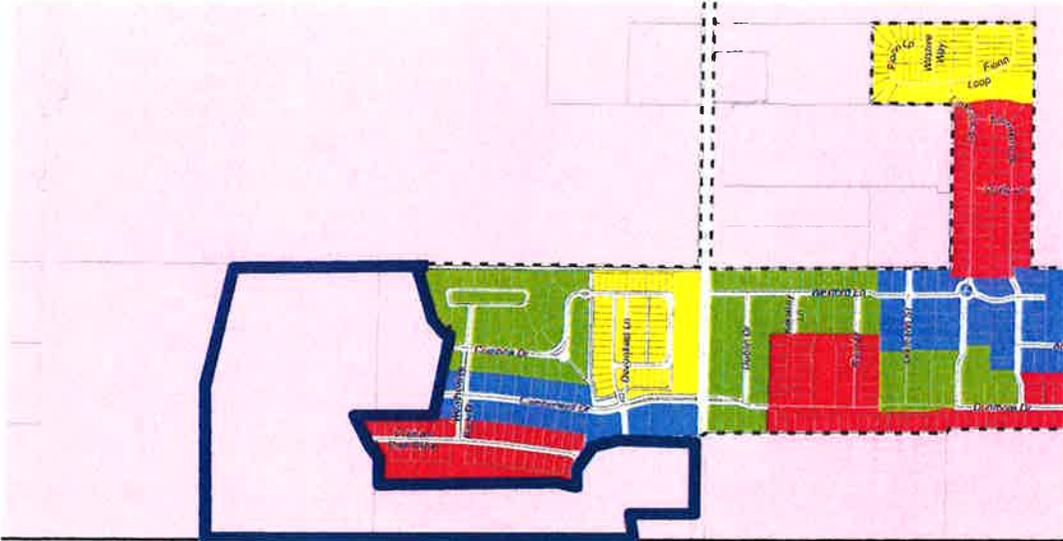
Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, December 9, 2015 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, December 17, 2015 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,  
Adrienne D. Jones  
Director of Community Development

Red Barn, L.L.C. Pre-Zoning Amendment

PLANNING COMMISSION  
PRE-ZONING REVIEW  
RED BARN, LLC



## **COMMUNITY DEVELOPMENT**

### **Rezoning Request Alabama State Road 181-Old Field Subdivision (Red Barn, LLC) 110.5 acres**

**Owner:** Red Barn, LLC

**Existing Conditions:** 110.5 acres of undeveloped land

**Existing Zoning:** RA, Rural Agricultural, Baldwin County District 15

**Proposed Zoning:** R-2, Medium Density Single Family, R-3 High Density Single Family Residential, and R-6(G), Garden/Patio Homes

**Surrounding Zonings:**

North - RA, Rural Agricultural, Baldwin County District 15

South - RA, Rural Agricultural, Baldwin County District 15

West - RA, Rural Agricultural, Baldwin County District 15

East - (Oldfield Subdivision) R-2, Medium Density Single Family, R-1, Low Density Single Family Residential and R-3 High Density Single Family Residential

**Existing Utility Service Providers:**

Water – Belforest Water

Sewer – Baldwin County Sewer

Gas – Fairhope Gas

Electric - Riviera Utilities

**Affected City Service Providers:**

Fire Protection— Station 3

Police Protection—Police Beat 1

Public Works

Baldwin County Schools—n/a

**From the 2000-2020 Comprehensive Plan** (adopted on June 26, 2003):

The Comprehensive Plan does not address land in this area. The Comprehensive Plan is in dire need for amendments.

**Related applications on December 2015 Planning Commission Agenda:**

Oldfield Master Plan Revision for 218.8 acres and Annexation Request by Red Barn, LLC. for 110.5 acres

**Staff Recommendations:**

Staff strongly recommends a revision to the **master plan to prior to December 17<sup>th</sup> regular meeting**. This recommendation is an effort to avoid confusion regarding any commitment on the City's behalf to speculatively zone the property as local business in the future. When the applicant has devised plans for commercial use, then a proposed master plan revision can be presented prior to submitting request to prezone the land and annex the property into the city, as is the case with this application for zoning.

Planning Commission approval of the zoning request and the master plan as submitted would imply that commercial zoning is appropriate and that a future request for B-1 zoning would be approved.

Zoning proposals must be consistent with the site Master Plan. Staff's favorable recommendation for zoning is contingent upon modifications to the master plan prior to December 17<sup>th</sup> regular meeting.

**Recommendation regarding R-2 zoning: favorable.**

**Recommendation regarding R-3 zoning: favorable.**

**Recommendation regarding R-6(G) zoning: favorable.**

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2016-**

**Ordinance to Pre-Zone Property Located  
South and West of Oldfield Subdivision, Phase One  
Red Barn, L.L.C.**

**WHEREAS**, Red Barn, L.L.C. 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 RA, Rural Agricultural District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and R-6, (G), Garden/Patio Homes, District, City of Daphne prior to annexing into the City of Daphne; and

**WHEREAS**, said real property is South and West of Oldfield Subdivision, Phase One, and more particularly described as follows:

**Legal Description for Pre-zone:**

R-2  
19.66 AC.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE RUN NORTH 88 DEGREES 22 MINUTES 28 SECONDS EAST, A DISTANCE OF 100.12 FEET; THENCE RUN SOUTH 01 DEGREES 21 MINUTES 22 SECONDS EAST, A DISTANCE OF 150.46 FEET; THENCE RUN SOUTH 29 DEGREES 45 MINUTES 31 SECONDS WEST, A DISTANCE OF 58.39 FEET; THENCE RUN SOUTH 01 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 161.38 FEET; THENCE RUN NORTH 87 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 24.80 FEET; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 54 SECONDS WEST, A DISTANCE OF 170.42 FEET; THENCE RUN SOUTH 38 DEGREES 38 MINUTES 09 SECONDS WEST, A DISTANCE OF 74.94 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 47 SECONDS WEST, A DISTANCE OF 168.50 FEET; THENCE RUN NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 634.82 FEET; THENCE RUN NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 479.73 FEET; THENCE RUN SOUTH 11 DEGREES 16 MINUTES 08 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 236.43 FEET; THENCE RUN SOUTH 56 DEGREES 45 MINUTES 16 SECONDS WEST, A DISTANCE OF 143.32 FEET; THENCE RUN NORTH 27 DEGREES 11 MINUTES 29 SECONDS WEST, A DISTANCE OF 193.23 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 191.79 FEET, (CHORD BEARS SOUTH 79 DEGREES 09 MINUTES 17 SECONDS WEST, A DISTANCE OF 188.97 FEET); THENCE RUN NORTH 03 DEGREES 00 MINUTES 58 SECONDS EAST, A DISTANCE OF 436.03 FEET; THENCE RUN NORTH 22 DEGREES 05 MINUTES 33 SECONDS EAST, A DISTANCE OF 215.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 141.91 FEET, (CHORD BEARS SOUTH 65 DEGREES 00 MINUTES 51 SECONDS EAST, A DISTANCE OF 140.77 FEET); THENCE RUN NORTH 37 DEGREES 36 MINUTES 42 SECONDS EAST, A DISTANCE OF 203.37 FEET; THENCE RUN SOUTH 48 DEGREES 09 MINUTES 04 SECONDS EAST, A DISTANCE OF 154.05 FEET; THENCE RUN NORTH 85 DEGREES 09 MINUTES 13 SECONDS EAST, A DISTANCE OF 287.00 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61

FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.09 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.69 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 179.47 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 19.66 ACRES, MORE OR LESS.

R-3  
36.10 AC.

BEGINNING AT THE SOUTHWEST CORNER OF COMMON AREA 10, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE SOUTH 89 DEGREES 40 MINUTES 58 SECONDS EAST, A DISTANCE OF 1575.78 FEET; THENCE RUN NORTH 00 DEGREES 38 MINUTES 46 SECONDS EAST, A DISTANCE OF 141.06 FEET; THENCE RUN NORTH 48 DEGREES 24 MINUTES 59 SECONDS EAST, A DISTANCE OF 68.81 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 52.89 FEET, (CHORD BEARS NORTH 05 DEGREES 14 MINUTES 12 SECONDS EAST, A DISTANCE OF 50.46 FEET); THENCE RUN NORTH 52 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 185.14 FEET; THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 20.32 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 13 SECONDS WEST, A DISTANCE OF 684.77 FEET; THENCE RUN NORTH 89 DEGREES 57 MINUTES 36 SECONDS WEST, A DISTANCE OF 44.89 FEET; THENCE RUN SOUTH 16 DEGREES 52 MINUTES 53 SECONDS WEST, A DISTANCE OF 197.60 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, A DISTANCE OF 343.64 FEET; THENCE RUN NORTH 89 DEGREES 43 MINUTES 30 SECONDS WEST, A DISTANCE OF 1709.97 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 478.40 FEET; THENCE RUN NORTH 11 DEGREES 52 MINUTES 21 SECONDS EAST, A DISTANCE OF 50.84 FEET; THENCE RUN NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 337.90 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 36.10 ACRES, MORE OR LESS.

R-6G  
16.35 AC.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 38 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 99.55 FEET; THENCE RUN NORTH 08 DEGREES 25 MINUTES 02 SECONDS WEST, A DISTANCE OF 397.32 FEET; THENCE RUN NORTH 89 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 807.58 FEET; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.63 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 409.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 32 SECONDS EAST, A DISTANCE OF 51.82 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 04 SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61 FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.09 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.69 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 179.55 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 16.35 ACRES, MORE OR LESS.

**WHEREAS**, at the regular Planning Commission meeting on December 17, 2015, the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of a pre-zoning amendment of the subject property for Red Barn, L.L. C. as R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and R-6 (G), Garden/Patio Homes; 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 February 1, 2016; 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-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and R-6 (G),

Garden/Patio Homes, 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 RA, Rural Agricultural District, Baldwin County District 15.

#### **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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
**Dane Haygood,  
Mayor**

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes,  
City Clerk**

# EXHIBIT "A"

R-2  
19.66 AC.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE RUN NORTH 88 DEGREES 22 MINUTES 28 SECONDS EAST, A DISTANCE OF 100.12 FEET; THENCE RUN SOUTH 01 DEGREES 21 MINUTES 22 SECONDS EAST, A DISTANCE OF 150.46 FEET; THENCE RUN SOUTH 29 DEGREES 45 MINUTES 31 SECONDS WEST, A DISTANCE OF 58.39 FEET; THENCE RUN SOUTH 01 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 161.38 FEET; THENCE RUN NORTH 87 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 24.80 FEET; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 54 SECONDS WEST, A DISTANCE OF 170.42 FEET; THENCE RUN SOUTH 38 DEGREES 38 MINUTES 09 SECONDS WEST, A DISTANCE OF 74.94 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 47 SECONDS WEST, A DISTANCE OF 168.50 FEET; THENCE RUN NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 634.82 FEET; THENCE RUN NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 479.73 FEET; THENCE RUN SOUTH 11 DEGREES 16 MINUTES 08 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 236.43 FEET; THENCE RUN SOUTH 56 DEGREES 45 MINUTES 16 SECONDS WEST, A DISTANCE OF 143.32 FEET; THENCE RUN NORTH 27 DEGREES 11 MINUTES 29 SECONDS WEST, A DISTANCE OF 193.23 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 191.79 FEET, (CHORD BEARS SOUTH 79 DEGREES 09 MINUTES 17 SECONDS WEST, A DISTANCE OF 188.97 FEET); THENCE RUN NORTH 03 DEGREES 00 MINUTES 58 SECONDS EAST, A DISTANCE OF 436.03 FEET; THENCE RUN NORTH 22 DEGREES 05 MINUTES 33 SECONDS EAST, A DISTANCE OF 215.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 141.91 FEET, (CHORD BEARS SOUTH 65 DEGREES 00 MINUTES 51 SECONDS EAST, A DISTANCE OF 140.77 FEET); THENCE RUN NORTH 37 DEGREES 36 MINUTES 42 SECONDS EAST, A DISTANCE OF 203.37 FEET; THENCE RUN SOUTH 48 DEGREES 09 MINUTES 04 SECONDS EAST, A DISTANCE OF 154.05 FEET; THENCE RUN NORTH 85 DEGREES 09 MINUTES 13 SECONDS EAST, A DISTANCE OF 287.00 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61 FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.09 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.69 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 179.47 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 19.66 ACRES, MORE OR LESS.



# EXHIBIT "A"

R-3

36.10 AC.

BEGINNING AT THE SOUTHWEST CORNER OF COMMON AREA 10, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE SOUTH 89 DEGREES 40 MINUTES 58 SECONDS EAST, A DISTANCE OF 1575.78 FEET; THENCE RUN NORTH 00 DEGREES 38 MINUTES 46 SECONDS EAST, A DISTANCE OF 141.06 FEET; THENCE RUN NORTH 48 DEGREES 24 MINUTES 59 SECONDS EAST, A DISTANCE OF 68.81 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 52.89 FEET, (CHORD BEARS NORTH 05 DEGREES 14 MINUTES 12 SECONDS EAST, A DISTANCE OF 50.46 FEET); THENCE RUN NORTH 52 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 185.14 FEET; THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 20.32 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 13 SECONDS WEST, A DISTANCE OF 684.77 FEET; THENCE RUN NORTH 89 DEGREES 57 MINUTES 36 SECONDS WEST, A DISTANCE OF 44.89 FEET; THENCE RUN SOUTH 16 DEGREES 52 MINUTES 53 SECONDS WEST, A DISTANCE OF 197.60 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, A DISTANCE OF 343.64 FEET; THENCE RUN NORTH 89 DEGREES 43 MINUTES 30 SECONDS WEST, A DISTANCE OF 1709.97 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 478.40 FEET; THENCE RUN NORTH 11 DEGREES 52 MINUTES 21 SECONDS EAST, A DISTANCE OF 50.84 FEET; THENCE RUN NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 337.90 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 36.10 ACRES, MORE OR LESS.

27 26  
34 35

ALABAMA STATE HIGHWAY NO. 181

SECTION 14, T15N, R10E



**R-3 - 36.10 AC**

BEGINNING AT THE SOUTHWEST CORNER OF COMMON AREA 10, OLD FIELD PHASE ONE, AS SHOWN ON THE PLAT OF SAID COUNTY PROBATE RECORDS AND RUN THENCE SOUTH 89 DEGREES 40 MINUTES 59 SECONDS EAST, A DISTANCE OF 1576.79 FEET; THENCE RUN NORTH 00 DEGREES 38 MINUTES 48 SECONDS EAST, A DISTANCE OF 141.00 FEET; THENCE RUN NORTH 48 DEGREES 24 MINUTES 59 SECONDS EAST, A DISTANCE OF 441.00 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 52.99 FEET, (CHORD BEARS NORTH 01 DEGREES 12 MINUTES 52 SECONDS EAST, A DISTANCE OF 50.40 FEET); THENCE RUN NORTH 89 DEGREES 31 MINUTES 09 SECONDS EAST, A DISTANCE OF 28.32 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 13 SECONDS WEST, A DISTANCE OF 1700.97 FEET; THENCE RUN NORTH 89 DEGREES 57 MINUTES 36 SECONDS WEST, A DISTANCE OF 44.89 FEET; THENCE RUN SOUTH 18 DEGREES 52 MINUTES 43 SECONDS WEST, A DISTANCE OF 107.60 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 09 SECONDS WEST, A DISTANCE OF 343.04 FEET; THENCE RUN NORTH 89 DEGREES 41 MINUTES 30 SECONDS WEST, A DISTANCE OF 1700.97 FEET; THENCE RUN EAST, A DISTANCE OF 478.40 FEET; THENCE RUN EAST 50.84 FEET, THENCE RUN NORTH 01 DEGREES 21 MINUTES 26 SECONDS EAST, A DISTANCE OF 337.00 FEET, TO THE POINT OF BEGINNING. TRACT CONTAINS 36.10 ACRES, MORE OR LESS.

108 AC.±

R-6G (PROPOSED)  
16.35 AC

P.O.B.

R-2 (EXIST)  
25.14 AC

R-4SF (EXIST)  
21.27 AC

R-2 (PROPOSED)  
19.66 AC

R-1 (EXIST)  
17.69 AC

R-3 (EXIST)  
18.91 AC

FUTURE DEVELOPMENT

R-6G (PROPOSED)  
25.74 AC

P.O.B.

R-3 (PROPOSED)  
36.10 AC

R-6 (PROPOSED)  
12.65 AC

CURVE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	50.00'	52.99'	29.22'	50.46'	N02°14'12"E

**EXHIBIT "B"**

**PROPOSED R-3**

**OLD FIELD**

# EXHIBIT "A"

R-6G

## 16.35 AC.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 38 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 99.55 FEET; THENCE RUN NORTH 08 DEGREES 25 MINUTES 02 SECONDS WEST, A DISTANCE OF 397.32 FEET; THENCE RUN NORTH 89 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 807.58 FEET; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.63 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 409.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 32 SECONDS EAST, A DISTANCE OF 51.82 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 04 SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61 FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.09 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.69 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 179.55 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 16.35 ACRES, MORE OR LESS.

## R-6G (CONT.)

### 25.74 AC

BEGINNING AT THE NORTHWEST CORNER OF LOT 59, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 479.73 FEET; THENCE RUN SOUTH 11 DEGREES 16 MINUTES 08 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 236.43 FEET; THENCE RUN SOUTH 56 DEGREES 45 MINUTES 16 SECONDS WEST, A DISTANCE OF 143.32 FEET; THENCE RUN SOUTH 14 DEGREES 16 MINUTES 17 SECONDS EAST, A DISTANCE OF 118.52 FEET; THENCE RUN SOUTH 08 DEGREES 21 MINUTES 07 SECONDS EAST, A DISTANCE OF 684.72 FEET; THENCE RUN SOUTH 22 DEGREES 38 MINUTES 30 SECONDS EAST, A DISTANCE OF 54.31 FEET; THENCE RUN SOUTH 00 DEGREES 20 MINUTES 07 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 53 SECONDS EAST, A DISTANCE OF 761.57 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 30 SECONDS EAST, A DISTANCE OF 21.62 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 478.40 FEET; THENCE RUN NORTH 11 DEGREES 52 MINUTES 21 SECONDS EAST, A DISTANCE OF 50.84 FEET; THENCE RUN NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 337.90 FEET; THENCE RUN NORTH 01 DEGREES 23 MINUTES 03 SECONDS EAST, A DISTANCE OF 169.91 FEET; THENCE RUN NORTH 13 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 154.58 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 67.37 FEET, (CHORD BEARS SOUTH 79 DEGREES 21 MINUTES 15 SECONDS WEST, A DISTANCE OF 66.96 FEET); THENCE RUN NORTH 20 DEGREES 21 MINUTES 27 SECONDS WEST, A DISTANCE OF 228.02 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 25.74 ACRES, MORE OR LESS.

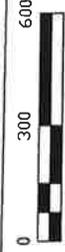
## R-6G (CONT.)

12.65 AC

COMMENCE AT THE SOUTHEAST CORNER OF LOT 142, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE SOUTH 02 DEGREES 11 MINUTES 15 SECONDS WEST, A DISTANCE OF 32.39 FEET; THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 20.32 FEET TO THE POINT OF BEGINNING.

THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 241.99 FEET; THENCE RUN NORTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, A DISTANCE OF 503.24 FEET; THENCE RUN SOUTH 00 DEGREES 42 MINUTES 50 SECONDS WEST, A DISTANCE OF 815.88 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.10 FEET, (CHORD BEARS NORTH 45 DEGREES 11 MINUTES 47 SECONDS WEST, A DISTANCE OF 35.24 FEET); THENCE RUN SOUTH 89 DEGREES 59 MINUTES 47 SECONDS WEST, A DISTANCE OF 76.07 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 97.06 FEET, (CHORD BEARS NORTH 83 DEGREES 27 MINUTES 41 SECONDS WEST, A DISTANCE OF 96.85 FEET); THENCE RUN NORTH 76 DEGREES 55 MINUTES 09 SECONDS WEST, A DISTANCE OF 266.67 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 578.84 FEET, AN ARC LENGTH OF 131.31 FEET, (CHORD BEARS NORTH 83 DEGREES 27 MINUTES 41 SECONDS WEST, A DISTANCE OF 131.03 FEET); THENCE RUN NORTH 89 DEGREES 57 MINUTES 36 SECONDS WEST, A DISTANCE OF 155.31 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 684.77 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 12.65 ACRES, MORE OR LESS.



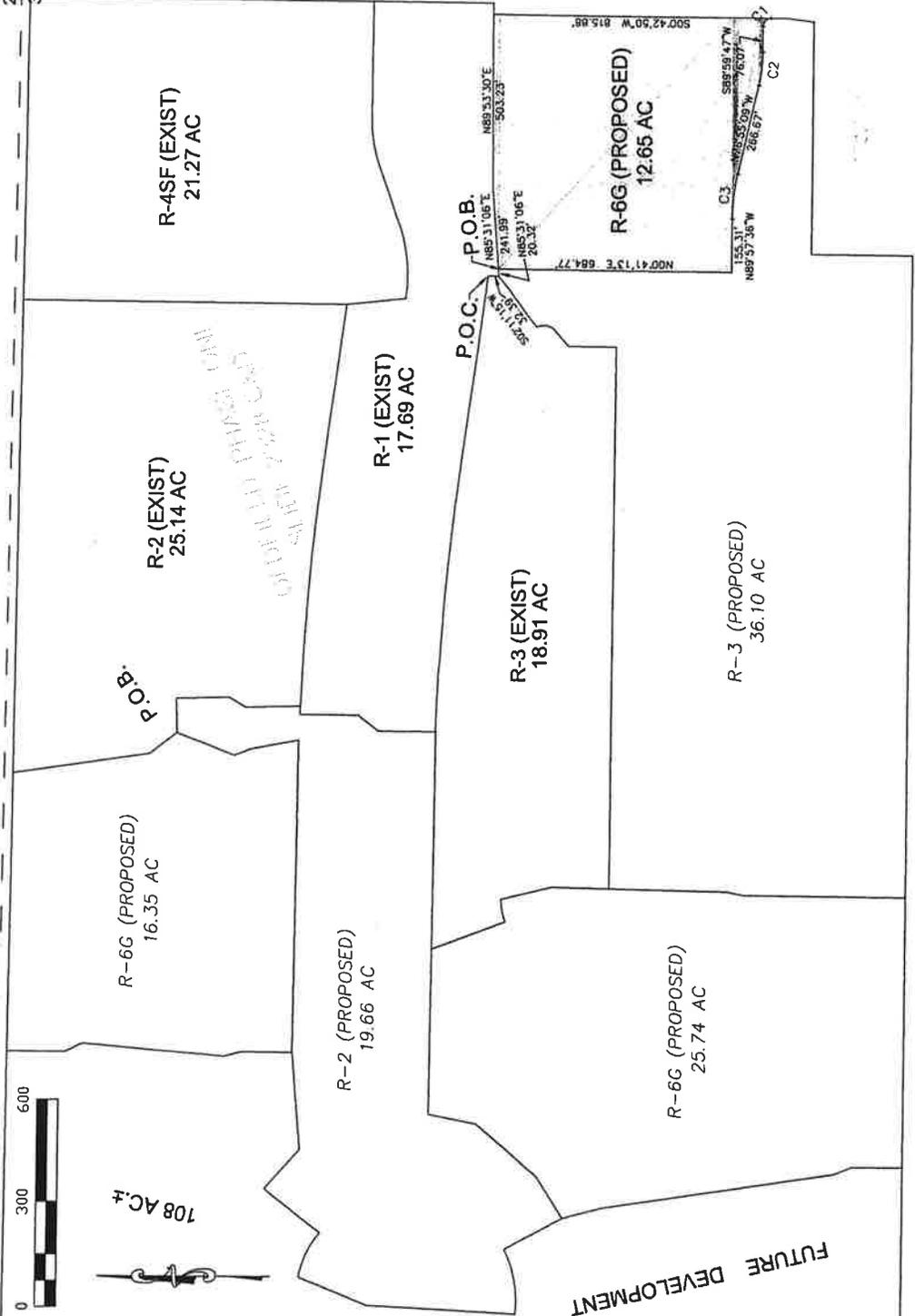


108 AC. ±



**R-6G - 12.65 AC.**

COMMENCE AT THE SOUTHEAST CORNER OF LOT 142, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2329-C AND D, BALDWIN PROBATE RECORDS AND RUN THENCE SOUTH 02 DEGREES 18 MINUTES 18 SECONDS WEST A DISTANCE OF 32.39 FEET; THENCE RUN NORTH 88 DEGREES 00 SECONDS EAST, A DISTANCE OF 20.32 FEET TO THE POINT OF BEGINNING.  
 THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 241.90 FEET; THENCE RUN NORTH 88 DEGREES 03 MINUTES 30 SECONDS EAST, A DISTANCE OF 503.24 FEET; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 815.85 FEET; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 30.10 FEET; THENCE RUN NORTH 46 DEGREES 11 MINUTES 47 SECONDS WEST, A DISTANCE OF 35.24 FEET; THENCE RUN SOUTH 88 DEGREES 00 MINUTES 47 SECONDS WEST, A DISTANCE OF 76.07 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 426.00 FEET, AN ARC LENGTH OF 17.00 FEET, (CHORD BEARS NORTH 83 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 98.98 FEET; THENCE RUN NORTH 83 DEGREES 00 SECONDS WEST, A DISTANCE OF 296.87 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 578.84 FEET, AN ARC LENGTH OF 131.31 FEET, (CHORD BEARS NORTH 83 DEGREES 27 MINUTES 41 SECONDS WEST, A DISTANCE OF 131.03 FEET); THENCE RUN NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 165.31 FEET; THENCE RUN SOUTH 88 DEGREES 13 MINUTES 13 SECONDS EAST, A DISTANCE OF 684.77 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 12.65 ACRES, MORE OR LESS.



**EXHIBIT "B"**  
**PROPOSED R-6G**

CURVE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	25.00'	39.10'	24.83'	35.24'	N45°11'47"W
C2	425.00'	97.06'	48.74'	96.65'	N83°27'41"W
C3	578.84'	131.31'	65.94'	131.03'	N83°27'41"W

**OLDFIELD**

PLEASE Publish in the Bulletin Legal Section on Friday,  
January 8, 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on February 1, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance pre-zoning certain property to be pre-zoned as R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and R-6, (G), Garden/Patio Homes, District, City of Daphne as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk, MMC

**PROPOSED ORDINANCE:**

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2016-**

**Ordinance to Pre-Zone Property Located  
South and West of Oldfield Subdivision, Phase One  
Red Barn, L.L.C.**

**WHEREAS**, Red Barn, L.L.C. 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 RA, Rural Agricultural District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and R-6, (G), Garden/Patio Homes prior to annexing into the City of Daphne; and

**WHEREAS**, said real property is South and West of Oldfield Subdivision, Phase One and more particularly described as follows:

PLEASE Publish in the Bulletin Legal Section on Friday,  
January 15, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given' January 8, 2016, that the City Council of the City of Daphne will hold a Public Hearing on February 1, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance pre-zoning certain property to be pre-zoned as R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and R-6, (G), Garden/Patio Homes, District, City of Daphne as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

**PROPOSED ORDINANCE:**

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2016-**

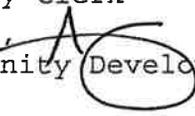
**Ordinance to Pre-Zone Property Located  
South and West of Oldfield Subdivision, Phase One  
Red Barn, L.L.C.**

**WHEREAS,** Red Barn, L.L.C. 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 RA, Rural Agricultural District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and R-6, (G), Garden/Patio Homes District, City of Daphne prior to annexing into the City of Daphne; and

**WHEREAS,** said real property is South and West of Oldfield Subdivision, Phase One and more particularly described as follows:

**Legal Description for Pre-zone:**

R-2  
19.66 AC.

To: Office of the City Clerk  
From: Adrienne D. Jones,   
Director of Community Development  
Subject: Red Barn, L.L.C.  
Petition for Annexation  
Date: December 29, 2015

## MEMORANDUM

**PRESENT ZONING:** RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of Daphne

**PROPOSED PRE-ZONING:** R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes

**LOCATION:** South and west of Oldfield Subdivision, Phase One

**RECOMMENDATION:** At the Thursday, December 17, 2015, regular meeting of the Daphne Planning Commission, seven members were present. The motion carried for an **unanimous favorable recommendation** to the City Council of the annexation of the subject property for Red Barn, L.L.C.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,  
ADJ/jv

cc: file

attachment(s)

1. Petition for Annexation
2. Legal Description
3. Boundary Survey
4. Revised Master Plan
5. Community Development Report

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY  
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY  
OF THE CITY OF DAPHNE, ALABAMA**

( \_\_\_\_\_ )

The undersigned corporation, RED BARN LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, OLDFIELD, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (**the "Property"**).

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, RED BARN LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

*Requested zoning, if other than R-1:* R-2, R-3, & RGG

*Any other conditions which may apply upon annexation:* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Code: This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 17 day of November, 2015

Respectfully submitted,

RED BARN LLC  
Name of Corporation

By: Julio Cortez, Jr.  
Its: \_\_\_\_\_

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, Amber B. Long, the undersigned Notary Public in and for said county and state, hereby certify that Julio Cortez, Jr. whose name as owner of Red Barn LLC, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 17<sup>th</sup> day of November, 2015.

Amber B. Long  
NOTARY PUBLIC

My commission expires: 1/21/18

Corporation's Address

24311 STATE HWY. 181

DAPHNE, AL 36526

**ADDITIONAL INFORMATION**

We, the undersigned, constituting all of the owners of the described real property do hereby execute and file this written petition asking and requesting that our property be annexed into the corporate limits of the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975. Initials: J.C. Jr.

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached. Initials: J.C. Jr.

We certify that the property is a single or multiple parcels under single or multiple ownership. Circle appropriate response:

Initials: J.C. Jr.

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne.

Initials: J.C. Jr.

SELECT ONE OF THE FOLLOWING OPTIONS

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): R-2, R-3, R6G, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition. Initials: J.C. Jr.

Or

Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: \_\_\_\_\_

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 17 day of November, 2015.

Legal Description Attached (Exhibit A)? YES Map or Survey Attached (Exhibit B)? YES  
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? no Acreage \_\_\_\_\_  
Subdivision Name \_\_\_\_\_ Lot Number(s) \_\_\_\_\_

**Names and Signature of ALL property owners OR principle of corporation's designee:**

Signature: Julio Cortez, Jr. Signature: \_\_\_\_\_

Printed Name: Julio Cortez, Jr. Printed Name: \_\_\_\_\_

Mailing Address: 24001 A St Hwy 181 Mailing Address: \_\_\_\_\_  
Daphne, AL, 36526

# EXHIBIT "A"

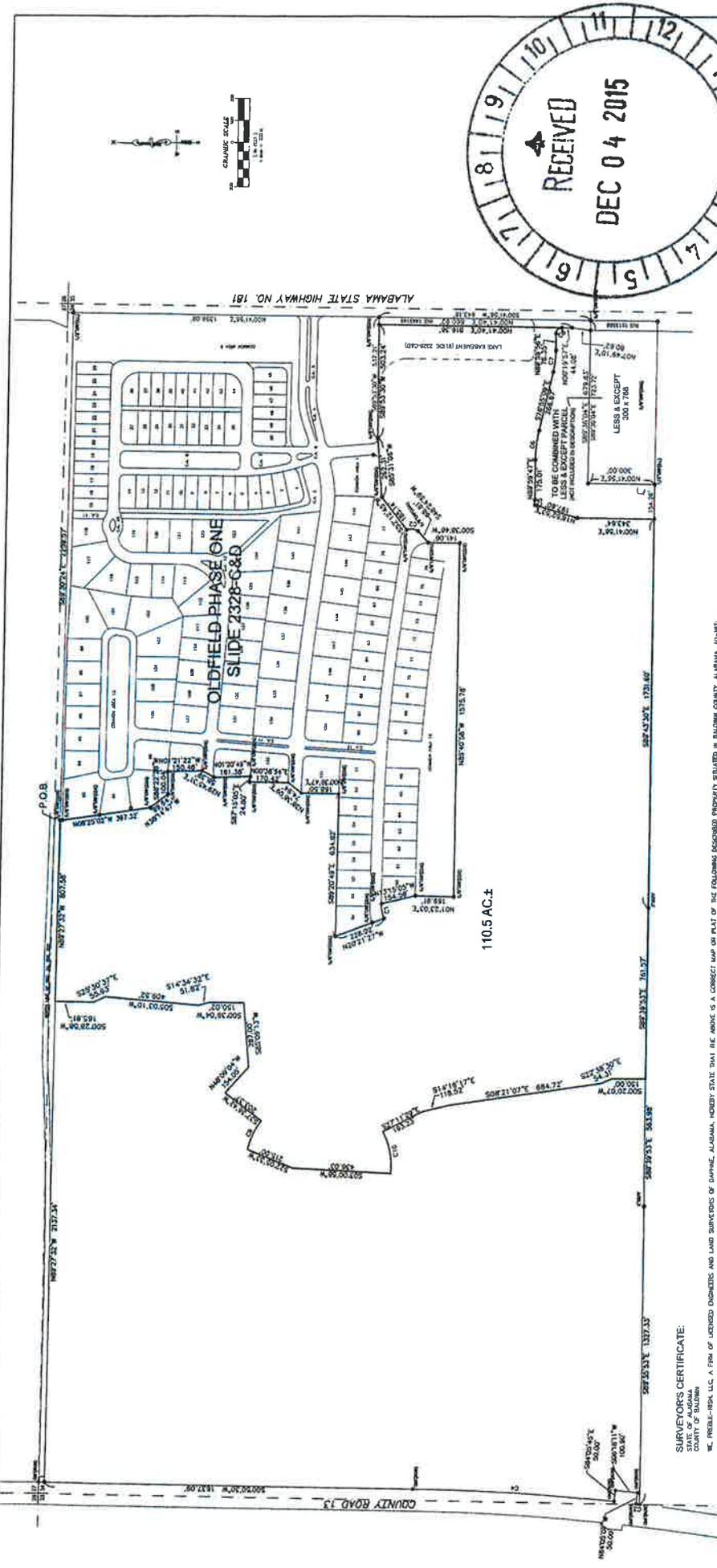
## OLDFIELD ANNEXATION

110.50 ACRES

BEGINNING AT THE NORTHWEST CORNER OF OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2328-C AND D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 807.58 FEET; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.63 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 409.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 32 SECONDS EAST, A DISTANCE OF 51.82 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 04 SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN SOUTH 85 DEGREES 09 MINUTES 13 SECONDS WEST, A DISTANCE OF 287.00 FEET; THENCE RUN NORTH 48 DEGREES 09 MINUTES 04 SECONDS WEST, A DISTANCE OF 154.05 FEET; THENCE RUN SOUTH 37 DEGREES 36 MINUTES 42 SECONDS WEST, A DISTANCE OF 203.37 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 141.91 FEET, (CHORD BEARS NORTH 65 DEGREES 00 MINUTES 51 SECONDS WEST, A DISTANCE OF 140.77 FEET); THENCE RUN SOUTH 22 DEGREES 05 MINUTES 33 SECONDS WEST, A DISTANCE OF 215.00 FEET; THENCE RUN SOUTH 03 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 436.03 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 191.79 FEET, (CHORD BEARS NORTH 79 DEGREES 09 MINUTES 17 SECONDS EAST, A DISTANCE OF 188.97 FEET); THENCE RUN SOUTH 27 DEGREES 11 MINUTES 29 SECONDS EAST, A DISTANCE OF 193.23 FEET; THENCE RUN SOUTH 14 DEGREES 16 MINUTES 17 SECONDS EAST, A DISTANCE OF 118.52 FEET; THENCE RUN SOUTH 08 DEGREES 21 MINUTES 07 SECONDS EAST, A DISTANCE OF 684.72 FEET; THENCE RUN SOUTH 22 DEGREES 38 MINUTES 30 SECONDS EAST, A DISTANCE OF 54.31 FEET; THENCE RUN SOUTH 00 DEGREES 20 MINUTES 07 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 53 SECONDS EAST, A DISTANCE OF 761.57 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 30 SECONDS EAST, A DISTANCE OF 1731.60 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 56 SECONDS EAST, A DISTANCE OF 343.64 FEET; THENCE RUN NORTH 16 DEGREES 52 MINUTES 53 SECONDS EAST, A DISTANCE OF 197.60 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 2081.95 FEET, AN ARC LENGTH OF 25.19 FEET, (CHORD BEARS SOUTH 89 DEGREES 39 MINUTES 26 SECONDS EAST, A DISTANCE OF 25.19 FEET); THENCE RUN NORTH 89 DEGREES 59 MINUTES 47 SECONDS EAST, A DISTANCE OF 175.01 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 575.00 FEET, AN ARC LENGTH OF 131.31 FEET, (CHORD BEARS SOUTH 83 DEGREES 27 MINUTES 41 SECONDS EAST, A DISTANCE OF 131.03 FEET); THENCE RUN SOUTH 76 DEGREES 55 MINUTES 09 SECONDS EAST, A DISTANCE OF 266.67 FEET; THENCE ALONG A CURVE TO THE LEFT,

HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 97.06 FEET, (CHORD BEARS SOUTH 83 DEGREES 27 MINUTES 41 SECONDS EAST, A DISTANCE OF 96.85 FEET); THENCE RUN NORTH 89 DEGREES 59 MINUTES 56 SECONDS EAST, A DISTANCE OF 76.35 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.57 FEET, (CHORD BEARS SOUTH 44 DEGREES 39 MINUTES 17 SECONDS EAST, A DISTANCE OF 35.57 FEET) TO A POINT ON THE WEST MARGIN OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00 DEGREES 41 MINUTES 40 SECONDS EAST, ALONG SAID WEST MARGIN, A DISTANCE OF 816.36 FEET TO A POINT ON THE SOUTH MARGIN OF THE AFOREMENTIONED OLDFIELD PHASE ONE; THENCE RUN ALONG THE SOUTH, WEST AND EAST MARGINS OF SAID OLDFIELD PHASE ONE, THE FOLLOWING DESCRIBED COURSES:

THENCE RUN SOUTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, A DISTANCE OF 503.24 FEET; THENCE RUN SOUTH 85 DEGREES 31 MINUTES 06 SECONDS WEST, A DISTANCE OF 262.31 FEET; THENCE RUN SOUTH 52 DEGREES 12 MINUTES 45 SECONDS WEST, A DISTANCE OF 185.14 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 52.89 FEET, (CHORD BEARS SOUTH 05 DEGREES 14 MINUTES 12 SECONDS WEST, A DISTANCE OF 50.46 FEET); THENCE RUN SOUTH 48 DEGREES 24 MINUTES 59 SECONDS WEST, A DISTANCE OF 68.81 FEET; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 46 SECONDS WEST, A DISTANCE OF 141.06 FEET; THENCE RUN NORTH 89 DEGREES 40 MINUTES 58 SECONDS WEST, A DISTANCE OF 1575.78 FEET; THENCE RUN NORTH 01 DEGREES 23 MINUTES 03 SECONDS EAST, A DISTANCE OF 169.91 FEET; THENCE RUN NORTH 13 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 154.58 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 67.37 FEET, (CHORD BEARS SOUTH 79 DEGREES 21 MINUTES 15 SECONDS WEST, A DISTANCE OF 66.96 FEET); THENCE RUN NORTH 20 DEGREES 21 MINUTES 27 SECONDS WEST, A DISTANCE OF 228.02 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 634.82 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 47 SECONDS EAST, A DISTANCE OF 168.50 FEET; THENCE RUN NORTH 38 DEGREES 38 MINUTES 09 SECONDS EAST, A DISTANCE OF 74.94 FEET; THENCE RUN NORTH 00 DEGREES 38 MINUTES 54 SECONDS EAST, A DISTANCE OF 170.42 FEET; THENCE RUN SOUTH 87 DEGREES 15 MINUTES 05 SECONDS EAST, A DISTANCE OF 24.80 FEET; THENCE RUN NORTH 01 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 161.38 FEET; THENCE RUN NORTH 29 DEGREES 45 MINUTES 31 SECONDS EAST, A DISTANCE OF 58.39 FEET; THENCE RUN NORTH 01 DEGREES 21 MINUTES 22 SECONDS WEST, A DISTANCE OF 150.46 FEET; THENCE RUN SOUTH 88 DEGREES 22 MINUTES 28 SECONDS WEST, A DISTANCE OF 100.04 FEET; THENCE RUN NORTH 38 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 99.64 FEET; THENCE RUN NORTH 08 DEGREES 25 MINUTES 02 SECONDS WEST, A DISTANCE OF 397.32 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 110.50 ACRES, MORE OR LESS, AND LIES IN THE NORTH HALF OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



COMP	PARCEL	AREA	PERCENT	CHANGING
1	10000000	14.00	12.37	10000000
2	10000001	14.00	12.37	10000001
3	10000002	14.00	12.37	10000002
4	10000003	14.00	12.37	10000003
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7	10000006	14.00	12.37	10000006
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179	10000178	14.00	12.37	10000178
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181	10000180	14.00	12.37	10000180
182	10000181	14.00	12.37	10000181
183	10000182	14.00	12.37	10000182
184	10000183	14.00	12.37	10000183
185	10000184	14.00	12.37	10000184
186	10000185	14.00	12.37	10000185
187	10000186			

21.26  
21.25

20.27  
20.24

20.27  
20.24

ALABAMA STATE HIGHWAY NO. 181

COUNTRY ROAD 13



# OLDFIELD MASTER PLAN

PREBLER-RISH LLC  
CONSULTING ENGINEERS & ARCHITECTS  
1801 W. UNIVERSITY BLVD., SUITE 200  
TUSCALOOSA, AL 35403  
TEL: 205.335.1800  
WWW.PREBLER-RISH.COM

DECEMBER, 2015

<b>PHASE 2A SUMMARY</b>	<b>PHASE 3A SUMMARY</b>
ACREAGE 18.61 AC.	ACREAGE 17.39 AC.
100'S 30 Units	52'S 51 Units
	80'S 2 Units
<b>PHASE 2B SUMMARY</b>	<b>PHASE 3B SUMMARY</b>
ACREAGE 37.09 AC.	ACREAGE 37.41 AC.
52'S 33 Units	52'S 90 Units
80'S 51 Units	80'S 33 Units

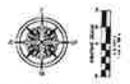
<b>PHASE ONE SUMMARY</b>	<b>PHASE TWO SUMMARY</b>
R-1 19 Units 17.7 AC.	R-1 19 Units 17.7 AC.
R-2 44 Units 25.1 AC.	R-2 44 Units 25.1 AC.
R-3 38 Units 18.9 AC.	R-3 38 Units 18.9 AC.
R-4 50 Units 21.3 AC.	R-4 50 Units 21.3 AC.
<b>Total 151 Units 83.0 AC.</b>	<b>Total 151 Units 83.0 AC.</b>

<b>MASTER PLAN SUMMARY</b>	<b>PHASE ONE SUMMARY</b>
R-1 19 Units 17.7 AC.	R-1 19 Units 17.7 AC.
R-2 130 Units 95.5 AC.	R-2 44 Units 25.1 AC.
R-3 216 Units 99.9 AC.	R-3 38 Units 18.9 AC.
R-4/R-5 250 Units 83.0 AC.	R-4 50 Units 21.3 AC.
<b>Total 615 Units 301.8 AC.</b>	<b>Total 151 Units 83.0 AC.</b>

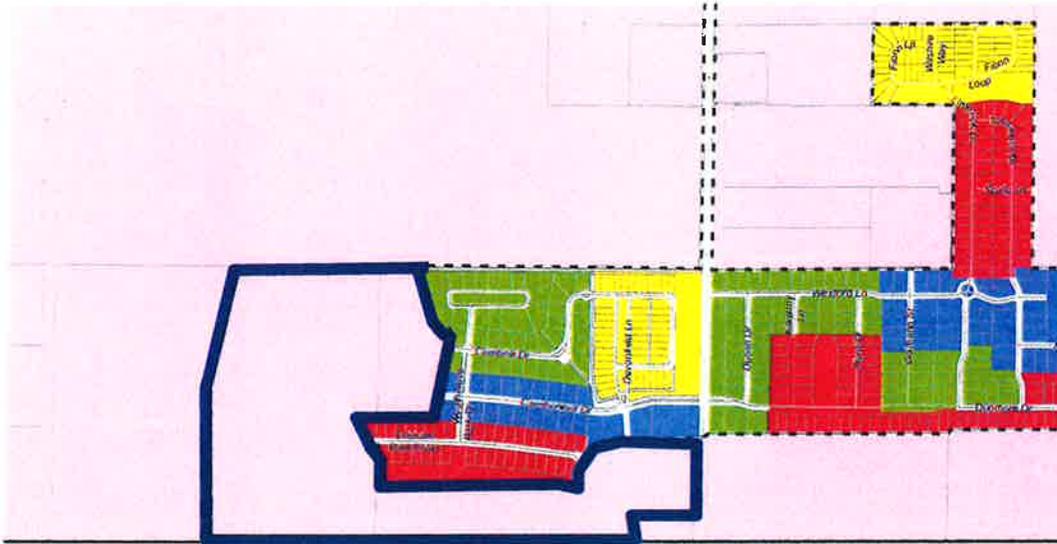
<b>PROPOSED SUMMARY</b>	<b>PHASE ONE SUMMARY</b>
R-2 86 Units 70.4 AC.	R-1 19 Units 17.7 AC.
R-3 178 Units 81.0 AC.	R-2 44 Units 25.1 AC.
R-4 200 Units 61.7 AC.	R-3 38 Units 18.9 AC.
<b>Total 465 Units 218.8 AC.</b>	<b>Total 151 Units 83.0 AC.</b>

<b>OPEN SPACE SUMMARY</b>
Lakes 21.2 AC.
Parks 41.8 AC.
Buffers, etc 4.8 AC.
<b>Open Space 67.8 AC.</b>

NOTE: ADDITIONAL MODIFICATIONS TO THIS MASTER PLAN WILL BE MADE AS DEEMED APPROPRIATE BY THE ENGINEER. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE PRESENT DRAWINGS WHICH ILLUSTRATE POTENTIAL DEVELOPMENT. THE MASTER PLAN IS A CONCEPTUAL DRAWING AND DOES NOT REPRESENT A GUARANTEE OF ANY KIND. THE MASTER PLAN IS SUBJECT TO THE COMPREHENSIVE PLAN, ALL APPLICABLE CITY, COUNTY, STATE, AND FEDERAL REGULATIONS.



PLANNING COMMISSION  
ANNEXATION REVIEW  
RED BARN, LLC



**COMMUNITY DEVELOPMENT  
ANNEXATION REQUEST**

**Annexation of Red Barn, LLC, Properties  
110.5 acres  
Highway 181, South & West of Oldfield Subdivision**

**EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]**

The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) calendar day period, it shall be deemed to have approved the proposed amendment...Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law. Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) calendar days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

**23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND**

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in *Article 22-1, Zoning Amendment Procedures*. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

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**REQUEST**

The applicant has submitted a petition to annex 110.5 acres of land into the corporate limits of Daphne. Additionally, the applicant has requested to pre-zone (see Code 11-52-85 attached) the site which is currently RA, Rural Agricultural, Baldwin County District 15 to R-2, Medium Density Single Family, R-3 High Density Single Family Residential, and R-6(G), Garden/Patio Homes.

**RECOMMENDATION**

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. Red Barn, LLC owns 218.8 acres of land and proposes to annex 110.5 acres. The remaining 108.3 acres owned by Red Barn, LLC is not included and is not being considered for annexation. Staff recommends annexing the subject property and requesting that Council engage in discussions with the property owner regarding the viability and timing of future annexation of their land along County Road 13).

# Code of Alabama Section 11-52-85

## PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

Section 11-52-85 of the Code of Alabama allows “pre-zoning of property.” In this case, both requests have been submitted concurrently and are moving on the same path. The Planning Commission will make a recommendation to Council for zoning and also make a recommendation for annexation.

### Code of Alabama Section 11-52-85

**Pre-zoning of territory proposed for annexation by municipality. (*Highlights by staff*)**

(a) A municipality which exercises its authority to zone territory within its corporate limits may pre-zone territory proposed for annexation into the corporate limits of the municipality prior to the effective date of the annexation by complying with this article. If all the requirements, including all notice and public hearing requirements, of this article are met, **the zoning shall become effective upon the date the territory is annexed into the corporate limits, or upon the date the zoning process is completed, whichever is later.**

(b) A municipality which exercises its authority to zone territory within its corporate limits shall pre-zone territory as provided in subsection (a) and issue a statement of zoning classification to an affected property owner if the individual property owner residing in the area to be annexed requests in writing that a zoning determination be made pursuant to this section prior to being annexed.

(c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law.

(d) Nothing contained in this section shall allow a municipality to zone territory outside the corporate limits of the municipality that is not in the process of being annexed into the corporate limits of a municipality as provided by law.

(e) Section 6-5-127 shall be applicable to any property pre-zoned pursuant to this section.

*(Act 2009-629, p. 1926, §1.)*

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2016-**

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

**South and West of Oldfield Subdivision, Phase One  
Red Barn, L.L.C.**

**WHEREAS**, on the 17<sup>th</sup> day of November, 2015, 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 February 1, 2016 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 December 17, 2015, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation and said property; and

**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: 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:**

BEGINNING AT THE NORTHWEST CORNER OF OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2328-C AND D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 807.58 FEET; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.63 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 409.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 32 SECONDS EAST, A DISTANCE OF 51.82 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 04

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THENCE RUN SOUTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, A DISTANCE OF 503.24 FEET; THENCE RUN SOUTH 85 DEGREES 31 MINUTES 06 SECONDS WEST, A DISTANCE OF 262.31 FEET; THENCE RUN SOUTH 52 DEGREES 12 MINUTES 45 SECONDS WEST, A DISTANCE OF 185.14 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 52.89 FEET, (CHORD BEARS SOUTH 05 DEGREES 14 MINUTES 12 SECONDS WEST, A DISTANCE OF 50.46 FEET); THENCE RUN SOUTH 48 DEGREES 24 MINUTES 59 SECONDS WEST, A DISTANCE OF 68.81 FEET; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 46 SECONDS WEST, A DISTANCE OF 141.06 FEET; THENCE RUN NORTH 89 DEGREES 40 MINUTES 58 SECONDS WEST, A DISTANCE OF 1575.78 FEET; THENCE RUN NORTH 01 DEGREES 23 MINUTES 03 SECONDS EAST, A DISTANCE OF 169.91 FEET; THENCE RUN NORTH 13 DEGREES 15 MINUTES 05 SECONDS WEST, A

DISTANCE OF 154.58 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 67.37 FEET, (CHORD BEARS SOUTH 79 DEGREES 21 MINUTES 15 SECONDS WEST, A DISTANCE OF 66.96 FEET); THENCE RUN NORTH 20 DEGREES 21 MINUTES 27 SECONDS WEST, A DISTANCE OF 228.02 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 634.82 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 47 SECONDS EAST, A DISTANCE OF 168.50 FEET; THENCE RUN NORTH 38 DEGREES 38 MINUTES 09 SECONDS EAST, A DISTANCE OF 74.94 FEET; THENCE RUN NORTH 00 DEGREES 38 MINUTES 54 SECONDS EAST, A DISTANCE OF 170.42 FEET; THENCE RUN SOUTH 87 DEGREES 15 MINUTES 05 SECONDS EAST, A DISTANCE OF 24.80 FEET; THENCE RUN NORTH 01 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 161.38 FEET; THENCE RUN NORTH 29 DEGREES 45 MINUTES 31 SECONDS EAST, A DISTANCE OF 58.39 FEET; THENCE RUN NORTH 01 DEGREES 21 MINUTES 22 SECONDS WEST, A DISTANCE OF 150.46 FEET; THENCE RUN SOUTH 88 DEGREES 22 MINUTES 28 SECONDS WEST, A DISTANCE OF 100.04 FEET; THENCE RUN NORTH 38 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 99.64 FEET; THENCE RUN NORTH 08 DEGREES 25 MINUTES 02 SECONDS WEST, A DISTANCE OF 397.32 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 110.50 ACRES, MORE OR LESS, AND LIES IN THE NORTH HALF OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**SECTION THREE: 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 FOUR: 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

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**Dane Haygood,**  
**Mayor**

**ATTEST:**

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**Rebecca A. Hayes,**  
**City Clerk**

# EXHIBIT "A"

## OLDFIELD ANNEXATION

110.50 ACRES

BEGINNING AT THE NORTHWEST CORNER OF OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2328-C AND D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 807.58 FEET; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.63 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 409.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 32 SECONDS EAST, A DISTANCE OF 51.82 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 04 SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN SOUTH 85 DEGREES 09 MINUTES 13 SECONDS WEST, A DISTANCE OF 287.00 FEET; THENCE RUN NORTH 48 DEGREES 09 MINUTES 04 SECONDS WEST, A DISTANCE OF 154.05 FEET; THENCE RUN SOUTH 37 DEGREES 36 MINUTES 42 SECONDS WEST, A DISTANCE OF 203.37 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 141.91 FEET, (CHORD BEARS NORTH 65 DEGREES 00 MINUTES 51 SECONDS WEST, A DISTANCE OF 140.77 FEET); THENCE RUN SOUTH 22 DEGREES 05 MINUTES 33 SECONDS WEST, A DISTANCE OF 215.00 FEET; THENCE RUN SOUTH 03 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 436.03 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 191.79 FEET, (CHORD BEARS NORTH 79 DEGREES 09 MINUTES 17 SECONDS EAST, A DISTANCE OF 188.97 FEET); THENCE RUN SOUTH 27 DEGREES 11 MINUTES 29 SECONDS EAST, A DISTANCE OF 193.23 FEET; THENCE RUN SOUTH 14 DEGREES 16 MINUTES 17 SECONDS EAST, A DISTANCE OF 118.52 FEET; THENCE RUN SOUTH 08 DEGREES 21 MINUTES 07 SECONDS EAST, A DISTANCE OF 684.72 FEET; THENCE RUN SOUTH 22 DEGREES 38 MINUTES 30 SECONDS EAST, A DISTANCE OF 54.31 FEET; THENCE RUN SOUTH 00 DEGREES 20 MINUTES 07 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 53 SECONDS EAST, A DISTANCE OF 761.57 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 30 SECONDS EAST, A DISTANCE OF 1731.60 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 56 SECONDS EAST, A DISTANCE OF 343.64 FEET; THENCE RUN NORTH 16 DEGREES 52 MINUTES 53 SECONDS EAST, A DISTANCE OF 197.60 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 2081.95 FEET, AN ARC LENGTH OF 25.19 FEET, (CHORD BEARS SOUTH 89 DEGREES 39 MINUTES 26 SECONDS EAST, A DISTANCE OF 25.19 FEET); THENCE RUN NORTH 89 DEGREES 59 MINUTES 47 SECONDS EAST, A DISTANCE OF 175.01 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 575.00 FEET, AN ARC LENGTH OF 131.31 FEET, (CHORD BEARS SOUTH 83 DEGREES 27 MINUTES 41 SECONDS EAST, A DISTANCE OF 131.03 FEET); THENCE RUN SOUTH 76 DEGREES 55 MINUTES 09 SECONDS EAST, A DISTANCE OF 266.67 FEET; THENCE ALONG A CURVE TO THE LEFT,

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PLEASE Publish in the Bulletin Legal Section on Friday,  
January 8, 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on February 1, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

**PROPOSED ORDINANCE:**

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2016-**

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

**South and West of Oldfield Subdivision, Phase One  
Red Barn, L.L.C.**

**WHEREAS**, on the 17<sup>th</sup> day of November, 2015, 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 February 1, 2016 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 December 17, 2015, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation and said property; and

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

**SECTION ONE: ANNEXATION**

PLEASE Publish in the Bulletin Legal Section on Friday, January 15, 2016.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given, January 8, 2016, that the City Council of the City of Daphne will hold a Public Hearing on February 1, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

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ORDINANCE 2016-**

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

**SECTION ONE: ANNEXATION**



# City of Daphne Event Permit Application

Date of Application: Dec 4, 2015 Permit Requested:  Event/Fundraiser  Parade/Run  Band

### Contact Information

Organization Name: Bayside Medical Missions  
Contact Name: Flor Fellers E-mail Address: florfellers@gmail.com  
Address: P.O. Drawer 949  
Primary Phone Number: 251-928-4248 Secondary: 251-680-3003

### Event Information

Event Name: Jubilee Race for Life 5K & 1-Mile Fun Run Event Date: Sat. Sept 17, 2016  
Event Location: Corner of College Ave. & 6th St. # Participants/Vehicles: 350 participants  
Start Time: 8 a.m. Stop Time: 11 a.m. Assembly Time: 5:30 a.m. set up  
Special Requests: Police car front and rear for each of the races. Please hang banner at race start/finish on Thursday Sept 15, 2016  
Road Closures Requested:  Yes  No

### Special Instructions

**We will use Route #2. Thank you so much!**

### Approval: Internal Use Only

Date Routed: 12/21/15  
Fire Dept: [Signature]  
Police Dept: [Signature]  
Public Works: [Signature]  
Parks & Recreation: NA

### For Special Event/Band Permits:

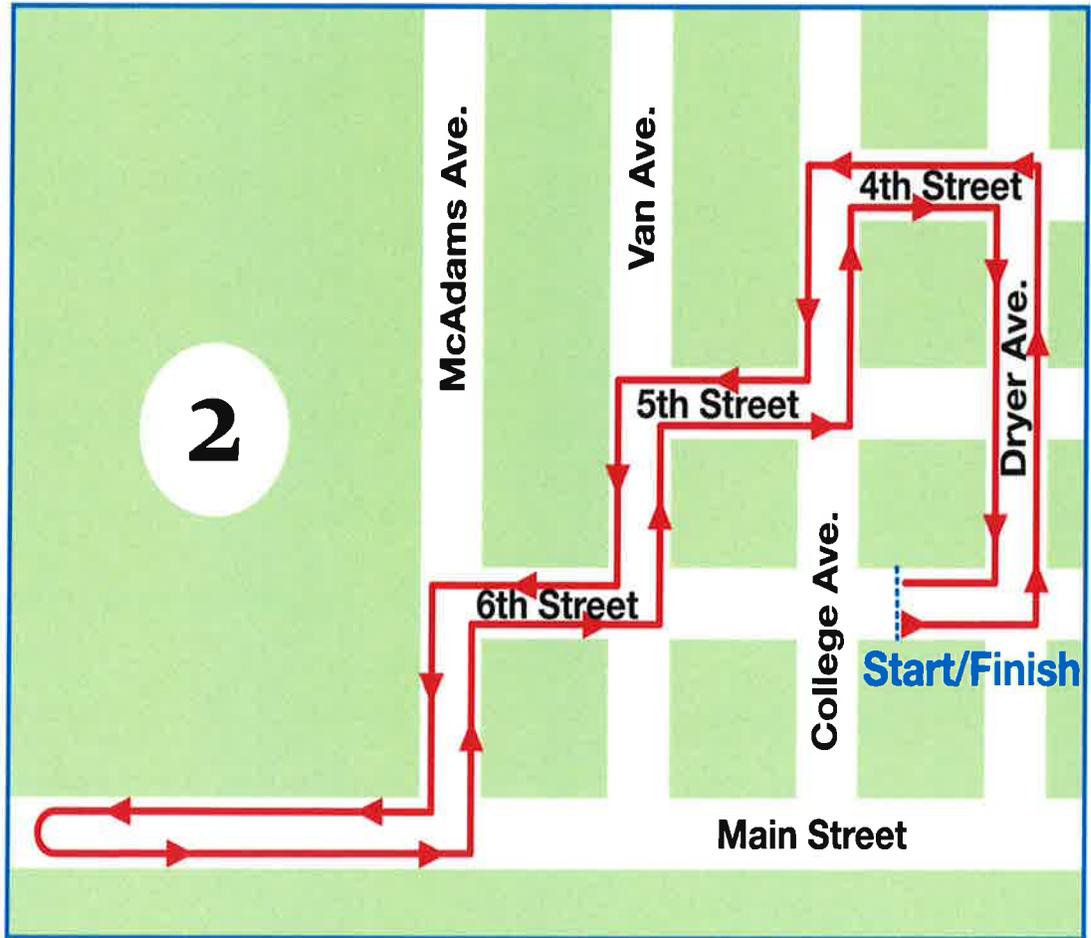
Council Member: \_\_\_\_\_  
District # \_\_\_\_\_ Signature \_\_\_\_\_

### For Parade/Run Permits & Use of City Grounds:

City Council: \_\_\_\_\_  
Date of Approval \_\_\_\_\_

### Parade/Run Permits ONLY

Fee Paid: \$ \_\_\_\_\_  N/A  Waived  
 Insurance Filed  N/A  
Route Selection:  1  2  3  4



# MEMORANDUM OF AGREEMENT

**Between  
City of Daphne,  
City of Spanish Fort,  
and  
Mobile Bay National Estuary Program**

**Whereas** the Cities of Daphne and Spanish Fort have the long term interests of preserving the health and functionality of the D'Olive Watershed to maximize economic and ecological health within their communities; and

**Whereas** the Mobile Bay National Estuary Program (MBNEP) has a long term interest in the coordination of restoration and post-restoration monitoring activities related to the enhancement and protection of coastal resources of Alabama;

The parties do agree, through this Memoranda of Agreement, to support, coordinate with, and assist each other with obligations and particulars as follow:

All parties agree to establish this cooperative agreement to coordinate actions and activities related to monitoring restoration in D'Olive Watershed for the purpose of documenting environmental improvements and removing all waterbodies in this watershed from the State 303(d) List of Impaired Waters.

### **MBNEP Obligations**

MBNEP agrees to provide five continuous water quality monitoring devices (sondes) for a period of up to three (3) years, the initial sondes necessary for sampling as outlined in the Mobile Bay Restoration Monitoring Framework, and technical assistance as needed. At the end of this agreement's term MBNEP will evaluate the need for continued operation of these devices in this watershed. If the sondes are no longer needed at the end of the monitoring period, MBNEP will retain ownership of the units.

### **Daphne Obligations**

Daphne agrees to commit staff time and expertise to regularly service and calibrate the sondes devices deployed throughout the D'Olive watershed during the three (3) year monitoring period. Daphne will provide the data to be uploaded to a centralized data repository located at the Dauphin Island Sea Lab, perform regular maintenance following the MBNEP's standard operating procedure, and troubleshoot malfunctions when necessary.

### **Spanish Fort Obligations**

Spanish Fort agrees to assist in providing funding for the routine materials and supplies needed to maintain successful operation of the continuous monitoring devices including calibration solutions and batteries. The funding will not exceed \$1000.00 a year for the three (3) year monitoring period which is the current amount that Spanish Fort pays for its MS4 annual permit compliance sampling.

**Joint Spanish Fort & Daphne Obligations**

The Cities of Daphne and Spanish Fort will not be responsible for the sondes or any damage that may occur through unavoidable complications that arise from field deployment of scientific equipment such as damage, wear, or loss. In the event either City fails to meet their obligations under this agreement, MBNEP retains the right to remove these continuous monitoring devices.

IN WITNESS WHEREOF, the parties have executed this agreement on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

MOBILE BAY NATIONAL ESTUARY PROGRAM BY: \_\_\_\_\_  
Roberta Swann, Director

CITY OF DAPHNE BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Rebecca A. Hayes, City Clerk

CITY OF SPANISH FORT BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Mary Lynn Williams, City Clerk

**CITY OF DAPHNE  
RESOLUTION 2016-01**

**Acceptance of Streets, Drainage and Rights-of-Way  
Located in the Retreat at Tiawasee Subdivision**

**Whereas**, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Retreat at Tiawasee Subdivision on November 5, 2015, and the City of Daphne hereby recommends acceptance of said street(s) located in Retreat at Tiawasee Subdivision; and,

**Whereas**, an inspection was made by the Director of Community Development, and all reports, as well as, all other related documents have been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

**Whereas**, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said streets and storm water drainage of Retreat at Tiawasee Subdivision; and,

**Whereas**, Daphne Utilities has accepted the utilities of Retreat at Tiawasee Subdivision; and,

**Whereas**, the developer has provided to the City a two-year maintenance bond in the amount of \$168,000.00 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

**Whereas**, the developer has caused the plat to be recorded on slide 0002545-B of the records in the Baldwin County Judge of Probate Office; and,

**Whereas**, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said right-of-way; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS**, that Retreat at Tiawasee Subdivision streets named Cowles Crossing (438 linear feet) a 50-ft right of way; Daintree Court (735 linear feet) a 50-ft right of way; and, Rhone Drive (2,385 linear feet) a 50-ft right of way; Danube Court (692 linear feet) a 50-ft right of way according to the plat presented by Preble-Rish, LLC as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Director of Community Development  
Subject: The Retreat of Tiawasee Subdivision,  
Acceptance of Roads and Rights-of-Ways  
Date: December 29, 2015

## MEMORANDUM

**LOCATION:** South of the intersection of Cowles Crossing  
and North Lamhatty Lane

**RECOMMENDATION:** At the December 17, 2015 regular meeting of  
the City of Daphne Planning Commission, seven  
members were present. The motion carried  
unanimously for a **favorable recommendation**  
for the acceptance of Cowles Crossing,  
Daintree Court, Rhone Drive, and Danube Court  
as a city street(s) for maintenance.

Attached please find said documentation for placement on the  
Monday, January 4, 2016 City Council agenda.

Thank you,  
ADJ/jv

cc: file  
Richard Johnson, Public Works Director

attachment(s)

1. Correspondence from project engineer requesting acceptance
2. Record plat of the Retreat of Tiawasee
3. Petition of Acceptance of Roads and Rights-of-Ways
4. Copy of Maintenance Bond



**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

**SUBDIVISION NAME:** THE RETREAT AT TIAWASEE

**THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY** is made this 18 day of October, 2015 by BPC TIAWASEE DEVELOPMENT, LLC hereinafter called "the subdivider," owner of certain property located in the City of Daphne, Alabama known as THE RETREAT AT TIAWASEE to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

**WHEREAS**, the subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments. The subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

**WHEREAS**, a bond is required by the City as a condition of the acceptance of any new roads or rights-of-way as outlined in Article XVII in an amount equal to twenty percent (20%) of all street and drainage improvements in the subdivision as a warranty for such improvements to last for a period of two (2) years after the date of dedication and upon acceptance by the City Council, the subdivider has provided a \$ 168,000.00 maintenance bond; and,

**WHEREAS**, the project engineer, JASON N. ESTES, P.E., acting on behalf of the subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards for construction as outlined in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments, and further warrants that the same are free from defects from any cause; and,

**CITY OF DAPHNE  
 PETITION FOR ACCEPTANCE  
 OF ROAD(S) AND/OR RIGHTS-OF-WAY**

**NOW, THEREFORE**, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on December 17, 2015. Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

Name of Right of Way	Length (linear feet)	Width (feet)
COWLES CROSSING	438	27
DAINTREE COURT	735	27
RHONE DRIVE	2385	27
DANUBE COURT	692	27

**Are each hereby dedicated to the City of Daphne, Alabama as a city street.**

**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

**IN WITNESS WHEREOF**, the subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,  
BPC Tiawasee Development, LLC  
Name of Individual or Corporation (Printed)

By: Nathan Cox   
(Print Legibly and Sign)

Its: Manager  
(Print Legibly)

**STATE OF ALABAMA)  
COUNTY OF BALDWIN)**

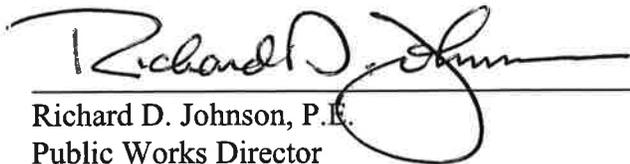
I, the undersigned Notary Public in and for said State and County, hereby certify that NATHAN COX whose name as MANAGER of BPC Tiawasee Dev. LLC an Alabama corporation or as owner of The Retreat at Tiawasee is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 28 day of Oct, 2015.

Wanda LaCoste (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: 11-19-2016

**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

Favorable recommendation on behalf of Daphne Public Works:



---

Richard D. Johnson, P.E.  
Public Works Director  
City of Daphne

Favorable recommendation on behalf of Daphne Planning Commission:



---

Larry Chason  
Planning Commission Chairman  
City of Daphne

October 19, 2015

Mrs. Adrienne Jones  
Planning Director, City of Daphne  
P.O. Box 400  
Daphne, Alabama 36526

**RE: The Retreat at Tiawasee**

Dear Mrs. Jones:

I, Jason Estes, a professional engineer registered in the State of Alabama, Registration Number 22714, do hereby certify that the streets for The Retreat at Tiawasee have been constructed under my supervision in accordance with the approved construction plans.

I further certify I have checked all test reports and that all construction materials have been installed in accordance with the typical sections, profiles, and plan details and meet minimum requirements as set out in the State of Alabama Highway Department's Standard Specifications for Highway Construction, latest edition and current revisions.

Therefore, I hereby request that the City of Daphne accept the streets for The Retreat at Tiawasee.

Sincerely,



JASON N. ESTES, P.E.  
Project Engineer

**Dane Haygood**  
Mayor



**Richard D. Johnson, PE**  
Public Works Director

## Memorandum

**To:** Adrienne Jones, Director; Community Development  
**From:** Richard D. Johnson, P.E.; Public Works Director  
**CC:** Jason Estes, PE, Preble-Rish; PW Deputy Director; Streets Supervisor; File  
**Date:** October 8, 2015  
**Re:** File SDF15-01 – Final Plat Inspection - Subdivision: The Retreat at Tiawasee

**Richard D.  
Johnson, PE**

Digitally signed by Richard D. Johnson, PE  
DN: cn=Richard D. Johnson, PE, o=City of  
Daphne, ou=Division of Public Works,  
email=rjohnson@daphneal.com, c=US  
Date: 2015.10.08 08:33:12 -05'00'

Adrienne:

The above referenced development was re-inspected on October 8, 2015, by Public Work personnel. The punch list items listed from the September 24, 2015 inspection have been satisfactorily addressed.

The developer has paid the City to correct the signage and new signage will be installed by the City. As Built Plans and Material Test Reports have been submitted and found to be satisfactory.

Overall the work observed is excellent. It is my recommendation that Final Plat Approval be granted and the City take receipt of the necessary surety for maintenance and performance for the two year warranty period.

Thanks,

RDJ

Public Works Department  
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526  
Phone: (251) 621-3182 Fax: (251) 621-3189

HARTFORD FIRE INSURANCE COMPANY

Surety's Name

MAINTENANCE BOND

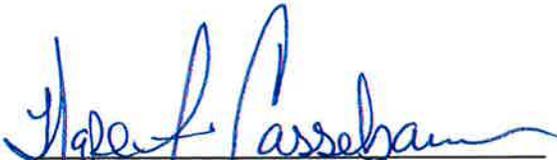
Bond No. 21BCSGJ7424

KNOW ALL MEN BY THESE PRESENT, That we, Summit Industries, LLC,  
 \_\_\_\_\_  
 Principal's Name  
P. O. Box 1040, Magnolia Springs, AL 36555, hereinafter called Principal, and  
 \_\_\_\_\_  
 Principal's Address  
HARTFORD FIRE INSURANCE COMPANY, Hartford Plaza, Hartford, Connecticut 06115,  
 \_\_\_\_\_  
 Surety's Name Surety's Address  
 hereinafter called Surety, are held and firmly bound unto City of Daphne,  
 \_\_\_\_\_  
 Obligee's Name  
P. O. Box 400, Daphne, AL 36526, hereinafter called Obligee, in  
 \_\_\_\_\_  
 Obligee's Address  
 the full and just sum of One Hundred Sixty Eight Thousand & no/100 Dollars  
 (\$168,000.00), lawful money of the United States, for the payment of which we bind ourselves, our  
 heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Obligee has entered into a certain agreement with BPC Tiawasee Development, LLC  
 \_\_\_\_\_  
 Owner's Name  
 a portion of which requires a 2 year(s) maintenance bond covering workmanship and materials for the  
 List of Improvements covered, hereinafter called Improvements, at Roads, Drainage, Water & Sewer,  
 \_\_\_\_\_  
 Project Name  
The Retreat at Tiawasee, which Improvements have been or are about  
 \_\_\_\_\_  
 Project Address  
 to be completed and accepted.

NOW, THEREFORE, if said Improvements shall be free from defects of workmanship and materials, general  
 wear and tear excepted, for a period of 2 year(s) from the date of acceptance of said improvements,  
 then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed, sealed and dated this 20th day of October, 2015.

  
 \_\_\_\_\_  
 Witness as to Principal

Summit Industries, LLC  
 \_\_\_\_\_  
 Principal's Name  
 By: 

  
 \_\_\_\_\_  
 Witness as to Surety

HARTFORD FIRE INSURANCE COMPANY  
 \_\_\_\_\_  
 Surety's Name  
 By: J. William Goodloe, III, Attorney in Fact

# POWER OF ATTORNEY

Direct Inquiries/Claims to:

**THE HARTFORD**

Bond T-4

One Hartford Plaza

Hartford, Connecticut 06155

call: 888-266-3488 or fax: 860-757-5835)

**KNOW ALL PERSONS BY THESE PRESENTS THAT:**

**Agency Code: 21-250403**

- Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of Unlimited** :

Joanna L. Brinson, Elise C. Buschmann, W.E. Cadden, Roland G. Fry, Jr., J William Goodloe III, Nina Jacobs, Gaylord C. Lyon, Jr., O.M. Otts, IV, Erling Riis, III, Charlene C. Stout, Rebecca Ward of MOBILE, Alabama

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on August 1, 2009, the Companies have caused these presents to be signed by its Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Wesley W. Cowling*

Wesley W. Cowling, Assistant Secretary

*M. Ross Fisher*

M. Ross Fisher, Vice President

STATE OF CONNECTICUT

} ss.

Hartford

COUNTY OF HARTFORD

On this 12th day of July, 2012, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

*Kathleen T. Maynard*

Kathleen T. Maynard  
Notary Public

My Commission Expires July 31, 2016

I, the undersigned, Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of October 20, 2015

Signed and sealed at the City of Hartford.



*Gary W. Stumper*

Gary W. Stumper, Vice President

**CITY OF DAPHNE  
RESOLUTION 2016-02**

**Acceptance of Streets and/or Rights of Way  
A Portion of Lakeshore Drive in Lakeview Townhomes Phase II and III**

**Whereas**, the property owners of Lakeview Townhomes, Phase II and Phase III, hereby desire to donate to the City of Daphne a certain portion of right-of-way of Lake Shore Drive; and,

**Whereas**, an inspection was made by the Division of Public Works, and has recommended acceptance of said right-of-way; and,

**Whereas**, City Council of the City of Daphne, Alabama has received notice that the Planning Commission of the City of Daphne in its regularly scheduled meeting of December 17, 2015 reviewed the proposal and made a favorable recommendation for the acceptance of the same contingent upon the land having clear title; and,

**Whereas**, said right of way is located within the corporate limits of the City of Daphne, Alabama and is described as follows: Parcel A of Lakeview Townhomes, Phase I, as recorded in the Office of the Judge of Probate, Baldwin County, Alabama in Plat Book MB12 Page 41; and

**Whereas**, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said right-of-way; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS**, that the above described right-of-way, a portion of Lake Shore Drive, is hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
Rebecca A. Hayes, City Clerk

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Director of Community Development  
Subject: Lakeview Townhomes, Phase II and III,  
Acceptance of Roads and Rights-of-Ways  
Date: December 29, 2015

## MEMORANDUM

**LOCATION:** Western portion of Lake Shore Drive, in Lakeview Townhomes, Phase II & III, east of Lake Forest Boulevard in Lake Forest Subdivision

**RECOMMENDATION:** At the December 17, 2015 regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** for the acceptance of Lake Shore Drive as a city street for maintenance.

Attached please find said documentation for placement on the Monday, January 4, 2016 City Council agenda.

Thank you,  
ADJ/jv

cc: file  
Richard Johnson, Public Works Director

attachment(s)

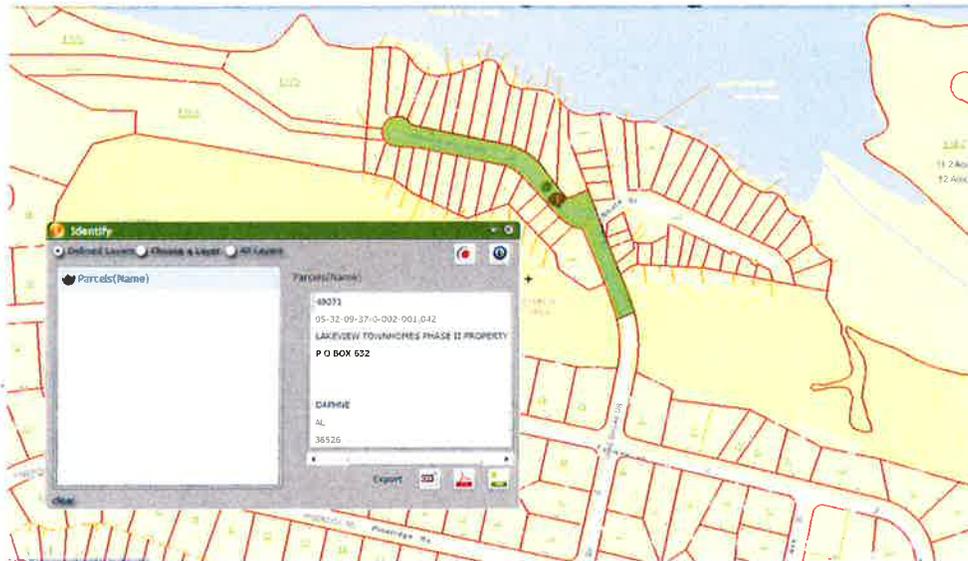
1. Resolution to Transfer Title of Lake Shore Drive in Lakeview Townhomes, Phase II & III
2. Record plat(s) of Lakeview Townhomes, Phase II and III
3. Court Order

# PLANNING COMMISSION

## REQUEST FOR ACCEPTANCE OF STREETS OR RIGHTS-OF-WAY

### PARCEL A, LAKEVIEW TOWNHOMES, PHASE II AKA LAKESHORE DRIVE

AS REQUESTED BY PETITION OF THE  
LAKEVIEW TOWNHOMES PHASES II & III  
PROPERTY OWNERS



## RESOLUTION TO TRANSFER TITLE OF LAKE SHORE DRIVE IN LAKEVIEW TOWNHOMES POA PHASE II & III

*Whereas*, President, Jackie Kearney along with Vice President, Marty Pribush, Secretary, Diane Pribush and Treasurer, David Ringler have worked tirelessly to reclaim our street from Mrs. Nancy Boyd.

*Whereas*, our Attorney, Rick Davis Jr., drew up a Summary Judgement for Jackie Kearney to sign and instructed same to bring a POA check to his office in the amount of \$584.38 to be put in Escrow at the Probate Court. The check and Summary Judgement were both presented to the Court by Attorney, Rick Davis, Jr..

*Whereas*, this was all accomplished through the Probate Court on June 25, 2015 when neither Mrs. Boyd or any other representative appeared in Court. Judge Jody Bishop ruled in favor of Lakeview Townhomes, POA giving us the right to proceed with obtaining a Certificate of Reclamation.

*Whereas*, Attorney, Rick Davis, Jr., contacted Jackie Kearney on August 10, 2015, to take the approved Summary Judgement papers to the Probate Court to start the process of obtaining the Certificate of Reclamation.

*Whereas* Probate Court transferred the funds in the amount of \$584.38 to the Revenue Department for processing.

*Whereas*, Jackie Kearney was contacted on September 3, 2015, by Attorney, Rick Davis Jr., to take copies of the Summary Judgement along with a Certified Check in the amount of \$1,329.47 to the Revenue Department and she would be able to obtain the Certificate of Reclamation for the property taxes on the street. Furthermore, the Certified Check would pay for the Certificate of Reclamation for the Escape Tax that was outstanding.

*Whereas*, on September 5, 2015, Jackie Kearney went to the Revenue Department in Bay Minette, AL, presented the Summary Judgement paperwork along with the Certified Check and received both Certificates of Reclamation. Mrs. Kearney was told by Karen Jones of the Baldwin County Revenue Department, that the street had been reclassified and would no longer be on the property tax list as it should have been in the beginning.

*Whereas*, the subject street, Lake Shore Drive in Lakeview Townhomes Phase II & III has been discussed with the majority of the property owners and the following owners have by their signature agreed to have the proper paperwork drawn up by Attorney, Rick Davis, Sr., to transfer the ownership of same to The City Of Daphne, AL for maintenance.

**RESOLUTION TO TRANSFER TITLE OF  
LAKE SHORE DRIVE IN LAKEVIEW  
TOWNHOMES POA PHASE II & III**

Whereas, the undersigned have read and agreed to the aforementioned resolution.

Unit 31 & 32:

Scott Curtis 9-10-15  
Scott Curtis

Unit 33:

Mary P. (Patti) Cook  
Mary P. (Patti) Cook

Unit 34:

Marsha Nelson  
Marsha Nelson

Unit 35:

Joshua Guidroz 9/10/15  
Joshua Guidroz

Unit 36:

Lynda Hyer 9/13/15  
Lynda Hyer

Unit 37:

Vanessa Gregory  
\* Vanessa Gregory

Unit 38:

Alborz Holding, LLC, Atte & Josh Farid  
Alborz Holding, LLC, Atte & Josh Farid

Unit 39:

Martin and Diana Pribush 9/10/15  
Martin and Diana Pribush

Unit 40:

Don and Carol Willis 9/10/15  
Don and Carol Willis

Unit 41:

James and Nancy Morris 9/10/15  
James and Nancy Morris

Unit 42:

Randy Watts 9/10/15  
Randy Watts

Unit 43:

Chuck Crowder 9/12/2015  
Chuck Crowder

Unit 44:

Walt and Judy Crimmons 9/10/15  
Walt and Judy Crimmons

Resolution signature page 2:

RESOLUTION TO TRANSFER TITLE OF  
THE BROWN OAK LAKEVIEW  
COMMUNITY CENTER

WHEREAS, the Board of Directors of the Brown Oak Lakeview Community Center has determined that it is in the best interests of the community to transfer the title of the property to the City of Brown Oak Lakeview;

1. That the Board of Directors has authorized the Mayor to execute all necessary documents to transfer the title of the property to the City of Brown Oak Lakeview;

2. That the Board of Directors has authorized the Mayor to execute all necessary documents to transfer the title of the property to the City of Brown Oak Lakeview;

3. That the Board of Directors has authorized the Mayor to execute all necessary documents to transfer the title of the property to the City of Brown Oak Lakeview;

4. That the Board of Directors has authorized the Mayor to execute all necessary documents to transfer the title of the property to the City of Brown Oak Lakeview;

5. That the Board of Directors has authorized the Mayor to execute all necessary documents to transfer the title of the property to the City of Brown Oak Lakeview;

8  
8

*[Signature]* 10-28-15

6. That the Board of Directors has authorized the Mayor to execute all necessary documents to transfer the title of the property to the City of Brown Oak Lakeview;

7. That the Board of Directors has authorized the Mayor to execute all necessary documents to transfer the title of the property to the City of Brown Oak Lakeview;

8. That the Board of Directors has authorized the Mayor to execute all necessary documents to transfer the title of the property to the City of Brown Oak Lakeview;

9. That the Board of Directors has authorized the Mayor to execute all necessary documents to transfer the title of the property to the City of Brown Oak Lakeview;

10. That the Board of Directors has authorized the Mayor to execute all necessary documents to transfer the title of the property to the City of Brown Oak Lakeview;

11. That the Board of Directors has authorized the Mayor to execute all necessary documents to transfer the title of the property to the City of Brown Oak Lakeview;

Resolved, that the Board of Directors do hereby pass the following resolution:

- Unit 45: Janice Davis  
Janice Davis
- Unit 46: Chris Darley 9/12/15  
Chris Darley
- Unit 47: Dexter and Amanda Lyon 9/12/15  
Dexter and Amanda Lyon
- Unit 48: Jackie Kearney 9/10/15  
Denise and Jackie Kearney
- Unit 49: David Ringle 9/14/15  
David Ringle
- Unit 50: David McMurphy 9-10-15  
David McMurphy
- Unit 51: Bill Marco 10-11-15  
Bill Marco
- Unit 52: Dee Dee Brandt 9-10-15  
Dee Dee Brandt
- Unit 53: Angela Smith 9-12-15  
Angela Smith
- Unit 54: Virginia Zielke 9-12-15  
Virginia Zielke
- Unit 55 & 56: Joel Pate 9-10-15  
Joel Pate
- Unit 57 & 58: Joel Pate 9-10-15  
Joel Pate

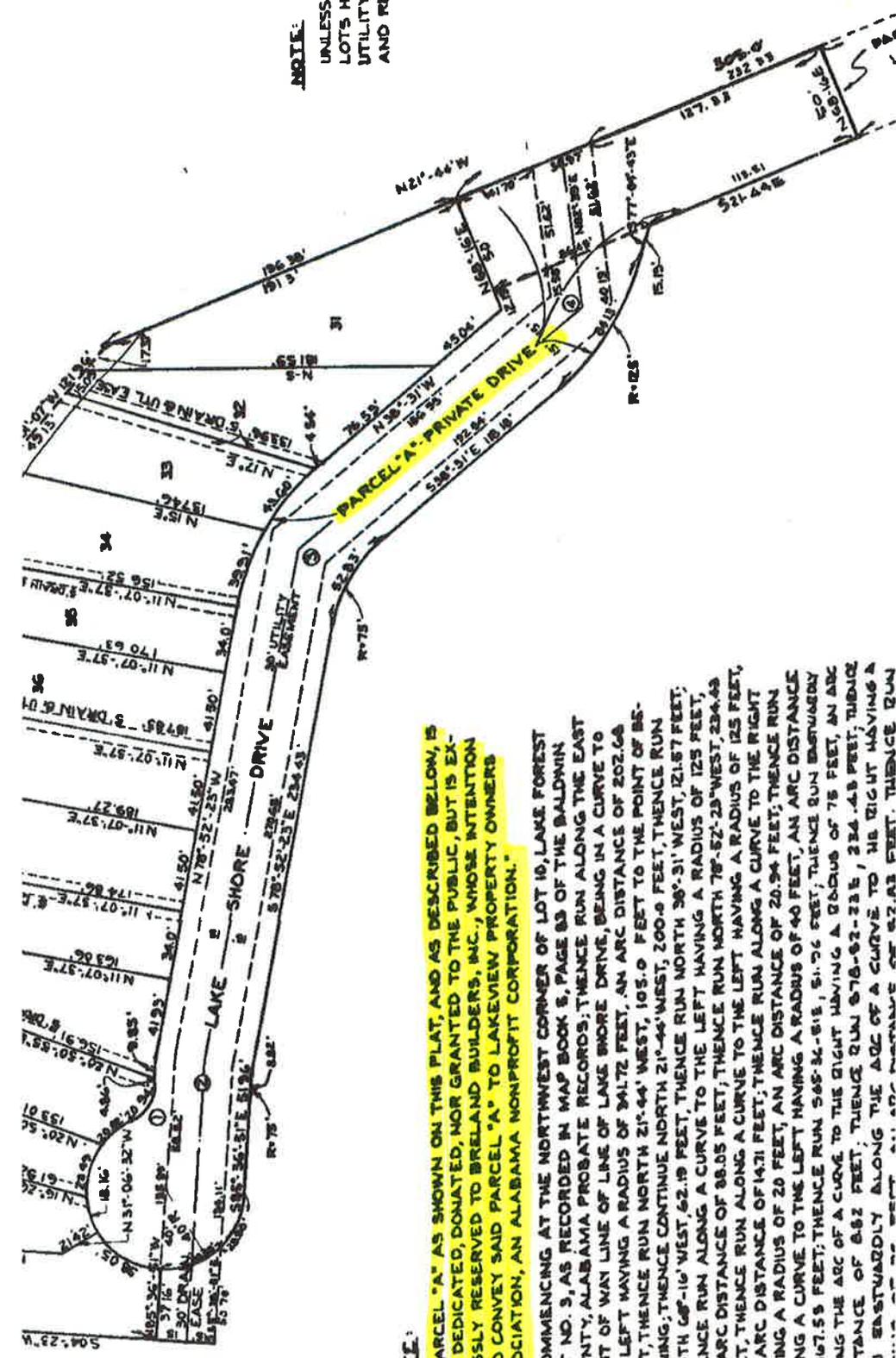
Executed on September 10, 2015:

President: Jacqueline T. Kearney  
Jacqueline T. Kearney



*Enlargement*

**NOTE:**  
UNLESS OTHERWISE NOTED, ALL LOTS HAVE A 10' DRAINAGE AND UTILITY EASEMENT ON FRONT AND REAR LOT LINES.



**NOTE:**  
"PARCEL 'A' AS SHOWN ON THIS PLAT, AND AS DESCRIBED BELOW, IS NOT DEDICATED, DONATED, NOR GRANTED TO THE PUBLIC, BUT IS EXPRESSLY RESERVED TO BRELAND BUILDERS, INC., WHOSE INTENTION IS TO CONVEY SAID PARCEL 'A' TO LAKEVIEW PROPERTY OWNERS ASSOCIATION, AN ALABAMA NONPROFIT CORPORATION."  
COMMENCING AT THE NORTHWEST CORNER OF LOT 10, LAKE FOREST UNIT NO. 9, AS RECORDED IN MAP BOOK 5, PAGE 83 OF THE BALDWIN COUNTY, ALABAMA PROBATE RECORDS; THENCE RUN ALONG THE EAST RIGHT OF WAY LINE OF LAKE SHORE DRIVE, BEING IN A CURVE TO THE LEFT HAVING A RADIUS OF 341.72 FEET, AN ARC DISTANCE OF 202.68 FEET; THENCE RUN NORTH 21°-44' WEST, 105.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 21°-44' WEST, 200.0 FEET; THENCE RUN SOUTH 68°-16' WEST, 62.19 FEET; THENCE RUN NORTH 38°-31' WEST, 121.57 FEET; THENCE RUN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 125 FEET, AN ARC DISTANCE OF 88.05 FEET; THENCE RUN NORTH 78°-52'-23" WEST, 234.43 FEET; THENCE RUN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 125 FEET, HAVING A RADIUS OF 20 FEET, AN ARC DISTANCE OF 20.94 FEET; THENCE RUN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 40 FEET, AN ARC DISTANCE OF 167.55 FEET; THENCE RUN S65°-34'-51" E, 51.76 FEET; THENCE RUN EASTWARDY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 75 FEET, AN ARC DISTANCE OF 8.52 FEET; THENCE RUN S78°-52'-23" E, 234.43 FEET; THENCE RUN EASTWARDY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 82.43 FEET, THENCE RUN





**CITY OF DAPHNE  
ORDINANCE NO. 2015-71**

**AN ORDINANCE ESTABLISHING DISTRICT LINES FOR  
THE CITY OF DAPHNE, ALABAMA**

**WHEREAS**, the City of Daphne, Alabama in order to encourage more active citizen participation in local government and to ensure equitable representation on the City Council in compliance with the Voting Rights Act of 1965, did pass Ordinance No. 1988-11, establishing seven (7) Single-Member Council Districts, which said district plan was approved by the United States Justice Department; and

**WHEREAS**, Act 1991-545, which governs the City of Daphne, incorporated the districting plan set out in Ordinance No. 1988-11, 1992-07 and said Act 1991-545, with the existing district lines, was approved by the United States Justice Department; and

**WHEREAS**, the 2010 Federal Decennial U.S. Census results have become final requiring an alteration to said district lines.

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

**SECTION I: ENACTMENT**

An Ordinance of the City of Daphne, Alabama, establishing Single-Member Council Districts for the purpose of electing Council representatives from each district, designating boundaries for each district based on current house count and current estimate of population, and prescribing a method for updating and amending the district boundaries on a periodic basis.

**SECTION II: PURPOSE**

The City of Daphne, Alabama, in order to encourage more active citizen participation in local government, to assure equitable representation on the City Council in compliance with the Voting Rights Act of 1965, as amended, and to promote the general welfare of all residents of the City, hereby ordains and enacts into law a Single-Member Council District Ordinance.

**SECTION III: AUTHORITY**

The Ordinance set forth herein is hereby adopted pursuant to authority granted by Act Number 91-545 of the 1991 Alabama Legislature as signed by the Governor and approved by the United States Justice Department.

**ORDINANCE NO. 2015-71**  
**DISTRICTS LINES**

---

**SECTION IV: ESTABLISHMENT OF DISTRICTS**

The City of Daphne, Alabama is hereby divided into Single-Member Council Districts as listed and described below and as illustrated on the official Single-Member Council District Map which is hereby adopted and made a part of this Ordinance. The map shall be signed by the Mayor and attested to by the City Clerk. It shall be filed in the Office of the City Clerk and shall show thereon the date of adoption of this Ordinance. The Ordinance and Map shall, within five (5) days of the date of its adoption, be certified to the Judge of Probate of Baldwin County, Alabama.

**SECTION V: LEGAL DESCRIPTION**

See attached Exhibit "A", which is made a part hereof as fully as if set out completely herein.

**SECTION VI: AMENDMENT**

The City of Daphne, Alabama shall assess the population in the Single-Member Districts following each Decennial U.S. Census and shall make the minimum adjustments to the district boundaries that are necessary to maintain roughly equal populations within each district that are within the limits of deviation allowed by law as such may presently exist or be hereafter amended, and to assure Black representation on the City Council that generally approximates the Black proportion of the City's population.

**SECTION VII: REPEALER**

All City Ordinances or parts thereof in conflict with the provisions of this Ordinance is hereby repealed insofar as they conflict.

**SECTION VIII: SEVERABILITY**

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

**SECTION IX: EFFECTIVE DATE**

This Ordinance shall become effective and be in force from and after the date of its approval and adoption by the City Council of Daphne, Alabama and publication as required by law.

**ORDINANCE NO. 2015-71**  
**DISTRICTS LINES**

---

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,**  
**ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

Dane Haygood,  
Mayor

**ATTEST:**

---

Rebecca A. Hayes  
City Clerk

**EXHIBIT "A"**  
**LEGAL DESCRIPTIONS**

District 1

Point of Beginning at the intersection of the Centerline of Holy Cross Dr. and the June 5, 2015 city limits of the City of Daphne, following the City Limits east, south to Gabel St, east and north, east, to the eastern boundary of Section 29, Township 5S, Range 2E. Following said section line north to the western boundary of Section 21, Township 5S, Range 2E; travel north along said boundary to the intersection of the stated Daphne city limits; follow stated city limits as they intersect with the following 2010 US Census Block GEOIDs 1000000US010030108003007; 1000000US010030108003003; 1000000US010030108003015; 1000000US010030108003005; 1000000US010030108003004; 1000000US010030108003006; from the easterly boundary of GEOID 1000000US010030108003003 Follow the southern right of way of Baldwin County Rd 64; follow said right of way west to the intersection of the centerline of Pollard Rd; following said centerline north to the eastern boundary of the referenced city limits; following said east, north, east, and north to the intersection of Well Rd; Follow the centerline of Well Rd and the city limits west until the intersection of the centerline of Pollard Rd. Follow said centerline north to the intersection of the centerline of Park Rd. Follow said centerline west to the intersection of the centerline of Main St. Follow the centerline of Main St southwest to the south bound centerline of US HWY 98. Follow said centerline south to the intersection of the centerline of Johnson Rd. Travel west along said centerline to the intersection of the centerline of Main St. Follow said centerline south to the intersection of the centerline of Holy Cross Dr. Follow said centerline to the Point of Beginning.

District 2

Point of Beginning at the southwest end of the City limits of Daphne where meeting the shoreline following City of Daphne limits of June 5, 2015 moving west along city limits to intersection of the centerline of Holy Cross Dr., north along said centerline to the intersection of the centerline of Main Street; Following the Centerline of Main Street north to intersection of the centerline of Johnson Road. Traveling east on the centerline of Johnson Road to the intersection of the centerline of the southward bound lane of US HWY 98; Traveling north along the centerline of the southward bound lane of US HWY 98 to the intersection of centerline of Main Street; Traveling south along the centerline of Main Street to the intersection of the centerline of Bayfront Park. Traveling west along the centerline of Bayfront Park to the Shoreline and the Western most limits of the City of Daphne. South along the shore line and City limits to the Point of Beginning.

District 3

Point of beginning at Western most limits of the City of Daphne and the shoreline at the intersection of Bayfront Park, traveling east along the centerline of Bayfront Park to the centerline of Main Street; traveling north along the centerline of Main Street to the intersection of the centerline of N Main Street and to the centerline of Park Road. Traveling south and east along the centerline of Park Rd to the end of the road at the west boundary line of 2010 US Census block GEOID 1000000US010030107051031. Follow the boundary of said block north and east to the northeast boundary; Traveling north along the boundary of to the northerly adjacent 2010 US Census block GEOID 1000000US010030107051030; travel north to easterly boundary of said block and the intersection of the centerline of Greenwood Dr and the intersection of centerline of Creekside Drive;

traveling north along said centerline of Creekside Drive and the western boundary of the 2010 US Census block GEOID 1000000US010030107051028; following said block north to the centerline of Ridgewood Dr; travel westward along said centerline to the centerline of Avon Ct.; travel north along said centerline to the centerline of Tiawasee Creek; meander along said creek northwesterly to the intersection of the centerline of Bayview Dr. Travel south along said centerline to the intersection of the median of Ridgewood Dr. Follow said median westerly to the median of Lake Forrest Blvd to the intersection of the centerline of Eagle Drive. Follow said centerline west and north to the intersection of centerline of Van Buren St. Follow said centerline west to the centerline of N. Main Street; Follow said centerline northward to the northern boundary of US Census block GEOID 1000000US010030107051064. Following said northern boundary to the centerline of the northward bound lane of US HWY 98; Following said centerline north to the City Limits of Daphne. Following city limits westerly, northerly to the shoreline city limits; follow southward along said city limits to the Point of Beginning.

#### District 4

Point of beginning is the southern right of way of Baldwin County Rd 64 and the centerline of Pollard Rd.; following said southern right of way east to the intersection of the 2010 US Census block GEOID 1000000US010030108003000; Follow said census block south, east, and north and east to the to the intersection of the centerline of Friendship Rd.; following said centerline south to the June 5, 2015 city limits of Daphne; follow said city limits east and north to the intersection of the southern right of way of Baldwin County Rd 64; follow said right of way east to the intersection with the western right of way of Baldwin County Rd 13; follow Baldwin County Rd 13 right of way south to the intersection of the southern right of way of Milton Jones Rd; follow said right of way east to the western right of way of AL State HWY 181; Follow said right of way south to the centerline of Corte Rd.; follow said centerline west to the western boundary of stated city limit; follow city limit south, east to the intersection of the western right of way of AL State HWY 181; Follow said right of way south to northern boundary of Section 34, Township 5S, Range 2E; follow said boundary west to the western boundary of stated city limits of Daphne, Follow stated city limits south, east, and north, west, north, west, south, east and south to the intersection of northern boundary of Section 35, Township 5S, Range 2E; follow said boundary west to the eastern right of way of AL State HWY 181; Follow said right of way north to the intersection of the northern right of way of Milton Jones Rd; Follow said right of way west to the intersection of the stated city limits; Follow stated city limits north, east, north, west, south to the intersection of the northern right of way of Milton Jones Rd; Follow said right of way west to the intersection of eastern right of way of Baldwin County Rd 13; follow said right of way north to the intersection of the stated city limits; follow city limits east, south, east, north, and west, north, east, north, west to the intersection of eastern right of way of Baldwin County Rd 13; follow said right of way north to the intersection of the centerline of Parker Ln.; follow said centerline to the intersection with the eastern boundary of the stated city limits; follow said city limits north, east, north, and west to the intersection of eastern boundary of Section 4, Township 5S, Range 2E; follow said section boundary north to the 2010 US Census Block GEOID 1000000US010030107042022; following said census block's southern boundary to the intersection with the centerline of the eastern bound lane's centerline of Ridgewood Dr. to the intersection of the western boundary of the 2010 US Census Block GEOID 1000000US010030107051024; follow said boundary south to the intersection of the eastern boundary of 2010 US Census Block GEOID 1000000US010030107051030; follow south and west

along said boundary to the northwest corner of corner of Section 9, Township 5S, Range 2E; follow said section's western boundary south to the stated City limits of Daphne; follow stated city limits east, south, and west to the intersection of the western boundary of Section 9, Township 5S, Range 2E; follow said western boundary to the western boundary of Section 16, Township 5S, Range 2E; follow said section boundary south to the intersection of stated City limits of Daphne; follow said city limits east, north, west, and north to the intersection of the centerline of Whispering Pines Rd.; follow said centerline east to the stated City limits of Daphne; follow said city limits south, west, south, to the intersection of the southern right of way of Wells Rd.; follow said right of way east to the stated City limits of Daphne; follow said city limits south to the northern right of way of Baldwin County Rd. 64; follow said right of way west and south to the Point of Beginning; Excluding any land so described inside boundary that is not inside the June 5, 2015 stated City Limits of Daphne.

#### District 5

Point of Beginning at the intersection of the centerline of Eagle Dr. and the centerline of Van Buren St. Follow the centerline of Van Buren; follow west along centerline of Van Buren to the centerline of N. Main Street; Follow said centerline northward to the northern boundary of US Census block GEOID 1000000US010030107051064. Following said northern boundary to the centerline of the northward bound lane of US HWY 98; Following said centerline north to the intersection of the centerline of US HWY 90. Following said centerline to the intersection of transmission line right of way which is the eastern boundary of the named 2010 US Census block GEOID 1000000US010030107041030; following south to 2010 US Census Block GEOID 1000000US010030107041074 following the eastern most boundary south to the southern boundary, where the southern boundary of said census block intersects with the centerline of the median of Ridgewood Drive Follow said median westerly to the centerline of the median of Bay View Dr.; follow said median south to the intersection of the median of Ridgewood Dr. follow said centerline west and north to the centerline of the median of Lake Forest Blvd, following said center line north to the intersection of the centerline of Eagle Drive. Follow said centerline west and north to the Point of Beginning.

#### District 6

Point of Beginning at the intersection of Tiawasee Creek; and the centerline of Bay View Dr. following said median centerline of Bay View Dr. north to the intersection of the centerline of the median of Ridgewood Drive, following said median eastward to the intersection of the centerline of Wildoak Dr. and the 2010 US Census Block GEOID 1000000US010030107041074. Following said census boundary to the east and north to an unnamed tributary of D'Olive Creek. Follow the meander of the creek eastward and the southward to the eastern boundary of the June 5, 2015 city limits of Daphne, Section 4, Township 5S, Range 2E. Follow said Section line and City Limits south to the 2010 US Census Block GEOID 1000000US010030107042022; following said census block's southern boundary to the intersection with the centerline of the western bound lane's centerline of Ridgewood Dr. following said centerline to the intersection of the centerline of Avon Ct. following said centerline north to the intersection of Tiawasse Creek. Meander with said creek westward to the Point of Beginning.

### District 7

Point of Beginning at the centerline of the northward bound lane of US HWY 98 and the Centerline of US HWY 90, moving east along the centerline of US HWY 90 to the intersection of transmission line right of way which is the western boundary of the named 2010 US Census block GEOID 1000000US010030107041029 . Follow the western boundary of said census block southeasterly to an unnamed tributary of D'Olive Creek. Follow the meander of the creek eastward and the southward to the eastern boundary of the June 5, 2015 City Limits of Daphne; following western right of way of Baldwin County Rd 13 south to the northern right of way of Lawson Rd.; follow said right of way west to the eastern boundary of Section 4 Township 5S Range 2E; follow section boundary south to the intersection of the eastern right of way of Baldwin County Rd 13. Follow said right of way north to the intersection of the stated city limits; following stated city limits west and north to the southern right of way of Champion Way; follow said right of way east to the intersection of the centerline of State HWY 181; following the northern right of way of Champion Way west to the stated city limits, following city limits north, west, and south to the northern right of way of Champions Way; Travel north along the eastern right of way of County Rd 13 to the intersection of the centerline of US HWY 90, following said centerline and the city limits east to the eastern most boundary of the stated Daphne city limits; following stated city limits north to US I-10 and west along said city limits to the intersection of the centerline of AL HWY 181; follow said centerline to the intersection of the centerline of US HWY 31 and the northern city limit boundary. Follow stated city limits west, south, west, south, west, southeasterly, and west along US Interstate 10 to the intersection of the centerline of north bound lane US HWY 98; Proceed south along said centerline to Point of Beginning.

**ORDINANCE NO. 2015-74**

**FOR THE ANNEXATION OF CERTAIN PROPERTY INTO THE CORPORATE  
LIMITS  
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA**

**Russell Steiner  
Property Located Southeast of Interstate 10 and Blakely River  
(67 Acres More or Less)**

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

**WHEREAS**, on the 28<sup>th</sup> day of September, 2015, 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**, all of such property is located and contained within an area contiguous to the corporate limits of the City of Daphne, Alabama and does not lie within the corporate limits or police jurisdiction of any other municipality; and,

**WHEREAS**, said petition contains an accurate description of the property or territory proposed to be annexed together with a map of said property showing its relationship to the corporate limits of the City of Daphne; and,

**WHEREAS**, said petition was presented to the Planning Commission of the City of Daphne at a special called meeting on November 5, 2015 and the Commission set forth an unanimous favorable recommendation for the City Council to consider said request for annexation, and said property shall be zoned as follows: R-1, Low Density Single Family Residential District; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on December 21, 2015 concerning the petition for annexation; and,

**WHEREAS**, the City Council of the City of Daphne, Alabama has determined that it is in the best interest of said City that the property described in Section 2 hereof be annexed to the corporate limits of the City of Daphne, and that all the requirements of Sections 11-42-21 through 11-42-24, Code of Alabama, 1975, as amended have been complied with by said Petitioner.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
DAPHNE, ALABAMA**, as follows:

**SECTION 1: CONSENT TO 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 2: DESCRIPTION OF THE PROPERTY.**

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:

**“Exhibit A”**

**LEGAL DESCRIPTION:**

**PARCEL:**

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 4 SOUTH, AT THE DIVISION OF RANGE 1 AND 2 EAST (THE POINT OF COMMENCEMENT); THENCE RUN WESTERLY ALONG THE SOUTH MARGIN OF THE INTERSTATE 10 RIGHT-OF-WAY ±1360 FEET TO THE POINT OF BEGINNING (P.O.B.); THENCE RUN WESTERLY ALONG THE SOUTH MARGIN OF THE INTERSTATE 10 RIGHT-OF-WAY ±1320 FEET TO A POINT; THENCE RUN SOUTHWARDLY ALONG THE SHORELINE MARGIN OF THE BLAKELEY RIVER ±3850 FEET TO A POINT; THENCE RUN EAST ±1545 FEET TO A POINT; THENCE RUN NORTH AND EASTWARDLY (MEANDERING) ALONG THE SHORELINE MARGIN OF D’OLIVE BAY TO A POINT; THENCE RUN NORTHERLY ±410 FEET TO THE POINT OF BEGINNING, CONTAINING 67 ACRES, MORE OR LESS, AND LYING WITHIN SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST, BALDWIN COUNTY, ALABAMA

**SECTION 3: 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 4: 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 to the corporate limits of the City of Daphne, Alabama, upon such publication.

**SECTION 5: PROBATE COURT.**

A description of the property described in this Ordinance shall be filed in the Office of the Judge of Probate of Baldwin County, Alabama, as required by Section 11-42-21, Code of Alabama, 1975, as amended.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**Dane Haygood**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes**  
**City Clerk**

**RUSSELL T. STEINER**

**EXHIBIT "A"**

**- LAND DONATION**

**LEGAL DESCRIPTION:**

**PARCEL:**

ALL THAT LAND DESCRIBED BY BALDWIN COUNTY TAX MAPS AS PARCEL IDENTIFICATION NUMBER (PID): 05-31-07-36-0-000-001.000, PROPERTY IDENTIFICATION NUMBER (PPIN) 046012, 67 ACRES, MORE OR LESS, AND LYING WITHIN SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST, BALDWIN COUNTY, ALABAMA, MORE SPECIFICALLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 4 SOUTH, AT THE DIVISION OF RANGE 1 AND 2 EAST (THE POINT OF COMMENCEMENT); THENCE RUN WESTERLY ALONG THE SOUTH MARGIN OF THE INTERSTATE 10 RIGHT-OF-WAY  $\pm 1360$  FEET TO THE POINT OF BEGINNING (P.O.B.); THENCE RUN WESTERLY ALONG THE SOUTH MARGIN OF THE INTERSTATE 10 RIGHT-OF-WAY  $\pm 1320$  FEET TO A POINT; THENCE RUN SOUTHWARDLY ALONG THE SHORELINE MARGIN OF THE BLAKELEY RIVER  $\pm 3850$  FEET TO A POINT; THENCE RUN EAST  $\pm 1545$  FEET TO A POINT; THENCE RUN NORTH AND EASTWARDLY (MEANDERING) ALONG THE SHORELINE MARGIN OF D'OLIVE BAY TO A POINT; THENCE RUN NORTHERLY  $\pm 410$  FEET TO THE POINT OF BEGINNING, CONTAINING 67 ACRES, MORE OR LESS, AND LYING WITHIN SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST, BALDWIN COUNTY, ALABAMA

**STEINER, RUSSELL T – LAND DONATION**

**LEGAL DESCRIPTION - EXHIBIT "A":**

**PARCEL:**

ALL THAT LAND DESCRIBED BY BALDWIN COUNTY TAX MAPS AS PARCEL IDENTIFICATION NUMBER (PID): 05-31-07-36-0-000-001.000, PROPERTY IDENTIFICATION NUMBER (PPIN) 046012, 67 ACRES, MORE OR LESS, AND LYING WITHIN SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST, BALDWIN COUNTY, ALABAMA, MORE SPECIFICALLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 4 SOUTH, AT THE DIVISION OF RANGE 1 AND 2 EAST (THE POINT OF COMMENCEMENT); THENCE RUN WESTERLY ALONG THE SOUTH MARGIN OF THE INTERSTATE 10 RIGHT-OF-WAY  $\pm 1360$  FEET TO THE POINT OF BEGINNING (P.O.B.); THENCE RUN WESTERLY ALONG THE SOUTH MARGIN OF THE INTERSTATE 10 RIGHT-OF-WAY  $\pm 1320$  FEET TO A POINT; THENCE RUN SOUTHWARDLY ALONG THE SHORELINE MARGIN OF THE BLAKELEY RIVER  $\pm 3850$  FEET TO A POINT; THENCE RUN EAST  $\pm 1545$  FEET TO A POINT; THENCE RUN NORTH AND EASTWARDLY (MEANDERING) ALONG THE SHORELINE MARGIN OF D'OLIVE BAY TO A POINT; THENCE RUN NORTHERLY  $\pm 410$  FEET TO THE POINT OF BEGINNING, CONTAINING 67 ACRES, MORE OR LESS, AND LYING WITHIN SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST, BALDWIN COUNTY, ALABAMA



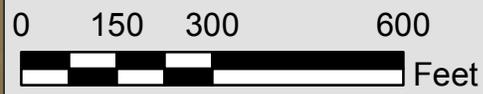
EXHIBIT "B"

INTERSTATE 10

SUBJECT  
PROBERTY

BLAKELEY  
RIVER

D'OLIVE  
BAY



**ORDINANCE 2015-75**

**Civic Center Roof Repairs Appropriation**

**WHEREAS**, Ordinance 2015-55 approved adopted the Fiscal Year 2016 Budget on October 5, 2015; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2016 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2016 budget; and

**WHEREAS**, some repairs (\$3,515) on the Civic Center roof drains have been done but additional repairs (\$17,490) are needed to maintain and protect the existing roof structure.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$ 21,005 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2010 budget for the repair and maintenance of the Civic Center Roof.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

**Suzanne Henson**

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**Subject:** FW: Drains at Civic Center  
**Attachments:** image001.jpg; image002.jpg

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**From:** Kelli Kichler, CPA  
**Sent:** Monday, December 07, 2015 5:37 PM  
**To:** Suzanne Henson  
**Subject:** Fwd: Drains at Civic Center

**From:** Margaret Thigpen <[mthigpen@daphneal.com](mailto:mthigpen@daphneal.com)>  
**Date:** December 7, 2015 at 9:01:21 AM CST  
**To:** "Kelli Kichler, CPA" <[kkichler@daphneal.com](mailto:kkichler@daphneal.com)>  
**Subject:** Drains at Civic Center

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**From:** Williamson, Patrick C. [<mailto:PWilliamson@tremcoinc.com>]  
**Sent:** Monday, November 30, 2015 7:15 AM  
**To:** Margaret Thigpen  
**Subject:** RE: Attached Image

Morning Margaret,

Hope you had a wonderful Thanksgiving. I spent my day off Friday getting our Christmas decorations up...lol

Hey, just wanted to let you know that I worked up the cost to replace those 19 roof drains (18 on top roof and 1 on north side low roof) and it came out to \$17,490.28. That works out to around \$920.00 per drain, so obviously quite the unit cost savings when completed as one project.

Of course, please hollar at me on my cell 251-583-1341 if you have any questions.

Thanks!!! PCW

$\$17,490.28$   
Current Repairs -  $\$1,786.83$   
 $\$1,727.50$ 

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Total Needed  $\$21,004.61$

**Ordinance 2015-76**  
**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)**  
**319 Tiawasee Creek Sub-watershed Management Project (FY 15)**

**WHEREAS**, Ordinance 2015-55 approved adopted the Fiscal Year 2016 Budget on October 5, 2015; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2016 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2016 budget; and

**WHEREAS**, the coastal Alabama is blessed with estuaries that support both fresh and saltwater species and serve as nursery habitat for many commercially and recreationally important fish and shellfish; and

**WHEREAS**, the Tensaw Appalache watershed, located in Baldwin County, AL is within the Mobile Bay estuary and includes the sub-watersheds of D'Olive Creek, Tiawasee Creek and Joes Branch; and

**WHEREAS**, the Watershed Management Plan: D'Olive Creek, Tiawasee Creek, and Joe's Branch Watersheds was published in 2010 to guide restoration activities in areas of environmental degradation within the sub-watersheds of D'Olive Creek, Tiawasee Creek and Joe's Branch; and

**WHEREAS**, this plan recommends and identifies areas for stabilizing of stream segments and improving stormwater management in the Tiawasee sub-watershed; and

**WHEREAS**, the City's goal is to support environmental endeavors which will improve water quality and lessen the potential for impacts to the City's watersheds which are part the greater Mobile Bay Watershed.

**WHEREAS**, Resolution 2015-06 approved the initial application process requiring no cash match from the City; and

**WHEREAS**, ADEM during the application review process requested that the City be responsible for the boardwalks and sidewalks due to the fact that they do not reduce the pollutant of concern or sediment; and

**WHEREAS**, the construction of these boardwalks and sidewalks have been a part of the City's plan to allow more connectivity to the Daphne Trione Sports Complex; and

**NOW, THEREFORE, BE IT ORDAINED**, that:

1. The City Council of the City of Daphne deems the ADEM 319 Tiawasee Creek Sub-watershed Management Project an important component to the Tiawasee Creek Restoration and approves the following:
  - Grant total of \$994,452.00 with the Federal share being \$596,671.00; City share being in-kind labor of \$305,936.25 and cash appropriation of \$91, 844.75 from the General Fund for the grant cooperative agreement.

2. The Environmental Program Manager/Public Works Director or the Mayor is authorized to manage the grant and coordinate with ADEM for the reimbursement of such funds and to sign and execute all documents associated with the described projects.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**Attest:**

\_\_\_\_\_  
**Dane Haygood, Mayor**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

**Appropriation Requested**

Porous Sidewalks	212 LF	\$50.00/LF	\$10,615	75% Materials= \$ 6,899.75
Educational Boardwalk	800 LF	\$118/LF	\$94,400	75% Materials= \$70,800.00
Basin Acquisition & Retrofit			\$28,429	50% Materials=\$14,145.00

**Total Request \$91,844.75**

**Table 3:Tiawasee Creek Sub-Watershed 319 Watershed Management Project (HUC 03160204-0505)**

	Federal	Non-Federal 40% Match	Non-Federal Match Source	Total
<i>1. Personnel/Salaries:</i>				
Project Lead (0.25 FTE) Admin.		\$13,000		\$13,000
Project Lead, Fringe @ 31%		\$4,030		\$4,030
Project Contact (0.15 FTE) Admin.		\$10,500		\$10,500
Project Contact, Fringe @ 31%		\$3,255		\$3,255
<b>Admin/Management (10% Max) SUBTOTAL:</b>		\$30,785	City Of Daphne	\$30,785
<i>2. Supplies:</i>				
Educational Workshops and Supplies	\$1900	\$613		\$2,513
Educational Signage	\$7,500	\$0		\$7,500
<b>Supplies SUBTOTAL:</b>	\$9,400	\$613	City of Daphne	\$10,013
<i>3. BMPs:</i>				
<i>See Table 4 for BMP Cost Analysis</i>				
<b>BMP SUBTOTAL:</b>	\$505,337	\$366,396	City of Daphne	\$871,720
<i>4. Services</i>				
A) Education and Outreach	\$25,000			\$24,000
B) Technical Assistance/Project Design Subcontract with Engineering Firm	\$57,934			\$57,934
<b>Service SUBTOTAL:</b>	\$82,934	\$0		\$82,934
<b>Total Budget</b>	<b>\$596,671</b>	<b>\$397,781</b>		<b>\$994,452</b>

**Table 4:Tiawasee Creek Sub-Watershed 319 Watershed Management Project (HUC 03160204-0505)**

Practice Number	Item Description	Unit	Unit Cost	Federal	Non Federal	Total
1	Constructed Wetlands	65,000 sf	\$1.75/sf	\$82,090	\$31,660	\$113,750
2	Basin Acquisition & Retro-fit	1	\$49,616	\$21,187	\$28,429	\$49,616
3	Porous Sidewalks	212 LF	\$50.00/LF	\$0	\$10,615	\$10,600
4	Educational Boardwalk	800 LF	\$118/LF	\$0	\$94,400	\$94,400
5	Bio-retention Areas	4	\$10,000/Area	\$30,000	\$10,000	\$40,000
6	Porous Pavers	2389	\$104.00/SY	\$171,666	\$61,292	\$232,960
7	Wetland Restoration	1	\$30,394	\$20,394	\$10,000	\$30,394

8	Stream Restoration	1	\$300,000	\$180,000	\$120,000	\$300,000
<b>Total</b>				<b>\$505,337</b>	<b>\$366,383</b>	<b>\$871,720</b>

**Appropriation Requested**

Porous Sidewalks	212 LF	\$50.00/LF	\$10,615	75% Materials= \$ 6,899.75
Educational Boardwalk	800 LF	\$118/LF	\$94,400	75% Materials= \$70,800.00
Basin Acquisition & Retrofit			\$28,429	50% Materials=\$14,145.00

**Total Request \$91,844.75**

**Table 3: Tiawasee Creek Sub-Watershed 319 Watershed Management Project (HUC 03160204-0505)**

	Federal	Non-Federal 40% Match	Non-Federal Match Source	Total
<i>1. Personnel/Salaries:</i>				
Project Lead (0.25 FTE) Admin,		\$13,000		\$13,000
Project Lead, Fringe @ 31%		\$4,030		\$4,030
Project Contact (0.15 FTE) Admin,		\$10,500		\$10,500
Project Contact, Fringe @ 31%		\$3,255		\$3,255
<b>Admin/Management (10% Max) SUBTOTAL:</b>		\$30,785	City Of Daphne	\$30,785
<i>2. Supplies:</i>				
Educational Workshops and Supplies	\$1900	\$613		\$2,513
Educational Signage	\$7,500	\$0		\$7,500
<b>Supplies SUBTOTAL:</b>	\$9,400	\$613	City of Daphne	\$10,013
<i>3. BMPs:</i>				
<i>See Table 4 for BMP Cost Analysis</i>				
<b>BMP SUBTOTAL:</b>	\$505,337	\$366,396	City of Daphne	\$871,720
<i>4. Services</i>				
A) Education and Outreach	\$25,000			\$24,000
B) Technical Assistance/Project Design Subcontract with Engineering Firm	\$57,934			\$57,934
<b>Service SUBTOTAL:</b>	\$82,934	\$0		\$82,934
<b>Total Budget</b>	<b>\$596,671</b>	<b>\$397,781</b>		<b>\$994,452</b>

**Table 4: Tiawasee Creek Sub-Watershed 319 Watershed Management Project (HUC 03160204-0505)**

Practice Number	Item Description	Unit	Unit Cost	Federal	Non Federal	Total
1	Constructed Wetlands	65,000 sf	\$1.75/sf	\$82,090	\$31,660	\$113,750
2	Basin Acquisition & Retro-fit	1	\$49,616	\$21,187	\$28,429	\$49,616
3	Porous Sidewalks	212 LF	\$50.00/LF	\$0	\$10,615	\$10,600
4	Educational Boardwalk	800 LF	\$118/LF	\$0	\$94,400	\$94,400
5	Bio-retention Areas	4	\$10,000/Area	\$30,000	\$10,000	\$40,000
6	Porous Pavers	2389	\$104.00/SY	\$171,666	\$61,292	\$232,960
7	Wetland Restoration	1	\$30,394	\$20,394	\$10,000	\$30,394
8	Stream Restoration	1	\$300,000	\$180,000	\$120,000	\$300,000
<b>Total</b>				<b>\$505,337</b>	<b>\$366,383</b>	<b>\$871,720</b>

**RESOLUTION 2015-03**

**ADEM 319 TIAWASEE CREEK CONSTRUCTED WETLANDS GRANT APPLICATION**

**WHEREAS**, the coastal Alabama is blessed with estuaries that support both fresh and saltwater species and serve as nursery habitat for many commercially and recreationally important fish and shellfish; and

**WHEREAS**, the Tensaw Appalache watershed, located in Baldwin County, AL is within the Mobile Bay estuary and includes the sub-watersheds of D'Olive Creek, Tiawasee Creek and Joes Branch; and

**WHEREAS**, the Watershed Management Plan: D'Olive Creek, Tiawasee Creek, and Joe's Branch Watersheds was published in 2010 to guide restoration activities in areas of environmental degradation within the sub-watersheds of D'Olive Creek, Tiawasee Creek and Joe's Branch; and

**WHEREAS**, this plan recommends and identifies areas for stabilizing of stream segments and improving stormwater management in the Tiawasee sub-watershed; and

**WHEREAS**, the City's goal is to support environmental endeavors which will improve water quality and lessen the potential for impacts to the City's watersheds which are part of the greater Mobile Bay Watershed.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that the City agrees to allow the Environmental Programs Manager to submit a grant application to improve conditions in the headwaters of Tiawasee Creek to the ADEM 319 Grant Program. If the assistance is granted to the City, the project will be brought back to the council for review, and financial appropriations.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 20<sup>TH</sup> DAY OF JANUARY, 2015.**

  
Dane Haygood, Mayor

ATTEST:  
  
Rebecca A. Hayes, City Clerk



Jacobs & Associates Development Engineers  
208 Geneva Road North Parkersburg, Alabama 36620  
P.O. Box 1029 Parkersburg, Alabama 36621  
251 928 3449 (pd) 251 928 3665 (fax)  
jadeng@acera.com

JOB NO: city of daphne/well road/SIS grant project.dwg



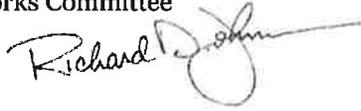
### Conceptual Tiawasee Creek Management Project Plan

**Dane Haygood**  
Mayor



**Richard D. Johnson, PE**  
Public Works Director

## Memorandum

**To:** Councilman Randy Fry - Chairman, Finance Committee  
**Thru:** Councilman Robin LeJeune, Chairman, Public Works Committee  
**From:** Richard D. Johnson, P.E.; Public Works Director   
**CC:** Jade Consulting; Finance; File  
**Date:** December 3, 2015  
**Re:** Project No. STPTE-TA13(930) Gator Alley – Turnout/Overlook/Drainage/  
 Scenic Improvements

Mr. Chairman:

Based upon the bid tabulations provided by the Project Engineer, Trey Jinright, PE, JADE Consulting, LLC, on November 23, 2015, it is my recommendation to award the Contract to Blade Construction, LLC, Inc. for the above reference project. They are the qualifying low bidder. Tabulation of Project Costs is:

Activity	Entity	Cost
Initial Survey & Design	JADE Consulting, LLC	\$32,813.83
Additional Engineering Incurred	JADE Consulting, LLC	\$5,157.21
Land Acquisition (Appraisals & Legal)	Charles Breland	\$103,855.91
Construction Costs	Blade Construction, LLC	\$588,267.40
Construction Engineering & Testing (LS)	JADE Consulting, LLC	\$38,600.00
<b>Total Project Cost:</b>		<b>\$768,694.35</b>

Funding to date is:

- 2013 TAP Grant: \$320,075.46
  - Ordinance 2013-59 \$ 92,857.00
- Total Funding: \$412,932.46

I further recommend the following Lodging Tax appropriations be made:

Project Total: \$759,048.00  
 Less Funding: (\$412,932.46)  
 Appropriation Required: **\$355,761.89**

Public Works Department  
 26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526  
 Phone: (251) 621-3182 Fax: (251) 621-3189



**JINRIGHT & ASSOCIATES DEVELOPMENT ENGINEERS  
CONSULTING, LLC**

November 23, 2015

Mr. Richard D. Johnson  
City of Daphne  
P.O. Box 400  
Daphne, AL 36526

RE: Gator Alley Improvement  
Federal Aid Project No. STPTE-TA13(930)  
Recommendation Letter

Dear Mr. Johnson:

The low bidder as-read at the bid opening for the referenced project on November 18, 2015 was Blade Construction, LLC. Based upon our review of the bid tabulation, we find the low bidder satisfactory to perform the work under this contract.

Accordingly, we recommend that the low bidder be awarded the contract for this project, per the unit price base bid of \$588,267.40, conditional upon receiving acceptable bonds and insurances, as required in the contract documents.

Please notify us once your office has approved the contract award, in order for us to prepare the contract documents for execution. Please do not hesitate to contact our office if you have any questions regarding this matter.

Respectfully,

JADE CONSULTING, LLC

Perry C. Jinright, III, P.E., LEED AP  
Managing Member

\sr

cc: Suzanne Henson, City of Daphne  
William Eringman, City of Daphne

Attachments: Bid Tab

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POST OFFICE BOX 1929 • FAIRHOPE, ALABAMA 36533  
TELEPHONE (251) 928-3443 • FACSIMILIE (251) 928-3665

**JADE CONSULTING, LLC  
BID TAB**

**OWNER:**

City of Daphne  
1705 Main Street  
Daphne, AL 36526

**ENGINEER:**

JADE CONSULTING, LLC

**PROJECT NAME:**

2016-B-Gator Alley Improvements

**PROJECT NO:**

STPTE-TA13(930)

**BID NO:**

0

**BID DATE:** Wednesday 11/18/2015 11:30 AM

**PRE-BID:** Wednesday 11/4/2015 9:00 AM

ITEM NUMBER	ITEM DESCRIPTION	UNIT	PLAN QTY	Blade Construction, LLC 18234 County Road 12 Foley, AL 36535 44220 - BC-S, HRRR, MU		Asphalt Service, Inc. 11045 Old Hwy 31 Spanish Fort, AL 36527 22479 - BC, EV-SH/RR, HS, MU		Ammons & Blackmon Const PO Box 7486 Spanish Fort, AL 36577 49303 - ADNAHS, MU	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	CLEARING AND GRUBBING (201-C) INCLUDING MISCELLANEOUS REMOVAL AND DISPOSAL (APPROX. 0.85 ACRES)	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 20,000.00	\$ 20,000.00	\$ 12,000.00	\$ 12,000.00
2	REMOVING CONCRETE PAVEMENT (206-C)	SY	30	\$ 11.00	\$ 330.00	\$ 20.00	\$ 600.00	\$ 50.00	\$ 1,500.00
3	REMOVING CURB (206-D)	LF	35	\$ 10.00	\$ 350.00	\$ 10.00	\$ 350.00	\$ 8.00	\$ 280.00
4	REMOVING FENCE (206-D)	LF	200	\$ 6.00	\$ 1,200.00	\$ 10.00	\$ 2,000.00	\$ 8.00	\$ 1,600.00
5	REMOVING CONCRETE SIDEWALK (206-C)	SY	128	\$ 11.00	\$ 1,408.00	\$ 5.00	\$ 640.00	\$ 12.50	\$ 1,600.00
6	REMOVING PIPE (206-D)	LF	20	\$ 8.00	\$ 160.00	\$ 20.00	\$ 400.00	\$ 27.00	\$ 540.00
7	REMOVING DRAINAGE STRUCTURE- PARTIAL (206-E)	EA	1	\$ 1,500.00	\$ 1,500.00	\$ 150.00	\$ 150.00	\$ 2,000.00	\$ 2,000.00
8	UNCLASSIFIED EXCAVATION (210-A)	CYIP	1680	\$ 10.50	\$ 17,640.00	\$ 6.00	\$ 10,080.00	\$ 12.00	\$ 20,160.00
9	BORROW EXCAVATION, SELECT FILL (210-D) TBM	CY	100	\$ 20.00	\$ 2,000.00	\$ 16.00	\$ 1,600.00	\$ 19.50	\$ 1,950.00
10	FOUNDATION BACKFILL, SELECT SANDFILL (214-B)	CY	180	\$ 12.50	\$ 2,250.00	\$ 20.00	\$ 3,600.00	\$ 30.00	\$ 5,400.00
11	MODIFIED ROADBED (230)	SY	1170	\$ 3.00	\$ 3,510.00	\$ 2.50	\$ 2,925.00	\$ 3.00	\$ 3,510.00
12	SEPARATION GEOTEXTILE (608-A)	SY	1245	\$ 6.75	\$ 8,403.75	\$ 3.75	\$ 4,688.75	\$ 3.25	\$ 4,046.25
13	SOIL STABILIZATION GEOGRID (243-A)	SY	275	\$ 9.75	\$ 2,681.25	\$ 5.00	\$ 1,375.00	\$ 8.00	\$ 2,200.00
14	CRUSHED AGGREGATE BASE, COURSE, TYPE "B", 4" THICKNESS (Section 825) (301-A)	SYCIP	220	\$ 10.22	\$ 2,248.40	\$ 17.25	\$ 3,795.00	\$ 16.00	\$ 3,520.00
15	CRUSHED AGGREGATE BASE, COURSE, 3 1/4" STONE, 8" THICKNESS (Section 801) (301-A)	SYCIP	950	\$ 19.89	\$ 18,895.50	\$ 22.00	\$ 20,900.00	\$ 20.00	\$ 19,000.00
16	PAVER FIELDS, VEHICULAR DUTY W/ SAND SETTING BEADING, OCTABRICK BY HARDCAPES USA	SF	8300	\$ 12.50	\$ 103,750.00	\$ 10.28	\$ 85,324.00	\$ 11.85	\$ 98,355.00
17	REINFORCED CEMENT CONCRETE PAVEMENT, 6" THICK, 4000 PSI (450-A)	SY	200	\$ 67.50	\$ 13,500.00	\$ 83.00	\$ 16,600.00	\$ 45.00	\$ 9,000.00
18	PARKING BUMPERS- CONCRETE	EA	6	\$ 200.00	\$ 1,200.00	\$ 50.00	\$ 300.00	\$ 66.00	\$ 396.00
19	BOLLARDS, STAINLESS STEEL	EA	3	\$ 1,100.00	\$ 3,300.00	\$ 500.00	\$ 1,500.00	\$ 800.00	\$ 2,400.00
20	PRESSURE TREATED WOOD HANDRAIL SET (637-B)	LF	105	\$ 22.00	\$ 2,310.00	\$ 25.00	\$ 2,625.00	\$ 12.15	\$ 1,275.75

**JADE CONSULTING, LLC  
BID TAB**

**OWNER:** City of Daphne  
1705 Main Street  
Daphne, AL 36526

**ENGINEER:** JADE CONSULTING, LLC

**PROJECT NAME:** 2016-B-Gator Alley Improvements

**PROJECT NO:** STPTE-1A13(930)

**BID NO:** 0

**BID DATE:** Wednesday 11/18/2015 11:30 AM

**PRE-BID:** Wednesday 11/18/2015 9:00 AM

ITEM NUMBER	ITEM DESCRIPTION	UNIT	PLAN QTY	Blade Construction, LLC 18234 County Road 12 Foley, AL 36535 44220 - BC-S, HJRR, MU		Asphalt Service, Inc. 11045 Old Hwy 31 Spanish Fort, AL 36577 22479 - BC-EV-SHJRR, HS, MU		Ammons & Blackmon Const PO Box 7486 Spanish Fort, AL 36577 49303 - ADMLHS, MU	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
21	RESET "GATOR ALLEY" SIGN	LS	1	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 935.00	\$ 935.00
22	BIKE RACK, 5 EA. SPACE. ECHO WAVE BY SITESCAPES	EA	1	\$ 1,000.00	\$ 1,000.00	\$ 875.00	\$ 875.00	\$ 1,200.00	\$ 1,200.00
23	MOBILIZATION (600-A)	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 36,760.00	\$ 36,760.00	\$ 25,000.00	\$ 25,000.00
24	6" UNDERDRAIN PIPE, TYPE 8 (606-A)	LF	150	\$ 36.00	\$ 5,700.00	\$ 24.00	\$ 3,600.00	\$ 30.00	\$ 4,500.00
25	6" UNDERDRAIN CLEAN OUT	EA	6	\$ 150.00	\$ 900.00	\$ 175.00	\$ 1,050.00	\$ 580.00	\$ 3,480.00
26	WEEP DRAIN SYSTEM	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 4,480.00	\$ 4,480.00	\$ 45,300.00	\$ 45,300.00
27	LOOSE RIPRAP, CLASS 1, 18" THICK (610-A)	SY	14	\$ 88.00	\$ 1,232.00	\$ 95.00	\$ 1,330.00	\$ 100.00	\$ 1,400.00
28	LOOSE RIPRAP, CLASS 2, 24" THICK (610-A)	SY	24	\$ 126.00	\$ 3,024.00	\$ 98.00	\$ 2,352.00	\$ 110.00	\$ 2,640.00
29	LEDGE ROCK, CLASS 2, 24" THICK (610-A)	SY	167	\$ 186.00	\$ 31,062.00	\$ 245.50	\$ 40,898.50	\$ 110.00	\$ 18,370.00
30	LEDGE ROCK, 1000-2000 LBS BOULDERS, GROUTED IN PLACE	TONS	800	\$ 165.00	\$ 132,000.00	\$ 244.00	\$ 195,200.00	\$ 263.13	\$ 210,504.00
31	FILTER BLANKET, GEOTEXTILE (NON WOVEN) (610-D)	SY	900	\$ 7.50	\$ 6,750.00	\$ 3.25	\$ 2,925.00	\$ 3.00	\$ 2,700.00
32	CONCRETE SIDEWALK, 4" THICKNESS (618-A)	SY	110	\$ 45.00	\$ 4,950.00	\$ 48.00	\$ 5,280.00	\$ 42.00	\$ 4,620.00
33	CONCRETE SIDEWALK, 4" THICKNESS (618-A) W/ ADA SURFACE TREATMENT	SY	30	\$ 48.00	\$ 1,440.00	\$ 62.00	\$ 1,860.00	\$ 80.00	\$ 2,400.00
34	REINFORCED SLOPE PAVING, (614-B)	CY	6	\$ 375.00	\$ 2,250.00	\$ 750.00	\$ 4,500.00	\$ 500.00	\$ 3,000.00
35	MINOR STRUCTURE CONCRETE (620-A)	CY	2	\$ 365.00	\$ 730.00	\$ 600.00	\$ 1,200.00	\$ 1,200.00	\$ 2,400.00
36	42" RCP STORM SEWER PIPE (533-A)	LF	80	\$ 90.00	\$ 7,200.00	\$ 96.70	\$ 7,736.00	\$ 140.00	\$ 11,200.00
37	42" DBL PIPE END TREATMENT, CL 1 (619-A)	EA	2	\$ 3,200.00	\$ 6,400.00	\$ 875.00	\$ 1,750.00	\$ 3,500.00	\$ 7,000.00
38	18" SPECIAL DOME GRATE INLET- RESET WITH EXISTING STRUCTURE (621-G)	EA	1	\$ 300.00	\$ 300.00	\$ 1,800.00	\$ 1,800.00	\$ 2,500.00	\$ 2,500.00
39	18" SPECIAL DOME GRATE INLET (621-G)	EA	1	\$ 300.00	\$ 300.00	\$ 3,150.00	\$ 3,150.00	\$ 5,000.00	\$ 5,000.00
40	INLET UNITS (621-D)	EA	2	\$ 3,250.00	\$ 6,500.00	\$ 750.00	\$ 1,500.00	\$ 1,000.00	\$ 2,000.00

**JADE CONSULTING, LLC  
BID TAB**

**OWNER:** City of Daphne  
1705 Main Street  
Daphne, AL 36528

**ENGINEER:** JADE CONSULTING, LLC

**PROJECT NAME:** 2016-B-Gator Alley Improvements

**PROJECT NO:** STPTE-TA13(930)

**BID NO:** 0

**BID DATE:** Wednesday 11/18/2015 11:30 AM

**PRE-BID:** Wednesday 11/4/2015 9:00 AM

CONTRACT SCHEDULE									
ITEM NUMBER	ITEM DESCRIPTION	UNIT	PLAN QTY	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
41	COMBINATION CURB AND GUTTER, TYPE M-2 (623-C)	LF	700	\$ 15.00	\$ 10,500.00	\$ 20.00	\$ 14,000.00	\$ 21.00	\$ 14,700.00
42	6" CONCRETE CURB, TYPE A (623-B)	LF	195	\$ 12.00	\$ 2,340.00	\$ 20.00	\$ 3,900.00	\$ 21.00	\$ 4,095.00
43	8" CL 900 WATER MAIN LAID (641-A)	LF	65	\$ 22.00	\$ 1,430.00	\$ 36.00	\$ 2,340.00	\$ 115.00	\$ 7,475.00
44	2" POLYETHYLENE GAS MAIN LAID (646-A)	LF	65	\$ 18.00	\$ 1,170.00	\$ 45.00	\$ 2,925.00	\$ 120.00	\$ 7,800.00
45	TOPSOIL (658-A)	CY	200	\$ 22.00	\$ 4,400.00	\$ 18.00	\$ 3,600.00	\$ 20.00	\$ 4,000.00
46	CLEAN GRANULAR BACKFILL FOR DETENTION POND BOTTOMS - WITH 30% VOIDS (Section 802)	CY/P	100	\$ 48.00	\$ 4,800.00	\$ 22.50	\$ 2,250.00	\$ 30.00	\$ 3,000.00
47	50% COMPOST 50% SAND MIX - 6" COMPACTED THICKNESS	CY/P	20	\$ 30.00	\$ 600.00	\$ 30.00	\$ 600.00	\$ 100.00	\$ 2,000.00
48	SOLID SOD (654-A)	SY	500	\$ 6.50	\$ 3,250.00	\$ 8.00	\$ 4,000.00	\$ 6.75	\$ 3,375.00
49	EROSION CONTROL NETTING, CLASS B (659-A)	SY	1000	\$ 6.50	\$ 6,500.00	\$ 2.25	\$ 2,250.00	\$ 3.50	\$ 3,500.00
50	TEMPORARY SEEDING (665-A)	AC	1	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,200.00	\$ 1,200.00
51	TEMPORARY MULCHING (665-B)	AC	1	\$ 1,000.00	\$ 1,000.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
52	INLET PROTECTION DEVICE (665-P)	EA	5	\$ 450.00	\$ 2,250.00	\$ 350.00	\$ 1,750.00	\$ 550.00	\$ 2,750.00
53	WATTLES ( 665-Q)	LF	100	\$ 10.00	\$ 1,000.00	\$ 10.00	\$ 1,000.00	\$ 8.00	\$ 800.00
54	SILT FENCE, TYPE "A" (665-J)	LF	660	\$ 4.00	\$ 2,640.00	\$ 6.00	\$ 3,960.00	\$ 5.50	\$ 3,630.00
55	SILT FENCE REMOVAL (665-O)	LF	660	\$ 1.50	\$ 990.00	\$ 2.00	\$ 1,320.00	\$ 1.00	\$ 660.00
56	STREET SIGNS AND TRAFFIC STRIPPING	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 4,200.00	\$ 4,200.00	\$ 2,170.00	\$ 2,170.00
57	ENGINEERING CONTROLS (680-A)	LS	1	\$ 6,000.00	\$ 6,000.00	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00

JADE CONSULTING, LLC  
 BID TAB

OWNER: City of Dauphin  
 1705 Main Street  
 Dauphin, AL 36526

ENGINEER: JADE CONSULTING, LLC

PROJECT NAME: 2016-B-Gator Alley Improvements

PROJECT NO: STPTE-7A13(930)

BID NO: 0

BID DATE: Wednesday 11/18/2015 11:30 AM

PRE-BID: Wednesday 11/14/2015 9:00 AM

CONTRACT SCHEDULE									
ITEM NUMBER	ITEM DESCRIPTION	UNIT	PLAN QTY	Blade Construction, LLC 18234 County Road 12 Foley, AL 36535 44220 - BC-S, HRR, MU		Asphalt Service, Inc. 11045 Old Hwy 31 Spanish Fort, AL 36527 22479 - BC, EV-SHRR, HS, MU		Annmons & Blackmon Const PO Box 7486 Spanish Fort, AL 36577 49303 - ADM, HS, MU	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
58	TRAFFIC CONTROL SCHEME (740-A)	LS	1	\$ 1,500.00	\$ 1,500.00	\$ 4,000.00	\$ 4,000.00	\$ 8,000.00	\$ 8,000.00
59	SWEET BAY MAGNOLIA, MULTI-TRUNK, 3-5 STEMS/PLANT, B&B 6'-10" HEIGHT	EA	12	\$ 360.00	\$ 4,320.00	\$ 360.00	\$ 4,320.00	\$ 257.92	\$ 3,095.04
60	SOUTHERN LIVE OAK, FULL HEAD, SPECIMEN QUALITY, B&B 2" CAL, 12' HEIGHT	EA	17	\$ 400.00	\$ 6,800.00	\$ 452.00	\$ 7,684.00	\$ 305.83	\$ 5,199.11
61	BALD CYPRESS, FULL HEAD, SPECIMEN QUALITY, 2" CAL, 10'-12" HEIGHT	EA	13	\$ 360.00	\$ 4,940.00	\$ 273.00	\$ 3,549.00	\$ 245.16	\$ 3,187.08
62	COMMON WAX MYRTLE, SHRUB FORM, FULL TO GROUND, 3 GAL, 24" HEIGHT, 96" O.C. SPACING	EA	87	\$ 23.00	\$ 2,001.00	\$ 13.85	\$ 1,204.95	\$ 23.71	\$ 2,062.77
63	DWARF PALMETTO, 3 GAL, 24" HEIGHT, 48" O.C.	EA	316	\$ 34.00	\$ 10,744.00	\$ 41.50	\$ 13,114.00	\$ 38.57	\$ 12,188.12
64	VIRGINIA SWEETSPICE 1 GAL, 36" O.C. SPACING	EA	539	\$ 11.00	\$ 5,929.00	\$ 9.45	\$ 5,093.55	\$ 18.13	\$ 9,772.07
65	PINK MUIRLY, 3 GAL, 42" O.C.	EA	307	\$ 22.00	\$ 6,754.00	\$ 13.85	\$ 4,251.95	\$ 22.86	\$ 7,018.02
66	FORTUNE FINDER LOUISIANA IRIS, 1 GAL, 18" O.C. SPACING	EA	1010	\$ 11.00	\$ 11,110.00	\$ 19.15	\$ 19,341.50	\$ 14.48	\$ 14,624.80
67	PEACHES IN WINE LOUISIANA IRIS, 1 GAL, 18" O.C. SPACING	EA	565	\$ 11.00	\$ 6,215.00	\$ 19.25	\$ 10,876.25	\$ 18.13	\$ 10,243.45
68	SOFT RUSH, 2" PLUG, 18" O.C. SPACING	EA	2035	\$ 1.70	\$ 3,459.50	\$ 5.95	\$ 12,108.25	\$ 16.52	\$ 33,821.70
69	COMPLETE DESIGN/BUILD IRRIGATION SYSTEM W/ SLEEVES	LS	1	\$ 26,000.00	\$ 26,000.00	\$ 14,250.00	\$ 14,250.00	\$ 10,070.10	\$ 10,070.10
TOTAL BID AMOUNT					\$ 586,267.40		\$ 653,857.70		\$ 731,519.26

\* ITEMS BOLD & ITALICIZED INDICATE AN ERROR IN THE EXTENSION OF THE UNIT PRICE, THIS ERROR DID NOT CHANGE THE BIDDERS STANDING.

TO MY KNOWLEDGE THIS IS AN ACURATE BID TABULATION

APPROVAL 

PERRY C. TREY JIRRIGHT, III, P.E.

**City of Daphne – JADE CONSULTING – Amended Project Scope of Engineering Work  
TAP FY2013 Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements**

**City of Daphne Identifying Project Number:** CODFY2013-TAP 1

**TAP FY2013 Project No.:** STPTE-TA13(930)

**Detail Description of the Project - 2013 Transportation Alternatives Program (TAP):**

***Gator Alley Trailhead (North Main Street) Improvements – Executive Summary:***

Gator Alley which is a link in the Eastern Shore National Recreation Trail, Baldwin County, Alabama, is a popular tourist destination, roadside attraction, scenic overlook, and park for the Citizens and Visitors of Daphne, Alabama. Gator Alley consists of a turnout, overlook, viewing, and parking area connected to a wooden boardwalk and concrete trail systems that crosses, at multiple locations, and follows D'Olive Creek to Mobile Bay. The area is habitat to a multitude of coastal animals and is home to a healthy population of the American Alligator which is the main draw of the park and trail.

This project entails major improvements by constructing a new and expanded turnout, overlook, viewing, and parking area. This Project will accomplish community improvement by acquiring the undevelopable property to the west of the current trailhead and the removal of existing outdoor advertising on that property. This project will include significant drainage and post-development stormwater treatment. The project will include the construction of a stepped pool treatment and bio-retention system that will improve water quality prior to discharge to D'Olive Creek. D'Olive Creek is an impaired waterway (303D Listed Stream) and this system will intercept and treat stormwater runoff from US Hwy 98, North Main Street, and the new turnout/ overlook/ parking area.

**NOTE:** The full FY2013 Transportation Alternatives Program (TAP) Project Application - Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements is attached and should be considered a companion document to this Scope of Work for Engineering Services.

**Scope of Construction Services - 2013 Transportation Alternatives Program (TAP):**

For all work associated with construction services as specified in Construction Services (Below), the fee shall be based on a lump sum basis for this construction project, as authorized by the City. The basis of fees for the project is:

<b><u>Engineering Services Budget</u></b>				
Construction Cost Less Property Acquisition	Survey & Design (*)	Engineering – CE&I (LS)	Material Testing	Total Eng. Expense
\$588,267.40	\$37,971.04	\$38,600.00	Inc. In CE&I	\$76,571.04

\* Based on 8.5% of Engineering Construction Estimate of \$386,045.00 plus additional \$5,157.21 of additional Engineering Cost incurred.

No additional compensation shall be paid to the Engineer until project time is exceeded 125% of contracted calendar days. Compensation shall be made on the basis of on a cost of average daily fee basis calculated as follows:  $Average\ Daily\ Fee = \frac{(Lump\ Sum\ Fee)}{(\#\ Contract\ Days)}$

***City of Daphne – JADE CONSULTING – Amended Project Scope of Engineering Work  
TAP FY2013 Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements***

**Construction Services Continued:**

Resident Construction Surveillance Representative

A. General

Resident Construction Surveillance Representative is Engineer's Agent, will act as directed by and under the supervision of Engineer, and will confer with Engineer regarding his actions. Resident Construction Surveillance Representative's dealings in matters pertaining to the on-site work shall in general be only with the Engineer and Contractor, and dealings with subcontractors shall only be through or with the full knowledge of Contractor. Written communication with the City will be only through or as directed by Engineer.

B. Duties and Responsibilities

Resident Construction Surveillance Representative will:

1. Conferences: Attend preconstruction conferences. Attend progress meetings and other job conferences as required in consultation with Engineer.
2. Schedules: Review the progress schedule, schedule of Shop Drawing submissions and schedule of values prepared by Contractor.
3. Representative:
  - a. Serve as Engineer's Representative with Contractor, working principally through Contractor's superintendent and assist him in understanding the intent of the Contract Documents. Assist Engineer in serving as the City's Representative with Contractor when Contractor's operations affect the City's on-site operations.
  - b. As requested by Engineer, assist in obtaining from the City additional details or information, when required at the job site for proper execution of the Work.
4. Advise Engineer and Contractor or its superintendent immediately of the commencement of any Work requiring a Shop Drawing or sample submission if the submission has not been approved by Engineer.
5. Review of Work, Rejection of Defective Work, Inspections and Tests:
  - a. Conduct, on-site observations of the Work in progress to assist Engineer in determining if the Work is in general proceeding in accordance with the Contract Documents.
  - b. Report to Engineer whenever he believes that any work is unsatisfactory, faulty or defective or does not conform to the Contract Documents, or does not meet the requirements of any inspections, tests or approval required to be made or had been damaged prior to final payment; and advise Engineer when he believes Work should be corrected or rejected, or should be uncovered for observation, or requires special testing, inspection or approval.

**City of Daphne – JADE CONSULTING – Amended Project Scope of Engineering Work  
TAP FY2013 Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements**

Resident Construction Surveillance Representative Continued

- c. Verify that tests, equipment and systems start-ups and operating and maintenance instructions are conducted as required by the Contract instructions are conducted as required by the Contract Documents and in presence of the required personnel, and that Contractor maintains adequate records thereof; observe, record and report to Engineer appropriate details relative to the test procedures and start-ups.
    - d. Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the outcome of these inspections and report to Engineer.
  6. Interpretation of Contract Documents: Transmit to Contractor Engineer's clarifications and interpretations of the Contract Documents.
  7. Modifications: Consider and evaluate Contractors suggestions for modifications in Drawings or Specifications and report them with recommendations to Engineer.
  8. Records and Reports:
    - a. Maintain at the job site orderly files for correspondence, reports of job conferences, Shop Drawings and samples, submissions, reproductions of original Contract Documents including all addenda, change orders, field orders, additional Drawings issued subsequent to the execution of the Contract, Engineer's clarifications and interpretations of the Contract Documents, Progress Reports, and other Project related documents.
    - b. Keep a diary or log book recording hours on the job site, weather conditions, data relative to questions of extras or deductions, list of visiting officials and representatives of manufacturers, fabricators, suppliers and distributors, daily activities, decisions, observations in general and specific observations in more detail as *in* the case of observing test procedures. Send copies to Engineer.
    - c. Record names, addresses and telephone numbers of all Contractors, subcontractors and major suppliers of materials and equipment.
    - d. Furnish Engineer periodic reports as required of the Work and Contractor's compliance with the approved progress schedule.
    - e. Consult with Engineer in advance of scheduling major tests, inspections or start of important phases of the Work.
    - f. Report immediately to Engineer upon the occurrence of any accident.
  9. Payment Requisitions: Review applications for payment with Contractor for compliance with the established procedure for their submission and forward them with recommendations to Engineer, noting particularly their relation to the schedule of values, Work completed and materials and equipment delivered at the site but not incorporated in the Work.

**City of Daphne – JADE CONSULTING – Amended Project Scope of Engineering Work  
TAP FY2013 Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements**

**Resident Construction Surveillance Representative Continued**

**10. Completion:**

- a. Before Engineer issues a Certificate of Substantial Completion, submit to Contractor a list of observed items requiring completion or correction.
- b. Conduct final inspection in the company of the Engineer, the city and the Contractor and prepare a final list of items to be completed or corrected.
- c. Verify that all items on final list have been completed or corrected and make recommendations to Engineer concerning acceptance.

**C. Limitations of Authority**

Except upon written instructions of Engineer, Resident Construction Surveillance Representative:

1. Shall not authorize any deviation from the Contract Documents or approve any substitute materials or equipment.
2. Shall not exceed limitations on Engineer's authority as set forth in the Contract Documents.
3. Shall not undertake any of the responsibilities of Contractor, subcontractors or Contractor's superintendent.
4. Shall not advise on or issue directions relative to any aspect of the means, methods, techniques, sequences of procedures of construction.
5. Shall not advise on or issue directions as to safety precautions and programs in connection with the Work.
6. Shall not authorize the City to occupy the Project in-whole or in part, unless it is in the City's best interest.
7. Shall not participate in specialized field or laboratory test, unless directed by the City.
8. Shall not accept shop drawings or submittals, as these shall be made to the Engineer.

**City of Daphne – JADE CONSULTING – Amended Project Scope of Engineering Work  
TAP FY2013 Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements**

Per the terms of the associated Engineering Service Agreement between the City of Daphne and JADE Consulting, enclosed is the Amended Engineering Scope of work for the above referenced project.

**City of Daphne  
P.O. Box 400  
Daphne, AL 36526**

**JADE CONSULTING  
Post Office Box 1929  
Fairhope, AL 36533**

  
\_\_\_\_\_  
Richard D. Johnson, P.E.  
Director of Public Works

\_\_\_\_\_  
Signature

December 7, 2015  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Suzanne Henson**

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**Subject:** FW: Project No. TAPAA-TA13(930) Gator Alley – Turnout/Overlook/Drainage/Scenic Improvements

**From:** Hood, Dewayne [<mailto:hoodd@dot.state.al.us>]  
**Sent:** Thursday, December 03, 2015 4:26 PM  
**To:** Richard D. Johnson, P.E.  
**Subject:** FW: Project No. TAPAA-TA13(930) Gator Alley – Turnout/Overlook/Drainage/Scenic Improvements

Richard,

The city's request has been approved for use of the remaining balance from the acquisition to be added to the construction budget which will be roughly \$100,000.00. Please respond as to how the city plans to proceed with this project. Thanks.

**Dewayne A. Hood Transportation Administrator Special Projects**

Alabama Department of Transportation  
1701 I-65 West Service Road, North  
Mobile, Alabama 36618-1109  
Office: 251.470.8253

**From:** Kratzer, Bob  
**Sent:** Thursday, December 03, 2015 3:25 PM  
**To:** Hood, Dewayne <[hoodd@dot.state.al.us](mailto:hoodd@dot.state.al.us)>  
**Cc:** Milton, Tina <[miltont@dot.state.al.us](mailto:miltont@dot.state.al.us)>; Cox, Becky <[coxbec@dot.state.al.us](mailto:coxbec@dot.state.al.us)>  
**Subject:** FW: Project No. TAPAA-TA13(930) Gator Alley – Turnout/Overlook/Drainage/Scenic Improvements

Dewayne, see Clay McBrien's email below.

Also, this authorization was sent to you on September 28, 2015. Make sure the city uses the correct project number.  
Dewayne, TE project authorized.

100061685 STPTE-TA13(930) SW Reg. Gator Alley turnout / overlook – City of Daphne \$ 140,075.46 Federal, \$35,018.87 Sponsor

Dewayne, Office Engineer has changed the prefix on the project number above. (TAPAA to STPTE). Therefore, the bid package (plans, proposals, etc.) should reflect this.

Thanks, Bob K.

**From:** [mcbrienc@dot.state.al.us](mailto:mcbrienc@dot.state.al.us) [<mailto:mcbrienc@dot.state.al.us>]  
**Sent:** Thursday, December 03, 2015 3:13 PM  
**To:** Kratzer, Bob <[kratzerr@dot.state.al.us](mailto:kratzerr@dot.state.al.us)>  
**Subject:** RE: Project No. TAPAA-TA13(930) Gator Alley – Turnout/Overlook/Drainage/Scenic Improvements  
Sure. That shouldn't be a problem. Clay

**From:** Kratzer, Bob  
**Sent:** Thursday, December 03, 2015 3:07 PM  
**To:** McBrien, Clay <[mcbrienc@dot.state.al.us](mailto:mcbrienc@dot.state.al.us)>  
**Cc:** Milton, Tina <[miltont@dot.state.al.us](mailto:miltont@dot.state.al.us)>; Cox, Becky <[coxbec@dot.state.al.us](mailto:coxbec@dot.state.al.us)>  
**Subject:** FW: Project No. TAPAA-TA13(930) Gator Alley – Turnout/Overlook/Drainage/Scenic Improvements  
Clay, in reference to the City of Daphne's request in the below email, would it be possible to use the leftover balance from the acquisition of ROW for construction of same project. It is one project number STPTE-TA13(930) but split out in CPMS as RW and CN.  
Thanks, Bob K.

**From:** Hood, Dewayne  
**Sent:** Thursday, December 03, 2015 2:46 PM  
**To:** Kratzer, Bob <[kratzerr@dot.state.al.us](mailto:kratzerr@dot.state.al.us)>  
**Subject:** FW: Project No. TAPAA-TA13(930) Gator Alley – Turnout/Overlook/Drainage/Scenic Improvements  
Bob, Please read and respond at your convenience to the request by the City of Daphne. Thanks.  
Dewayne A. Hood Transportation Administrator  
Special Projects  
Alabama Department of Transportation  
1701 I-65 West Service Road, North  
Mobile, Alabama 36618-1109 Office: 251.470.8253

**From:** Richard D. Johnson, P.E. [<mailto:rjohnson@daphneal.com>]  
**Sent:** Thursday, December 03, 2015 7:45 AM  
**To:** Hood, Dewayne <[hoodd@dot.state.al.us](mailto:hoodd@dot.state.al.us)>  
**Cc:** Trey Jinright <[tjinright@jadengineers.com](mailto:tjinright@jadengineers.com)>; Ashley Campbell <[acampbell@daphneal.com](mailto:acampbell@daphneal.com)>; Kelli Kichler, CPA <[kkichler@daphneal.com](mailto:kkichler@daphneal.com)>; Dane Haygood <[mayor@daphneal.com](mailto:mayor@daphneal.com)>; Suzanne Henson <[shenson@daphneal.com](mailto:shenson@daphneal.com)>; Michele Hanson <[mthanson@daphneal.com](mailto:mthanson@daphneal.com)>; William Eringman <[weringman@daphneal.com](mailto:weringman@daphneal.com)>  
**Subject:** RE: Project No. TAPAA-TA13(930) Gator Alley – Turnout/Overlook/Drainage/Scenic Improvements

Mr. Hood:

The City of Daphne opened the bids on the above referenced project on November 18, 2015. We have a qualified low bidder. Unfortunately, the low bid came in significantly higher than the Project Engineer's construction estimate. This project is of great importance to the City, State and cooperating Environmental Groups within the Community. It is a gateway project at the entrance of the City and greatly enhances the aesthetics at the exchange of Interstate 10 and U.S. Highways 90 & 98. In addition, the collection and treatment of stormwater runoff from these roadways prior to discharge to D'Olive Creek is of key environmental importance and a major component of this project. The City is reluctant to "value engineer" this project and rebid to reduce cost. We desire to move forward as quickly as possible.

This project had two funding components: Property Acquisition and Construction. The Total project was funded based on a 2013 estimate of \$400,094.33 - \$225,000 for Property Acquisition and \$175,094.33 for Construction. We were very fortunate to be able to purchase the property for \$100,000.00 - 80% of which was reimbursed from Federal Funds. This left a balance of approximately \$100,000.00 in the property acquisition fund to go unused.

The City is requesting that this balance be transferred to the construction fund to help offset the additional cost of construction. All federal funds were granted under the same project number and will be used for the very same project. The application of this already granted money to the construction portion of the project will assist greatly in keeping this important project moving forward.

The bid acceptance is scheduled to be presented to the City's Finance Committee on December 14, 2015. An approval prior to that date will be greatly appreciated.

Yours, RDJ

**Richard D. Johnson, P.E.**  
**Public Works Director**  
**26435 Public Works Road**  
**Daphne, AL 36526**

**Richard D. Johnson, P.E.**  
**Public Works Director**  
rjohnson@daphneal.com  
City of Daphne, Alabama - "The Jubilee City"  
Phone: 251-621-3182 Web: [www.daphneal.com](http://www.daphneal.com)



Project No. JADE - Amended  
STPTE-TA13(930... Scope of Engine...



**ORDINANCE 2013-59  
Lodging Tax Appropriation TAP: Gator Alley -  
Turnout/Overlook/Drainage/Scenic Improvements**

**WHEREAS**, Ordinance 2013-50 approved and adopted the Fiscal Year 2014 Budget on September 23, 2013; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2014 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2014 budget; and

**WHERE AS**, the City has been awarded the new Transportation Alternatives Program (TAP) Grant through the Alabama Department of Transportation (ALDOT) in the amount of \$320,075.46 with an 80/20 cost share ration; and

**WHERE AS**, the Transportation Enhancement (TE) Program funds may be used to correct ADA deficiencies associated with existing pedestrian infrastructure; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that funds in the amount of \$ 92,857 from the Lodging Tax Fund are appropriated and made a part of the Fiscal Year 2014 budget for the City's 20% match for the project herein described.

Activity	Total Cost	Grant Portion	City's Portion
Initial Survey & Design (9.5%)	\$ 13,819.00	\$ 0.00	\$ 13,819.00
<u>Construction Cost Including Property Acquisition</u>	<u>\$370,457.71</u>	\$296,366.17 (80%)	\$74,091.54 (20%)
Const. Material Testing (2%)*	\$ 2,910.00	\$ 2,328.00 (80%)	\$ 582.00 (20%)
<u>Const. Engineering – CE&amp;I (15%)*</u>	<u>\$ 21,819.00</u>	<u>\$ 17,455.20 (80%)</u>	<u>\$ 4,363.80 (20%)</u>
<b>Totals</b>	<b><u>\$409,005.71</u></b>	<b>\$316,149.37 (77.3%)</b>	<b>\$ 92,856.34 (22.7%)</b>

\*Based on Actual Construction Cost – minus land acquisition (\$370,457.71 - \$225,000.00 = \$145,458.71)

Note: Grant amount is published as at a slightly higher \$320,075.46

**FURTHERMORE**, the Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this 4<sup>th</sup> day of November, 2013.

  
Dane Haygood, Mayor

**ATTEST:**

  
Rebecca A. Hayes, City Clerk

**ORDINANCE 2015-78**

**Lodging Tax Additional Appropriation TAP: Gator Alley -  
Turnout/Overlook/Drainage/Scenic Improvements  
FEDERAL AID PROJECT NO. STPTE-TA13(930)**

**WHEREAS**, Ordinance 2015-55 approved adopted the Fiscal Year 2016 Budget on October 5, 2015; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2016 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2016 budget; and

**WHEREAS**, the City has been awarded the new Transportation Alternatives Program (TAP) Grant through the Alabama Department of Transportation (ALDOT) in the amount of **\$320,075.46** with an 80/20 cost share ration; and

**WHEREAS**, the Transportation Enhancement (TE) Program funds may be used to correct ADA deficiencies associated with existing pedestrian infrastructure; and

**WHEREAS**, funds in the amount of **\$92,857** were appropriated through Ordinance 2013-59 for the Gator Alley improvement project; and

**WHEREAS**, Bids received (*total project cost \$768,694*) were higher than estimated (*estimated total project cost \$409,005*) requiring an additional appropriation in the amount of \$ **355,762** to complete the Gator Alley Improvement project.

Activity	Entity	Cost
Initial Survey & Design	JADE Consulting, LLC	\$32,813.83
Additional Engineering Incurred	JADE Consulting, LLC	\$5,157.21
Land Acquisition (Appraisals & Legal)	Charles Breland	\$103,855.91
Construction Costs	Blade Construction, LLC	\$588,267.40
Construction Engineering & Testing (LS)	JADE Consulting, LLC	\$38,600.00
<b>Total Project Cost:</b>		<b>\$768,694.35</b>

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that

1. Funds in the amount of **\$ 355,762 from the Lodging Tax Fund** are appropriated and made a part of the Fiscal Year 2016 budget for the City's 20% match for the project herein described.
2. The Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

**ORDINANCE 2015-79**

**APPROPRIATION FOR: GRANT PROPOSAL WRITING, CONSULTING, and  
MANAGEMENT SERVICES FOR ALL CITY GRANTS:  
GRANT MANAGEMENT LLC**

**WHEREAS**, Ordinance 2015-55 approved adopted the Fiscal Year 2016 Budget on October 5, 2015; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2016 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2016 budget; and

**WHEREAS**, with the growth of the City more grants are applied for each year; and

**WHEREAS**, grant management services are needed to ensure compliance with grant requirements and to enhance the opportunity of grant awards; and

**WHEREAS**, a proposal for these grant management/consulting services from Grant Management LLC in the amount of \$42,000/year has been reviewed and recommended by staff; and

**WHEREAS**, appropriation in the amount of \$25,000 for the procurement of a grant manger to assist with its CIAP-NFWF grant project was approved in Ordinance 2015-05, and

**WHEREAS**, Grant Management LLC has agreed to include the \$25,000 as part of the \$42,000 annual fee for FY2016 leaving a balance of \$17,000 .

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that

- 1. the Fiscal Year 2016 Budget is hereby amended to include an additional General Fund appropriation in the amount of \$17,000 for the procurement of the grant management/consulting services from Grant Management LLC to assist with all City related grants.*
- 2. The Mayor is hereby authorized to execute all agreements required for these grant management/consulting services.*

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Dane Haygood, Mayor

**ATTEST:**

\_\_\_\_\_  
Rebecca A. Hayes, City Clerk



7525 Assunta Court, Suites A & B  
PO Box 1512  
Fairhope, AL 36532

CONTRACT FOR PROFESSIONAL CONSULTING SERVICES

This Contract for Professional Services (“Contract”) is made and entered into by and between the City of Daphne (hereinafter collectively “Local Government”) and Grant Management, LLC (hereinafter collectively “Consultant”).

WITNESSETH:

Whereas, the Local Government has expressed the need for a consultant to provide comprehensive grant proposal writing and grant management services; and

Whereas, Consultant has professional experience and expertise in the foregoing; and

Whereas, the Local Government desires to retain Consultant, and Consultant desires to provide Local Government the said professional service, all as more fully set out herein.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained the sufficiency of which being hereby acknowledged, Consultant and Local Government do hereby agree as follows:

- I. Obligations Generally. The Local Government hereby employs Consultant, and the Consultant agrees to perform for the Local Government, those services as set out herein and as provided in Attachment A, which Attachment is expressly incorporated into this Contract. This document shall serve as the binding contract for the services of Consultant.
- II. Professional Qualifications. For the purpose of this Contract, the Consultant represents and warrants to the Local Government that it possesses the professional, technical, and administrative skills with the specific experience and training necessary to provide the professional services required herein.
- III. Legal Compliance. Consultant shall at all times comply with all applicable Federal, State, and local laws and regulations
- IV. Independent Contractor. Consultant acknowledges that it is an independent contractor, and Consultant shall at all times remain as such in performing the services under this Contract. Consultant is not an employee, servant, partner, or agent of the

- Local Government and has no authority under this Contract, whether express or implied, to contract for or bind the Local Government in any manner. The parties agree that Consultant shall be solely responsible for and shall have full and unqualified control over developing and implementing its own means and methods, as it deems necessary and appropriate in providing the subject services, and that the City's interest herein are expressly limited to the results of said services. Consultant is responsible for and obligated to pay any and all federal and state income tax on any monies paid pursuant to this Contract.
- V. Entire Agreement. This Contract represents the entire and integrated agreement between Local Government and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral. This Contract may be amended only by written instrument signed by all parties.
- VI. Services to be rendered. Consultant is responsible for the professional quality, technical accuracy, timely completion and coordination of all services furnished by or in relation to this Contract. Consultant represents and warrants that its services shall be performed within the limits and standards provided by the Local Government, in a manner consistent with the level of care and skill ordinarily exercised by similar providers under similar circumstances at the time the services are performed.
- VII. General Responsibilities of the Local Government. The Local Government shall pay to Consultant the compensation as, and subject to the terms set out below. The Local Government shall make available to Consultant all information as reasonably necessary to Consultant's performance hereunder.
- VIII. Termination of Services. It is agreed and understood by the parties to this Contract that either party may terminate this Contract upon thirty (90) days written notice to the other party.
- IX. In the event of termination, the Local Government shall pay Consultant for all services satisfactorily rendered prior to the date of termination.
- X. Compensation Limited. Compensation to Consultant for all services hereunder shall be paid at a total and inclusive rate of \$42,000 for a twelve month period beginning January 1, 2016 and ending December 31, 2016 and continuing annually unless written notice is given to cancel contract. It is agreed and understood by the parties to this Contract that either party may terminate this Contract upon thirty (90) days written notice to the other party. The contract will remain in force unless written notice of termination is given or the contract amount of \$42,000 is not approved for appropriation in a new fiscal year budget. The first year's contract price of \$42,000 includes any outstanding grant work fees (currently \$25,000) making the first year's contract cost - \$17,000. Payment is to be paid in 12 equal monthly payments. The compensation to be paid to the Consultant shall be the full compensation for all work performed by Consultant under this Contract.



## Attachment A- Scope of Work

Professional services will include but may not be limited to the following tasks:

1. Conduct a comprehensive examination of the City's existing grant funded projects and provide technical assistance where needed or as requested by staff for any open grants.
2. Perform a review of the City's Comprehensive Plan and other relevant planning documents to gain knowledge of development needs. Meet with various City Officials, Department Heads, Committee Members, and staff to develop a specific list of identified needs that could be met with future grant funds.
3. Identify funding sources for projects, and educate City Staff and Officials on grant program timelines, requirements, and commitment of funds and resources that would be necessary from the City.
4. Keep City Staff and Officials informed of current grant opportunities on an on-going basis, including providing any relevant information, such as matching funds requirements.
5. When authorized by the City to apply for a specific grant, all grant application preparation services will be provided. Consultant will be responsible for submitting a completed grant application to the funder prior to the stated deadline. Consultant will provide the City with a complete copy of the grant application and confirmation that the application was received by the funder. Consultant will periodically check with the funder while the application is under review and will inform relevant City Staff and Officials when the grant is either funded or denied.
6. When requested by the City, Consultant will provide the full range of grant administration and management services for grant funded projects, ensuring compliance with all local, state and federal grant related laws, rules and regulations. Consultant will utilize professional grant management experience to make certain that no project delays, audit findings, or disallowed costs occur in relation to any grant funded projects.
7. Consultant will work with City Staff, Attorneys, and Accountants to establish comprehensive best management practices for administration of grant funds, including establishment of proper financial and record keeping procedures, procurement and bidding and contracting practices that comply with grant applicable rules, submission of progress and finance reports, procedures for timely and accurate requests for reimbursement, close-out and record retention procedures, and compliance with audit requirements.
8. Consultant will be responsible for assisting City Staff in navigating state and federal grant related processes and will meet with funders and attend grant related meetings as needed or required. Consultant will be readily available to City Staff and Officials to research grant opportunities and to answer grant related questions.

9. Consultant will provide written reports on funding progress and status of grant funded projects to the City as requested.

**ORDINANCE NO. 2015 – 80**

**AN ORDINANCE REMOVING CONTINGENCY REGARDING FUNDS TO THOMAS HOSPITAL BY THE CITY OF DAPHNE**

**WHEREAS**, Ordinance 2015-55 approved and adopted the Fiscal Year 2016 budget on October 5, 2015; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2016 budget, the City Council has determined that certain appropriations are required and should be approved and made part of the Fiscal Year 2016 budget; and

**WHEREAS**, a policy has been established by the City Council in Ordinances 2015-16 and 2015-45 that all outside entities, providing public benefit but not direct financial benefit to the City, that request funding from the City adhere to the tenets of the Community Grant Program; and

**WHEREAS**, the City Council by Amendment 102 of the Fiscal Year 2016 budget, made provision for the payment of \$30,000 for Fiscal Year 2016 to Thomas Hospital for the establishment of a free standing emergency room; and

**WHEREAS**, said Amendment 102 was passed with a contingency requiring that the free standing emergency room be annexed into the City before the funds would be paid; and

**WHEREAS**, more than five members of the City Council considered this appropriation to be an exception to the terms and conditions of the Community Grants Program based on extraordinary circumstances shown; and

**WHEREAS**, the City Council wishes to remove the contingency; and

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

Funds from the general fund are hereby appropriated and made a part of the Fiscal Year 2016 budget in the amount of \$30,000, and to pay \$30,000 a year for four (4) additional years, to Thomas Hospital while removing the contingency of annexation as set forth in Amendment 102.

**EFFECTIVE DATE.** Provision of this amendment shall be effective and operative upon execution of this Ordinance.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.**

\_\_\_\_\_  
Dane Haygood, Mayor

**ATTEST:**

\_\_\_\_\_  
Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE, ALABAMA**

**ORDINANCE NUMBER 2016-01**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCES 2007-37 and 2007-38 OF  
THE CITY OF DAPHNE, ALABAMA  
REGARDING THE RULES AND REGULATIONS FOR DAPHNE CITY PARKS**

**WHEREAS**, Chapter 15, Section 15-10 of the City of Daphne Municipal Code establishes rules and regulations relating to the operation and usage of Daphne City Parks; and

**WHEREAS**, Ordinance 2007-37 and 2007-38 promulgate the rules and regulations for the City of Daphne Parks; and

**WHEREAS**, the City of Daphne has undertaken a comprehensive review of the rules and regulations governing City parks with the intent of revising any and all provisions to improve the health, safety, and enjoyment of park patrons;

**WHEREAS**, the City of Daphne has determined that it is in the best interests of its citizens to revise, combine and update certain provisions relating to the use of park areas or facilities as such relates to motorized vehicles, pets and commercial watercraft; and

**WHEREAS**, the City of Daphne desires to amend Chapter 15, Section 15-10 to better serve and protect its citizens and ensure proper operation and usage of City parks.

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

Chapter 15, Section 15-10 of the City of Daphne Municipal Code is hereby amended to read and Ordinances 2007-37 and 2007-38 is hereby repealed and replaced with the following:

**SECTION 1: DAPHNE CITY PARK RULES AND REGULATIONS**

**General Park Rules**

1. City parks will open at sunrise and close at sunset, with the exception of parks which have lighting specifically designed for night activities and not merely parking.
2. No alcoholic beverages are allowed in any parks.
3. No person shall possess a weapon or discharge any weapon or explosive in a park or into a park from beyond the park boundaries to the maximum extent allowable by law.
4. No person shall deposit, drop or abandon garbage, rubbish, waste or any other kind of litter in or upon any waters or land within a park.

5. It shall be unlawful for any person to bring into, use or discard any glass beverage container, including any soft drink, beer, water bottles, drinking glasses or drinking cups made of glass and any and all similar beverage containers in any park.
6. Fires are allowed in cooking grills in designated areas only, Open “camp” fires are prohibited, unless permitted in writing by the Daphne Fire Department.
7. No person shall distribute or disseminate leaflets, pamphlets or other printed material or use any mechanical device in a park for soliciting or advertising, except upon prior written consent of the City. No person shall carry on or conduct any business or service within a park without the prior written approval of the City.
8. All camping activities shall be confined to designated areas in a park.
9. Hitting golf balls at any City park is strictly prohibited.
10. No person shall launch, land or leave unattended any boat, canoe, raft or other watercraft upon any water, bay, lagoon, lake or pond within a park except at locations and times designated for that purpose. No person shall operate any watercraft in a designated swimming area or other prohibited area or in violation of Alabama State Law.
11. No person shall use any marine areas or marine facilities, including, but not limited to, boat launches, docks, piers, wharfs, landings, moorings, floats, or shorelines within the limits of a park for commercial purposes or for commercial watercraft. For purposes of this section, “commercial watercraft” shall mean and include any and all boats, houseboats, motorboats, yachts, cruisers, inflatables, barges, vessels, canoes, rafts, jet skis, wet bikes and/or any other watercraft that is self-propelled or designed to be propelled by the use of internal combustion engines or electric motors.
12. No person shall wade or swim within a park except at beaches designated for that purpose and then only between sunrise and sunset or at such hours as may be designated by the City.
13. No person shall fish in a park in violation of Alabama State Law or in any area designated as “no fishing”.
14. No person shall operate a bicycle except on designated bikeways and roadways in a park.
15. No person shall operate any motorized vehicle within a park except on roadways, parking areas, or other designated locations. The speed limit shall be 15 MPH within the parks. For purposes of this rule, “motorized vehicle” shall mean and include any and all automobiles, motorcycles, mobile trailers, trucks, truck tractors, semitrailers, trailers and/or any other device that is self-propelled or drawn in, upon, or by which any person or property is or may be transported or drawn upon any trail, path, road, or highway.
16. No person shall intentionally kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing will be permitted in designated areas.

17. No person shall remove, leave or deposit any animal, living or dead, from a park, and any animal so taken or left will be considered contraband and subject to seizure and confiscation.
18. No person shall intentionally feed any species of wildlife within a park.
19. No person shall bring a dog, cat or other pet into a park unless caged or kept on a leash not more than six feet in length. All dogs must be under the control and within sight of owners/custodians at all times. All owners/custodians are legally and financially responsible for their dog's behavior. All users of the Park do so at their own risk and assume all liability.
20. It shall be unlawful for any person to allow any dog, cat or other pet under his or her ownership, care, custody or control to defecate in a park without removing the defecation to a proper trash receptacle.
21. No person shall allow any dog, cat or other pet under his or her ownership, care, custody or control to disturb, annoy or harass any patrons of the park, wildlife, or other pets.
22. No person shall tether any animal to a tree or other plant. No person shall bring a dog, cat, or other pet into a park designated as an unauthorized area (playgrounds, athletic event parks).

**Dog Park Rules** – In addition to the Rules stated above, the following rules also apply within the confines of the Dog Park.

1. There is a limit of three (3) dogs per person. Owners/custodians must carry a leash for each dog and dogs may not be left unattended.
2. All dogs must be on a leash until inside the Park and upon leaving the Park.
3. There will absolutely be no female dogs in heat allowed inside the Park.
4. Each owner/custodian is responsible for cleaning up and properly disposing of dog excrement.
5. A dog must be removed from the Park at the first sign of aggression.
6. All dogs must wear a collar displaying current vaccination tags and current registration.
7. No collars that are visibly studded are permitted.
8. All children must be supervised and accompanied by an adult at all times. Children must not play in the Dog Park. The Daphne Dog Park is designed expressly for the recreation of dogs and the City of Daphne is not responsible for injuries to children.

9. No dogs under the age of four (4) months are allowed in the Park.
10. No food - human or pet - shall be allowed inside the Park.
11. All owners/custodians must stop their dog(s) from digging and shall fill any holes made by their dog(s).
12. The small dog area is reserved for dogs up to twenty-five (25) pounds. Small dogs are allowed in the large dog area, but no large dogs shall be allowed in the small dog area.

**SECTION II: SEVERABILITY**

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held to be unconstitutional or invalid, such decision shall not affect or impair the remainder of this 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 III: REPEALER**

Ordinances 2007-37 and 2007-38 and 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 IV: EFFECTIVE DATE**

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,  
ALABAMA ON THE \_\_\_ DAY OF \_\_\_\_\_, 2016.**

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**Dane Haygood, Mayor**

**ATTEST:**

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**Rebecca A. Hayes, City Clerk**