

**CITY OF DAPHNE**  
**CITY COUNCIL BUSINESS MEETING AGENDA**  
**1705 MAIN STREET, DAPHNE, AL**  
**FEBRUARY 6, 2006**  
**6:30 P.M.**

**1. CALL TO ORDER**

**2. ROLL CALL/INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

- 3. APPROVE MINUTES:** Council Work Session Minutes meeting held January 12, 2006  
City Council Minutes meeting held January 17, 2006  
Council Work Session Minutes Special meeting held January 31, 2006

**PROCLAMATION:** Arbor Day / Marjorie Bellue / Marshall Parsons

**PRESENTATION:** Baldwin County Board of Registrars / Doris Hearn /  
Harriet Ford / Eartha Martin

**PRESENTATION:** Dr. Larry Ennis / Sewer Exception

**PRESENTATION:** Aronov

**PUBLIC HEARING:** Annexation: Remainder of TimberCreek Property  
Northwest of the Intersection of  
TimberCreek Subdivision and  
Interstate 10 / 139 Acres /  
**Ordinance 2006-07**

**PUBLIC HEARING:** TEFRA Approval for Infirmiry Health System, Inc.  
Bond Issue / **Resolution 2006-09**

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

**B. BUILDINGS & PROPERTY - Lake**

**C. PUBLIC SAFETY - Burnam**

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

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

Review minutes meeting held January 27<sup>th</sup>

Review Beautification minutes meeting held November 17, 2005

Review Beautification minutes meeting held January 13<sup>th</sup>

Review Daphne Museum minutes meeting held November 14, 2005

Review Daphne Museum minutes meeting held December 12, 2005

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

**A. Board of Zoning Adjustments – Eady**

Review minutes meeting held January 5<sup>th</sup>

**B. Downtown Redevelopment Authority - Barnette**

**C. Industrial Development Board – Yelding**

Review minutes meeting held November 28, 2005

**D. Library Board – Lake**

Review minutes meeting held January 9<sup>th</sup>

**E. Planning Commission – Barnette**

Review minutes meeting held December 22<sup>nd</sup>

Set Public Hearings for **March 6, 2006** for the following

a.) Revision to City Street Map

b.) Revision to Zoning Map

c.) Rezone: Country Club Development, LLC. / Bellaton Subdivision, Phase Three /  
Property located off U.S. 181 Highway / from R-3, High Density Single Family  
Residential to R-4, High Density Single Family Residential

d.) Rezone: Two Step Partners, LLC / Property located on the corner of 2<sup>nd</sup> Street and  
Van Buren Street / from R-3, High Density Single Family Residential to  
B-2, General Business District

e.) Annexation: Julio Corte, Jr. / 10 Foot Strip / R-1, Low Density Single Family Residential

f.) Annexation: Julio Corte, Jr. / 11.66 Acres / R-1 Low Density Single Family Residential

g.) Annexation: French Settlement / 132.02 Acres / R-1, Low Density Single Family Residential /  
R-2, Medium Density Single Family Residential / R-3, High Density Single Family  
Residential, and R-4 High Density Single Family Residential

h.) Annexation: Julio Corte, Jr. / 21.27 Acres / R-4, High Density Single Family Residential

i.) Annexation: Julio Corte, Jr. / 18.91 Acres / R-3, High Density Single Family Residential

j.) Annexation: Julio Corte, Jr. / 25.14 Acres / R-2, Medium Density Single Family  
Residential

**F. Recreation Board - Burnam**

**G. Utility Board – Scott**

**6. REPORTS OF OFFICERS:**

**A. Mayors Report**

a.) Parade Permit / S.E.E.D.S. 5K Run & Fun Run / March 4, 2006

b.) Parade Permit / Loyal Order of Fire Truck / February 26, 2006

c.) Liquor License / Doc Green's Gourmet Salads / 060 – Retail Wine – On or Off Premises

d.) Liquor License / Doc Green's Gourmet Salads / 040 – Retail Beer – On or Off Premises

e.) Liquor License / Bayside Academy / Annual Fund Raiser / 140 – Special Events Retail

**B. City Attorney's Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) **TEFRA Bond Issue Approval / Infirmary Health System, Inc. .... /Resolution 2006-09**
- b.) **Joint Resolution / Baldwin County Commission City of Daphne, Spanish Fort / D'Olive Creek Watershed Assessment by AL Dpt. Of Environmental Management. .... /Resolution 2006-10**
- c.) **Acceptance of Streets & Drainage / Oak Creek Subdv. .... /Resolution 2006-11**
- d.) **Authorization of Preparation for the Issuance of Refunding and capital Improvement Warrants. .... /Resolution 2006-12**

**ORDINANCES:**

- a.) **Amending the Land Use and Development Ordinance Adding a Residential High Rise Article and Other Necessary Amendments 2nd READ. .... /Ordinance 2006-02**
- b.) **Reestablishing A Misdemeanor Offense for the Unlawful Discharge of Pneumatic Weapons – Excepting Therefrom Paint Ball Guns 1<sup>ST</sup> READ .... /Ordinance 2006-06**
- c.) **Annexation: TimberCreek Property 1<sup>ST</sup> READ. .... /Ordinance 2006-07**
- c.) **Amending Personnel Policies and Procedures Related to A Productive Work Place, Equal Employment Opportunities Sexual Harassment, Workplace Violence, Retaliation, Complaint Procedures, and Security Measures 1<sup>ST</sup> READ. .... /Ordinance 2006-08**
- d.) **Amending Personnel Policies and Procedures Related to Employee Insuarability 1ST READ .... /Ordinance 2006-09**

**9. COUNCIL COMMENTS**

**10. ADJOURN**

**CITY OF DAPHNE  
CITY COUNCIL MEETING**

**ROLL CALL**

**CITY COUNCIL:**

**CALL VOTES**

COUNCILMAN YELDING

PRESENT\_\_ ABSENT\_\_ \_\_

COUNCILWOMAN BARNETTE

PRESENT\_\_ ABSENT\_\_

COUNCILMAN LAKE

PRESENT\_\_ ABSENT\_\_ \_\_

COUNCILMAN BURNAM

PRESENT\_\_ ABSENT\_\_ \_\_

COUNCILMAN SCOTT

PRESENT\_\_ ABSENT\_\_ \_\_

COUNCILWOMAN LANDRY

PRESENT\_\_ ABSENT\_\_ \_\_

COUNCILMAN PALUMBO

PRESENT\_\_ ABSENT\_\_ \_\_

**MAYOR**

MAYOR SMALL

PRESENT\_\_ ABSENT\_\_ \_\_

**CITY CLERK:**

DAVID L. COHEN

PRESENT\_\_\_ ABSENT\_\_\_

**CITY ATTORNEY:**

CITY ATTORNEY JAY ROSS

PRESENT\_\_ ABSENT

**MINUTE NOTES:**

**CITY COUNCIL MEETING  
MINUTES**

**NOTES:**

COMMITTEE RECOMMENDATIONS

**JANUARY 12, 2006  
CITY OF DAPHNE  
CITY COUNCIL  
WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

1

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Regina Landry; August Palumbo.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Kim Briley, Finance Director; Tim Fleming Attorney.

**1. CALL TO ORDER**

Council President Burnam called the meeting to order at 6:30 p.m.

**2. DISCUSS: CITY HALL RENOVATION / JEFF HUDSON**

Mr. Hudson gave a presentation to Council with a synopsis of the estimated cost for renovation. He presented floor plans and a schematic design of the outside of the building. The estimated cost is \$145 to \$150 per square foot with a category three hurricane wind load. There is a three (3) percent cushion built in for extra cost and inflation. There is an option for a parking garage at a later time. They could have it bid out in July and have a contract in September and be under construction by early fall, and it will take about 10 – 11 months to complete the first phase. The Planning Department will be housed in the old part of the building, so it will be a year to a year and a half before they can move in. The plans will have to go before the Planning Commission, and Mr. Hudson will get with Mr. Eady and start that process.

**3. DISCUSS: CAPITAL BUDGET / MAYOR SMALL**

Council discussed a handout from the Finance Director, Mrs. Briley, for capital request. Mayor Small stated that one priority is adopting the third phase of the pay plan. Street resurfacing is another priority. Mayor Small said that Public Works has a plan to resurface streets in three (3) to four (4) years with putting \$400,000 a year toward this. The Mayor said that since the new assessments ad valorem taxes should increase, and they might be able to amend the budget in six (6) to seven (7) months. The Mayor said that he needs to know what the basics are that Council wants in the capital budget. Mr. Scott stated that because of annexations the city's debt service has been raised to \$18 million dollars, so after the bond issue for \$12 million dollars, there will be six (6) million left in borrowing power in case of an emergency. The Mayor stated that another priority is replacing the stage floor at the Civic Center. He stated that there is not a lot of money left in the capital budget. Council discussed adding to the Fire Department personnel. These additions will go to man the TimberCreek Fire Station #4. Six (6) additional firemen will be needed to cover the shifts for this Fire Station. Mayor Small suggested getting a smaller vehicle to make medical calls, instead of tying up the big pumper truck. Council discussed that safety for citizens is a priority, so additions to the Fire Department is a priority.

**JANUARY 12, 2006  
CITY OF DAPHNE  
CITY COUNCIL  
WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

2

Council asked the Mayor to come up with a priority list for the capital budget for consideration.

The Mayor asked if the Council agreed with the \$400,000 a year for resurfacing the roads. Council agreed with this. He also asked if they agreed with adopting the third phase of the pay plan. Council agreed with this. The Mayor will work on his list to present to Council for review.

**5. ADJOURN**

*Council President Burnam* adjourned the meeting at 7:45 p.m.

Respectfully submitted by

\_\_\_\_\_  
David L. Cohen  
City Clerk, MMC

Certification of Presiding Officer

\_\_\_\_\_  
Greg Burnam  
Council President  
Date & Time Signed:\_\_\_\_\_

**JANUARY 17, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

1

**1. CALL TO ORDER**

Council President Burnam called the meeting to order at 6:30 p.m.

**2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE**

Mr. Lake gave the invocation.

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Regina Landry; August Palumbo.

Also present: Mayor Small; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Tim Fleming, Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; Sharon Cureton, Human Resource Director; Kim Briley, Finance Director; Richard Merchant, Building Official; Sandra Morse, Civic Center Director; Capt. David Wilson, Police Dept.; Capt. Scott Taylor, Police Dept.; Nancy Seale, Library; Ed Kirby, Code Enforcement Officer; Willie Robison, BZA; Lon Johnston, Utility Board; bob Segalla, Utility Board; Al Guarisco, Village Point; Glenn Swaney, BZA.

**Absent:** Mund Hanson, Fire Chief; David Carpenter, Police Chief; Dale Foster, Librarian.

**3. APPROVE MINUTES:**

**MOTION BY Mrs. Barnette to approve the Council Meeting minutes meeting held January 3, 2006.**

**AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED**

**PUBLIC HEARING:** Amending the Land Use and Development Ordinance Adding a Residential High Rise Article and Other Necessary Amendments

*Mrs. Barnette* gave a synopsis of what the Ordinance is about, stating that it establishes a district within the city that would look at Residential High Rise structures. A sub-committee was formed to put together an Ordinance, and some of the key components of the Ordinance are the setbacks that are designed with a one-half to one, for example if you want a 100 foot structure you have to have 50 foot setbacks on all sides. The calculations for property has changed, whereas in most areas gross acreage is used, it is now net build-able acreage, this has been redefined in the Ordinance. The Ordinance has addressed grease traps and sewer connection. The Ordinance addresses environmental protection to help keep birds from flying into the buildings, streamside buffers that are variable that depends on the property, there is no definitive limit, it is just acknowledging that there are sensitive areas, it addresses parking, encouraging parking structures to be within the facility, no more than two (2) floors, also 25% green area. Mrs. Barnette stated that the Planning Commission picked a number for the height, because a number was not given to them, it went back

and forth between the Commission and the Council as far as who was going to set the limit, so the Commission used the number 200 feet because a 192 feet structure had been previously approved. She stated that this is a new zoning district, just like R-1, R-2, etc., this is a new category. The district is from Van Buren north to I-10 on the west side of Hwy 98. If someone wants to build a project in that area, they have to come to the Planning Commission and petition for an amendment to the Comprehensive Plan Image Map, and with that the Commission approves it or denies it, assuming that it is approved it is sent to the Planning Commission to be placed to be placed on the Planning Commission agenda for a rezoning of Residential High Rise, assuming that is a favorable recommendation, it goes to the Council for final approval for rezoning. Then, for areas outside of the image map, they must petition to be on the image map as the plan currently stands, and then have a public hearing to amend the image map, and then go through the process just described. The vote at the Planning Commission meeting was 7/1.

*Council President Burnam* opened the Public Hearing at 6:40 p.m.

*Mr. Kevin Spriggs* – Business owner in Daphne – His business is in the proposed High Rise district. He asked the Council to approve the Ordinance.

*Mr. David Hudgens* – Represents Daphne LLC – questioned the two step process in being rezoned, he also spoke regarding his clients property not being included in the district.

*Ms. Ruth Gay* – 104 Seville Circle – spoke against the Ordinance because it is unsafe for birds.

*Ms. Clara Plummer* – 1725 6<sup>th</sup> Street – spoke regarding safety of the condominiums. She recently relocated here from Ocean springs after losing everything in Hurricane Katrina, because she lived in a house on the water, and said that the only thing standing in Gulfport right now is a high rise condominium. She stated that she is more concerned about people than the birds. She is for the high rise district.

*Mr. Rob Paluso* – Sea Cliff – spoke against the Ordinance because he feels it is being pushed through too quickly. He said it is not a positive.

*Mr. David Wetzel* – 402 Belrose Avenue – spoke against the Ordinance saying the Council needs to think about sewage, can the plant handle the growth.

*Mrs. Karen Nady* – Captain O’Neal – spoke against the height figure. She is for the Residential High Rise district. She wants lower height limit. She said the area is fine for this kind of development.

*Mr. Bob Segalla* – Daphne – spoke in favor of the Ordinance saying that the spirit of the Ordinance is to give guidelines for construction. He said you can’t run things by variance, you need to manage growth.

*Mr. Allen Cox* – asked the Council to slow down and make sure of what they want for Daphne. He said the businesses and people are coming, and to pick the game the city wants. He urged them to

make sure they understand, because this is important to all.

*Mr. Rick Fine* – 711 Belrose Avenue – spoke in favor of the Ordinance. He said it will make a much better looking community. He said he has been waiting a year for the Council to come up with an Ordinance so he can develop his property. He thinks it is time to adopt the Ordinance.

*Mr. Rod Drummond* – Ridgewood Drive – spoke against the Ordinance saying it will block the view of the bay.

*Ms. Collette Waite* – 6498 Jackson’s Oak Drive – spoke against the Ordinance.

*Ms. Niki Ashland* – Lake Forest – spoke in favor of the Ordinance saying it is an opportunity for families and is the best way to go.

*Mr. Willie Robison* – 560 Stuart Street – spoke against the Ordinance saying this should have been done by a referendum. He said the line should stop at Van Buren.

*Ms. Jan Micanoy* – spoke against the Ordinance.

*Ms. Marilyn O’Connell* – 502 Polo Trace – spoke against the Ordinance saying it is a huge mistake. It seems like money talks.

*Mr. Lon Johnston* – Whiting Court - stated this is being pushed through without response from the public. He recommended not to vote on it and give it more time for the survey’s to come in.

*Mr. Scott Cook* – 2019 Sea Cliff Drive – said it should be put to a public vote, and they should have an environmental study done.

*Mr. Mark Toupeka* – 300 Woodbridge Avenue – spoke in favor of the Ordinance saying the height limit should be 200 feet and extend to Bayfront Drive.

*Council President Burnam* closed the Public Hearing at 7:14 p.m.

The Council discussed the Ordinance and the public’s response.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

**a.) *Treasurers Report / Ending December 31, 2005***

**MOTION BY Mr. Scott to accept the Treasurers Report ending December 31, 2005 with a balance of \$11,112,895.42. *Seconded by Mrs. Landry.***

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

*b.) Sales & Use Tax*

Mr. Scott reported the sales tax collected was \$901,519, and year to date this is \$188,000 above budget.

*c.) Lodging Tax*

Mr. Scott reported that \$52,326.23 was collected in lodging tax which is \$9,000 above last year.

**B. Buildings and Property Committee – Lake**

The committee met on January 6<sup>th</sup>, and the minutes are in the packet.

**MOTION BY Mr. Lake to approve the schematic design, approve Gatlin Hudson to prepare bid documents, and to appoint Mayor Small as the Owner’s Representative. Seconded by Mr. Palumbo.**

**AYE Yelding, Lake, Scott, Landry, Palumbo, Burnam                      NAY Barnette**

**MOTION CARRIED**

**C. PUBLIC SAFETY COMMITTEE – Burnam**

The Committee met on January 3<sup>rd</sup>, and no Council action is necessary. Council President Burnam asked the Council to be sure to review the stat reports for the year.

*Mr. Yelding* asked for a report on how the Site Containment Officer is doing.

*Mr. Merchant* stated that she did an educational work for two (2) months to let them know what is required, then she started writing citations and shutting jobs down, she shut eight (8) jobs down until the contractors corrects the problems.

**Mayor Small** said that he has not had any complaints because of her actions. He said that he want to put Building Inspection under Buildings and Property so that the Council can have reports from them.

**E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry**

*Mrs. Landry* reported that the codification of Ordinances has been received by the City Clerk. She said that a Firearms Ordinance will be coming before Council regarding allowing paintball guns in the City of Daphne. She stated that the Sign Committee disbanded that evening after voting on a recommended amendment to the Sign Ordinance, which will affect the I-10 corridor.

**F. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding**

No report. The next meeting will be January 27<sup>th</sup> at 8:00 a.m. in the Council Chambers with the public invited to come.

**JANUARY 17, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

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

**A. Board of Zoning Adjustments – Eady**

Mr. Eady stated the Board met January 5<sup>th</sup> with one (1) appeal for a setback encroachment hardship, which was approved. The minutes will be in the next packet.

**B. Downtown Redevelopment Authority – Barnette**

The Authority met January 9<sup>th</sup> and discussed traffic concerns regarding the south school. The next meeting will be held February 13<sup>th</sup> at 5:00 p.m. in the Council Chambers.

**C. Industrial Development Board – Yelding**

No report. The next meeting will be January 23<sup>rd</sup> 6:00 p.m. in the Executive Council Chambers.

**D. Library Board – Lake**

The minutes for the last meeting will be in the next Council packet. Mr. Lake mentioned several programs that will be held at the Library. Mr. Palumbo reported that on an average 17,000 people come through the Library a month. Mr. Lake said that Mr. Glenn Swaney will come before the Council at the next meeting with the plan for the Library expansion.

**E. Planning Commission – Barnette**

The Site Review meeting will be tomorrow at 9:00 a.m. and the Planning Commission meeting will be Thursday, January 26<sup>th</sup> at 6:00 p.m.

**Recreation Board – Burnam**

No report.

**F. Utility Board – Scott**

The Board met on December 28<sup>th</sup>, and the minutes are in the packet. The Board increased the capacity fee for water by \$200 and sewer by \$300.

**6. REPORTS OF THE OFFICERS:**

**A. *Mayor's Report***

No report.

**B. *City Attorney's Report***

No report.

**C. *Department Head Comments***

**Mr. Eady – Panning Director** – stated that in the new Ordinance that parapet walls to hide the air conditioning units are not included in the height, he said if it is included, the Ordinance needs to be re-written. He said in his experience this has never been included in the height. He announced to the Council that he will be retiring in December.

**7. PUBLIC PARTICIPATION**

*Mr. Rick Fine – Daphne-* spoke regarding the rezoning process for the Residential High Rise District, asking about the process involved. He said he has been waiting patiently for a year for the Planning Commission to come up with this Ordinance.

*Council President Burnam* called for a special Work Session to discuss the Residential High Rise Ordinance and Library Expansion.

*Mr. Bob Segalla – Daphne –* stated that he had been on the Planning Commission for six (6) years, four (4) of them as Chairman, and he has never worked with a more professional and fair man as Mr. Eady.

*Mr. Kevin Spriggs –* Business owner in Daphne – spoke regarding the Residential High Rise district saying that this is the best use of land, you conserve space and save trees. You save space by going up and not out, subdivisions go out and you lose woods. He said that the Ordinance makes it difficult for the developers to bring high rises into the city.

*Mr. Glenn Swaney –* Daphne – stated that he could do his presentation of the Library Expansion at the work session, instead of taking up time during the Council meeting.

*Ms. Collette Waite –* Daphne – spoke regarding the Residential High Rise district saying that the Council should adopt the Ordinance with the boundary north of Van Buren, and the height limit should be 50 feet to 100 feet. She said from the water you do not see dumpsters, you see beautiful woods. She also said that it is discouraging to come and speak and not be listened to.

*Mrs. Karen Nady –* Captain O’Neal – said that the special Work Session is a good thing. She stated that you are not allowed to speak at the Planning Commission meetings.

**8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS**

**RESOLUTIONS**

- a.) Prepaid Travel / Rebecca Hayes/David Cohen/Tracy Miller ..... /Resolution 2006-03
- b.) May Day Pier Repairs ..... /Resolution 2006-04
- c.) 2006-C-Daphne Pier & Boardwalk Repairs ..... /Resolution 2006-05
- d.) 2006-H-Sod & Hay ..... /Resolution 2006-06
- e.) Authorizing Refinancing: 1997 & 1999 Warrant Issues. .... /Resolution 2006-07
- f.) 2006 Warrants: Underwriter and Bond Counsel ..... /Resolution 2006-08

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-03, 2006-04, 2006-05, 2006-06, 2006-07 and 2006-08. *Seconded by Mr. Lake.*

Council discussed the \$1,000,000 request to be added to the bond issue from the Library.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-03. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-04. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-05. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-06. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2007. *Seconded by Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-08. *Seconded by Mr. Lake.*

AYE Yelding, Lake, Scott, Landry, Palumbo, Burnam NAY Barnette

MOTION CARRIED

**ORDINANCES:**

- a.) Amending the Land Use and Development Ordinance  
Adding a Residential High Rise Article and Other  
Necessary Amendments 1st READ ..... /Ordinance 2006-02
- b.) Appropriating Funds: Property/Liability Insurance Renewal  
1ST READ ..... /Ordinance 2006-03
- c.) Appropriating Funds: Police Department: North Precinct  
1ST READ ..... /Ordinance 2006-04
- d.) Appropriating Funds: Building Inspections Temporary Position  
1ST READ ..... /Ordinance 2006-05

**Ordinance 2006-02 was made a 1<sup>st</sup> READ**

*Mr. Scott* asked that the Council consider Ordinance 2006-04 for the Police Department.

MOTION BY *Mr. Scott* to suspend the rules to consider Ordinances 2006-04. *Seconded by Mrs. Landry.*

**ROLL CALL VOTE**

Yelding	Aye	Landry	Aye
Barnette	Aye	Palumbo	Aye
Lake	Aye	Burnam	Aye
Scott	Aye		

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

MOTION BY *Mr. Scott* to waive the reading of Ordinance 2006-04. *Seconded by Mrs. Landry.*

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

MOTION BY *Mr. Scott* to adopt Ordinance 200-04. *Seconded by Mrs. Landry.*

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

*Council President Burnam* said that he does not understand why they cannot consider all the Ordinances tonight, they are just routine running of the City. He does not feel that the citizens are concerned with these Ordinances.

**MOTION BY Mrs. Landry to suspend the rules to consider Ordinance 2006-03. *Seconded by Mr. Palumbo.***

**ROLL CALL VOTE**

Yelding	Aye	Landry	Aye
Barnette	Aye	Palumbo	Aye
Lake	Aye	Burnam	Aye
Scott	Aye		

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

**MOTION BY Mrs. Landry to waive the reading of Ordinance 2006-03. *Seconded by Mr. Palumbo.***

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

**MOTION BY Mrs. Landry to adopt Ordinance 2006-03. *Seconded by Mr. Yelding.***

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

**MOTIOIN BY Mrs. Landry to suspend the rules to consider Ordinance 2006-05. *Seconded by Mr. Palumbo.***

**ROLL CALL VOTE**

Yelding	Aye	Landry	Aye
Barnette	Aye	Palumbo	Aye
Lake	Aye	Burnam	Aye
Scott	Aye		

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

**MOTION BY Mrs. Landry to waive the reading of Ordinance 2006-05. *Seconded by Mr. Scott.***

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

MOTION BY Mr. Yelding to adopt Ordinance 2006-05. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

**8. COUNCIL COMMENTS**

*Mr. Yelding* said that the Residential High Rise district Ordinance is tough, but sometimes they make tough decisions that are unpopular with citizens, like Gross Receipts, the Jubilee Mall and property purchases. The Council makes the decisions that they feel are right for Daphne.

*Mrs. Barnette* stated that it is not popularity, but doing what is right for constituents, not for themselves.

*Mrs. Landry* said that she had nominated Richard Davis for the Beautification Committee.

*Mr. Palumbo* said that they always listen to the public when they speak during Public Participation. The Council always allows Public Participation, and encourages people to come to Council meetings and Board meetings, and he feels it is not fair to the Council to say they do not listen.

*Council President Burnam* asked the City Clerk to call Council members to set up the special Work Session.

**9. ADJOURN**

MOTION BY Mr. Lake to adjourn. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 9:25 P.M.**

Respectfully submitted by,

\_\_\_\_\_  
David L. Cohen  
City Clerk, MMC

**Certification of Presiding Officer:**

\_\_\_\_\_  
Greg Burnam  
Council President  
Date & time Signed: \_\_\_\_\_

**JANUARY 31, 2006  
CITY OF DAPHNE  
CITY COUNCIL  
SPECIAL WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

1

**COUNCIL MEMBERS PRESENT:** Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Regina Landry; August Palumbo.

Absent: Bailey Yelding.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Jay Ross, City Attorney; Tim Fleming Attorney; Clerk Mund, Hanson, Fire Chief; Ken Eslava, Public Works Director; Chip Martin, Fire Inspector; Bill Eady, Planning Department Director; Warren West, Planning Commission; Glen Swaney, BZA.

**1. CALL TO ORDER**

Council President Burnam called the meeting to order at 6:40 p.m.

**2. DISCUSS: TIMBERCREEK ANNEXATION**

Mr. Palumbo discussed his concern with the request for a B-2 zoning for the annexation saying once this is rezoned it is out of the city's control. The present owner can sell the property and someone can come in and put a junkyard there. The zoning needs to be more strict. He suggested coming in with a B-3 zoning. He said that he will not vote for it with a B-2 zoning. The City attorney advised that they can make a motion Monday to send it back to the Planning Commission for consideration of a different zoning. Council President Burnam asked Mayor Small to talk with Allen Cox regarding changing the zoning.

**3. DISCUSS: RESIDENTIAL HIGH RISE ORDINANCE**

Council discussed the Ordinance making sure they all understood the Ordinance. They discussed the boundaries for the district and the height limit for the condominiums. The Council discussed height limits of 100 feet, 140 feet, 192 feet, and less than 200 feet. The City Attorney advised the Council that they could amend the Ordinance Monday night.

**4. PUBLIC PARTICIPATION**

*Mr. Rick Fine* – Belrose Avenue – addressed some of the Council concerns, and also spoke regarding the rezoning process. He said he has been waiting patiently for a year for the Council to adopt an Ordinance for the High Rise District.

*Ms. Clara Plummer* – 1725 6<sup>th</sup> Street – said that the Council needs to adopt this Ordinance so that the buildings will not be haphazard. She said you have to pre-sell the condominiums before you build, and you will not sell them unless they are on the water, so she doesn't think that developers will ask to build anywhere else.

**JANUARY 31, 2006  
CITY OF DAPHNE  
CITY COUNCIL  
SPECIAL WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

2

*Ms. Diane O'Connor Paige* – said that the condominiums will price people out of Daphne. She said money does speak. She is concerned about the environment.

*Mr. David Wetzel* – 406 Belrose Avenue – said that it is the city government's job to listen to the community. He said they need to build parks, theatres, etc., and that they need to fix the sewers.

*Mr. Beatty Pearson* – stated that the Council should move on with the Ordinance so that the Planning Commission will have some guidelines.

*Mr. Phillip Spear* – 730 Oak Bluff Drive – gave the Council a handout, which spoke against the Ordinance.

*Ms. Jane Blancanoy* (not sure of name) – said that the height limit needs to be lower. She also spoke regarding the affordability of the condominiums.

*Mr. Bob Segalla* – Creekside Subdivision – stated that the sewers were at 40% excess capacity, and that they are building a new water storage tank, and that the Utility Board is cognizant of the growth in Daphne. He also said that the ultimate responsibility of how the city looks today is in the hands of the Council. The Ordinance is a guideline to help them with the decisions.

## **5. COUNCIL COMMENTS**

*Mr. Lake* stated that they need to pay attention to the traffic, and look at recreation in the long term in order to make the city livable.

*Mr. Scott* said that the affordability of the condominiums does not benefit the Council in any way.

*Mr. Palumbo* stated that the Planning Commission is an advisory committee, and that the Ordinance in whatever form it is adopted will design the future of the city. He said that they take very seriously what the citizens have to say.

*Council President Burnam* stated that this area is a good place to live no matter where you live. People are coming whether we build condominiums or not. The Council cannot control that, but they can deal with it. He said that there is an average of 250 to 350 new homes being built within the city limits. The only way to control the growth is to take the bridge down.

**JANUARY 31, 2006  
CITY OF DAPHNE  
CITY COUNCIL  
SPECIAL WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

3

**6. ADJOURN**

*Council President Burnam* adjourned the meeting at 9:05 p.m.

Respectfully submitted by

---

David L. Cohen  
City Clerk, MMC

Certification of Presiding Officer

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Greg Burnam  
Council President  
Date & Time Signed: \_\_\_\_\_

Condominiums Work Shop  
January 31, 2006

There have been several polls/surveys concerning condominiums. The results are consistent. Over 90% of the people oppose condominiums 200 ft. high.

It is not healthy for the community when the city government deviates from the wishes of the people by this large a margin.

My concern is not the building of one condominium except that we start down a slippery slope. Now we are talking about a zone. There is already talk about approval for construction of condominiums south of the zone. What will be next? The use of eminent domain to take homes, businesses and churches for building of condominiums?

I detect a bit of arrogance in our city government in their desire to ignore the wishes of the people. READ ARTICLES.

READ SPANISH FT. ARTICLES. When I read this I thought it would be refreshing to live in a city where the mayor and city council cared what the people think.

Well, there is an option- deannexation.

I do not know how wide spread this is but I have heard several people in Timber Creek say that they would prefer to be part of Spanish Ft..

Also, there is the possibility where the southern part of Daphne could deannex and join a city where the government more nearly represents their views.

The question was raised as to the legality of approving height limits lower than 200 Ft. for future buildings after already approving 200 Ft. for a previous building. Each decision should be made on different sets of circumstances. You may decide that it is okay to kill 1,000 birds with one 200 Ft. condominium but not okay to kill 10,000 birds with 10 condominiums 200 Ft. high. You may decide that it is okay to increase the back-up of traffic on highway 98 by more than the current 0.7 of a mile during peak hours with one 200 Ft. condominium but continued construction of 200 Ft. condominiums would eventually back traffic onto I 10 causing a safety hazard.

Thank you for allowing me to share my thoughts with you.

Philip H. Spear  
730 DAK BLUFF DR

## SPANISH FORT



**Mary Brabner:** "I understand that you need density to make money, but at the same time I've got to protect the city."

**Joe Bonner:** "Our focus is we're going to be steered by the residents of Spanish Fort."

# Council may draft zoning law for Causeway

► City attorney penning ordinance that would allow

Barnette for the  
Barnette said she received  
surveys from all seven dis-  
tricts and added that out of  
220 responses, 78 percent of  
residents said buildings  
shouldn't exceed 100 feet in  
height.

"Seventy-eight percent  
want 100 feet or less and I  
think we need to consider  
that," Barnette said.

Other council members, on  
the other hand, criticized the  
survey's unscientific nature.

"It's lopsided so far as the  
people who returned the sur-  
vey," Councilman August  
Palumbo said. "I don't mean  
to belittle the survey but I  
don't think we should  
overemphasize the results."

"It's more than a little  
Johnny-come-lately," he  
added. "Why didn't we do this  
before?"

"I want the citizens' input," Landry said.

and I'll be interested to see the results."

Councilman Ron Scott said he applauds

Barnette for gathering public input and

that the results should be considered

along with comments made at the public

hearing. But in the end, Scott said he will

do what he believes is best for the city

even if it is not the most popular decision."

"We don't put every issue on a ballot

to say, 'yea' or 'nay,'" Scott said. "We

are a representative democracy and if

enough people hadn't been willing to take

popular positions, this country would

look a whole lot different."

"At Godfather's Pizza, I  
was one of their best cus-  
tomers," he said, "not for  
their pizza, but to look at  
the bay, look at the sight ...  
that's gonna all disappear."

Ruth Skaggs was more  
concerned about migratory  
birds that can fly into  
reflective windows.

"We have a massacre," she  
said, and added that more  
than 1,000 birds annually  
could be killed by a single  
high-rise, citing statistics  
from various studies.

Proponents of high-rises

Office of the Mayor  
Daphne, Alabama

## ARBOR DAY PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

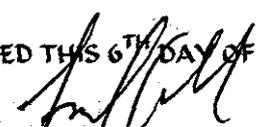
WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, beautify our community, and wherever they are planted, are a source of joy and spiritual renewal; and

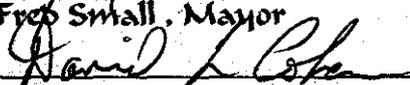
NOW, THEREFORE, I, Fred Small, Mayor of the City of Daphne, do hereby proclaim Saturday, February 25, 2006 as ARBOR DAY in the City of Daphne.

FURTHERMORE, I urge all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and to plant trees to gladden the heart and promote the well-being of present and future generations.



DATED THIS 6<sup>TH</sup> DAY OF FEBRUARY, 2006

  
Fred Small, Mayor

  
David L. Cohen, City Clerk



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# Daphne Utilities

## BOARD MEMBERS

ROBERT SEGALLA, CHAIRMAN  
RON SCOTT, VICE CHAIRMAN  
LON JOHNSTON, SECRETARY - TREASURER  
MAYOR FRED SMALL  
BOB PATTERSON

STAN CLAYTON,  
OPERATIONS MANAGER

January 6, 2006

Mr. and Mrs. Ennis  
450 Village Drive  
Daphne, AL 36526

Re: Sewer Connection Requirements

Dear Mr. and Mrs. Ennis:

Please accept my apology that you have not received a response regarding your request to wave the sewer connection requirements for your home. The requirement for sewer connection is made under the provisions of City of Daphne Ordinance 1999-10 and 2001-12. Any exception to the connection requirement would have to be made by the City Council under section seven of this Ordinance.

The existing septic tank can be retrofitted to provide additional storage capacity with the grinder system in the event of a power outage. This work must be performed in accordance to Daphne Utility standards. A representative from Daphne Utilities would be glad to meet with you regarding the hook up of your existing septic tank to a grinder pump for overflow protection. Daphne Utilities is committed to maintaining and preserving the quality of Daphne's natural waterways and environment by offering the highest of standards in waste water management. By connecting to our waste water system, you are not only protecting the environment, but contributing to the preservation of a high quality community.

I have enclosed a copy of the City Ordinances for your review. Please feel free to contact me if you have any questions or need additional assistance with this matter.

Sincerely,

Stan Clayton  
Operations Manager

December 28, 2005

To: Daphne Utilites Board

From: Linda and Cecil Lawrence Ennis  
450 Village Drive  
Daphne, Al 36526  
626-0181

Re: Required Connection to City Septic System

Our property at 450 Village Drive is located at the end of Village Drive in the area of Campbell's Swamp and Campbell's Creek on Mobile Bay. In 2000, we wrote the Daphne Utility Board for a waiver to connect to the city sewer system. Art Rigas was consulted and came out to the site. Our written request was tabled by the utilites board and has not been brought up before the board again for consideration. Again on 2/28/03 we spoke with Art Rigas about the request for waiver on our sewer connection. He researched the waiver and related that the request was still tabled by the Utility Board. (Since no action was taken to refuse the request, we assumed the request was approved).

Our request for sewer connection waiver was for concern on the ecological impact that a sewer spill would cause on Campbell's Creek and Mobile Bay:

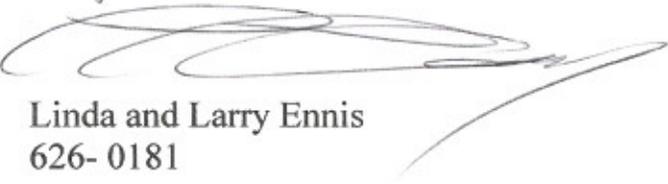
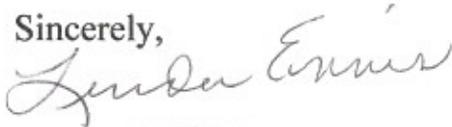
1. The property is located in a flood zone and an ecologically sensitive area that the Corps of Engineers considers "wet lands" and is very prone to flooding.
2. The approach to our home is a long driveway across a bridge that washes out during high water and flooding. Our water lines under the bridge are frequently washed away during storms and hurricanes. At the flood plain of the property, the electrical lines had to be all above ground. Any sewer lines running from the house up the drive way to the circle on Village Drive have to go across the creek, under the bridge and the flood zone area. These sewer lines would be subject to damage by hurricanes and flooding which would result in dumping of a major sewer spill into Campbell's Creek and Mobile Bay.

3. Our hookup to city sewer would require a pumping system up to the end of Village Drive. During storms, we are always one of the first homes to lose power, and because we are at the end of the power grid, we are the last to be reconnected. During Katrina we were without power for over 7 days. Without power, we would easily have a sewerage problem.

4. Our present septic tank system is located on a high part of the property and is maintained on a regular basis. It is located in an area that does not directly border the creek, bay or flood area. Flooding and hurricanes have never caused a disruption in our septic tank. Whereas with a city sewer connection, we would be subject to no sewer facilities due to loss of sewer lines or electricity.

Again we are requesting a waiver to connect to city sewer and would be glad to talk to the city engineer to maintain the unique ecology of the property, Campbell's Swamp and Mobile Bay.

Sincerely,



Linda and Larry Ennis  
626- 0181



# Daphne Utilities

## BOARD OF DIRECTORS

Robert Segalla, Chairman  
Ron Scott, Vice Chairman  
Lon Johnston, Secretary Treasurer  
Fred Small, Mayor  
Bob Patterson

GENERAL MANAGER  
Rob McElroy, P.E.

OPERATIONS MANAGER  
Stan Clayton

December 8, 2005

450 Village Drive  
Daphne, AL 36526

In reference to: 450 Village Drive

RE: REQUIRED CONNECTION TO CITY SEWER SYSTEM

In an effort to promote the health, welfare, and safety of the citizens of the City of Daphne, Daphne Ordinance 1999-04 requires that all private and public premises connect to the existing sewer system and pay applicable connection and user fees. The purpose for this Ordinance was to prevent the unmonitored discharge of waste and to eliminate septic tanks in the City. While this Ordinance was adopted in February 1999, there is evidence that all property owners have not connected, and in light of recent concerns regarding the unmonitored discharges of waste on the Eastern Shore, the City and the Utilities Board has elected to strictly enforce this Ordinance.

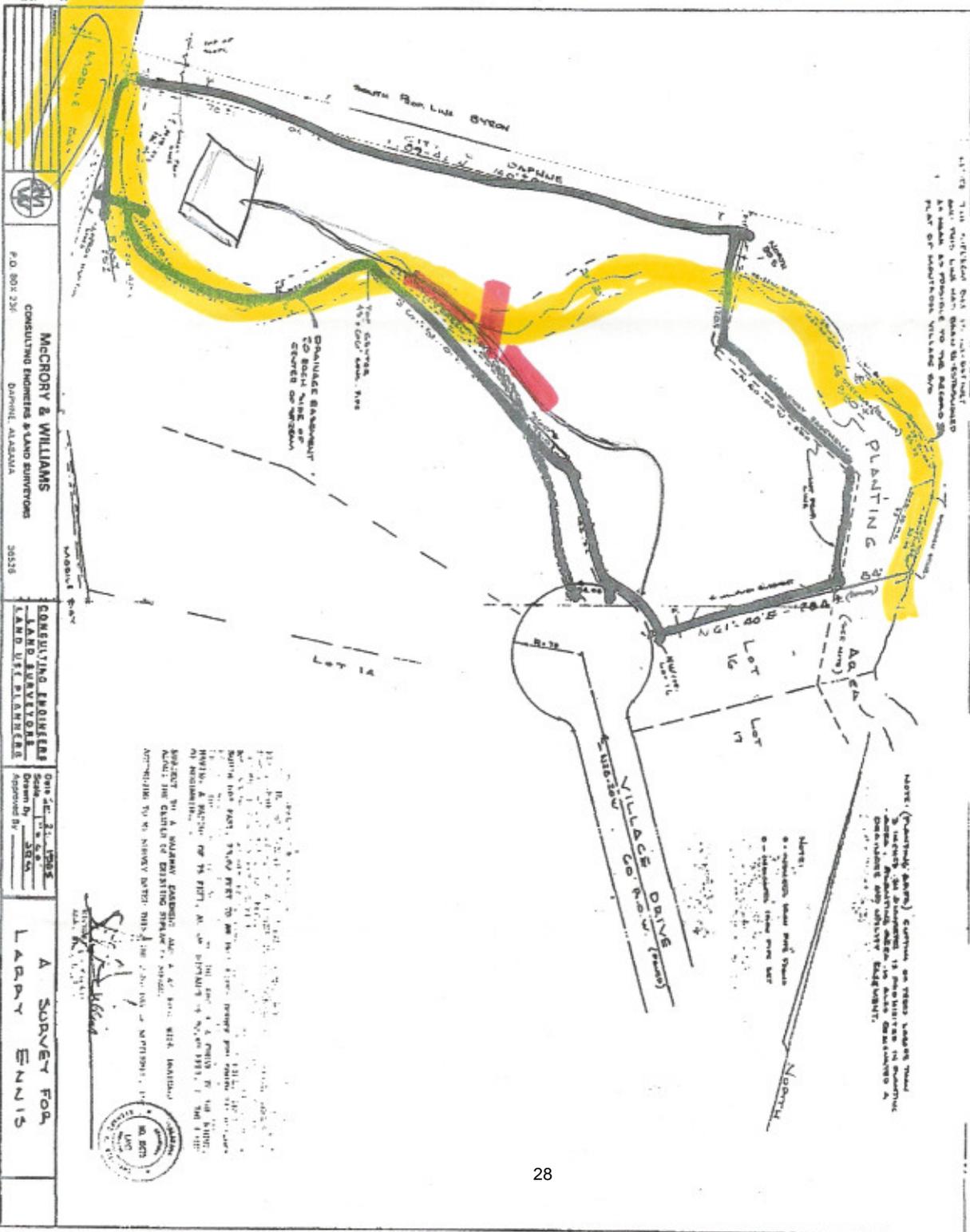
Pursuant to a recent study by the Daphne Utilities, it appears that your parcel of real property is not connected to the sanitary sewer system and as such, you may be in violation of this Ordinance. The City plans, in conjunction with the Utilities Board to seek enforcement of this Ordinance, and it is requested that you contact the Daphne Utilities to take such measures as are necessary to connect to the sewer system. Those property owners, who have not connected or made substantial efforts to connect to the system within thirty (30) days from the date of this correspondence, may be issued a citation through the Daphne Municipal Court for violation of the referenced Ordinance.

Should you have any specific questions regarding this matter, please feel free to contact Tammy Canup with Daphne Utilities at (251) 621-3090 Ext. 211

Sincerely yours,

STAN CLAYTON  
OPERATIONS MANAGER, DAPHNE UTILITIES

Complete Creek to Mobile Bay  
 Flood Area & Bridge



NOTE: THIS OFFICE HAS BEEN ADVISED THAT THIS LAND MAY BE SUBJECT TO A FUTURE ASSESSMENT AS MADE AS POSSIBLE TO THE RECORDS OF THE ALABAMA DEPARTMENT OF REVENUE.

NOTE: (PLANTING AREA) CURRENTLY THIS AREA IS BEING USED AS A PLANTING AREA. IT IS RECOMMENDED THAT THE PLANTING BE MAINTAINED AND NOT REMOVED OR DESTROYED.

NOTE:  
 1. DISTANCE FROM THE CENTER OF THE BRIDGE TO THE CENTER OF THE ROAD IS 100.00 FEET.  
 2. DISTANCE FROM THE CENTER OF THE BRIDGE TO THE CENTER OF THE ROAD IS 100.00 FEET.

APPROVED BY: A. SURVEY FOR LARRY ENNIS  
 DATE: 11/11/11  
 LARRY ENNIS  
 SURVEYOR



McCRORY & WILLIAMS  
 CONSULTING ENGINEERS & LAND SURVEYORS  
 DUMFRIES, ALABAMA 36526  
 P.O. BOX 236

CONSULTING ENGINEERS  
 LAND SURVEYORS  
 LAND USE PLANNERS  
 DATE: 11/11/11  
 DRAWN BY: [Signature]  
 APPROVED BY: [Signature]

①



②



X  
Bridge

### Hurricane Katrina Bridge Damage

- ① white truck parked on south approach of wash-out at Bridge to property -
- ② Bridge Wash-out on North approach from house



# Daphne Utilities

## BOARD MEMBERS

**ROBERT SEGALLA, CHAIRMAN**  
**RON SCOTT, VICE CHAIRMAN**  
**LON JOHNSTON, SECRETARY - TREASURER**  
**MAYOR FRED SMALL**  
**BOB PATTERSON**

**ROB McELROY**  
GENERAL MANAGER

**STAN CLAYTON,**  
OPERATIONS MANAGER

January 27, 2006

Dr. Ennis  
450 Village Drive  
Daphne, Al 36526

COPY

Dear Dr. Ennis,

During our meeting at your home on January 12, 2006 regarding the city ordinance requirements to connect to Daphne Utilities sewer system we reviewed your site and the request that you made to the city council for a waiver in November, 1999. A further review of Daphne Utilities minutes does not indicate any action was taken from a utility standpoint to waive the connection of this site. A discussion with Volkert Engineering, who was responsible for the installation of the sewer line in this area indicated that two tie-in points were made available to the site for connection. There was no assessment was made since the connection would require a grinner pump and could not be taken from your site by gravity.

Daphne Utilities can appreciate your concern to protect this beautiful area. We are committed to the protection of Eastern Shore's natural water ways and environment in which this community is so blessed with. It is our position that a sanitary sewer system provides the best means to achieve this goal in a community. As discussed any waiver of the connection to the sanitary sewer system is required to come from the City of Daphne. Please let us know if we can assist in meeting at the site to review the connection points or answer any questions regarding the inspection requirements after the connection is made. It was a pleasure to meet with you and your wife. Your concern for this area and the surrounding environment was evident.

Sincerely,

Stan Clayton  
Projects Manager

# **PUBLIC HEARING**

**February 6, 2006**

- 1. ANNEXATION: Remainder of TimberCreek Property  
Northwest of the Intersection of TimberCreek  
Subdivision and Interstate 10**

To: ~~Office of the City Clerk~~  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: TimberCreek Land Co., Inc.  
Date: December 28, 2005

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, December 22, 2005, eight members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned annexation.

The Planning Commission's recommendation was to favorably recommend the annexation of the subject parcel to a B-2, General Business, zone.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file

STATE OF ALABAMA  
COUNTY OF BALDWIN

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

( TIMBERCREEK LAND CO, INC. )

The undersigned, TimberCreek Land Co., Inc., files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as Remainder of TimberCreek 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 its petition:

1. **Description Of Property:** The description of the property which 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 if 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, TimberCreek Land Co., Inc., 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. Please state the requested zoning, if other than R-1, or any other conditions which may apply upon annexation:

*D.P.C.*

-B-1- B-2, GENERAL BUSINESS

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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 22nd day of November,  
2005.

Respectfully submitted,

TimberCreek Land Co., Inc.  
Name of Corporation

By: Allen Cox   
Its: Secretary-Treasurer

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Allen Cox whose name as Sec.-Treasurer of TimberCreek Land Co., Inc., 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 as such officer and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 22nd day of November, 2005.

 (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: 03-29-08

TIMBERCREEK LAND COMPANY, INC.  
ANNEXATION OF REMAINDER OF TIMBERCREEK PROPERTY  
NORTHWEST OF THE INTERSECTION OF  
TIMBERCREEK SUBDIVISION AND INTERSTATE 10

EXHIBIT "A"

LEGAL DESCRIPTION:

Beginning at the Northwest corner of Lot 44, TimberCreek, Phase Nine (Amended Plat), as per plat recorded on Slide No. 2056-D of the Probate Court Records of Baldwin County, Alabama; thence along the West boundary of said TimberCreek, Phase Nine (Amended Plat), run as follows: S 20° 51' 15" W 296.10 feet, S 26° 13' 34" W 60.00 feet, S 63° 46' 26" E 20.33 feet, S 26° 13' 34" W 150.00 feet, S 63° 46' 26" E 135.23 feet, S 12° 39' 08" W 123.51 feet, S 23° 27' 51" E 138.95 feet, S 15° 43' 34" W 250.00 feet, S 74° 16' 26" E 41.00 feet, S 15° 43' 34" W 222.16 feet to the Southwest corner of said TimberCreek, Phase Nine (Amended Plat); thence along the South boundary of said TimberCreek, Phase Nine (Amended Plat) run as follows: S 78° 35' 12" E 130.29 feet, S 83° 57' 06" E 167.69 feet, S 58° 10' 49" E 308.72 feet, N 72° 14' 17" E 382.69 feet, S 84° 23' 50" E 192.17 feet, N 61° 55' 13" E 312.41 feet, N 49° 29' 06" E 328.79 feet, N 42° 07' 38" E 282.03 feet, N 46° 02' 22" E 182.14 feet, N 56° 44' 36" E 163.06 feet to the Southwest corner of TimberCreek, Phase Seven (Amended Plat), as per plat recorded on Slide No. 1929-A of the aforementioned Probate Court Records of Baldwin County, Alabama; thence along the South boundary of said TimberCreek, Phase Seven (Amended Plat), run as follows: N 65° 21' 49" E 200.26 feet, N 73° 02' 20" E 159.77 feet, N 75° 26' 43" E 202.24 feet, S 74° 13' 21" E 215.40 feet, N 69° 02' 41" E 310.47 feet, N 86° 50' 19" E 100.13 feet to the Northwest corner of TimberCreek, Phase Ten, Part "A", as per plat recorded on Slide No. 2226-A of the aforementioned Probate Court Records of Baldwin County, Alabama; thence along the West boundary of said TimberCreek, Phase Ten, Part "A", run as follows: S 40° 17' 11" E 193.74 feet, S 16° 53' 28" E 200.00 feet, S 19° 00' 14" E 60.00 feet to a point on the arc of a 613.97 foot radius curve concave Northwardly; thence continuing along said West boundary of TimberCreek, Phase Ten, Part "A" and along said arc of curve, run Northeastwardly 52.94 feet to a point; said point bears N 68° 31' 34" E 52.92 feet from the last described point; thence continuing along said West boundary of TimberCreek, Phase Ten, Part "A", run as follows: S 29° 19' 04" E 121.27 feet, S 00° 28' 35" E 208.88 feet, N 89° 38' 38" E 54.64 feet to a point on the arc of a 65 foot radius curve concave Northeastwardly;

TIMBERCREEK LAND COMPANY, INC.  
ANNEXATION OF REMAINDER OF TIMBERCREEK PROPERTY  
NORTHWEST OF THE INTERSECTION OF  
TIMBERCREEK SUBDIVISION AND INTERSTATE 10

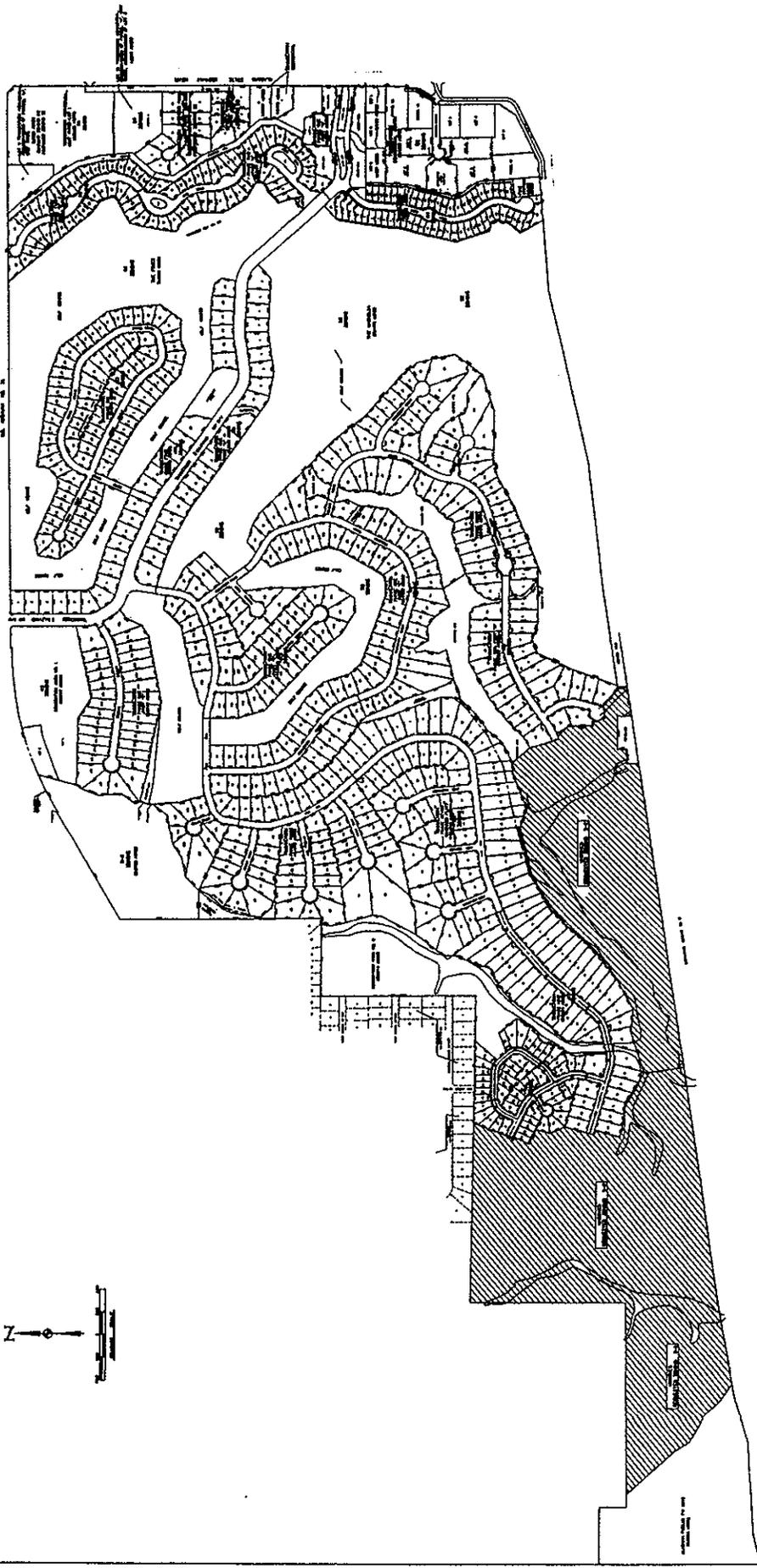
EXHIBIT "A"  
PAGE 2

thence continuing along said West boundary of TimberCreek, Phase Ten, Part "A" and along said arc of curve, run Southwestwardly 182.87 feet to a point; said point bears S 53° 29' 32" E 128.25 feet from the last described point; thence continuing along said West boundary of TimberCreek, Phase Ten, Part "A", run S 53° 44' 03" E 215.90 feet to a point on the West terminus of a service road that is North of and adjacent to the North right of way line of Interstate Highway No. 10; thence along said West terminus of a service road that is North of and adjacent to the North right of way line of Interstate Highway No. 10, run S 00° 03' 02" W 70.89 feet to a point on the North line of Section 33, T4S-R2E, Baldwin County, Alabama; thence along said North line of Section 33, T4S-R2E, run S 89° 28' 59" W 249.37 feet to a point; thence run N 00° 48' 51" W 76.04 feet to a point; thence run S 89° 23' 39" W 140.00 feet to a point; thence run S 00° 48' 51" E 75.73 feet to a point on said North line of Section 33, T4S-R2E; thence along said North line of Section 33, T4S-R2E, run S 89° 28' 59" W 265.82 feet to a point; thence run S 00° 00' 08" W 101.88 feet to a point on the North right of way line of Interstate Highway No. 10; thence along said North right of way line of Interstate Highway No. 10, run S 81° 32' 21" W 4683.42 feet to a point; thence continuing along said North right of way line of Interstate Highway No. 10, run S 81° 30' 38" W 848.37 feet to a point on the centerline of a natural drain; thence along said centerline of a natural drain, run as follows: N 27° 12' 16" W 182.77 feet, N 41° 35' 31" W 146.10 feet, N 57° 15' 17" W 276.05 feet, N 30° 59' 34" W 144.94 feet, N 48° 55' 22" W 263.34 feet, N 48° 17' 49" W 273.25 feet to a point on the South boundary of Senior Douglas Subdivision, as per plat recorded in Map Book 8, Page 116 of the aforementioned Probate Court Records of Baldwin County, Alabama; thence along said South boundary of Senior Douglas Subdivision, run N 89° 39' 00" E 419.86 feet to a point; thence run N 89° 25' 13" E 1322.04 feet to the Southwest corner of Section 28, T4S-R2E, Baldwin County, Alabama; thence along the West boundary of said Section 28, T4S-R2E, run N 00° 04' 44" W 1326.14 feet, more or less, to a point; thence run S 89° 07' 07" E 1527.77 feet to the point of beginning. Containing 139.6 Acres, more or less.





TIMBERCREEK ANNEXATION  
 EXHIBIT "B"



PREPARED BY  
 WALTER AND SONS  
 ENGINEERS, INC.  
 4000 W. 10th Street, Oklahoma City, Oklahoma

NO.	DATE	BY	REVISION
1	10/1/58	W.A.S.	PRELIMINARY
2	10/1/58	W.A.S.	FINAL
3	10/1/58	W.A.S.	FINAL
4	10/1/58	W.A.S.	FINAL
5	10/1/58	W.A.S.	FINAL
6	10/1/58	W.A.S.	FINAL
7	10/1/58	W.A.S.	FINAL
8	10/1/58	W.A.S.	FINAL
9	10/1/58	W.A.S.	FINAL
10	10/1/58	W.A.S.	FINAL
11	10/1/58	W.A.S.	FINAL
12	10/1/58	W.A.S.	FINAL
13	10/1/58	W.A.S.	FINAL
14	10/1/58	W.A.S.	FINAL
15	10/1/58	W.A.S.	FINAL
16	10/1/58	W.A.S.	FINAL
17	10/1/58	W.A.S.	FINAL
18	10/1/58	W.A.S.	FINAL
19	10/1/58	W.A.S.	FINAL
20	10/1/58	W.A.S.	FINAL

PARCEL NUMBERS FOR REMAINDER OF TIMBERCREEK:

ALL OF:

05-32-08-28-4-001-001.002  
05-32-08-28-4-001-009.  
05-32-09-32-0-001-001.003  
05-32-09-32-0-001-001.005  
05-32-08-33-0-001-006.  
05-32-08-33-0-001-018.036

REMAINDER OF:

05-32-08-28-3-002-084.  
05-32-08-28-4-001-001.  
05-32-08-28-4-001-001.038  
05-32-08-28-4-001-001.134  
05-32-08-28-4-001-007.  
05-32-08-28-4-001-008.  
05-32-08-28-4-001-010.  
05-32-08-28-4-001-012.  
05-32-08-33-0-001-018.016

**PRESLEY LLC**  
Protective Center  
2801 Highway 280 South  
Suite 700  
Birmingham, Alabama 35223-2483  
Telephone/General: 205/423-3600

Kevin W. Beatty

Direct Dial: 205/423-3607  
E-mail: kbeatty@presleyllc.com

January 19, 2006

David L. Cohen  
City of Daphne  
P. O. Box 400  
Daphne, Alabama 36526

**Re: TEFRA approval for Infirmiry Health System, Inc.**

Dear David:

The purpose of this letter is to request the City of Daphne's assistance with conducting a public hearing and approving a tax-exempt financing to be undertaken by Infirmiry Health System, Inc. ("IHS"). This letter will provide you and the City Council members with some information regarding the financing and the TEFRA approval process we discussed yesterday.

This hearing and approval process is required by federal tax law, as part of the process of issuing tax-exempt bonds for nonprofit hospital organizations like IHS, and by state law. In both cases approval by Daphne is required since some of the facilities financed are in the City of Daphne.

The bond issuer, Infirmiry Health System Special Care Facilities Financing Authority of Mobile (the "Authority"), is issuing up to \$300,000,000 aggregate principal amount of tax-exempt revenue bonds (the "Bonds") to provide financing for IHS and its affiliates. The Bonds will provide financing for various health care facilities in the IHS system. A portion of the proceeds of the Bonds will be used to acquire and install medical equipment, information systems and furnishings for Thomas Medical Center and Infirmiry Eastern Shore Outpatient Center, both of which are located within the City of Daphne.

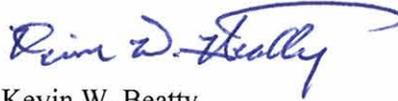
The Bonds will be limited obligations of the Authority payable solely out of payments by IHS pursuant to a loan agreement or loan agreements executed in connection with the issuance of the Bonds. The City of Daphne will not be liable in any way for the payment of the Bonds. IHS and its affiliates will be solely responsible for payment of the Bonds.

With your approval, we have caused a notice to be published in *The Mobile Register* and *The Baldwin Times* stating that the Daphne City Council will conduct a public hearing concerning the proposed issuance of the Bonds at its February 6 council meeting. The public hearing may be called during the council meeting and essentially consists of the council inviting members of the public to express any views they may have on the proposed projects. In conjunction with the public hearing, we would ask that you reserve a place for us on the February 6 agenda to consider the required approval. Attached for your review is a draft Resolution to be considered by the City Council which will satisfy the public approval requirements. I have also attached a copy of the notice announcing the public hearing.

David L. Cohen  
January 19, 2006  
Page 2.

A representative from IHS will attend the February 6 City Council meeting to answer any questions the council may have about the proposed financing. In the meantime, please call me at 205/423-3607 with any questions or concerns about the proposed financing or the public approval process. I appreciate your assistance with this matter and look forward to hearing from you.

Sincerely,



Kevin W. Beatty

KWB/cf

Enclosure

cc: Mark Nix  
Owen Bailey  
Phil Cusa  
Hobby Presley

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, Infirmiry Health System Special Care Facilities Financing Authority of Mobile, a public corporation organized under the laws of the State of Alabama (the "Authority"), proposes to issue its revenue bonds in an amount not to exceed \$300,000,000 (the "Bonds"). The Bonds will be issued to provide financing for the benefit of Infirmiry Health System, Inc. ("IHS") and its affiliates, Mobile Infirmiry Association ("Mobile Infirmiry"), Gulf Health Hospitals, Inc. ("Gulf Health") and Infirmiry Health Hospitals, Inc. ("Infirmiry Hospitals"). IHS and its affiliates (collectively referred to as the "IHS System Affiliates") operate health care facilities in Mobile and Baldwin Counties; and

**WHEREAS**, the Bonds may be issued in a single series or in two or more series over a period ending February 1, 2009; and

**WHEREAS**, the Bonds will provide financing with respect to the following acute care hospital and outpatient facilities (collectively the "System Facilities") of the IHS System Affiliates: (i) Mobile Infirmiry Medical Center located at 5 Mobile Infirmiry Circle (near Springhill and Louiselle Avenues), in Mobile, Alabama, (ii) Thomas Hospital, located at 750 Morphy Avenue in Fairhope, Alabama, (iii) Thomas Medical Center located at 27961 U.S. Highway 98 in Daphne, Alabama, (iv) North Baldwin Infirmiry located at 1815 Hand Avenue in Bay Minette, Alabama, (v) Infirmiry Eastern Shore Outpatient Center located at 7101 Highway 90 in Daphne, Alabama, and (vi) Knollwood Hospitals located at 5600 Girby Road and 5644 Girby Road in Mobile, Alabama; and

**WHEREAS**, the proceeds of the Bonds will be used to refund certain outstanding debt or bonds of the IHS System Affiliates, including (i) a loan obtained by Gulf Health to retire debt incurred with respect to Thomas Hospital and (ii) \$22,500,000 principal amount of ALAHA Program Revenue Bonds, Series 2003-A (Gulf Health Hospitals, Inc.) issued by the ALAHA Special Care Facilities Financing Authority of the City of Montgomery to provide financing for a hospital expansion and improvement project at North Baldwin Infirmiry. In addition, proceeds of the Bonds will be used to pay the costs of renovating, expanding or improving the hospital and clinic buildings for the System Facilities and acquiring and installing medical equipment, information systems, and furnishings for the System Facilities, including without limitation (i) a new bed tower and related building renovations and improvements at Thomas Hospital, (ii) renovations and improvements to the hospital buildings at Knollwood Hospital, and (iii) medical equipment, information systems and furnishings for these projects; and

**WHEREAS**, the proceeds of the Bonds will be loaned to one or more of the IHS System Affiliates pursuant to one or more loan agreements between the Authority and IHS System Affiliates. The loan agreements will provide for loan payments by one or more of the IHS System Affiliates in amounts sufficient to pay debt service on the Bonds when due. The Bonds will be limited obligations of the Authority and will be payable solely from the loan payments by the IHS System Affiliates to the Authority. The Bonds will not be general obligations of the Authority and will not in any way constitute a debt, liability or obligation of the State of Alabama or any political subdivision of the State of Alabama, including without limitation the political subdivisions holding the hearings described above or the political subdivisions where the System Facilities are located. The Bonds will not be payable from any tax revenues; and

**WHEREAS**, a public hearing concerning the proposed issuance of the Bonds was held at City Hall in the City of Daphne at 6:30 p.m. on Monday, February 6, 2006; notice of such hearing was given by publication in *The Mobile Press Register* on January 23, 2006, and such hearing provided an

opportunity for persons with different views on the proposed issuance of the Bonds and the location and nature of the bond-financed facilities to express their views, both orally and in writing.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** hereby approve (i) the issuance of the Bonds to finance improvements and additions to and equipment for Thomas Medical Center and Infirmary Eastern Shore Outpatient Center, and (ii) the location and nature of the System Facilities in the City of Daphne, Alabama, in accordance with the foregoing proposal of the Authority.

**APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_ day of February, 2006.

\_\_\_\_\_  
Fred Small, Mayor

ATTEST:

\_\_\_\_\_  
David L. Cohen, City Clerk

I, David L. Cohen, City Clerk of the City of Daphne, Alabama, do hereby certify the foregoing to be a true and exact copy of a Resolution approved and adopted by the City Council of the City of Daphne, Alabama, at its regular meeting held on the \_\_\_\_ day of February, 2006.

\_\_\_\_\_  
David L. Cohen, City Clerk

## NOTICE

Notice is hereby given that public hearings will be held at the times and in the locations described below concerning the proposed issuance of up to \$300,000,000 aggregate face amount of revenue bonds (the "Bonds"), to be issued by Infirmiry Health System Special Care Facilities Financing Authority of Mobile, a public corporation organized under the laws of the State of Alabama (the "Authority"). The Bonds will be issued to provide financing for the benefit of Infirmiry Health System, Inc. ("IHS") and its affiliates, Mobile Infirmiry Association ("Mobile Infirmiry"), Gulf Health Hospitals, Inc. ("Gulf Health") and Infirmiry Health Hospitals, Inc. ("Infirmiry Hospitals"). IHS and its affiliates (collectively referred to as the "IHS System Affiliates") operate health care facilities in Mobile and Baldwin Counties.

The public hearings will be held at the following times in the following locations: (i) the City Council of the City of Mobile, Alabama will conduct a public hearing concerning the Bonds in the Government Plaza Conference Room, First Floor, South Tower, Government Plaza, in the City of Mobile, Alabama at 10:30 a.m. on Tuesday, February 7, 2006; (ii) the City Council of the City of Fairhope will conduct a public hearing concerning the Bonds in Council Chambers at City Hall, 161 N. Section Street, in the City of Fairhope, Alabama at 5:30 p.m. on Monday, February 13, 2006; (iii) the City Council of the City of Daphne, Alabama will conduct a public hearing in Council Chambers at City Hall, 1705 Main Street, in the City of Daphne, Alabama at 6:30 p.m. on Monday, February 6, 2006; and (iv) the City Council of the City of Bay Minette will conduct a public hearing concerning the Bonds in Council Chambers at City Hall, 301 D'Olive Street, in the City of Bay Minette, Alabama at 6:00 p.m. on Monday, February 6, 2006.

The Bonds may be issued in a single series or in two or more series over a period ending February 1, 2009. The Bonds will be issued pursuant to the authority of Chapter 62, Title 11 (Section 11-62-1 et seq.) of the Code of Alabama 1975.

The Bonds will provide financing with respect to the following acute care hospital and outpatient facilities (collectively the "System Facilities") of the IHS System Affiliates: (i) Mobile Infirmiry Medical Center located at 5 Mobile Infirmiry Circle (near Springhill and Louiselle Avenues), in Mobile, Alabama, (ii) Thomas Hospital, located at 750 Morphy Avenue in Fairhope, Alabama, (iii) Thomas Medical Center located at 27961 U.S. Highway 98 in Daphne, Alabama, (iv) North Baldwin Infirmiry located at 1815 Hand Avenue in Bay Minette, Alabama, (v) Infirmiry Eastern Shore Outpatient Center located at 7101 Highway 90 in Daphne, Alabama, and (vi) Knollwood Hospitals located at 5600 Girby Road and 5644 Girby Road in Mobile, Alabama.

Proceeds of the Bonds will be used to refund certain outstanding debt or bonds of the IHS System Affiliates, including (i) a loan obtained by Gulf Health to retire debt incurred with respect to Thomas Hospital and (ii) \$22,500,000 principal amount of ALAHA Program Revenue Bonds, Series 2003-A (Gulf Health Hospitals, Inc.) issued by the ALAHA Special Care Facilities Financing Authority of the City of Montgomery to provide financing for a hospital expansion and improvement project at North Baldwin Infirmiry. In addition, proceeds of the Bonds will be used to pay the costs of renovating, expanding or improving the hospital and clinic buildings for the System Facilities and acquiring and installing medical equipment, information systems, and furnishings for the System Facilities, including without limitation (i) a new bed tower and related building renovations and improvements at Thomas Hospital, (ii) renovations and improvements to the hospital buildings at Knollwood Hospital, and (iii) medical equipment, information systems and furnishings for these projects.

The proceeds of the Bonds will be loaned to one or more of the IHS System Affiliates pursuant to one or more loan agreements between the Authority and IHS System Affiliates. The loan agreements will

provide for loan payments by one or more of the IHS System Affiliates in amounts sufficient to pay debt service on the Bonds when due. The Bonds will be limited obligations of the Authority and will be payable solely from the loan payments by the IHS System Affiliates to the Authority. The Bonds will not be general obligations of the Authority and will not in any way constitute a debt, liability or obligation of the State of Alabama or any political subdivision of the State of Alabama, including without limitation the political subdivisions holding the hearings described above or the political subdivisions where the System Facilities are located. The Bonds will not be payable from any tax revenues.

These public hearings will provide an opportunity for persons with different views on the proposed issuance of the Bonds and the location and nature of the bond-financed facilities to express their views, both orally and in writing.

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

**PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT**

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

**PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT**

**PUBLIC WORKS COMMITTEE MEETING**  
**January 27, 2006**

Councilman Bailey Yelding, District 1  
Councilwoman Cathy Barnette, District 2  
Councilman John Lake, District 3

**I. CALL TO ORDER**

The January meeting of the Public Works Committee was called to order at 7:36 a.m.

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Councilman John Lake, Mayor Fred Small, Ken Eslava, Melvin McCarley, Scott Hutchinson, Aileen Trotter

**II. PUBLIC PARTICIPATION & CORRESPONDENCE**

Ken Eslava indicated that he received a phone call from Mr. Peter Cazalas, a displaced Public Works Director from Louisiana, who complimented the City on the manner in which the City conducts business and the way it is maintained.

The committee reviewed the correspondence and the work request reports for November 2005, December 2005, and the 2005 annual summaries.

**III. OLD BUSINESS**

- A. The committee reviewed the minutes from the Public Works Committee meeting held November 18, 2005. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman John Lake seconded the motion.**
- B. Councilman Yelding inquired into the status of the pick up of radios and televisions. Ken Eslava indicated that televisions and radios are included in the electronics recycling (e-recycling). Councilman Yelding indicated that there is a television on Johnson Road and several radios and televisions on Bailey Street. The Mayor indicated that there is a partially destroyed television and a vacuum cleaner located behind the lift station at Lee and Old County Road. Ken Eslava indicated that the Public Works Department will collect the referenced items.
- C. Councilman Yelding inquired into the status of the street light at Gaston Lane. Melvin McCarley stated that he has requested a light at that location and he would check into the status of the installation.
- D. Councilman Yelding inquired into the status of the sign for the Boys and Girls Club on Highway 98. Ken Eslava indicated that signs have been installed for the Boy's and Girl's Club both northbound and southbound on Highway 98.
- E. Mayor Small inquired about a new sign for the Civic Center that specifies "miles" behind the "2" on the existing sign. Ken Eslava indicated that the City will replace the sign, which is already on order.
- F. Councilman Yelding inquired into the status on the bathrooms for the Park City Park and Patrick Parks that he has previously mentioned. Locating a park in Dauphine Acres was also discussed. Sod, shrubbery, and trees may be installed for the time being. Councilman Yelding will continue to research the demand for a park at this location. Ken Eslava indicated that a flyer could be developed to conduct a survey of the residents in the area.

#### **IV. NEW BUSINESS**

- A. Councilman Lake inquired into the installation of a directional sign at Interstate-10 on the West side of the Hwy 98 and the I-10 exit to direct traffic toward local businesses. Mayor Small has spoken with the Alabama Department of Transportation, and they indicated that they would look into the installation at the time of the Bay Way Expansion. Lamar Signs has contacted the City with the availability of LED signs that the City could consider for use.

Councilman Lake also indicated that the signs on Interstate-65 at Exit 34 designate Fairhope and Spanish Fort, but do not include Daphne. Ken Eslava stated that he would inquire into the possibility of altering that sign at the time that he discusses with the Alabama Department of Transportation the change to the sign on I-10 at Malbis.

#### **V. DIRECTOR'S REPORT**

- A. Sidewalk Construction Sequence  
Ken Eslava provided information on the sequence for the construction of the sidewalks. He indicated that they will begin in the south end of the City and move northward. The sidewalks will be four foot in width by four inches thick, using standard 3000 pound fibrous concrete. The right-of-way in Daphmont has already been checked and construction will begin next week. At Councilman Lake's request, Mr. Eslava indicated that they will make an effort to provide markings in one-tenth of a mile increments. Updates on the status of the projects will be made periodically.
- B. Automated Garbage Collection  
Ken Eslava indicated that the new automated garbage collection service will begin on February 6, 2006. The garbage carts, flyers, and flags have all been distributed already. Approximately one thousand-two hundred garbage carts were distributed. The Baldwin Register and the Bulletin ran articles on the new service earlier this week, and Fox 10 News had a brief segment on the January 27, 2006 news broadcast.
- C. Capital Budget Requests  
Ken Eslava indicated that the capital budget requests for the City are currently on the Mayor's desk for prioritization. Requests for the Public Works Department include a Household Hazardous Waste Program, additional personnel who are needed in the Street and Grounds Departments, and a new bucket truck to be utilized for traffic signal maintenance. The Mayor indicated that the requests for the City are still under review.
- D. Emergency Management Web Site  
An emergency management web site is in the early stages of design. It will be used during emergency conditions to update the public on information concerning shelter locations, road closures, utility outages, etc. It will also provide useful phone numbers and links to other web sites.
- E. Updates
- ❖ Village Drive Subdivision has new traffic control signage, median work, and a general update of the Montrose Village area.
  - ❖ Currently the Department is gathering traffic data around Daphne South for the School Board's traffic consultant.
  - ❖ County Route 13 thermal striping will begin on Monday January 30, 2006.

- ❖ Solid Waste Enforcement has begun and is being effective.
- ❖ Yancey Branch beaver control has been in effect. This has caused the water level to drop in Yancey Branch and helped the Harbor Place Subdivision. Several beavers have already been trapped. Once the permits have been acquired and the area is cleaned, the beavers should not be a problem.
- ❖ Lake Forest Improvement Committee was shown conceptual drawings of the proposed walking paths in the medians or along the roadways, depending on the terrain. The proposed walkways will be four foot wide pathways of permeable pavement. They are considering an “Adopt-A-Median” program, and understand that this will be a joint project with the City.
- ❖ The median at Old County Road between Santa Rosa and Gray’s Lane was torn up by the debris contractor, so the City will repair the damage soon.
- ❖ Permitting for Yancey Branch is being held up by the Historical Division.
- ❖ Bridge inspections are underway, and HMR will have the pre-construction kick-off meeting for the piers and boardwalks on February 3, 2006.
- ❖ Mardi Gras is quickly approaching.
- ❖ There were some discussions on the location of the City of Daphne “City Limits” sign on County Road 64, west of County Road 13.

**VI. SOLID WASTE AUTHORITY**

- A. After a review of additional information, it was decided that a rate increase will not be necessary at this time. For FY05, the program broke even. Next year the need for an increase may be re-evaluated, and the possibility of a small, incremental increase may be considered instead of a large single increase.

**VII. MUSEUM COMMITTEE**

- A. The minutes from the November and December Museum Committee meetings were reviewed.
- B. There were several discussions on the condition of the dilapidated property next to the Museum. Code Enforcement is working on addressing the condition of the property. Building Inspections is also working on assembling an Abatement Board, which may be able to address the issue with the property. Councilman Lake stated that the Abatement Board should be appointed by the City Council.

**VIII. BEAUTIFICATION COMMITTEE**

- A. The minutes from the November Beautification Committee meeting was reviewed.

**IX. ENGINEER REPORT**

- A. NRCS Update
- ❖ The project behind the Methodist Church has been completed.
  - ❖ The project on Captain O’Neal has been completed.
  - ❖ The project in Lake Forest is underway but has not yet been completed.

**X. FUTURE BUSINESS**

- A. The next Public Works Committee meeting will be held February 24, 2006 at 8:00 a.m. at City Hall.

**XI. ADJOURNMENT**

The meeting adjourned at 8:36 a.m. **Councilman Lake motioned to adjourn.**

Public Work Backup File is separate file on council disk.

# Daphne Beautification Committee

## Minutes of the 2006 Organizational Meeting January 13, 2006

The meeting was held in the city hall and called to order at 10:21 a.m. by Carollee Grindel, facilitator for the committee. Also in attendance were Frieda Romanchuck, Roger Davidson, Anne Talton, Vincent Russo, and Tomasina Werner.

### **New Business**

The committee created the following **Mission Statement**:

**To:**

provide leadership and strategic direction to the efforts to beautify the city of Daphne.

**In a way that:**

1. Involves all major constituencies and areas of the city
2. Provides recommendations to the city of Daphne for execution
3. Works within an established budget
4. Publicizes the work underway

**So That:**

The citizens of Daphne will be proud of the beauty of its city.

*A motion was made by Vincent Russo to accept this mission statement, seconded by Roger Davidson and passed by unanimous vote.*

We will have a poster of this mission at all future meetings.

### **Membership:**

Membership for this committee's General Monthly Meeting will be continuous. There will be two (2) voting members from each district appointed or confirmed by each District Councilman for a total of fourteen (14) voting members. The public is welcome to join us for discussion and input without a vote. Whenever a member misses two General Meetings without prior notification, they will lose their membership.

*Carolee Grindel made a motion to accept this statement and Vincent Russo seconded, the member's vote was unanimous.*

The committee decided to contact old members of the committee to see if they want to rejoin.

## **Duties of Officers**

Chair – will lead the group as moderator. The chair will create an agenda, coordinate the group’s activities and represent the group to the public.

Vice Chair –will chair in the chair’s absence and serve as parliamentarian. Also, the VP will edit the minutes, sign the minutes and post the minutes at city hall.

Secretary/Treasurer – will do the correspondence of the group, keep minutes of all meetings and keep an updated budget ready for the monthly meetings.

## **Election of Officers:**

Each position will be continuous and elections will be held within the committee whenever an officer resigns.

The following slate of officers were nominated.

Chair – Carollee Grindel  
Vice Chair – Vincent Russo  
Secretary/Treasurer – Anne Talton

*Frieda Romanchuck moved that we accept this slate of officers, Roger Davidson seconded. The member’s vote was unanimous.*

Vincent Russo made a motion that we not mail invitations. We will all meet at 10 a.m. on the first Friday of each month. An invitation will go out to the public to attend. *The motion was seconded by Carollee Grindel and the vote was unanimous.*

The meeting was adjourned at 12:01

Respectfully,

Anne Talton  
Secretary/Treasurer

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF JANUARY 5, 2006 - 6:00 P.M. DRAFT  
COUNCIL CHAMBERS, CITY HALL

---

The Chairman stated the number of members present constituted a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m.

**Call of Roll:**

**Members Present:**

Willie Robison  
Billy Mayhand  
Jeri Hargiss  
Glen Swaney, Chairman  
Barry Taylor  
Walt Crimmins

**Members Absent:**

Frank Lamb

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Pat Houston, Recording Secretary  
Jerry Speegle, Attorney

The Chairman stated we have five voting members tonight, and it takes a vote of four to approve the variance. So with no farther ado we will go on to approval of the minutes. Did everyone get a chance to read the minutes from the last meeting?

Mr. Crimmins stated yes, sir, Mr. Chairman I did, and I would like to make a comment before we approve the meeting. It is on the way the motion was made for 2005-04. It was one of those negative things. I have been on the Board before, about five or six years. We had this thing come out once a year, and we always came back with the same thing, that we needed to make it affirmative. If this vote, that I am looking at on page eleven, instead of coming out four ayes and one nay, came out two ayes and three nays, we would have done nothing. We would have neither confirmed it. Our job in granting the variance is to approve it with four out of five affirmative votes. When you make it, negative, you just confuse the whole thing. Because if you look at the negative, vote you have affirmatively appealed. You always have to state it positively, and then decide regularly, with each one of us, individually. You really should not try to telegraph the way you feel about it by making it a negative. We just have to be cooperative.

The Chairman stated point well taken. Mr. Speegle mentioned that same motion in our last meeting. So, how would it best be to handle this?

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Mr. Speegle stated it is just like Walt said. It is the way the statute reads, and it certainly can be confusing.

Mr. Speegle stated we just have to look at the statute. So the motion for the Board of Zoning Adjustment is always made, I move to approve Appeal #2004-14, and then the members vote. The way it would be approved, is you would have the affirmative vote of four of the five members, and if you do not have that then it is denied. Now I know that confuses the audience sometimes because when someone makes the motion, they think, oh, I am going to get approved. Then even the person who makes the motion votes against it, which might, I guess, be a problem with Roberts Rule, that you make the motion and vote against it, but that is the way the statute reads.

The Chairman stated okay. How best to handle the minutes from the last meeting?

Mr. Speegle stated well, it was not approved, and if you would like to do a correction, you can once again have a motion made to approve the appeal, and go through a vote. Formerly, that would probably correct any, if there is a default, that would correct it.

Mr. Crimmins stated we do not have the same members present here tonight.

Mr. Speegle stated then that would be a problem. I would say that when the issue is one that moves to approve the variance, and there is a nay vote, it was denied. The statute really only reads it needs the affirmative vote of the Board to approve the variance. So, in this case, it was a negative vote. I think is it probably denied, but if you had a vote with that motion, four nays and one aye it would not have been an approval. They would have had to make another motion.

Mr. Robison stated well, Mr. Lamb specifically asked that question. He said now do I have to make my motion in the affirmative or do I have to make a negative that we deny the appeal. Because he very specifically asked that question, and if I make it in that motion, and I say aye, am I denying the motion, and we were told, yes, if you say aye that you are denying, you are turning down the appeal for the variance.

The Chairman stated that is true.

Mr. Robison stated he specifically asked that and we spent two or three minutes going over that, and asking that question.

Mr. Crimmins stated I know, but Mr. Speegle's advice is right there. It says, my advice has always been, statute says it, and that is the way to do it, and that is to make it an affirmative vote.

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The Chairman stated okay, I think probably the best way to handle this is, if you concur, Mr. Speegle, is that you have all of these minutes now that will appear in the upcoming minutes of this meeting, with all these notations, and as you said, we cannot really adjust the vote from last time or rephrase it.

The Chairman stated because the same member is not here to participate. So, can we, at this point, simply table this thing, Mr. Speegle? Or?

Mr. Speegle stated I would not table it. I would not take any action on it. I think it has been denied. Effectively denied.

The Chairman stated does everybody concur?

Mr. Crimmins stated I agree.

Mr. Robison stated I do.

The Chairman stated all right. We will go back into the approval of the minutes from the last meeting. Any other changes?

Mr. Eady stated Mr. Chairman, how are you going to vote tonight? I am not asking how you are going to vote. Do you want it in the affirmative or the negative?

Mr. Crimmins stated I will make it affirmative.

The Chairman stated any other comments or questions? If there are no objections, the Chair will entertain a motion that they are accepted as written.

**Approval of Minutes:**

The minutes of the October 6, 2005 meeting were considered for approval.

A **Motion** was made by **Mr. Crimmins** and **Seconded** by **Ms. Hargiss** to **approve the minutes as written.**

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

**Mr. Robison           Aye**  
**Mr. Mayhand         Aye**  
**Ms. Hargiss          Aye**  
**Mr. Swaney          Aye**  
**Mr. Crimmins        Aye**

The Chairman stated okay. Then let us go ahead with the appeal for tonight, Bill. Appeal #2005-07, William & Linda Doyle, 1510 Third Street.

**New Business:**

**Appeal #2005-07, William & Linda Doyle**

Mr. Eady displayed color transparencies of 1510 Third Street. Mr. Doyle stated good evening, folks. I am Bill Doyle, my wife Linda Doyle. Obviously this is our appeal here tonight. The questionnaire that I filled out, I presume all of you either have it before you or have read it or looked at it. I want to go over that exhaustively, but I will add a few things to it. As you can see from that document, our problem is that the home, that we have been living in for some twenty-seven years, was constructed in the 1940's, as best as we can determine. When they constructed our home, they constructed it a good fifteen to twenty feet farther back on our lot than they did on all the other neighbors lots. It is constructed fifty-seven almost fifty-eight feet from the front lot line, which is a good fifteen to twenty feet behind the neighbors houses on each side of us, and had it been constructed differently, even with the neighborhood houses, we would not be here tonight, it would be well within the perimeter of that. When we moved in the house there were no restrictive covenants or anything like it that would set our lot line or anything to restrict us from putting an addition on the house. We always intended to do it. You know, for some reason, one thing lead to another, family, kids in college and stuff like that, we did not get around to it. Now it has become something critical, in our own personal lives, that mainly we increase the size of the house, if it is possible. Linda's mother, who is seventy-eight years old, has come to live with us. She has already had a heart attack, and we simply need more space. The home as it exists right now, is called a three bedroom, two bath home. Two of the three bedrooms are glorified closets. The one bathroom, reminds you of the bathrooms that you see on one of these recreational vehicles or a boat, if you turn around in it you can hit the walls. There is virtually no storage. The washing machine, dryer, hot water heater, freezer, and everything are on a little structure that I have a picture of in those photographs there, that was built on, apparently, by the previous owner, on the back. What we are proposing to do is to add a room for Linda's mother, and a family room, so that we will have at least some room to move around in the house. It will add closet space, and will add a bathroom. We will basically end up with the same number of bedrooms because we are actually using one of the existing bedrooms, in the plan that we have, to create some closet space. Most of the neighbors that live around me, where there either before or shortly after I moved in. All of them, who would be impacted by a lot line a little bit to close to the back, have consented to this, and I have also filed a written consent with the Board. You should have them on file there. My neighborhood is a very old neighborhood. If you walk to my back lot line, and you look from the left, and you look to the

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right you see structures that were constructed in the fifties, and some in the forties, right back on the fence line, this one might be out of character for the neighborhood that I am in. It is necessary, and I think with respect to the plans that we have, I am trying to preserve the cottage look of this house. I believe in the first photograph that you have there, it shows, basically, that this is the type structure that has been around in that part of Daphne from the beginning. We are going to try to stay with the existing line of the house, rather than leaving the line of the house. I do not have any options otherwise.

Mr. Doyle stated it is not enough room to go to the north in the first place, and the north is a water force. My lot slopes from the back to the front. I accept water from everyone east of me. When it comes down to my lot, any water that runs down dead center, on my lot, either goes to the right or the left. If it goes to the right, it has to flow down an area that I have palled out on the right-hand side of the lot, in order to exit the property. The same thing is true if it gets to the left side, which is where the carport, the parking, and the off road area is. So I really do not have any other options, other than to go backwards in our plans. I do not know what else I can add to this unless you have any questions. I ask you to consider that all the neighbors are in agreement, and agree to the variance.

The Chairman stated I see various letters in here. Are these from all the neighbors?

Mr. Doyle stated yes, sir. They are from all adjacent properties, as well as, the property that would be considered adjacent under the statute, across the street. Everybody that could possibly be impacted has agreed.

The Chairman stated well, thank you very much. By the pictures you submitted of the property, the shed that is on the back of the land, you would not impact it at all. Would you still have ample clearance to build over the setback line next to the existing shed back there?

Mr. Doyle stated I have not measured what that would be yet, but that shed is not in the plans to stay there in the future, anyway. I am going to take that shed out of there.

Mr. Eady stated this is the existing setback line now. It is thirty-five feet and this is the property line at the fence from that hedge right there behind the shed. It is thirty-five feet from there to the setback line. You can see now the home is well beyond the setback line. They are only requesting to use seven-feet, to only encroach seven-feet, which the rear of the new addition will be twenty-eight feet, from the property line.

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The Chairman stated I understand. Are there any other additional questions?

Mr. Crimmins stated that little patio that is shown on your initial plat is going to go away. Is that right?

Mr. Doyle stated which patio?

Mr. Crimmins stated well it is listed as a patio on this thing here. It is the little porch where the steps are in your picture. That is going away, right?

Mr. Doyle stated correct. That will be encompassed within inside.

Mr. Crimmins stated will your plan for this use the whole length of the back of the house?

Mr. Doyle stated correct. They go completely across. It is exactly the same width as the existing house, and it follows the exact same lines of the existing house.

The Chairman stated not including the carport?

Mr. Doyle stated correct. The carport, as it exists right now, is just a lean to basically, and it will be constructed as an actual carport in the addition.

Mr. Crimmins stated now, when was this house built again?

Mr. Doyle stated the toilets had some 1940 dates on them when we moved in there, and my elderly neighbor, across the street, at one time, who is not here anymore told me that it was constructed some time in the mid 1940's, by the congregation of one of the Daphne churches for their Pastor, and that is all I know about the history of it.

Mr. Crimmins stated how long have you live in it?

Mr. Doyle stated I have lived in it for twenty-seven years.

Mr. Crimmins stated long before the Land Use Ordinance came into effect.

The Chairman stated are there any additional questions, or comments.

Mr. Crimmins stated Mr. Eady, did you have anything to add?

Mr. Eady stated no, sir. I do not see any problems with it. The structure will be well away from this house back here. We are only talking about seven-feet and I recommend that it be approved.

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Mr. Crimmins stated I am not that familiar with Third Street, but there are a lot of structures close to the back line. Is that right?

Mr. Eady stated on properties like this one here, yes, sir.

Mr. Crimmins stated they would all encroach the thirty-five foot setback?

Mr. Eady stated there is your thirty-five foot setback, and I do not know actually, but it appears that this home here is probably on the setback line, this one back here.

Mr. Doyle stated if I can borrow your pointer. You see that right there that is a temporary shed, but that roof line right over there is a garage, that was built virtually right on the line. It is real close. If you were looking the other way, there is a pool house, that has been there since shortly after I moved in there. It is also constructed right on the line. There are various sheds of various descriptions right on the line of these houses because that is just the way they use to do it. So this is not really even close or out of character for the neighborhood.

The Chairman stated I have been down there today, and I would say that it is within character of the neighborhood. Do any of the Board members have any additional questions or comments? If there are no objections, the Chair will entertain a motion.

**A Motion was made by Mr. Crimmins and Seconded by Mr. Mayhand to approve Appeal #2005-07, William & Linda Doyle, 1510 Third Street, to encroach the rear setback line by 7.0 feet.**

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

Mr. Robison	<b>Aye</b>
Mr. Mayhand	<b>Aye</b>
Ms. Hargiss	<b>Aye</b>
Mr. Swaney	<b>Aye</b>
Ms. Crimmins	<b>Aye</b>

The Chairman stated the request for variance is approved, they can pick it up tomorrow. Is that right, Pat?

Ms. Houston stated yes, sir.

Mr. Doyle stated thank you very much.

The Chairman stated thank you.

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Ms. Doyle stated thank you very much, and you all have a good evening.

**Adjournment:**

The Chairman stated is there any other business? If there are no objections, the Chair would entertain a motion to adjourn.

A **Motion** was made and **Seconded to adjourn. The Motion carried unanimously.**

There being no further business the meeting was adjourned at **6:17 p.m.**

**Respectfully submitted by:**

Pat Houston, Recording Secretary

**APPROVED:** \_\_\_\_\_, 2005

Glen Swaney, Chairman

/ph

**NOVEMBER 28, 2005  
CITY OF DAPHNE, AL  
INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at City Council  
Chambers**

**1. CALL TO ORDER/ROLL CALL**

Members present – Jack Ehlenberg, John Coulter, Susie Davis, Yancey Baldwin, and Toni Fassbender

Also present – David Cohen and Bailey Yelding

**2. OLD BUSINESS**

a. Approval of October 18, 2005 Minutes

Motion by Ms. Fassbender                      Seconded by Ms. Davis                      To approve the minutes.

ALL IN FAVOR                                      NONE OPPOSED                                      MOTION CARRIED

**3. TREASURERS REPORT**

Mr. Coulter reported that the board had a balance of \$ 49,887.11.

Motion by Ms. Davis                                      Seconded by Ms. Fassbender To approve the treasures report.

ALL IN FAVOR                                      NONE OPPOSED                                      MOTION CARRIED

**4. DAPHNE COMMERCE AND TECHNOLOGY CENTER**

A discussion on the need to annex land along I-10 to reach the industrial park took place.

Motion by Ms. Davis                                      Seconded by Mr. Coulter                      To have a survey and legal description completed by HMR not to exceed \$ 2,000 be done.

ALL IN FAVOR                                      NONE OPPOSED                                      MOTION CARRIED

**5. OTHER BUSINESS**

Ms. Davis told the board that she planned to not seek a new term and would be resigning her board position.

**5. ADJOURN**

The next meeting is scheduled for January 23, 2006 at 6:00 P.M.

Motion by Ms. Davis                                      Seconded by Ms. Fassbender To adjourn.

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING  
ADJOURNED AT 7:10 P.M.**

Respectfully Submitted,

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David L. Cohen, Secretary

Approved:

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Jack Ehlenberg, Chairman

**Daphne Library Board  
January 9, 2006  
Meeting Minutes**

**In Attendance:**

Interim Library Director Nancy Seale, Board Members Glenn Swaney, Chairman, Gayle Robinson, Cassandra Day, Ernie Seckinger, and Anita Rigas. Also present was Council Representative John Lake.

**Call to Order:**

After a quorum was established, Glenn Swaney called the meeting to order at 4:30 pm.

**Reading and Approval of Minutes:**

The minutes of the December 12, 2005 meeting were reviewed and approved.

**Monthly Reports:**

The Monthly Report for December was presented to the Board and accepted. The numbers typically fall slightly in December. Computer users continue to rise, wireless users probably number more than reported. Nancy Seale reported that we are continually adding to the collection, especially DVDs and that our volunteers logged over 84 hours, with two or three coming each day.

**Public Participation:**

None

**Computer Services Technician/ Charlie Wilson's Volunteer Status:**

Charlie Wilson is now on retainer for the Library for computer work and is much appreciated by the staff. Mr. Swaney reported that the Library will be able to hire a Computer Services Technician and that Mr. Wilson will assist in advertising for the position and training the new employee.

**Old Business:**

The air-conditioner needs to be replaced; details are still being worked out.

**New Business:**

Mr. Swaney informed the Board that the Library has received a letter from the attorney of Ms Swafford, who is unhappy with one of the Board's policies. The letter has been forwarded to the City Attorney. It was suggested that Ms Seale assemble a package of current Board policies, etc. for review.

Mr. Lake informed the Board of various events observing the birthday of Dr. Martin Luther King being held in Daphne and Bay Minette.

The meeting adjourned at 5:15pm.

Respectfully submitted by Anita Rigas

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COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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**SUMMARIZATION OF MINUTES:**

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**CALL TO ORDER:**

The Chairman stated the number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:00 p.m.

**CALL OF ROLL:**

**Members Present:**

Fred Small, Mayor  
Jeff Carrico  
Larry Chason, Secretary  
Warren West, Vice Chairman  
Robert Segalla, Chairman  
Carter Eide  
Cathy Barnette, Councilwoman  
Ed Kirby

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Jan Dickson, Planning Coordinator  
Jay Ross, Attorney  
Tim Fleming, Associate Attorney  
Nancy Anderson, GIS Technician

The Chairman stated the first order of business is the call to order. Please let the record reflect that all of the members are present and the Commission has one position vacant. The next order of business is approval of the minutes.

**APPROVAL OF MINUTES:**

The minutes of the November 22, 2005 special meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

**A Motion was made by Ms. Barnette and Seconded by Mr. West to approve the minutes of the special meeting. The Motion carried. Mr. Kirby abstained due to his absence at the meeting.**

The minutes of the November 22, 2005 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. If

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there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

The Chairman recognized Mr. Fleming, the Associate Attorney.

Mr. Fleming requested that the minutes be amended to strike out a portion of the motion for Eagle Creek Subdivision and replace it with a statement he had prepared.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. West **to approve the minutes of the regular meeting.**

An **Amended Motion** was made by Ms. Barnette and **Seconded** by Mr. West **to approve the minutes of the regular meeting, subject to the correction being made in the motion for Eagle Creek Subdivision on page 3. The Motion carried. Mr. Kirby abstained due to his absence at the meeting.**

The minutes of the December 9, 2005 special meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to approve the minutes of the special meeting. The Motion carried. Mayor Small abstained due to his absence at the meeting.**

The Chairman stated the next order of business under old business is preliminary plat review for the addition to Lot 29, Eagle Creek Subdivision.

**OLD BUSINESS:**

**PRELIMINARY/FINAL PLAT REVIEW:**

**File SDPF05-25:**

**Subdivision: Addition to Lot 29, Eagle Creek Subdivision**

Location: Eagle Creek Drive West of Pollard Road

Area: 3.37 Acres +, (1 ) lots

Owner: Gulf Coast Referral Service - Sonny Nichols

Engineer: Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Moore, representing

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Hutchinson, Moore & Rauch. He stated apparently, there was an error in the motion which was made at the last meeting. This month we are here for clarification for the reduction of the three hundred foot buffer zone located to the West of the subdivision to one hundred feet for inclusion in lot 29.

The Chairman stated I would like to ask the attorney, Tim Fleming, to comment.

Mr. Fleming requested that the motion for Eagle Creek Subdivision be replaced with a statement he had prepared.

The Chairman stated do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Kirby **to request the present owner of the subject property to create or revise the current warranty deed to contain a use restriction for the three hundred (300) foot buffer zone so as to have the deed contain the use restriction for the three hundred (300) foot buffer zone as originally promised to the Planning Commission in consideration of the final plat approval of Eagle Creek Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Chaucer Ridge Subdivision.

**PRELIMINARY PLAT REVIEW:**

**File SDP05-22:**

**Subdivision: Chaucer Ridge**

Location: County Road 54 East  
Area: 9.31 Acres +, (36) lots  
Owner: Elite Development, L.L.C.  
Engineer: Engineering Development Services - Jason Estes or David Diehl

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting preliminary plat approval of a nine-acre subdivision consisting of thirty-six lots located on County Road 54 East. I will be happy to answer any questions you may have.

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The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

The adjacent property owners and the attorney for the Naefs addressed the Commission to express her concerns regarding the proposed development and how it would impact her property.

The Commission addressed the concerns of the adjacent property owner and discussed at length its possible effect on the adjacent property. They discussed the proposed development with regard to the following: the noncompliance of storm water drainage, existing flooding in this area, and compliance with the City of Daphne Land Use and Development Ordinance with regard to recreational area.

Mr. Avent addressed the concerns expressed by the Commission.

The Chairman stated do any of the Commissioners have any further questions or comments. He closed public participation. In order to give proper consideration to the documents, he requested that the Commission consider tabling action on the subdivision. If there is no objection, the Chair would entertain a motion.

Mr. Avent requested consideration to reconfigure Canaan Place Subdivision to accommodate the design for the entire tract of land owned by his client. He apologized for the oversight in not providing recreational area for the subdivision and requested to withdraw the application for preliminary plat review and resubmit at a later date.

The Chairman stated the next order of business is master plan plat review for Canaan Place Subdivision.

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting Master Plan approval for Canaan Place Subdivision.

The Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair would entertain a motion.

**A Motion was made by Mr. Kirby and Seconded by Ms. Barnette to grant the Master Plan for Canaan Place Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat

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review for Canaan Place Subdivision, Phase One and Two.

**File SDP05-21:**

**Subdivision: Canaan Place, Phase One and Two**

Location: Northwest corner of the intersection of County Road 54 and 54 East  
Area: 79.21 Acres +, (183) lots  
Owner: C & E, L.L.C.  
Engineer: Engineering Development Services - Jason Estes or David Diehl

An introductory presentation was given by Mr. Diehl and Mr. Avent, representing Engineering Development Services, requesting preliminary plat approval of a seventy-nine acre subdivision consisting of one hundred and eighty-three lots located Northwest corner of the intersection of County Road 54 and 54 East. We will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

The adjacent property owners and the attorney for the Naefs addressed the Commission to express her concerns regarding the proposed development and how it would impact her property.

The Commission addressed the concerns of the adjacent property owner and discussed at length its possible effect on the adjacent property. They discussed the proposed development with regard to the following: percentage and distribution of recreation area throughout the development, the noncompliance of storm water drainage, existing flooding in this area, and drainage easement provided by the adjacent property owner for the connectivity for the storm water drainage in the area.

Mr. Avent addressed the concerns expressed of the Commission and stated that he was very confident about the storm water drainage design for this development.

Mr. Chason commented on the fact we had table the subdivision, Chaucer Ridge, that we had considered previously based on our concerns regarding storm water drainage and flooding.

The Chairman stated please let the record reflect that the previous

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subdivision was withdrawn not tabled. Do any of the Commissioners have any further questions or comments? He closed public participation. If there is no objection, the Chair would entertain a motion.

Mr. Avent requested consideration to reconfigure Canaan Place Subdivision to accommodate the design for each development.

The Chairman stated he will entertain a motion to table Canaan Place Subdivision, Phase One and Two.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **to table the preliminary plat for Canaan Place Subdivision until the next regular meeting of January 26, 2006. The Motion carried unanimously.**

Mr. Avent stated that he conceded to the waiving of the thirty-day rule for the approval of a subdivision. The Chairman stated the next order of business is preliminary plat review for Via Dolorosa Subdivision.

**File SDP05-23:**

**Subdivision: Via Dolorosa**

Location: Captain O'Neal near Potters Mill  
Area: 5.9 Acres +, (9) lots  
Owner: Terry Stewart  
Engineer: BES, Inc. - Walter Bolton or Mike Warrington

An introductory presentation was given by Mr. Deven Moore, the developer and future owner. He stated based on the concerns expressed by Mr. Eady, the Director of Community Development, and Mr. Ken Eslava, the Director of Public Works, with regard to drainage he would like to withdraw consideration for the application for preliminary plat review. We will submit a revised plan at a later date.

The Chairman stated the next order of business is the election of a chairman.

**NEW BUSINESS:**

**ELECTION OF CHAIRMAN:**

A **Motion** was made by Mr. Segalla and **Seconded** by Mr. Kirby **to elect Mr. Carrico as Chairman. The Motion carried unanimously.**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF DECEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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**SUMMARIZATION OF MINUTES:**

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The Chairman stated the next order of business is a final plat review for Ottawa Springs Subdivision, Phase One.

**FINAL PLAT REVIEW:**

**File SDF05-16:**

**Subdivision:** Ottawa Springs, Phase One

**Location:** On County Road 13 approximately one mile North of  
County Road 64  
**Area:** 30.26 Acres ±, (64) lots  
**Owner:** Gooden Homes, Inc.  
**Engineer:** Engineering Development Services - David Diehl or  
Jason Estes

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting final plat approval of a thirty-acre subdivision consisting of sixty-four lots located on County Road 13 approximately one mile North of County Road 64. He stated the construction of the subdivision is complete; therefore, we are requested final approval. I will be happy to answer any questions you may have.

The Chairman questioned whether or not the concerns of the Public Works Director had been addressed.

Mr. Diehl stated yes. We have posted a landscape bond which will the concerns addressed in his memorandum.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Kirby **to grant Final Plat approval to Ottawa Springs Subdivision, Phase One. The Motion carried unanimously.**

The Chairman stated the next order of business is a final plat review for Madison Place Subdivision, Phase Two.

**File SDF05-17:**

THE CITY OF DAPHNE  
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**Subdivision: Madison Place, Phase Two**

Location: East and adjacent to Madison Place Subdivision, Phase One, Northeast of Parker Lane  
Area: 9.99 Acres +, (27) lots  
Owner: Elite Development  
Engineer: Engineering Development Services - David Diehl or Jason Estes

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting final plat approval of a ten-acre subdivision consisting of twenty-seven lots located East and adjacent to Madison Place Subdivision, Phase One, Northeast of Parker Lane. He stated the construction of the subdivision is complete; therefore, we are requested final approval. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion.

**A Motion was made by Mr. Kirby and Seconded by Mayor Small to grant Final Plat approval to Madison Place Subdivision, Phase Two. The Motion carried unanimously.**

The Chairman stated the next order of business is final plat review for Austin Park Subdivision, Phase II.

**PRELIMINARY PLAT REVIEW:**

**File SDP05-24:**

**Subdivision: Austin Park II**

Location: County Road 54 West, North and West of Garrett Road  
Area: 38.31 Acres +, (73) lots  
Owner: Atilio Corte  
Engineer: Hutchinson, Moore & Rauch - Ray Moore or Scott Hutchinson

An introductory presentation was given by Mr. Moore, representing Hutchinson, Moore & Rauch, requesting final plat approval of a thirty-

THE CITY OF DAPHNE  
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eight acre subdivision consisting of seventy-three lots located on County Road 54 West Northwest of Garrett Road. He commented on storm water drainage and utilities. I will be glad to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

The adjacent property owners addressed the Commission to express her concerns regarding the proposed development and how it would impact her property.

The Commission addressed the concerns of the adjacent property owner and discussed at length its possible effect on the adjacent property. They discussed the proposed development with regard to the following: compliance of storm water drainage and existing flooding in this area.

The Chairman stated do any of the Commissioners have any questions or comments. He closed public participation. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. West **to grant Preliminary Plat approval to Austin Park Subdivision, Phase II. The Motion carried unanimously.**

The Chairman stated the next order of business is final plat review for Wellington Place Subdivision.

**File SDP05-25:**

**Subdivision: Wellington Place**

Location: On County Road 54, North and adjacent to Canaan Place Subdivision

Area: 15.02 Acres ±, (25) lots

Owner: ARK Builders, L.L.C.

Engineer: Engineering Development Services - David Diehl or Jason Estes

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting preliminary plat approval of a fifteen-acre subdivision consisting of twenty-five lots located on County Road 54 immediately North and adjacent to Canaan Place Subdivision. He stated if Canaan Place or Chaucer Ridge Subdivision

THE CITY OF DAPHNE  
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COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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were not approved and constructed, then it would not have any affect on this subdivision. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

The adjacent property owners addressed the Commission to express her concerns regarding the proposed development and how it would impact her property.

The Commission addressed the concerns of the adjacent property owner and discussed at length its possible effect on the adjacent property. They discussed the proposed development with regard to the following: compliance of storm water drainage, the location of Mrs. Trott's driveway in relationship to this property, and the location of the property corners in relationship to the adjacent property owners.

The Chairman stated do any of the Commissioners have any questions or comments. He closed public participation. He asked if Mr. Diehl would be kind enough to locate the property corners on the East side of this development for the adjacent property owners.

Mr. Diehl stated yes sir. He stated I will be happy to.

The Chairman stated do any of the Commissioners have any further questions or comments. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Kirby **to grant the Preliminary Plat approval to Wellington Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for The Old Home Place.

**File SDP05-26:**

**Subdivision:       The Old Place, Phase II**

Location:           On Austin Road approximately one half mile East of  
Alabama Highway 181

Area:               34.30 Acres  $\pm$ , (63) lots

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Owner: Del Corte  
Engineer: Hutchinson, Moore & Rauch - Ray Moore or Scott Hutchinson

An introductory presentation was given by Mr. Tom Granger, representing Hutchinson, Moore & Rauch, requesting preliminary plat approval of a thirty-four acre subdivision consisting of sixty-three lots located on Austin Road approximately one half mile East of Alabama Highway 181. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Ms. Barnette **to grant Preliminary Plat approval to the Old Place Subdivision, Phase Two. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Cambron Subdivision.

**File SDP05-27:**

**Subdivision: Cambron Place, Phase II**

Location: On Highway 31 North of Malbis  
Area: 62.6 Acres  $\pm$ , (108) lots  
Owner: Cambron Investments - Sonny Nichols  
Engineer: Hutchinson, Moore & Rauch - Ray Moore or Scott Hutchinson

An introductory presentation was given by Mr. Hutchinson, representing Hutchinson, Moore & Rauch, requesting preliminary plat approval of a sixty-two acre subdivision consisting of one hundred and eight lots located on the Northwest side of Highway 31 North of Malbis. Mr. West questioned whether or not the utilities had certified to the fire protection for this subdivision.

Mr. Hutchinson stated the City of Bay Minette had conducted flow tests. They certified that the flow tests do meet the standards of ISO.

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The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Mr. Kirby **to grant Preliminary Plat approval for Cambron Subdivision, Phase II. The Motion carried unanimously.**

The Chairman stated the next order of business is final plat review for Bellaton Subdivision, Phase Two.

**File SDP05-28:**

**Subdivision: Bellaton, Phase Two**

Location: North and adjacent to Bellaton Subdivision, Phase One, at the intersection of County Road 27 and Austin Road

Area: 49.24 Acres  $\pm$ , (71) lots

Owner: Country Club Development - Trae Corte

Engineer: Engineering Development Services - David Diehl or Jason Estes

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting preliminary plat approval of a forty-nine acre subdivision consisting of seventy-one lots located at the intersection of State Highway 181 and Austin Road immediately North and adjacent to Bellaton Subdivision, Phase One. I will be happy to answer any questions you may have. He requested that a representative for Mr. Trae Corte speak regarding the location of the sidewalks for the development.

A presentation was given by Mr. Lell regarding the proposed relocation of the sidewalk in order to create a street scape with trees. He asked if this could be a consideration with this submittal.

The Chairman stated we do not approve subdivisions subject to revisions be made on the plans.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will

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entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Ms. Burnette **to grant Preliminary Plat approval to Bellaton Subdivision, Phase Two. The Motion carried unanimously.**

The Chairman stated the next order of business is annexation review for TimberCreek Land Company, Inc.

**PETITIONS:**

**ANNEXATION REVIEW:**

An introductory presentation to be given by Joel Coleman, representing Rester & Coleman Engineers, requesting annexation of a one hundred thirty-nine acre parcel located West of Interstate 10 and Woodrow Lane with B-2, General Business, zoning. The owner of subject property is TimberCreek Land Company, Inc.

The owner, Mr. Cox, stated we are asking for annexation with B-2, General Business, zoning because an interchange is planned to be constructed and connect to a portion of TimberCreek Subdivision immediately West of Woodrow Lane. This would render this property useless as residential property.

The Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. West **and Seconded** by Mr. Kirby **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation for the TimberCreek Land Company, Inc. with B-2, General Business, zoning. The Motion carried unanimously.**

The Chairman stated the next order of business is master plan review for the French Settlement.

**MASTER PLAN REVIEW:**

An introductory presentation to be given by Ray Moore, representing Hutchinson, Moore & Rauch, requesting approval of the master plan for

**THE CITY OF DAPHNE  
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one hundred thirty acre parcel located Northwest of the intersection County Road 13 and Whispering Pines Road. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. Carrico and **Seconded** by Mr. West **to grant Master Plan approval to the French Settlement. The Motion carried unanimously.**

**The Chairman stated the Planning Commission will convene for a break at 8:15 p.m.**

**The meeting was reconvened at 8:25 p.m.**

The Chairman stated the next order of business is an administration presentation for an amendment to the City of Daphne Comprehensive Plan - Image Map.

**ADMINISTRATIVE PRESENTATION:**

An introductory presentation was given by Mr. Jeff Smith, agent, for the developer, Rick Fine, of an amendment to the City of Daphne Comprehensive Plan - Image Map. The owners of the parcels are the Utilities Board of the City of Daphne and Robert Merritt. The property lies Southwest and West of the intersection of Merritt Boulevard and U. S. Highway 98. The site will include the property West of the old World Gym and the parcel which is owned by the Utilities Board of the City of Daphne to the South. The development of this property was pending prior to the issuance of the moratorium by the City Council. The developer wishes to continue with the proposal, but has a deadline; therefore, he requesting an amendment of the City of Daphne Comprehensive Plan - Image Map to include the parcels for which he is developing. Mr. Bellue is here to speak on behalf of the Utilities Board.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

An adjacent property owner addressed the Commission to express her concerns regarding the proposed development and how it would impact her property. She commented the fact that she had just received the notice due to the fact that she worked in the Mobile area, but would

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like to know what is proposed for the development.  
The Commission addressed the concerns of the adjacent property owner and discussed at length its possible effect on the adjacent property.

The Chairman stated do any of the Commissioners have any questions or comments. He closed public participation. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **to not consider any further amendments to the Comprehensive Plan - Image Map until such time the Residential High Rise District Ordinance is adopted by the City Council. The Motion carried unanimously.**

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

**ATTORNEY'S REPORT:**

Mr. Ross stated no report.

**ADJOURNMENT:**

The Chairman stated do any of the Commissioners or Mr. Eady have any further questions or comments. If there is no objection, the Chair will entertain a motion to adjourn.

A **Motion** was made and **Seconded to adjourn. The Motion carried unanimously.**

*There being no further business, the meeting was adjourned at 8:45 p.m.*

***Respectfully submitted by:***

Jan Dickson, Planning Coordinator

**APPROVED:** January 26, 2006

Robert Segalla, Chairman

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF DECEMBER 22, 2005  
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# SET PUBLIC HEARING FOR

**MARCH 6, 2006**

- a.) Revision to City Street Map
- b.) Revision to Zoning Map
- c.) Rezone: Country Club Development, LLC. / Bellaton Subdivision, Phase Three / Property located off U.S. 181 Highway / from R-3, High Density Single Family Residential to R-4, High Density Single Family Residential
- d.) Rezone: Two Step Partners, LLC / Property located on the corner of 2<sup>nd</sup> Street and Van Buren Street / from R-3, High Density Single Family Residential to B-2, General Business District
- e.) Annexation: Julio Corte, Jr. / 10 Foot Strip / R-1, Low Density Single Family Residential
- f.) Annexation: Julio Corte, Jr. / 11.66 Acres / R-1 Low Density Single Family Residential
- g.) Annexation: French Settlement / 132.02 Acres / R-1, Low Density Single Family Residential / R-2, Medium Density Single Family Residential / R-3, High Density Single Family Residential, and R-4 High Density Single Family Residential
- h.) Annexation: Julio Corte, Jr. / 21.27 Acres / R-4, High Density Single Family Residential
- i.) Annexation: Julio Corte, Jr. / 18.91 Acres / R-3, High Density Single Family Residential
- j.) Annexation: Julio Corte, Jr. / 25.14 Acres / R-2, Medium Density Single Family Residential

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Revision to City of Daphne  
Street Map  
Date: January 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 26, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned revision to the City of Daphne Street Map.

Upon receipt of said documentation from the City Attorney's office, please place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 15, 2006.

**SECOND 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 March 6, 2006 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 Revising the City of Daphne Street 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.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**CITY OF DAPHNE  
ORDINANCE NO. 2006-\_\_\_**

**City of Daphne Street Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on January 26, 2006, favorably recommended to update the City Daphne Street map; and,

**WHEREAS**, said additional map is necessary due to need to up date the City of Daphne street map due to the addition of new city streets; and,

**WHEREAS**, due notice of said City of Daphne Street 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**, the Mayor and City Council of the City of Daphne after due consideration believe the update to said City of Daphne Street Map as requested by the Planning Commission is proper and in the best interest of the City; and,

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

**/END SYNOPSIS**

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 15, 2006.

**SECOND 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 March 6, 2006 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 Revising the City of Daphne Street 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.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**CITY OF DAPHNE  
ORDINANCE NO. 2006-\_\_\_**

**City of Daphne Street Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on January 26, 2006, favorably recommended to update the City Daphne Street map; and,

**WHEREAS**, said additional map is necessary due to need to up date the City of Daphne street map due to the addition of new city streets; and,

**WHEREAS**, due notice of said City of Daphne Street 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**, the Mayor and City Council of the City of Daphne after due consideration believe the update to said City of Daphne Street Map as requested by the Planning Commission is proper and in the best interest of the City; and,

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

**/END SYNOPSIS**

**CITY OF DAPHNE  
ORDINANCE NO. 2006-\_\_\_**

**City of Daphne Street Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on January 26, 2006, favorably recommended to update the City Daphne Street map; and,

**WHEREAS**, said additional map is necessary due to need to up date the City of Daphne street map due to the addition of new city streets; and,

**WHEREAS**, due notice of said City of Daphne Street 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**, the Mayor and City Council of the City of Daphne after due consideration believe the update to said City of Daphne Street Map as requested by the Planning Commission is proper and in the best interest of the City; and,

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

**SECTION I. Adoption of Map:**

The City of Daphne Street Map proposed by the City of Daphne Planning Commission to the City Council on February 6, 2006 is hereby adopted as the official “City of Daphne Street Map.”

**SECTION I. REPEALER**

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

**SECTION II. 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 DAPHNE, ALABAMA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

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**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

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**David Cohen, City Clerk, MMC**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Revision to City of Daphne  
Zoning Map  
Date: January 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 26, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned revision to the City of Daphne zoning map.

Upon receipt of said documentation from the City Attorney's office, please place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 8, 2006

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 March 6, 2006 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 & Development Ordinance 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.

David L. Cohen, City Clerk, CMC

**PROPOSED ORDINANCE:**

**CITY OF DAPHNE  
ORDINANCE NO. 2006-\_\_\_\_\_**

**Zoning District Map  
Revision to Appendix H of the City of Daphne  
Land Use and Development Ordinance**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on January 26, 2006, favorably recommended certain amendments to the Zoning District Map approved and adopted by of the Daphne Land Use & Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06 and Ordinance No. 2005-11; and,

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests, which have been approved since the adoption of Ordinance No. 2002-22 and amended by Ordinance No. 2003-06 and Ordinance No. 2005-11; and,

**WHEREAS**, due notice of said proposed zoning map amendments 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 Zoning District Map amendments was held by the City Council March 6, 2006; and,

**WHEREAS**, the Mayor and City Council of the City of Daphne after due consideration believe the amendments to said Zoning 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. ZONING DISTRICT MAP**

The Zoning District Map referenced hereto as "Exhibit A" shall be the official zoning map of the City of Daphne, Alabama.

**SECTION II. AMENDMENT**

Ordinance 2002-22, 2003-06, and 2005-11 are hereby amended to the extent that the adopted Zoning District Map referenced in Appendix H of "Exhibit A", conflicts with the Revised Zoning District Map referenced as Exhibit A.

**ORDINANCE 2006-**

**REVISION OF ZONING MAP**

**PAGE 2**

**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 DAPHNE, ALABAMA, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

**CITY OF DAPHNE**

**GREG BURNAM  
COUNCIL PRESIDENT  
DATE/TIME SIGNED:**

**FRED SMALL, MAYOR  
THE CITY OF DAPHNE  
DATE/TIME SIGNED:**

**ATTEST:**

**DAVID COHEN  
CITY CLERK, MMC**



PLEASE Publish in the Bulletin Legal Section on Wednesday, February 15, 2006.

**SECOND 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 March 6, 2006 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 Revising the City of Daphne Zoning 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.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**CITY OF DAPHNE  
ORDINANCE NO. 2006-\_\_\_\_\_**

**Zoning District Map  
Revision to Appendix H of the City of Daphne  
Land Use and Development Ordinance**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on January 26, 2006, favorably recommended certain amendments to the Zoning District Map approved and adopted by of the Daphne Land Use & Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06 and Ordinance No. 2005-11; and,

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests, which have been approved since the adoption of Ordinance No. 2002-22 and amended by Ordinance No. 2003-06 and Ordinance No. 2005-11; and,

**WHEREAS**, due notice of said proposed zoning map amendments 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 Zoning District Map amendments was held by the City Council March 6, 2006; and,

**/END SYNOPSIS**

**CITY OF DAPHNE**  
**ORDINANCE NO. 2006-\_\_\_\_\_**

**Zoning District Map**  
**Revision to Appendix H of the City of Daphne**  
**Land Use and Development Ordinance**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on January 26, 2006, favorably recommended certain amendments to the Zoning District Map approved and adopted by of the Daphne Land Use & Development Ordinance No. 2002-22, referenced in Appendix H “Exhibit A” thereof and amended by Ordinance No. 2003-06 and Ordinance No. 2005-11; and,

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests, which have been approved since the adoption of Ordinance No. 2002-22 and amended by Ordinance No. 2003-06 and Ordinance No. 2005-11; and,

**WHEREAS**, due notice of said proposed zoning map amendments 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 Zoning District Map amendments was held by the City Council March 6, 2006; and,

**WHEREAS**, the Mayor and City Council of the City of Daphne after due consideration believe the amendments to said Zoning 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. ZONING DISTRICT MAP**

The Zoning District Map referenced hereto as “Exhibit A” shall be the official zoning map of the City of Daphne, Alabama.

**SECTION II. AMENDMENT**

Ordinance 2002-22, 2003-06, and 2005-11 are hereby amended to the extent that the adopted Zoning District Map referenced in Appendix H of “Exhibit A”, conflicts with the Revised Zoning 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 DAPHNE,  
ALABAMA, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

**CITY OF DAPHNE**

\_\_\_\_\_  
GREG BURNAM  
COUNCIL PRESIDENT  
DATE/TIME SIGNED: \_\_\_\_\_

\_\_\_\_\_  
FRED SMALL, MAYOR  
THE CITY OF DAPHNE  
DATE/TIME SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
DAVID COHEN, CITY CLERK, MMC

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: County Club Development,  
L.L.C.  
Date: January 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 26, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned zoning amendment.

The Planning Commission's recommendation was to favorably recommend the rezoning of the subject parcel from a R-3, High Density Single Family Residential, to a R-4, High Density Single Family Residential, zone.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file

**THE CITY OF DAPHNE**  
**PLANNING DEPARTMENT**  
**APPLICATION FOR ZONING AMENDMENT**

Application Number: Z06-02      Date Plat Submitted: Dec. 27, 2005

Date Presented: Jan 24, 2006

Name of Owner: Country Club Development, LLC

Address: 22881 US Hwy. 98 Bldg. J Fairhope, AL 36532 Telephone# 928-0700  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Engineering Development Services, LLC

Address: P O Box 1395 Daphne, AL 36526 Telephone# 626-2122  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Bellaton, Phase Three (A portions)

Lot(s): \_\_\_\_\_ Unit \_\_\_\_\_

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: Dec. 27, 2005).

Meeting Dates:

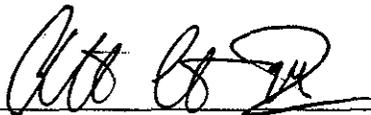
Planning Commission: January 26, 2006

City Council: March 4, 2006

Reason(s) for requesting the Zoning Amendment:

To develop a Single Family Residential Area in line with a Traditional Neighborhood

Development



**SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE**

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address
b) Name of Subdivision Bellaton, Phase Three
c) Lot numbers involved in change
d) Total acreage of change 32.48 AC
e) Recorded in Map Book Page
f) Owned in whole by the undersigned? Yes
g) If owned in part, name(s) of co-owner(s):

2) Zoning change requested:

- a) Present classification of property R-3
b) Reclassification desired R-4
c) Character of neighborhood R-3 and Vacant Property

3) Certifications:

- a) Owner's Name Country Club Development, LLC
b) Address 22881 US Hwy. 98 Bldg. J Fairhope, AL 36532
c) Telephone Number 928-0700
d) Date December 12, 2005

Signature of Property Owner

Signature of Property Owner

AGREEMENT

**...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.**

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

12/20/05  
Date

  
Signature of Property Owner

**COUNTRY CLUB DEVELOPMENT, L.L.C.  
REZONING TO R-4 SINGLE FAMILY  
EXHIBIT "A"**

COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 1720.42 FEET; THENCE RUN NORTH 87 DEGREES 41 MINUTES 05 SECONDS WEST, A DISTANCE OF 585.09 FEET; THENCE RUN NORTH 58 DEGREES 51 MINUTES 38 SECONDS WEST, A DISTANCE OF 175.74 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 17 SECONDS WEST, A DISTANCE OF 1327.15 FEET; THENCE RUN SOUTH 89 DEGREES 42 MINUTES 43 SECONDS EAST, A DISTANCE OF 449.04 FEET; THENCE RUN NORTH 00 DEGREES 28 MINUTES 10 SECONDS EAST, A DISTANCE OF 1038.16 FEET; THENCE RUN SOUTH 77 DEGREES 00 MINUTES 09 SECONDS EAST, A DISTANCE OF 340.70 FEET; THENCE RUN SOUTH 56 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 67.45 FEET; THENCE RUN SOUTH 74 DEGREES 30 MINUTES 19 SECONDS EAST, A DISTANCE OF 141.86 FEET; THENCE RUN SOUTH 82 DEGREES 33 MINUTES 37 SECONDS EAST, A DISTANCE OF 150.28 FEET; THENCE RUN SOUTH 83 DEGREES 12 MINUTES 38 SECONDS EAST, A DISTANCE OF 305.95 FEET; THENCE RUN SOUTH 86 DEGREES 09 MINUTES 25 SECONDS EAST, A DISTANCE OF 95.76 FEET; THENCE RUN SOUTH 85 DEGREES 17 MINUTES 55 SECONDS EAST, A DISTANCE OF 148.01 FEET; THENCE RUN NORTH 88 DEGREES 21 MINUTES 15 SECONDS EAST, A DISTANCE OF 152.70 FEET; THENCE RUN NORTH 06 DEGREES 00 MINUTES 26 SECONDS WEST, A DISTANCE OF 39.94 FEET; THENCE RUN NORTH 83 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 141.62 FEET; THENCE RUN NORTH 05 DEGREES 39 MINUTES 45 SECONDS EAST, A DISTANCE OF 163.73 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 217.93 FEET; THENCE RUN NORTH 00 DEGREES 23 MINUTES 13 SECONDS EAST, A DISTANCE OF 140.00 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 138.50 FEET; THENCE RUN NORTH 61 DEGREES 55 MINUTES 58 SECONDS EAST, A DISTANCE OF 104.94 FEET; THENCE RUN NORTH 12 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 143.02 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 32.55 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**BELLATON, PHASE THREE**



**ADJACENT PROPERTY OWNERS  
BELLATON, PHASE THREE**

BONI, LOUIS JR  
11582 LISA COURT  
FAIRHOPE, AL 36532

CORTE, FRED L  
P O BOX 1156  
FAIRHOPE, AL 36533

COUNTRY CLUB DEVELOPMENT, LLC  
22881 US HWY 98  
BUILDING J  
FAIRHOPE, AL 36532

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 8, 2006

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 March 6, 2006 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 Rezoning certain property from R-3 High Density Single Family Residential District to R-4 High Density Single Family Residential District 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.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006 -**

**Ordinance to Rezone Property Located off of U.S. 181 Highway  
Bellaton Subdivision**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to R-4, High Density Single Family Residential District, said property is located off of U.S. 181 Highway in Daphne, Alabama, being more particularly described as follows:

**Legal Description:**

COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 1720.42 FEET; THENCE RUN NORTH 87 DEGREES 41 MINUTES 05 SECONDS WEST, A DISTANCE OF 585.09 FEET; THENCE RUN NORTH 58 DEGREES 51 MINUTES 38 SECONDS WEST, A DISTANCE OF 175.74 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 17 SECONDS WEST, A DISTANCE OF 1327.15 FEET; THENCE RUN SOUTH 89 DEGREES 42 MINUTES 43 SECONDS EAST, A DISTANCE OF 449.04 FEET; THENCE RUN NORTH 00 DEGREES 28 MINUTES 10 SECONDS EAST, A DISTANCE OF 1038.16 FEET; THENCE RUN SOUTH 77 DEGREES 00 MINUTES 09

SECONDS EAST, A DISTANCE OF 340.70 FEET; THENCE RUN SOUTH 56 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 67.45 FEET; THENCE RUN SOUTH 74 DEGREES 30 MINUTES 19 SECONDS EAST, A DISTANCE OF 141.86 FEET; THENCE RUN SOUTH 82 DEGREES 33 MINUTES 37 SECONDS EAST, A DISTANCE OF 150.28 FEET; THENCE RUN SOUTH 83 DEGREES 12 MINUTES 38 SECONDS EAST, A DISTANCE OF 305.95 FEET; THENCE RUN SOUTH 86 DEGREES 09 MINUTES 25 SECONDS EAST, A DISTANCE OF 95.76 FEET; THENCE RUN SOUTH 85 DEGREES 17 MINUTES 55 SECONDS EAST, A DISTANCE OF 148.01 FEET; THENCE RUN NORTH 88 DEGREES 21 MINUTES 15 SECONDS EAST, A DISTANCE OF 152.70 FEET; THENCE RUN NORTH 06 DEGREES 00 MINUTES 26 SECONDS WEST, A DISTANCE OF 39.94 FEET; THENCE RUN NORTH 83 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 141.62 FEET; THENCE RUN NORTH 05 DEGREES 39 MINUTES 45 SECONDS EAST, A DISTANCE OF 163.73 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 217.93 FEET; THENCE RUN NORTH 00 DEGREES 23 MINUTES 13 SECONDS EAST, A DISTANCE OF 140.00 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 138.50 FEET; THENCE RUN NORTH 61 DEGREES 55 MINUTES 58 SECONDS EAST, A DISTANCE OF 104.94 FEET; THENCE RUN NORTH 12 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 143.02 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 32.55 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**WHEREAS**, the Planning Commission of the City of Daphne on January 26, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, March 6, 2006 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to R-4, High Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day \_\_\_\_\_ day of \_\_\_\_\_, 2006.**

**Greg Burnam**  
**Council President**  
Date & Time Signed:

**Fred Small**  
**Mayor**  
Date & Time Signed

**ATTEST:**

**David L. Cohen**  
**City Clerk, MMC**

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 15, 2006.

**SECOND 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 March 6, 2006 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 Rezoning certain property from R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District 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.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006 -**

**Ordinance to Rezone Property Located off of U.S. 181 Highway  
Bellaton Subdivision**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to R-4, High Density Single Family Residential District, said property is located off of U.S. 181 Highway in Daphne, Alabama, being more particularly described as follows:

**Legal Description:**

COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 1720.42 FEET; THENCE RUN NORTH 87 DEGREES 41 MINUTES 05 SECONDS WEST, A DISTANCE OF 585.09 FEET; THENCE RUN NORTH 58 DEGREES 51 MINUTES 38 SECONDS WEST, A DISTANCE OF 175.74 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 17 SECONDS WEST, A DISTANCE OF 1327.15 FEET; THENCE RUN SOUTH 89 DEGREES 42 MINUTES 43 SECONDS EAST, A DISTANCE OF 449.04 FEET; THENCE RUN NORTH 00 DEGREES 28 MINUTES 10 SECONDS EAST, A DISTANCE OF 1038.16 FEET; THENCE RUN SOUTH 77 DEGREES 00 MINUTES 09 SECONDS EAST, A DISTANCE OF 340.70 FEET; THENCE RUN SOUTH 56 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 67.45 FEET; THENCE RUN SOUTH 74 DEGREES 30 MINUTES 19 SECONDS EAST, A DISTANCE OF 141.86 FEET; THENCE

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**WHEREAS**, the Planning Commission of the City of Daphne on January 26, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**/END SYNOPSIS**

**ORDINANCE NO. 2006 -**

**Ordinance to Rezone Property Located off of U.S. 181 Highway  
Bellaton Subdivision**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to R-4, High Density Single Family Residential District, said property is located off of U.S. 181 Highway in Daphne, Alabama, being more particularly described as follows:

Legal Description:

COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 1720.42 FEET; THENCE RUN NORTH 87 DEGREES 41 MINUTES 05 SECONDS WEST, A DISTANCE OF 585.09 FEET; THENCE RUN NORTH 58 DEGREES 51 MINUTES 38 SECONDS WEST, A DISTANCE OF 175.74 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 17 SECONDS WEST, A DISTANCE OF 1327.15 FEET; THENCE RUN SOUTH 89 DEGREES 42 MINUTES 43 SECONDS EAST, A DISTANCE OF 449.04 FEET; THENCE RUN NORTH 00 DEGREES 28 MINUTES 10 SECONDS EAST, A DISTANCE OF 1038.16 FEET; THENCE RUN SOUTH 77 DEGREES 00 MINUTES 09 SECONDS EAST, A DISTANCE OF 340.70 FEET; THENCE RUN SOUTH 56 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 67.45 FEET; THENCE RUN SOUTH 74 DEGREES 30 MINUTES 19 SECONDS EAST, A DISTANCE OF 141.86 FEET; THENCE RUN SOUTH 82 DEGREES 33 MINUTES 37 SECONDS EAST, A DISTANCE OF 150.28 FEET; THENCE RUN SOUTH 83 DEGREES 12 MINUTES 38 SECONDS EAST, A DISTANCE OF 305.95 FEET; THENCE RUN SOUTH 86 DEGREES 09 MINUTES 25 SECONDS EAST, A DISTANCE OF 95.76 FEET; THENCE RUN SOUTH 85 DEGREES 17 MINUTES 55 SECONDS EAST, A DISTANCE OF 148.01 FEET; THENCE RUN NORTH 88 DEGREES 21 MINUTES 15 SECONDS EAST, A DISTANCE OF 152.70 FEET; THENCE RUN NORTH 06 DEGREES 00 MINUTES 26 SECONDS WEST, A DISTANCE OF 39.94 FEET; THENCE RUN NORTH 83 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 141.62 FEET; THENCE RUN NORTH 05 DEGREES 39 MINUTES 45 SECONDS EAST, A DISTANCE OF 163.73 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 217.93 FEET; THENCE RUN NORTH 00 DEGREES 23 MINUTES 13 SECONDS EAST, A DISTANCE OF 140.00 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 138.50 FEET; THENCE RUN NORTH 61 DEGREES 55 MINUTES 58 SECONDS EAST, A DISTANCE OF 104.94 FEET; THENCE RUN NORTH 12 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 143.02 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 32.55 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**WHEREAS**, the Planning Commission of the City of Daphne on January 26, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, March 6, 2006 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to R-4, High Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day \_\_\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Two Step Partners, L.L.C.  
Date: January 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 26, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned zoning amendment.

The Planning Commission's recommendation was to favorably recommend the rezoning of the subject parcel from a R-3, High Density Single Family Residential, to a B-2, General Business, zone.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file

**THE CITY OF DAPHNE**  
**PLANNING DEPARTMENT**  
**APPLICATION FOR ZONING AMENDMENT**

Application Number: Z06-01 Date Plat Submitted: Dec. 27, 2005

Date Presented: Jan 26, 2006

Name of Owner: TWO STEP PARTNERS, L.L.C.

Address: 3632 DAUPHIN ST., STE. 101B MOBILE, AL 36608 Telephone# 251-626-3211  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: HUTCHINSON, MOORE & RAUCH, DOUG BAILEY

Address: P O BOX 1872 FOLEY, AL 36535 Telephone# 251-970-2422  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: PARK CITY

Lot(s): 4, 5, 6, 7 Unit BLOCK 56

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 12-27-05).

Meeting Dates:

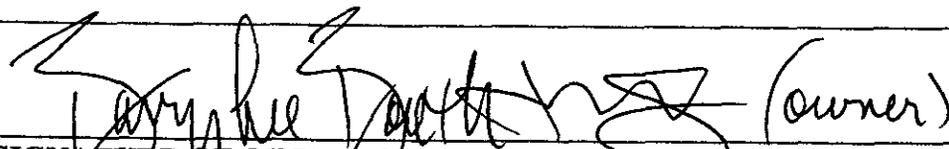
Planning Commission: JANUARY 26, 2006

City Council: March 6, 2006

Reason(s) for requesting the Zoning Amendment:

CONVERT TO USE THE EXISTING STRUCTURE ON THIS SITE AS THE PROJECT OFFICE

FOR THE PROPOSED RESIDENTIAL COMMUNITY DEVELOPMENT

  
**SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE**  
(Application for a Zoning Amendment information shall be that of the owner of the subject property).

Revised: March 18, 2004

**APPLICATION FOR ZONING AMENDMENT**

STATE OF ALABAMA)  
COUNTY OF BALDWIN)  
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

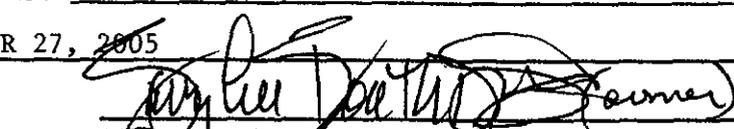
- a) Address 28720 2ND STREET
- b) Name of Subdivision PARK CITY
- c) Lot numbers involved in change 4, 5, 6, AND 7, BLOCK 56
- d) Total acreage of change 0.6 ACRES
- e) Recorded in Map Book MISC BK 1 Page 230-1
- f) Owned in whole by the undersigned? YES
- g) If owned in part, name(s) of co-owner(s):  
\_\_\_\_\_  
\_\_\_\_\_

2) Zoning change requested:

- a) Present classification of property R-3
- b) Reclassification desired B-2
- c) Character of neighborhood BUSINESS

3) Certifications:

- a) Owner's Name TWO STEP PARTNERS, L.L.C.
- b) Address 3632 DAUPHIN ST., STE. 101-B MOBILE, AL 36608
- c) Telephone Number 251-626-3211
- d) Date DECEMBER 27, 2005

  
Signature of Property Owner

  
Signature of Property Owner

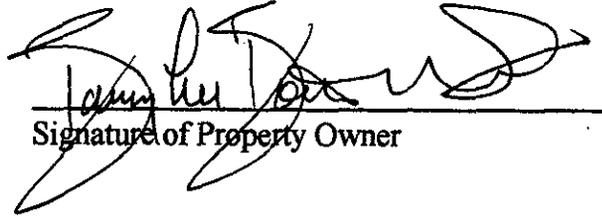
**AGREEMENT**

**...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.**

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

DECEMBER 27, 2005

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Property Owner

**TWO STEP PARTNERS, LLC  
ZONING AMENDMENT**

**EXHIBIT "A"**

**Legal Description:**

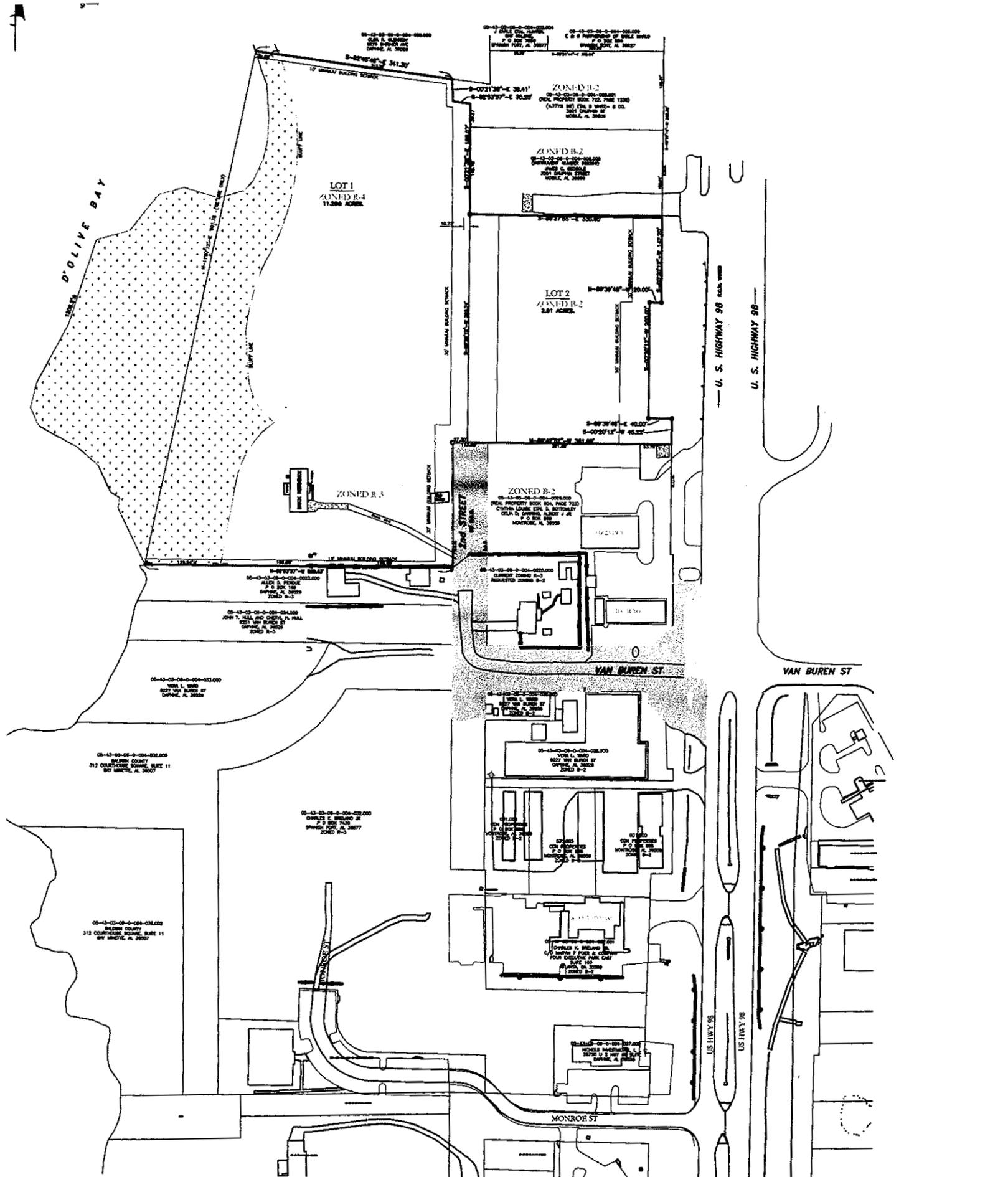
**Parcel A:**

Lots 5, 6 and 7, Block "56", Park City, as recorded in the Miscellaneous Book 1, Page 230-1, in the Office of the Judge of Probate, Baldwin County, Alabama.

**Parcel B:**

Lot 4, Block 56, Park City, according to plat of Park City recorded in Miscellaneous Book 1, Page 230-231 and Page 287 of the records in the Office of the Judge of Probate, Baldwin County, Alabama, together with that certain parcel of property lying between the North line of Lot 4 and the center line of a vacated alley lying between Lots 3 and 4 as formed by a Northward extension of the East and West lines of said Lot 4 to the center line of said vacated alley.

Reference: formerly Cecil Parrish property located at 28720 2<sup>nd</sup> Street



TWO STEP PARTNERS  
 ZONING AMENDMENT 117 EXHIBIT "B"



TWO STEP PARTNERS, LLC  
ADJACENT PROPERTY OWNERS

Glennon, Olga R.  
6275 Shriner Ave  
Daphne, AL 36526

Malone, J. Earle ETAL Hunter, GAV  
PO Box 7896  
Spanish Fort, AL 36577

E&G Partnership of Earle Malone & GAV  
PO Box 896  
Spanish Fort, AL 36577

B CO ETAL B White-Spunner  
3201 Dauphin St  
Mobile, AL 36606

Bedsole, James C. ETAL  
White-Spunner  
3201 Dauphin St  
Mobile, AL 36606

Bottomley, Cynthia Louise ETAL D  
Celkia D; Darring, Albert J., Jr.  
PO Box 868  
Montrose, AL 36559

Parrish, Cecil A. ETAL Parrish D.  
28720 Second St  
Daphne, AL 36526

Perdue, Allen D.  
PO Box 189  
Daphne, AL 36526

Ward, Vera J.  
6227 Van Buren St  
Daphne, AL 36526

PLEASE Publish in the Bulletin Legal Section on Wednesday,  
February 8, 2006

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 March 6, 2006 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 Rezoning certain property from R-3 High Density Single Family Residential District to B-2 General Business District 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.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006 -**

**Ordinance to Rezone Property Located  
on the corner of 2<sup>nd</sup> Street and Van Buren Street  
Two Step Partners, L.L.C.**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to B-2, General Business District, said property is located on the corner of 2<sup>nd</sup> Street and Van Buren Street in Daphne, Alabama, being more particularly described as follows:

**Legal Description:**

Parcel A:

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**WHEREAS**, the Planning Commission of the City of Daphne on January 26, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, March 6, 2006 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day \_\_\_\_ day of \_\_\_\_\_, 2006.**

**Greg Burnam**  
**Council President**  
Date & Time Signed:

**Fred Small**  
**Mayor**  
Date & Time Signed:

**ATTEST:**

**David L. Cohen**  
**City Clerk, MMC**

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 15, 2006.

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**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day \_\_\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Julio Corte, Jr.  
Date: January 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 26, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned annexation.

The Planning Commission's recommendation was to favorably recommend the annexation of the subject parcel from unzoned to a R-1, Low Density Single Family Residential, zone.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file



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 18<sup>TH</sup> day of November,  
2005.

Respectfully submitted,

By: Julio Cortez, Jr.

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Julio Cortez, Jr. whose name 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 and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 18<sup>th</sup> day of November, 2005.

E. J. N. [Signature] (NOTARY SEAL)  
NOTARY PUBLIC

My commission expires: 4/2/09

**Julio Corte, Jr.**  
**ANNEXATION OF 10 FOOT STRIP ALONG**  
**ALONG ALABAMA HIGHWAY 181**

**EXHIBIT "A"**

**DESCRIPTION TO ACCOMPANY SKETCH OF 0.62 ACRES TO-WIT:**

COMMENCE AT THE SOUTHEAST CORNER OF BELLATON, PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE FILE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA FOR A POINT OF BEGINNING; RUN THENCE SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181, A DISTANCE OF 2684.82 FEET; THENCE RUN NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 56 SECONDS EAST, A DISTANCE OF 2684.81 FEET TO A POINT ON THE SOUTH MARGIN OF THE AFOREMENTIONED BELLATON, PHASE ONE; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 59 SECONDS EAST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.62 ACRES, MORE OR LESS, AND LIES IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN.

Reference Project: OLDFIELD

P:\050740E\Annexation\DESC TO ACCOMPANY SKETCH OF 10 FOOT STRIP.doc

BELLATON, PHASE ONE  
(SLIDE FILE 2194-E)

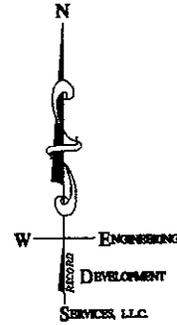
POINT OF COMMENCEMENT &  
POINT OF BEGINNING

N89°33'59"W  
10.00'

A 10 FOOT STRIP OF LAND  
FOR ANNEXATION INTO THE  
CORPORATE LIMITS OF DAPHNE, ALABAMA

# JULIO CORTE, JR. ANNEXATION OF 0.62 AC. AS R-1 SINGLE FAMILY EXHIBIT "B"

## OLDFIELD (FORMERLY KNOWN AS COTTONWOOD)



80' RIGHT-OF-WAY (PAVED ROAD)

2684.81'  
2684.82'  
N00°41'56"E  
S00°41'56"W

ALABAMA STATE HIGHWAY NO. 181

5/8" CAPPED IRON PIN MARKER  
PLACED (CA-0549) 40' WEST OF  
CENTERLINE OF PAVEMENT

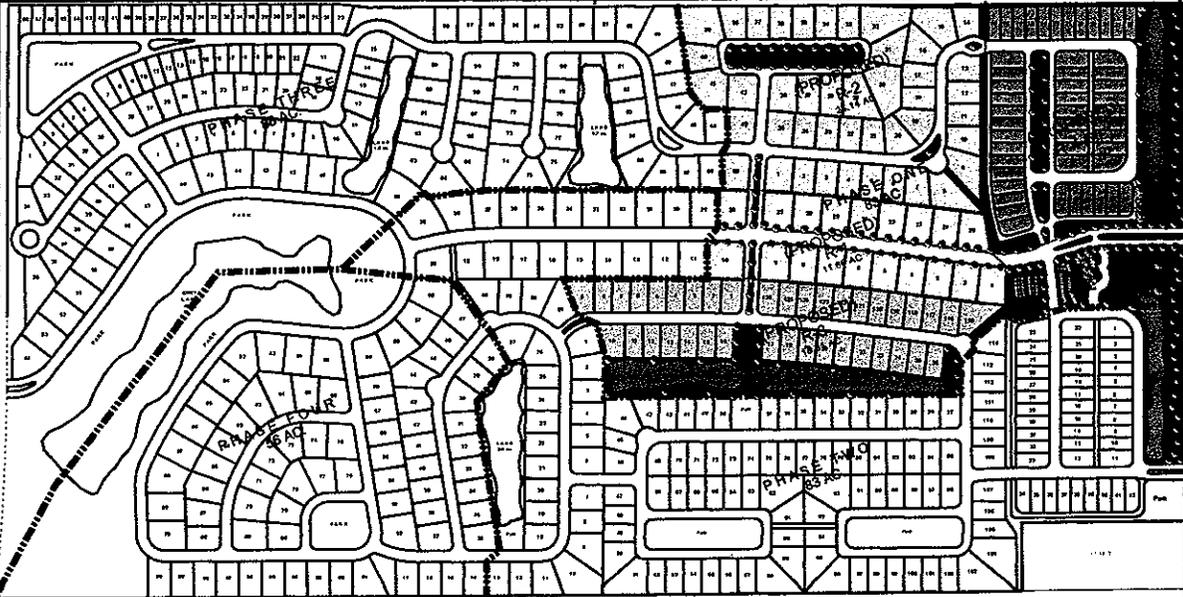
N89°30'17"W  
10.00'

27 | 26  
- 0 -  
34 | 35

**ENGINEERING DEVELOPMENT SERVICES, LLC**  
Engineering • Planning • Surveying • Construction Management  
27164 Pulbert Road • Daphne, Alabama 36528  
P.O. Box 1282 • Daphne, Alabama 36528  
(904) 689-2622 • Fax (904) 689-6222

Bellaton

R-1  
10 FT. STRIP



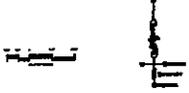
**OPEN SPACE SUMMARY**

Lakes	6.6 AC.
Parks	9.8 ac.
Buffers, etc.	1.7 ac.
Open Space	18.1 ac.

**ZONING SUMMARY**

R-1	19 Units	11.09 ac.
R-2	44 Units	25.14 ac.
R-3	58 Units	14.91 ac.
S-1	60 Units	6.63 ac.
<b>TOTAL</b>	<b>181 Units</b>	<b>61 ac.</b>

**OLDFIELD**  
**PHASE ONE**  
 FOR  
 MIKE McLAUGHLIN



*Speco*  
*annexation 01/26/06*

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 8, 2006

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David L. Cohen, City Clerk, CMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**JULIO CORTE, JR.  
ANNEXATION OF 10 FOOT STRIP ALONG  
ALABAMA HIGHWAY 181**

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

**WHEREAS**, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed 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 has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-1, Low Density Single Family Residential, zone**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on March 6, 2006 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 MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, as follows:

**SECTION 1: CONSENT TO ANNEXATION.** The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

**SECTION 2: THE PROPERTY.** That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

**DESCRIPTION TO ACCOMPANY SKETCH OF 0.62 ACRES TO-WIT:**

COMMENCE AT THE SOUTHEAST CORNER OF BELLATON, PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE FILE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA FOR A POINT OF BEGINNING; RUN THENCE SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181, A DISTANCE OF 2684.82 FEET; THENCE RUN NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 56 SECONDS EAST, A DISTANCE OF 2684.81 FEET TO A POINT ON THE SOUTH MARGIN OF THE AFOREMENTIONED BELLATON, PHASE ONE; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 59 SECONDS EAST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.62 ACRES, MORE OR LESS, AND LIES IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN.

**SECTION 3: MAP OF PROPERTY.** The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property 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 MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

**Greg Burnam**  
**Council President**  
Date & Time Signed:

**Fred Small**  
**Mayor**  
Date & Time Signed:

**ATTEST:**

**David L. Cohen**  
**City Clerk, MMC**

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 15, 2006.

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**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**JULIO CORTE, JR.  
ANNEXATION OF 10 FOOT STRIP ALONG  
ALABAMA HIGHWAY 181**

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

**WHEREAS**, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed 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 has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-1, Low Density Single Family Residential, zone**; and,

**/END SYNOPSIS**

**ORDINANCE NO. 2006-**

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

**SECTION 1: CONSENT TO ANNEXATION.** The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

**SECTION 2: THE PROPERTY.** That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

**DESCRIPTION TO ACCOMPANY SKETCH OF 0.62 ACRES TO-WIT:**

COMMENCE AT THE SOUTHEAST CORNER OF BELLATON, PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE FILE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA FOR A POINT OF BEGINNING; RUN THENCE SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181, A DISTANCE OF 2684.82 FEET; THENCE RUN NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 56 SECONDS EAST, A DISTANCE OF 2684.81 FEET TO A POINT ON THE SOUTH MARGIN OF THE AFOREMENTIONED BELLATON, PHASE ONE; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 59 SECONDS EAST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.62 ACRES, MORE OR LESS, AND LIES IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN.

**SECTION 3: MAP OF PROPERTY.** The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property 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 MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Julio Corte, Jr.  
Date: January 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 26, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned annexation.

The Planning Commission's recommendation was to favorably recommend the annexation of the subject parcel from unzoned to a R-1, Low Density Single Family Residential, zone.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file



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 21 day of Dec.,  
2005.

Respectfully submitted,  
By: Julio Corte, Sr.

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Julio Corte, Sr. whose name 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 and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 21<sup>st</sup> day of DECEMBER, 2005.

Ernie N. [Signature] (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: 4/2/08

**Julio Corte, Jr.**  
ANNEXATION OF 11.66 ACRES  
AS R-1 SINGLE FAMILY

**EXHIBIT "A"**

**DESCRIPTION TO ACCOMPANY SKETCH OF 11.66 ACRES TO-WIT:**

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A CAPPED IRON PIN MARKER ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET; THENCE RUN NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 886.30 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 07 SECONDS WEST, A DISTANCE OF 942.34 FEET FOR A POINT OF BEGINNING; RUN THENCE SOUTH 05 DEGREES 28 MINUTES 09 SECONDS EAST, A DISTANCE OF 174.69 FEET; THENCE RUN SOUTH 47 DEGREES 45 MINUTES 52 SECONDS EAST, A DISTANCE OF 95.68 FEET; THENCE RUN SOUTH 01 DEGREES 33 MINUTES 25 SECONDS WEST, A DISTANCE OF 175.51 FEET; THENCE RUN NORTH 82 DEGREES 19 MINUTES 07 SECONDS WEST, A DISTANCE OF 555.72 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 7350.00 FEET, AN ARC DISTANCE OF 711.34 FEET, (CHORD BEARS NORTH 84 DEGREES 56 MINUTES 20 SECONDS WEST, 711.06 FEET); THENCE RUN NORTH 88 DEGREES 26 MINUTES 17 SECONDS WEST, A DISTANCE OF 63.54 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 48 SECONDS EAST, A DISTANCE OF 170.56 FEET; THENCE RUN NORTH 38 DEGREES 39 MINUTES 29 SECONDS EAST, A DISTANCE OF 74.86 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 48 SECONDS EAST, A DISTANCE OF 170.05 FEET; THENCE RUN SOUTH 87 DEGREES 49 MINUTES 57 SECONDS EAST, A DISTANCE OF 24.81 FEET; THENCE RUN SOUTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 7750.00 FEET, AN ARC DISTANCE OF 754.04 FEET, (CHORD BEARS SOUTH 84 DEGREES 57 MINUTES 13 SECONDS EAST, 753.74 FEET); THENCE RUN SOUTH 82 DEGREES 09 MINUTES 59 SECONDS EAST, A DISTANCE OF 417.38 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 11.66 ACRES, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

REFERENCE PROJECT: OLDFIELD

P:\050740E\Annexation\DESC TO ACCOMPANY SKETCH OF 11.66 AC-R1.doc

POINT OF COMMENCEMENT  
 THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF  
 SECTION 34, TOWNSHIP 3 SOUTH, RANGE 7 EAST  
 INCLUDING SPOKE MARKER FOUND IN CONTIGUOUS OF ADJACENT

271.26  
 341.35

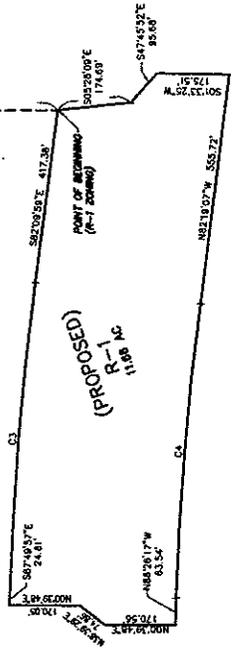
N88°01'17" W  
 140.00'

S80°11'58" W  
 23.00'

N89°30'17" W  
 886.30'

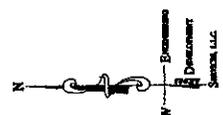
ALABAMA STATE HIGHWAY NO. 181  
 80' RIGHT-OF-WAY (PAVED ROAD)

CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BRG.
C1	140.54'	409.00'	71.00'	138.87'	S60°33'05" W
C2	243.09'	487.72'	119.21'	220.94'	N84°10'00" E
C3	754.04'	7580.00'	377.32'	753.74'	N84°57'13" W
C4	5711.34'	7350.00'	355.95'	711.05'	S82°58'20" W
C5	52.88'	30.00'	24.20'	30.43'	N05°17'04" E



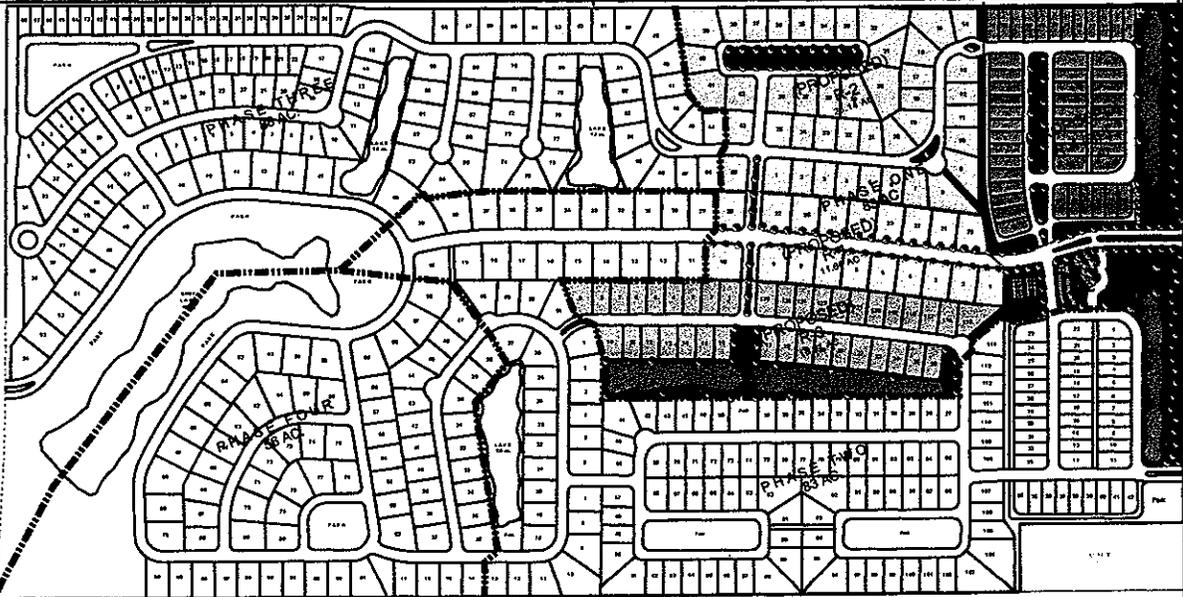
**JULIO CORTE, JR.**  
**ANNEXATION OF 11.66 AC.**  
**AS R-1 SINGLE FAMILY**  
**EXHIBIT "B"**

**OLDFIELD**  
 (FORMERLY KNOWN AS COTTONWOOD)



Bellaton

R-1  
10 FT. STRIP



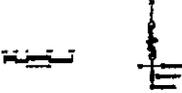
**OPEN SPACE SUMMARY**

Lakes	6.6 AC
Parks	9.8 ac
Buildings, etc	1.7 ac
Open Space	18.1 ac

**ZONING SUMMARY**

R-1	19 Units	11.66 ac
R-2	44 Units	25.14 ac
R-3	59 Units	16.91 ac
D-1		0.03 ac
<b>TOTAL</b>	<b>121 Units</b>	<b>53 ac</b>

**OLDFIELD**  
 PHASE ONE  
 FOR  
 MIKE McLAUGHLIN



*Specio  
 annotation 01/26/06*

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 8, 2006

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 March 6, 2006 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.

David L. Cohen, City Clerk, CMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**JULIO CORTE, JR.  
OLDFIELD (11.66 ACRES)**

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

**WHEREAS**, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed 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 has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-1, Low Density Single Family Residential, zone**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on March 6, 2006 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 MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, as follows:

**SECTION 1: CONSENT TO ANNEXATION.** The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

**SECTION 2: THE PROPERTY.** That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

**DESCRIPTION TO ACCOMPANY SKETCH OF 11.66 ACRES TO-WIT:**

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A CAPPED IRON PIN MARKER ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET; THENCE RUN NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 886.30 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 07 SECONDS WEST, A DISTANCE OF 942.34 FEET FOR A POINT OF BEGINNING: RUN THENCE SOUTH 05 DEGREES 28 MINUTES 09 SECONDS EAST, A DISTANCE OF 174.69 FEET; THENCE RUN SOUTH 47 DEGREES 45 MINUTES 52 SECONDS EAST, A DISTANCE OF 95.68 FEET; THENCE RUN SOUTH 01 DEGREES 33 MINUTES 25 SECONDS WEST, A DISTANCE OF 175.51 FEET; THENCE RUN NORTH 82 DEGREES 19 MINUTES 07 SECONDS WEST, A DISTANCE OF 555.72 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 7350.00 FEET, AN ARC DISTANCE OF 711.34 FEET, (CHORD BEARS NORTH 84 DEGREES 56 MINUTES 20 SECONDS WEST, 711.06 FEET); THENCE RUN NORTH 88 DEGREES 26 MINUTES 17 SECONDS WEST, A DISTANCE OF 63.54 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 48 SECONDS EAST, A DISTANCE OF 170.56

FEET; THENCE RUN NORTH 38 DEGREES 39 MINUTES 29 SECONDS EAST, A DISTANCE OF 74.86 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 48 SECONDS EAST, A DISTANCE OF 170.05 FEET; THENCE RUN SOUTH 87 DEGREES 49 MINUTES 57 SECONDS EAST, A DISTANCE OF 24.81 FEET; THENCE RUN SOUTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 7750.00 FEET, AN ARC DISTANCE OF 754.04 FEET, (CHORD BEARS SOUTH 84 DEGREES 57 MINUTES 13 SECONDS EAST, 753.74 FEET); THENCE RUN SOUTH 82 DEGREES 09 MINUTES 59 SECONDS EAST, A DISTANCE OF 417.38 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 11.66 ACRES, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**SECTION 3: MAP OF PROPERTY.** The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property 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 MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

**Greg Burnam**  
**Council President**  
Date & Time Signed:

**Fred Small**  
**Mayor**  
Date & Time Signed:

**ATTEST:**  
**David L. Cohen**  
**City Clerk, MMC**

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 15, 2006.

**SECOND 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 March 6, 2006 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 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.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**JULIO CORTE, JR.  
OLDFIELD (11.66 ACRES)**

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

**WHEREAS**, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed 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 has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-1, Low Density Single Family Residential, zone**; and,

**/END SYNOPSIS**

**ORDINANCE NO. 2006-**

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

**JULIO CORTE, JR.  
OLDFIELD  
11.66 ACRES**

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

**WHEREAS**, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed 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 has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-1, Low Density Single Family Residential, zone**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on March 6, 2006 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 MAYOR AND CITY COUNCIL OF  
THE CITY OF DAPHNE, ALABAMA**, as follows:

**SECTION 1: CONSENT TO ANNEXATION.** The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

**SECTION 2: THE PROPERTY.** That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

**EXHIBIT "A"****LEGAL DESCRIPTION:****DESCRIPTION TO ACCOMPANY SKETCH OF 11.66 ACRES TO-WIT:**

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A CAPPED IRON PIN MARKER ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET; THENCE RUN NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 886.30 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 07 SECONDS WEST, A DISTANCE OF 942.34 FEET FOR A POINT OF BEGINNING: RUN THENCE SOUTH 05 DEGREES 28 MINUTES 09 SECONDS EAST, A DISTANCE OF 174.69 FEET; THENCE RUN SOUTH 47 DEGREES 45 MINUTES 52 SECONDS EAST, A DISTANCE OF 95.68 FEET; THENCE RUN SOUTH 01 DEGREES 33 MINUTES 25 SECONDS WEST, A DISTANCE OF 175.51 FEET; THENCE RUN NORTH 82 DEGREES 19 MINUTES 07 SECONDS WEST, A DISTANCE OF 555.72 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 7350.00 FEET, AN ARC DISTANCE OF 711.34 FEET, (CHORD BEARS NORTH 84 DEGREES 56 MINUTES 20 SECONDS WEST, 711.06 FEET); THENCE RUN NORTH 88 DEGREES 26 MINUTES 17 SECONDS WEST, A DISTANCE OF 63.54 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 48 SECONDS EAST, A DISTANCE OF 170.56 FEET; THENCE RUN NORTH 38 DEGREES 39 MINUTES 29 SECONDS EAST, A DISTANCE OF 74.86 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 48 SECONDS EAST, A DISTANCE OF 170.05 FEET; THENCE RUN SOUTH 87 DEGREES 49 MINUTES 57 SECONDS EAST, A DISTANCE OF 24.81 FEET; THENCE RUN SOUTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 7750.00 FEET, AN ARC DISTANCE OF 754.04 FEET, (CHORD BEARS SOUTH 84 DEGREES 57 MINUTES 13 SECONDS EAST, 753.74 FEET); THENCE RUN SOUTH 82 DEGREES 09 MINUTES 59 SECONDS EAST, A DISTANCE OF 417.38 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 11.66 ACRES, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**SECTION 3: MAP OF PROPERTY.** The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property 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 MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Derek Antonio Defillipi, Kevin  
Stacey Defillipi, Antonio James  
Defillipi, Luther G. and  
Sharon Milstead, and Steve  
Milstead  
Date: January 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 26, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned annexation.

The Planning Commission's recommendation was to favorably recommend the annexation of the subject parcel from unzoned to R-1, Low Density Single Family Residential, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-4, High Density Single Family Residential, zones as indicated on the master plan on file in the City of Daphne Community Development Department.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file

STATE OF ALABAMA

COUNTY OF BALDWIN

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

**(The French Settlement)**

The undersigned, Derek Antonio Defillipi, Kevin Stacey Defillipi, Antonio James Defillipi, Luther G. and Sharon Milstead, and Steve Milstead, file(s) this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as the French Settlement 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 its petition:

1. **Description Of Property:** The description of the property which 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 if 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(s), Derek Antonio Defillipi, Kevin Stacey Defillipi, Antonio James Defillipi, Luther G and Sharon Milstead, and Steve Milstead, are the owner(s) 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. Please state the requested zoning, if other than R-1, or any other conditions which may apply upon annexation:

The French Settlement is a planned unit development. The zoning will be shown on the Master Plan which was accepted and approved by the City of Daphne. The zoning districts indicated shall be R-1, R-2, R-3, and R-4, Single Family Residential. The Master Plan is on file in the City of Daphne Community Development Department for review, 26051 Equity Drive.

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 22nd day of November,  
2005.

Respectfully submitted,

By: Luther O. Mistard  
Luther O. Mistard

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Luther O. Mistard whose name 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 and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 22nd day of November, 2005.

Chris J. Howard  
NOTARY PUBLIC

My commission expires:

(NOTARY SEAL)  
NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Oct 20, 2008  
BONDED THRU NOTARY PUBLIC UNDERWRITERS







**EXHIBIT "A"**

**DEREK ANTONIO DEFILLIPI AND KEVIN STACEY DEFILLIPI  
ANTONIO JAMES DEFILLIPI  
LUTHER G AND SHARON MILSTEAD  
STEVE MILSTEAD**

**PROPOSED PLANNED UNIT DEVELOPMENT**

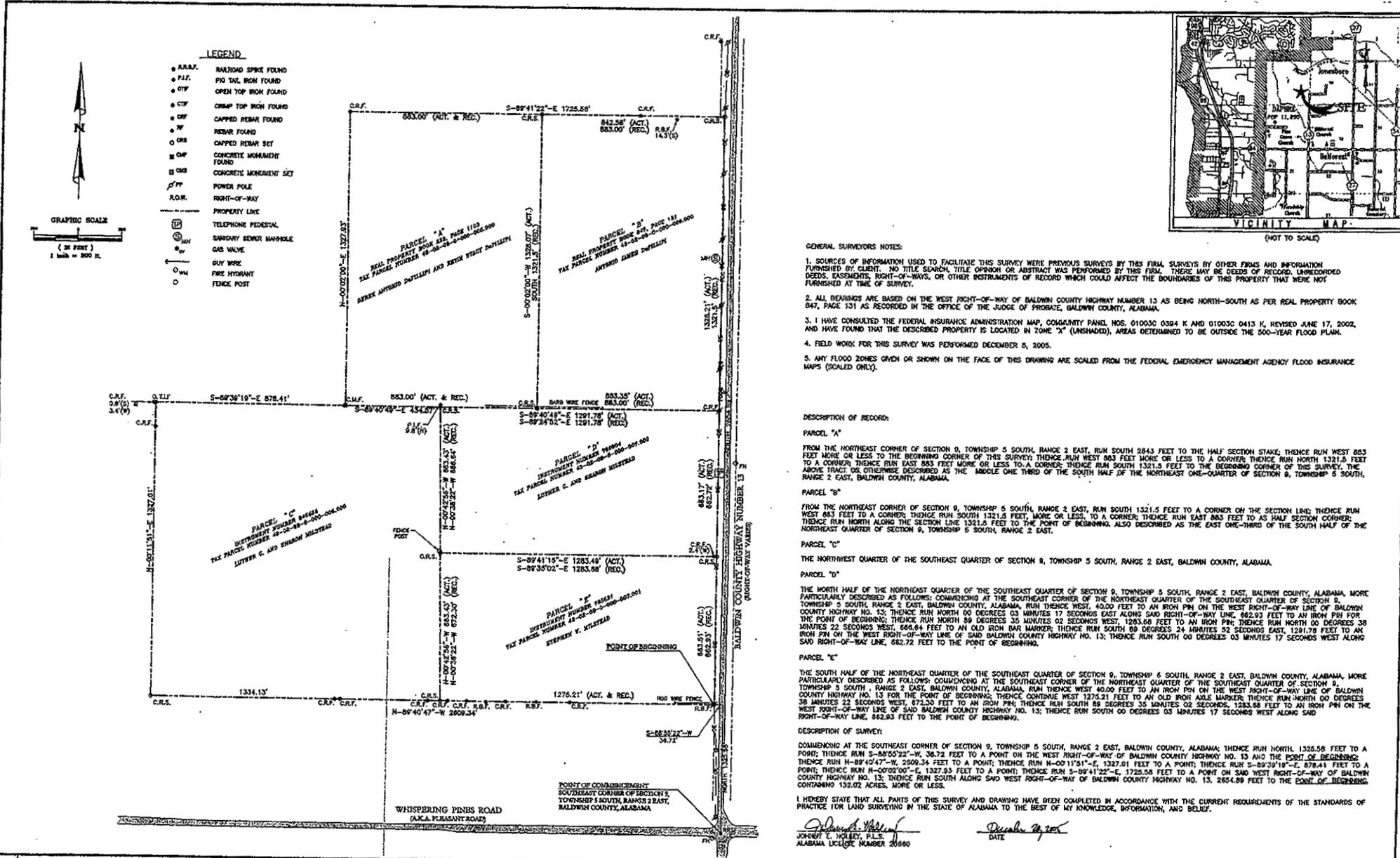
**DESCRIPTION OF SURVEY ACCOMPANIED BOUNDARY OF 132.02 ACRES TO-WIT:**

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH, 1325.58 FEET TO A POINT; THENCE RUN S-88°55'22"-W, 38.72 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY NO. 13 AND THE POINT OF BEGINNING; THENCE RUN N-89°40'47"-W, 2609.34 FEET TO A POINT; THENCE RUN N-00°11'51"-E, 1327.01 FEET TO A POINT; THENCE RUN S-89°39'19"-E, 878.41 FEET TO A POINT; THENCE RUN N-00°02'00"-E, 1327.93 FEET TO A POINT; THENCE RUN S-89°39'19"-E, 878.41 FEET TO A POINT; THENCE RUN N-00°02'00"-E, 1327.93 FEET TO A POINT; THENCE RUN S-89°41'22"-E, 1725.58 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH ALONG SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY NO. 13, 2654.89 FEET TO THE POINT OF BEGINNING, CONTAINING 132.02 ACRES, MORE OR LESS.

REFERENCE PROJECT: FRENCH SETTLEMENT

FRENCH SETTLEMENT A PLANNED UNIT DEVELOPMENT

EXHIBIT "B"



HUTCHINSON, MOORE & RAUCH, LLC

2039 MAIN STREET  
DAPHNE, ALABAMA  
36626

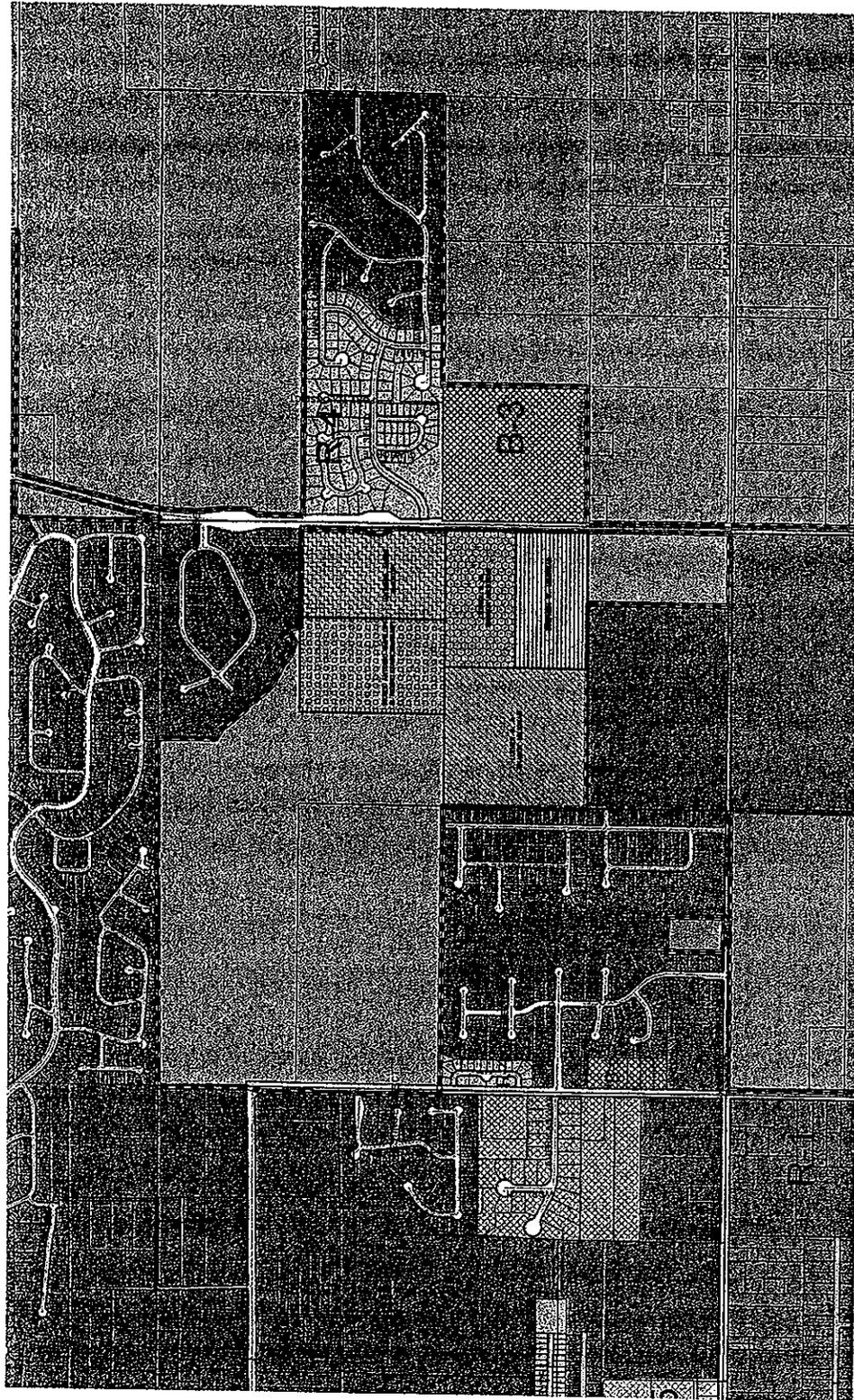
ENGINEERS & SURVEYORS  
LAND PLANNERS

TEL (251) 626-2628  
FAX (251) 626-8934



BOUNDARY SURVEY  
SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST  
FRENCH SETTLEMENT

THE FRENCH SETTLEMENT A PLANNED UNIT DEVELOPMENT EXHIBIT "B"



**HUTCHINSON, MOORE & RAUCH, LLC**  
 2039 MAIN STREET  
 DAPHNE, ALABAMA 36526  
 ENGINEERS-SURVEYORS  
 LAND PLANNERS  
 TEL (251) 626-2626  
 FAX (251) 626-8934  
 dph@hmrplanning.com

APPROVAL MAP  
 14-07-2100-15.02

**DAPHNE ANNEXATION**  
 DAPHNE ZONING MAP

**FRENCH SETTLEMENT**

DATE: DECEMBER 2005  
 SHEET NO. 1 OF 1

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 8, 2006

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 March 6, 2006 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.

David L. Cohen, City Clerk, CMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**DEREK ANTONIO DEFILLIPI AND KEVIN STACEY DEFILLIPI  
ANTONIO JAMES DEFILLIPI  
LUTHER G AND SHARON MILSTEAD  
STEVE MILSTEAD**

**FRENCH SETTLEMENT**

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

**WHEREAS**, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed 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 has been presented to the Planning Commission of the City of Daphne on January 26, 2005 and a affirmative recommendation was **approved** for the City

Council to consider said request for annexation and said property **shall be zoned R-1, Low Density Single Family Residential, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-4, High Density Single Family Residential zones**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on March 6, 2006 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 MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, as follows:

**SECTION 1: CONSENT TO ANNEXATION.** The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

**SECTION 2: THE PROPERTY.** That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

**PROPOSED PLANNED UNIT DEVELOPMENT**

**DESCRIPTION OF SURVEY ACCOMPANIED BOUNDARY OF 132.02 ACRES TO-WIT:**

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH, 1325.58 FEET TO A POINT; THENCE RUN S-88°55'22"-W, 38.72 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY NO. 13 AND THE POINT OF BEGINNING; THENCE RUN N-89°40'47"-W, 2609.34 FEET TO A POINT; THENCE RUN N-00°11'51"-E, 1327.01 FEET TO A POINT; THENCE RUN S-89°39'19"-E, 878.41 FEET TO A POINT; THENCE RUN N-00°02'00"-E, 1327.93 FEET TO A POINT; THENCE RUN S-89°39'19"-E, 878.41 FEET TO A POINT; THENCE RUN N-00°02'00"-E, 1327.93 FEET TO A POINT; THENCE RUN S-89°41'22"-E, 1725.58 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH ALONG SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY NO. 13, 2654.89 FEET TO THE POINT OF BEGINNING, CONTAINING 132.02 ACRES, MORE OR LESS.

**SECTION 3: MAP OF PROPERTY.** The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property 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 MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

**Greg Burnam**  
**Council President**  
Date & Time Signed:

**Fred Small**  
**Mayor**  
Date & Time Signed:

**ATTEST:**

**David L. Cohen**  
**City Clerk, MMC**

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 15, 2006.

**SECOND 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 March 6, 2006 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 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.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**DEREK ANTONIO DEFILLIPI AND KEVIN STACEY DEFILLIPI  
ANTONIO JAMES DEFILLIPI  
LUTHER G AND SHARON MILSTEAD  
STEVE MILSTEAD**

**FRENCH SETTLEMENT**

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

**WHEREAS**, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed 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 has been presented to the Planning Commission of the City of Daphne on January 26, 2005 and a affirmative recommendation was **approved** for the City

**/END SYNOPSIS**



**ORDINANCE NO. 2006-**

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

**DEREK ANTONIO DEFILLIPI AND KEVIN STACEY DEFILLIPI  
ANTONIO JAMES DEFILLIPI  
LUTHER G AND SHARON MILSTEAD  
STEVE MILSTEAD**

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**WHEREAS**, said petition has been presented to the Planning Commission of the City of Daphne on January 26, 2005 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-1, Low Density Single Family Residential, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-4, High Density Single Family Residential zones**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on March 6, 2006 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 MAYOR AND CITY COUNCIL OF  
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EXHIBIT "A"

LEGAL DESCRIPTION:

**PROPOSED PLANNED UNIT DEVELOPMENT**

**DESCRIPTION OF SURVEY ACCOMPANIED BOUNDARY OF 132.02 ACRES TO-WIT:**

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**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Julio Corte, Jr.  
Date: January 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 26, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned annexation.

The Planning Commission's recommendation was to favorably recommend the annexation of the subject parcel from unzoned to a R-4, High Density Single Family Residential, zone.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file



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 18<sup>TH</sup> day of November,  
2005.

Respectfully submitted,

By: Julio Corte, Jr.

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Julio Corte, Jr. whose name 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 and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 18<sup>th</sup> day of November, 2005.

Erin M. [Signature] (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: 4/2/08

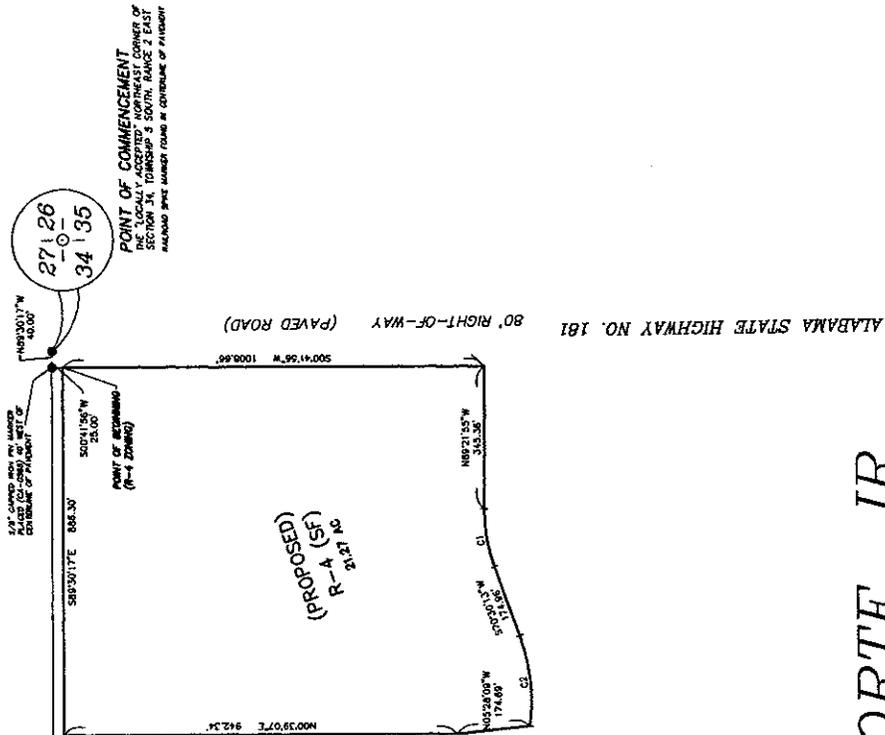
**Julio Corte, Jr.**  
ANNEXATION OF 21.27 ACRES  
AS R-4 SINGLE FAMILY

**EXHIBIT "A"**

**DESCRIPTION TO ACCOMPANY SKETCH OF 21.27 ACRES TO-WIT:**

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A CAPPED IRON PIN MARKER ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET FOR A POINT OF BEGINNING; CONTINUE THENCE SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1008.66 FEET; THENCE RUN NORTH 89 DEGREES 21 MINUTES 55 SECONDS WEST, A DISTANCE OF 345.36 FEET; THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 400.00 FEET, AN ARC DISTANCE OF 140.54 FEET, (CHORD BEARS SOUTH 80 DEGREES 34 MINUTES 09 SECONDS WEST, 139.82 FEET); THENCE RUN SOUTH 70 DEGREES 30 MINUTES 13 SECONDS WEST, A DISTANCE OF 174.96 FEET; THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 467.72 FEET, AN ARC DISTANCE OF 223.09 FEET, (CHORD BEARS SOUTH 84 DEGREES 10 MINUTES 09 SECONDS WEST, 220.98 FEET); THENCE RUN NORTH 05 DEGREES 28 MINUTES 09 SECONDS WEST, A DISTANCE OF 174.69 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 07 SECONDS EAST, A DISTANCE OF 942.34 FEET; THENCE RUN SOUTH 89 DEGREES 30 MINUTES 17 SECONDS EAST, A DISTANCE OF 886.30 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 21.27 ACRES, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

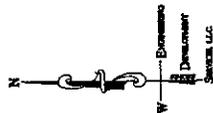
REFERENCE PROJECT: OLDFIELD



**JULIO CORTE, JR.**  
**ANNEXATION OF 21.27 AC.**  
**AS R-4 SINGLE FAMILY**  
**EXHIBIT "B"**

**OLDFIELD**  
 (FORMERLY KNOWN AS COTTONWOOD)

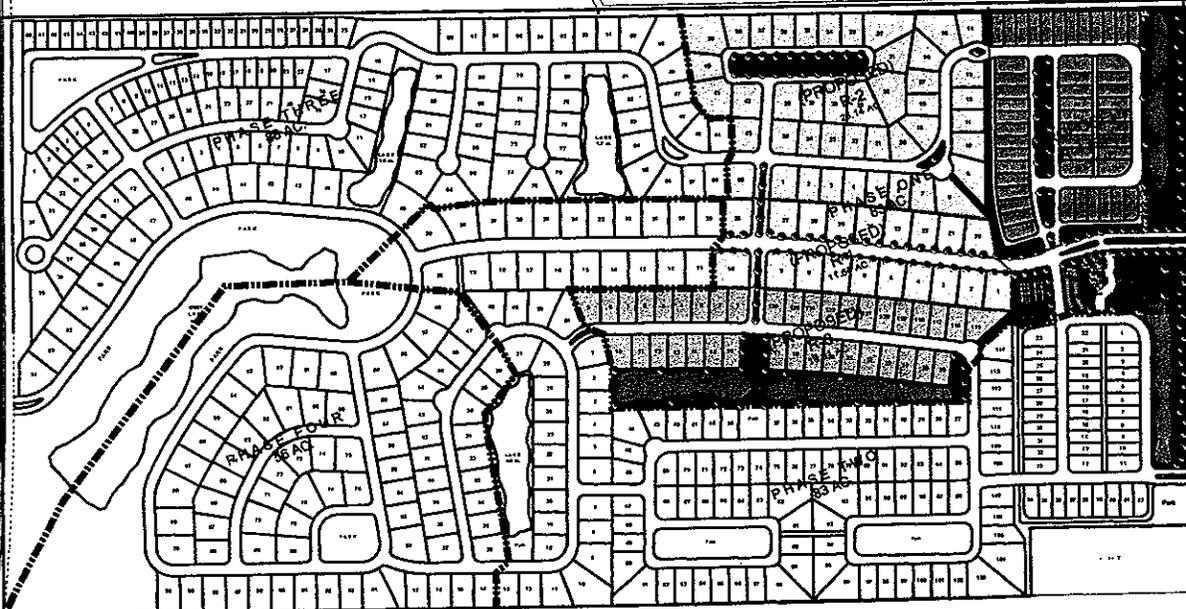
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BRG.
C1	140.54'	400.00'	71.00'	138.92'	S80°34'09"W
C2	223.08'	497.72'	113.71'	210.98'	N84°10'08"E
C3	754.04'	7750.00'	377.32'	753.74'	N62°57'13"W
C4	711.54'	7350.00'	355.95'	711.06'	N62°56'20"W
C5	52.88'	50.00'	28.20'	50.43'	N65°17'04"E



**ENGINEERING DEVELOPMENT SERVICES, LLC**  
 ENGINEERS • PLANNERS • ARCHITECTS • ENVIRONMENTAL SCIENTISTS  
 215 N. W. 10th St., Suite 100, Ft. Lauderdale, FL 33304  
 TEL: 954-561-1111 FAX: 954-561-1112

Bellaton

R-1  
10 FT. STRIP



**OPEN SPACE SUMMARY**

Lakes 6.6 AC.  
 Parks 9.8 ac.  
 Buffers, etc 1.7 ac.  
 Open Space 18.1 ac.

**ZONING SUMMARY**

R-1	18 Units	11.88 ac.
R-2	44 Units	25.14 ac.
R-3	38 Units	18.91 ac.
B-1	1 Unit	0.02 ac.
<b>TOTAL</b>	<b>101 Units</b>	<b>55.95 ac.</b>

**OLDFIELD**  
 PHASE ONE  
 FOR  
 MIKE McLAUGHLIN



*Sheila*  
*enumeration 01/26/06*

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 8, 2006

FIRST NOTICE OF PUBLIC HEARING

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David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**Julio Corte Jr.  
ANNEXATION OF 21.27 ACRES  
OLDFIELD**

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**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 has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-4, High**

**Density Single Family Residential, zone;** and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on March 6, 2006 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.

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**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

**DESCRIPTION TO ACCOMPANY SKETCH OF 21.27 ACRES TO-WIT:**

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A CAPPED IRON PIN MARKER ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET FOR A POINT OF BEGINNING: CONTINUE THENCE SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1008.66 FEET; THENCE RUN NORTH 89 DEGREES 21 MINUTES 55 SECONDS WEST, A DISTANCE OF 345.36 FEET; THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 400.00 FEET, AN ARC DISTANCE OF 140.54 FEET, (CHORD BEARS SOUTH 80 DEGREES 34 MINUTES 09 SECONDS WEST, 139. 82 FEET); THENCE RUN SOUTH 70 DEGREES 30 MINUTES 13 SECONDS WEST, A DISTANCE OF 174.96 FEET; THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 467.72 FEET, AN ARC DISTANCE OF 223.09 FEET, (CHORD BEARS SOUTH 84 DEGREES 10 MINUTES 09 SECONDS WEST, 220.98 FEET ); THENCE RUN NORTH 05 DEGREES 28 MINUTES 09 SECONDS WEST, A DISTANCE OF 174.69 FEET; THENCE RUN NORTH 00 DEGREES 39

MINUTES 07 SECONDS EAST, A DISTANCE OF 942.34 FEET; THENCE RUN SOUTH 89 DEGREES 30 MINUTES 17 SECONDS EAST, A DISTANCE OF 886.30 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 21.27 ACRES, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 34 , TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**SECTION 3: MAP OF PROPERTY.** The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property 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 MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

**Greg Burnam**  
**Council President**  
Date & Time Signed:

**Fred Small**  
**Mayor**  
Date & Time Signed:

**ATTEST:**

**David L. Cohen**  
**City Clerk, MMC**

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 15, 2006.

**SECOND 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 March 6, 2006 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 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.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**Julio Corte Jr.  
ANNEXATION OF 21.27 ACRES  
OLDFIELD**

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

**WHEREAS**, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed 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 has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-4, High Density Single Family Residential, zone**; and,

**/END SYNOPSIS**

**ORDINANCE NO. 2006-**

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

**Julio Corte Jr.  
ANNEXATION OF 21.27 ACRES  
OLDFIELD**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
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**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 has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-4, High Density Single Family Residential, zone**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on March 6, 2006 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 MAYOR AND CITY COUNCIL OF  
THE CITY OF DAPHNE, ALABAMA**, as follows:

**SECTION 1: CONSENT TO ANNEXATION.** The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

**SECTION 2: THE PROPERTY.** That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

**EXHIBIT "A"****LEGAL DESCRIPTION:****DESCRIPTION TO ACCOMPANY SKETCH OF 21.27 ACRES TO-WIT:**

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**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE  
CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Julio Corte, Jr.  
Date: January 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 26, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned annexation.

The Planning Commission's recommendation was to favorably recommend the annexation of the subject parcel from unzoned to a R-3, High Density Single Family Residential, zone.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file



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 21 day of Dec.,  
2005.

Respectfully submitted,  
By: Julio Corte, Sr.

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Julio Corte, Sr. whose name 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 and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 21<sup>st</sup> day of DECEMBER, 2005.

Erin N. Dy (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: 4/2/08

**Julio Corte, Jr.**  
ANNEXATION OF 18.91 ACRES  
AS R-3 SINGLE FAMILY

**EXHIBIT "A"**

**DESCRIPTION TO ACCOMPANY SKETCH OF 18.91 ACRES TO-WIT:**

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REFERNCE PROJECT: OLDFIELD

P:\050740E\Annexation\DESC TO ACCOMPANY SKETCH OF 18.91 AC-R3.doc

5/8" CHAINED AND THE MONUMENT PLACED (20-2000) AT WEST OF CENTRAL OF PROPERTY

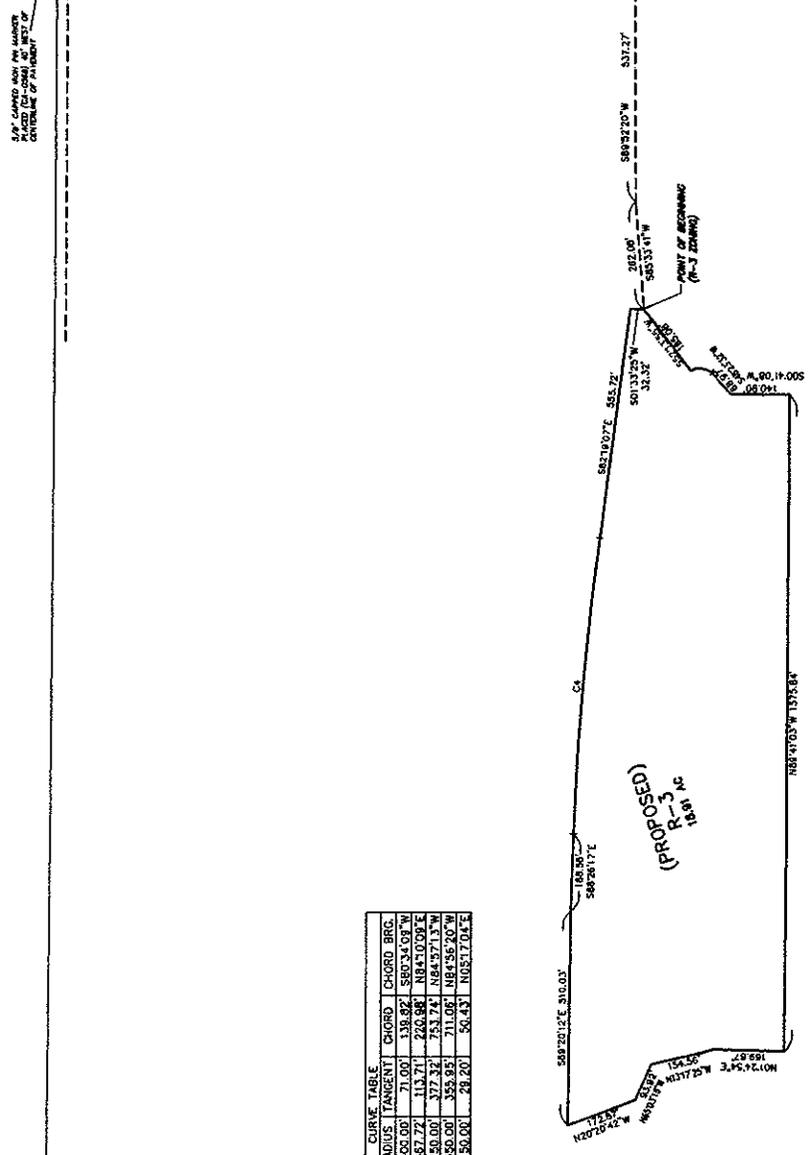
271.26  
-0-  
341.35

POINT OF COMMENCEMENT  
BEING THE CORNER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 2 EAST, BALDWIN SPUR NUMBER FOUND IN CENTRAL OF PROPERTY

88°30'17"W 40.00'

80° RIGHT-OF-WAY (PAVED ROAD)  
500'±1.56'± 1364.21'

ALABAMA STATE HIGHWAY NO. 181

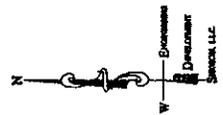


CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BRG.
C1	140.54	405.00	71.00	138.92	S80°34.09'W
C2	223.08	487.72	113.71	220.98	N84°10.09'E
C3	794.04	7250.00	377.82	753.74	N84°37.13'W
C4	711.34	7250.00	353.93	711.05	N84°56.20'W
C5	324.88	500.00	28.20	36.43	N05°17.03'E

# JULIO CORTE, JR. ANNEXATION OF 18.91 AC. AS R-3 SINGLE FAMILY EXHIBIT "B"

OLDFIELD

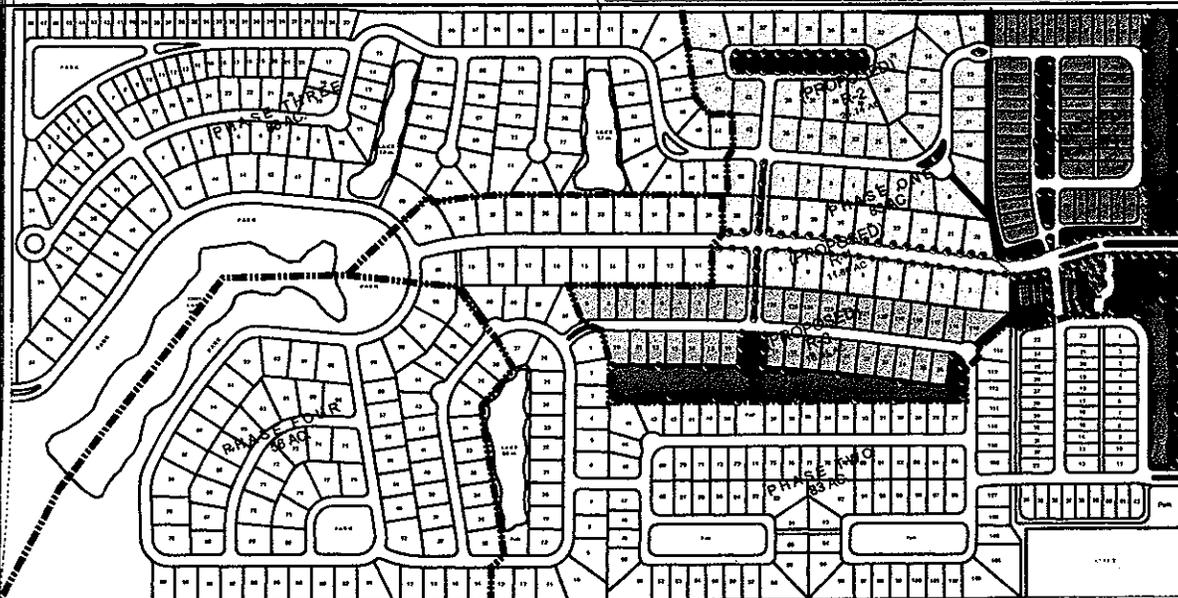
(FORMERLY KNOWN AS COTTONWOOD)



ENGINEERING DEVELOPMENT SERVICES, LLC  
 10000 Highway 100, Suite 100  
 Birmingham, AL 35244  
 Phone: (205) 988-1111  
 Fax: (205) 988-1112  
 Web: www.edsllc.com

Bellaton

R-1  
10 FT. STRIP



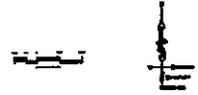
**OPEN SPACE SUMMARY**

Lakes 8.8 AC.  
Parks 9.8 ac.  
Buffers, etc. 1.7 ac.  
Open Space 18.1 ac.

**ZONING SUMMARY**

R-1	10 Units	41.88 ac.
R-2	44 Units	25.14 ac.
R-3	28 Units	18.01 ac.
B-1		0.03 ac.
<b>TOTAL</b>	<b>151 Units</b>	<b>85 ac.</b>

**OLDFIELD**  
PHASE ONE  
FOR  
MIKE McLAUGHLIN



*July 10*  
*annexation 01/26/06*

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 8, 2006

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 March 6, 2006 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.

David L. Cohen, City Clerk, CMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**JULIO CORTE, JR.  
ANNEXATION OF 18.91 ACRES  
OLDFIELD**

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

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**WHEREAS**, said petition has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-3, High Density Single Family Residential, zone**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on March 6, 2006 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.

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**Greg Burnam**  
**Council President**  
Date & Time Signed:

**Fred Small**  
**Mayor**  
Date & Time Signed:

**ATTEST:**

**David L. Cohen**  
**City Clerk, MMC**

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 15, 2006.

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**JULIO CORTE, JR.  
ANNEXATION OF 18.91 ACRES  
OLDFIELD**

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**/END SYNOPSIS**



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DAPHNE, ALABAMA, AS FOLLOWS:**

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**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 has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-3, High Density Single Family Residential, zone**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on March 6, 2006 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 MAYOR AND CITY COUNCIL OF  
THE CITY OF DAPHNE, ALABAMA**, as follows:

**SECTION 1: CONSENT TO ANNEXATION.** The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

**SECTION 2: THE PROPERTY.** That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

**EXHIBIT "A"****LEGAL DESCRIPTION:****DESCRIPTION TO ACCOMPANY SKETCH OF 18.91 ACRES TO-WIT:**

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A CAPPED IRON PIN MARKER ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1384.21 FEET; THENCE RUN SOUTH 89 DEGREES 52 MINUTES 20 SECONDS WEST, A DISTANCE OF 537.27 FEET; THENCE RUN SOUTH 85 DEGREES 33 MINUTES 41 SECONDS WEST, A DISTANCE OF 262.08 FEET FOR A POINT OF BEGINNING; THENCE RUN SOUTH 52 DEGREES 13 MINUTES 55 SECONDS WEST, A DISTANCE OF 185.08 FEET; THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 52.86 FEET, (CHORD BEARS SOUTH 05 DEGREES 17 MINUTES 04 SECONDS WEST, 50.43 FEET); THENCE RUN SOUTH 48 DEGREES 23 MINUTES 32 SECONDS WEST, A DISTANCE OF 68.97 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 08 SECONDS WEST, A DISTANCE OF 140.90 FEET; THENCE RUN NORTH 89 DEGREES 41 MINUTES 03 SECONDS WEST, A DISTANCE OF 1575.84 FEET; THENCE RUN NORTH 01 DEGREES 24 MINUTES 54 SECONDS EAST, A DISTANCE OF 169.87 FEET; THENCE RUN NORTH 13 DEGREES 17 MINUTES 25 SECONDS WEST, A DISTANCE OF 154.56 FEET; THENCE RUN NORTH 65 DEGREES 03 MINUTES 18 SECONDS WEST, A DISTANCE OF 93.92 FEET; THENCE RUN NORTH 20 DEGREES 20 MINUTES 42 SECONDS WEST, A DISTANCE OF 172.87 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 12 SECONDS EAST, A DISTANCE OF 510.03 FEET; THENCE RUN SOUTH 88 DEGREES 26 MINUTES 17 SECONDS EAST, A DISTANCE OF 188.56 FEET; THENCE RUN SOUTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 7350.00 FEET, AN ARC DISTANCE OF 711.34 FEET, (CHORD BEARS SOUTH 84 DEGREES 56 MINUTES 20 SECONDS EAST, 711.06 FEET); THENCE RUN SOUTH 82 DEGREES 19 MINUTES 07 SECONDS EAST, A DISTANCE OF 555.72 FEET; THENCE RUN SOUTH 01 DEGREES 33 MINUTES 25 SECONDS WEST, A DISTANCE OF 32.32 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 18.91 ACRES, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**SECTION 3: MAP OF PROPERTY.** The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property 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 MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Julio Corte, Jr.  
Date: January 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 26, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned annexation.

The Planning Commission's recommendation was to favorably recommend the annexation of the subject parcel from unzoned to a R-2, Medium Density Single Family Residential, zone.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file



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 21 day of Dec,  
2005.

Respectfully submitted,

By: Julio Corte, Sr.

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Julio Corte, Sr whose name 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 and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 21<sup>st</sup> day of DECEMBER, 2005.

Erin Nely (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: 4/2/08

**Julio Corte, Jr.**  
ANNEXATION OF 25.14 ACRES  
AS R-2 SINGLE FAMILY

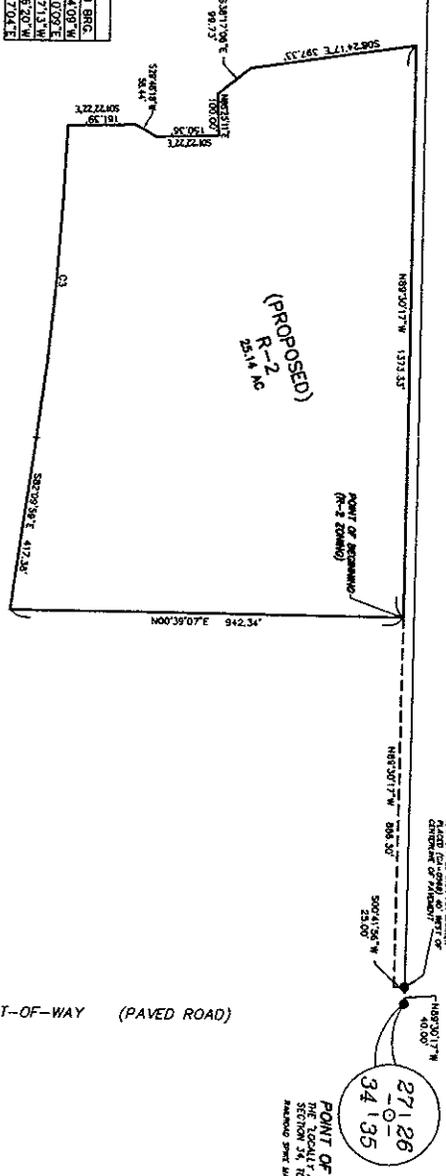
**EXHIBIT "A"**

**DESCRIPTION TO ACCOMPANY SKETCH OF 25.14 ACRES TO-WIT:**

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A CAPPED IRON PIN MARKER ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET; THENCE RUN NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 886.30 FEET FOR A POINT OF BEGINNING: CONTINUE THENCE NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 1373.33 FEET; THENCE RUN SOUTH 08 DEGREES 24 MINUTES 17 SECONDS EAST, A DISTANCE OF 397.33 FEET; THENCE RUN SOUTH 38 DEGREES 17 MINUTES 06 SECONDS EAST, A DISTANCE OF 99.73 FEET; THENCE RUN NORTH 88 DEGREES 25 MINUTES 11 SECONDS EAST, A DISTANCE OF 100.00 FEET; THENCE RUN SOUTH 01 DEGREES 22 MINUTES 22 SECONDS EAST, A DISTANCE OF 150.36 FEET; THENCE RUN SOUTH 29 DEGREES 48 MINUTES 18 SECONDS WEST, A DISTANCE OF 58.44 FEET; THENCE RUN SOUTH 01 DEGREES 22 MINUTES 22 SECONDS EAST, A DISTANCE OF 161.39 FEET; THENCE RUN SOUTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 7750.00 FEET, AN ARC DISTANCE OF 754.04 FEET, (CHORD BEARS SOUTH 84 DEGREES 57 MINUTES 13 SECONDS EAST, 753.74 FEET); THENCE RUN SOUTH 82 DEGREES 09 MINUTES 59 SECONDS EAST, A DISTANCE OF 417.38 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 07 SECONDS EAST, A DISTANCE OF 942.34 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 25.14 ACRES, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

REFERENCE PROJECT: OLDFIELD

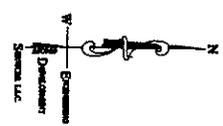
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEG.	CHORD END.
C1	140.54'	480.00'	71.00'	130.82'	S80°24'09"W	S80°24'09"W
C2	223.08'	483.72'	113.20'	248.28'	S81°11'02"E	S81°11'02"E
C3	254.04'	2780.00'	372.47'	443.24'	N81°11'02"E	N81°11'02"E
C4	711.34'	2380.00'	365.85'	711.62'	N81°56'30"E	N81°56'30"E
C5	52.88'	50.00'	28.20'	50.43'	N82°17'04"E	N82°17'04"E



ALABAMA STATE HIGHWAY NO. 181 80' RIGHT-OF-WAY (PAVED ROAD)

**JULIO CORTE, JR.**  
**ANNEXATION OF 25.14 AC.**  
**AS R-2 SINGLE FAMILY**  
**EXHIBIT "B"**

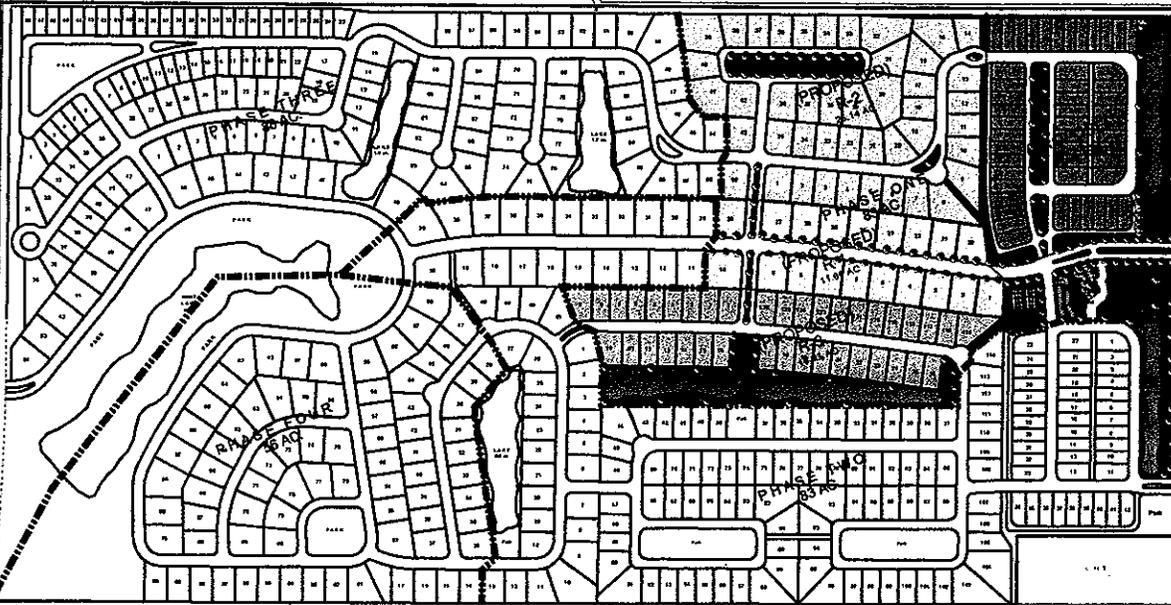
**OLDFIELD**  
 (FORMERLY KNOWN AS COTTONWOOD)



**Engineering Development Services, LLC**  
 1115 North Loop West, Suite 1000  
 Houston, Texas 77002  
 Phone: 281.462.1111  
 Fax: 281.462.1112  
 www.edsllc.com

Bellaton

R-1  
10 FT. STRIP



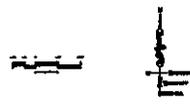
**OPEN SPACE SUMMARY**

Lakes	6.6 AC.
Parks	9.5 ac.
Buffers, etc.	1.7 ac.
Open Space	18.1 ac.

**ZONING SUMMARY**

R-1	19 Units	11.09 ac.
R-2	44 Units	23.14 ac.
R-3	38 Units	14.91 ac.
B-1		0.53 ac.
<b>TOTAL</b>	<b>101 Units</b>	<b>50 ac.</b>

**OLDFIELD**  
 PHASE ONE  
 FOR  
 MIKE McLAUGHLIN



*Julio*  
*annulation 0126/06*

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 8, 2006

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 March 6, 2006 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.

David L. Cohen, City Clerk, CMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**JULIO CORTE, JR.  
ANNEXATION OF 25.14 ACRES  
OLDFIELD**

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

**WHEREAS**, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed 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 has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-2, Medium Density Single Family Residential, zone**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on March 6, 2006 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 MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, as follows:

**SECTION 1: CONSENT TO ANNEXATION.** The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

**SECTION 2: THE PROPERTY.** That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

**DESCRIPTION TO ACCOMPANY SKETCH OF 25.14 ACRES TO-WIT:**

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**SECTION 3: MAP OF PROPERTY.** The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property 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 MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

**Greg Burnam**  
**Council President**  
Date & Time Signed:

**Fred Small**  
**Mayor**  
Date & Time Signed:

**ATTEST:**

**David L. Cohen**  
**City Clerk, MMC**

PLEASE Publish in the Bulletin Legal Section on Wednesday, February 15, 2006.

**SECOND 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 March 6, 2006 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 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.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**JULIO CORTE, JR.  
ANNEXATION OF 25.14 ACRES  
OLDFIELD**

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

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**WHEREAS**, said petition has been presented to the Planning Commission of the City of Daphne on January 26, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-2, Medium Density Single Family Residential, zone**; and,

**/END SYNOPSIS**

**ORDINANCE NO. 2006-**

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS  
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**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

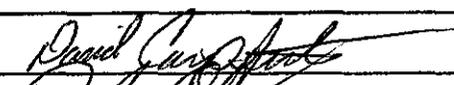
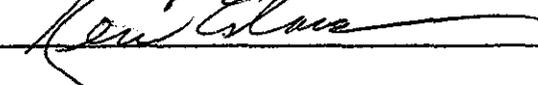
\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

# CITY OF DAPHNE PARADE PERMIT

01-24-06 A11:44 IN

<b>ORGANIZATION:</b>	S. E. E. D. S. SUPPORTING EDUCATION ENRICHMENT IN DAPHNE SCHOOLS
<b>CONTACT PERSON:</b> Ashley Gordon	583-2199 Denise D'oliveira 605-8777
<b>ADDRESS:</b>	
<b>PHONE NUMBER (HOME):</b>	621-5358 Denise D'oliveira
<b>PHONE NUMBER (BUSINESS):</b>	583-2199 605-8777
<b>TYPE OF PARADE:</b>	5K ROAD RACE & FUN RUN (1 mile)
<b>DATE OF PARADE:</b> 5K ROAD RACE	04 MARCH 2006
<b>ROUTE TO BE TRAVELED:</b>	PLEASE SEE ATTACHED.
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	750 People for Both Races
<b>START TIME:</b>	8:00 a.m. Fun Run
<b>STOP TIME:</b>	9:30 p.m.
<b>ASSEMBLY AREA/STREET:</b>	DAPHNE CITY HALL for Fun Run DAPHNE PUBLIC LIBRARY for 5K
<b>ASSEMBLY TIME:</b>	7:15
<b>APPROVAL</b>	
<b>POLICE:</b> Chief David Carpenter:	
<b>FIRE:</b> Chief Mund Hanson	
<b>PUBLIC WORKS:</b> Ken Eslava	
<b>CITY COUNCIL:</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	January 17, 2006
<b>NOTIFICATION:</b>	

## **SUPPORTING EDUCATION ENRICHMENT IN DAPHNE SCHOOLS**

### SEEDS 5K Road Race MAP

Race starts at the Daphne Public Library

South on Main Street

Turn West on McAdams Avenue

Turn North on 6<sup>th</sup> Street

Turn East on Lea Avenue

Turn North on Main Street

Finish at Daphne Public Library

3.1 mile certified 5K

### SEEDS 1 mile FUN RUN

Runners will gather at Centennial Park and walk toward the one mile mark located exactly one mile south of the 5K road race start. When runners reach the designated start they will begin the one mile fun run which will end at the Daphne Public Library.

Start for 5K: 8:00

Start for Fun Run: 9:00

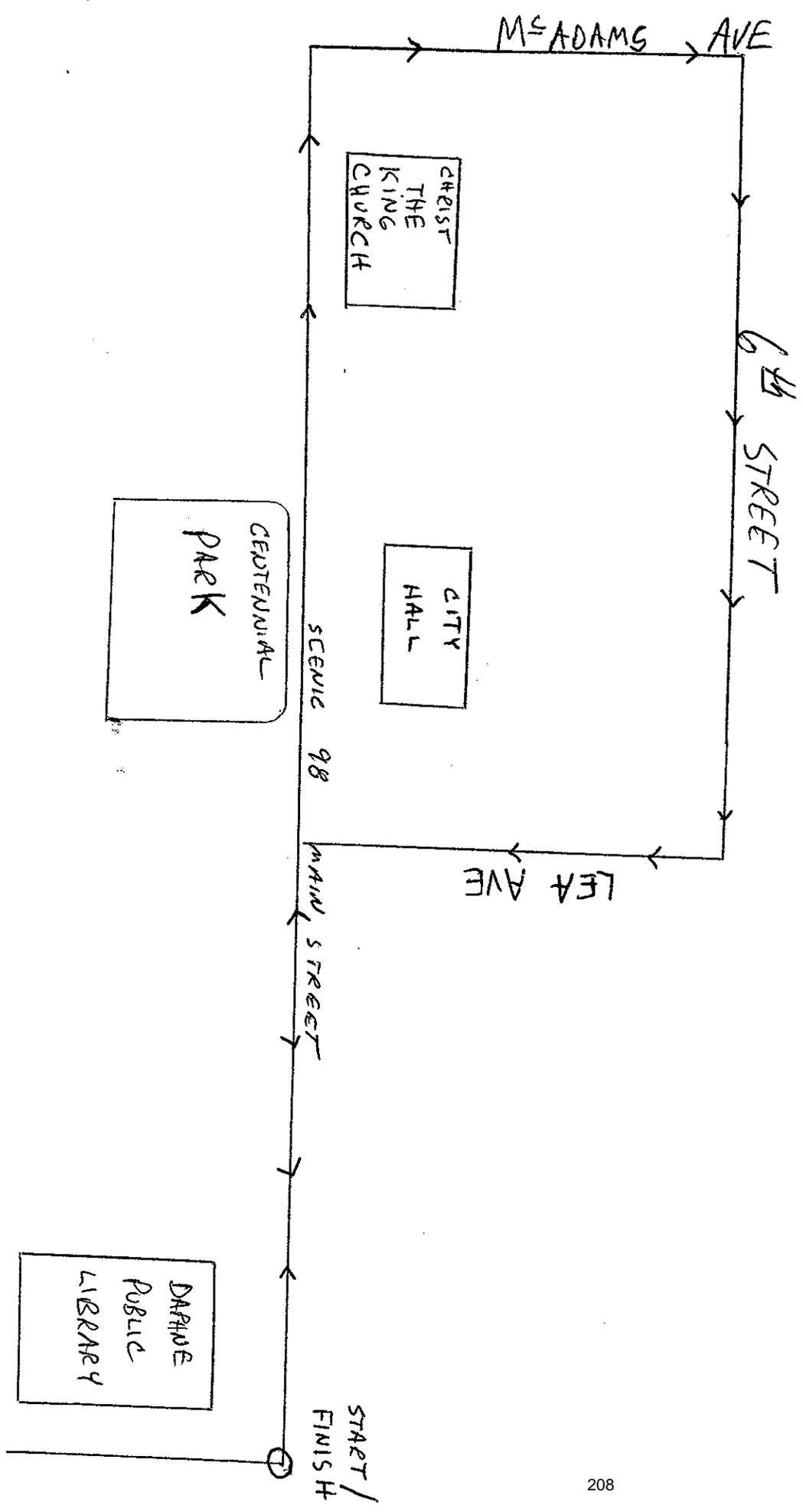
All activities on the race course will be concluded by 9:45.

Any questions can be directed to Ashley Gordon @ 621.5358 / 583.2199

ASSEMBLY TIME: 7:15

RACE TIME: 8:00

5K



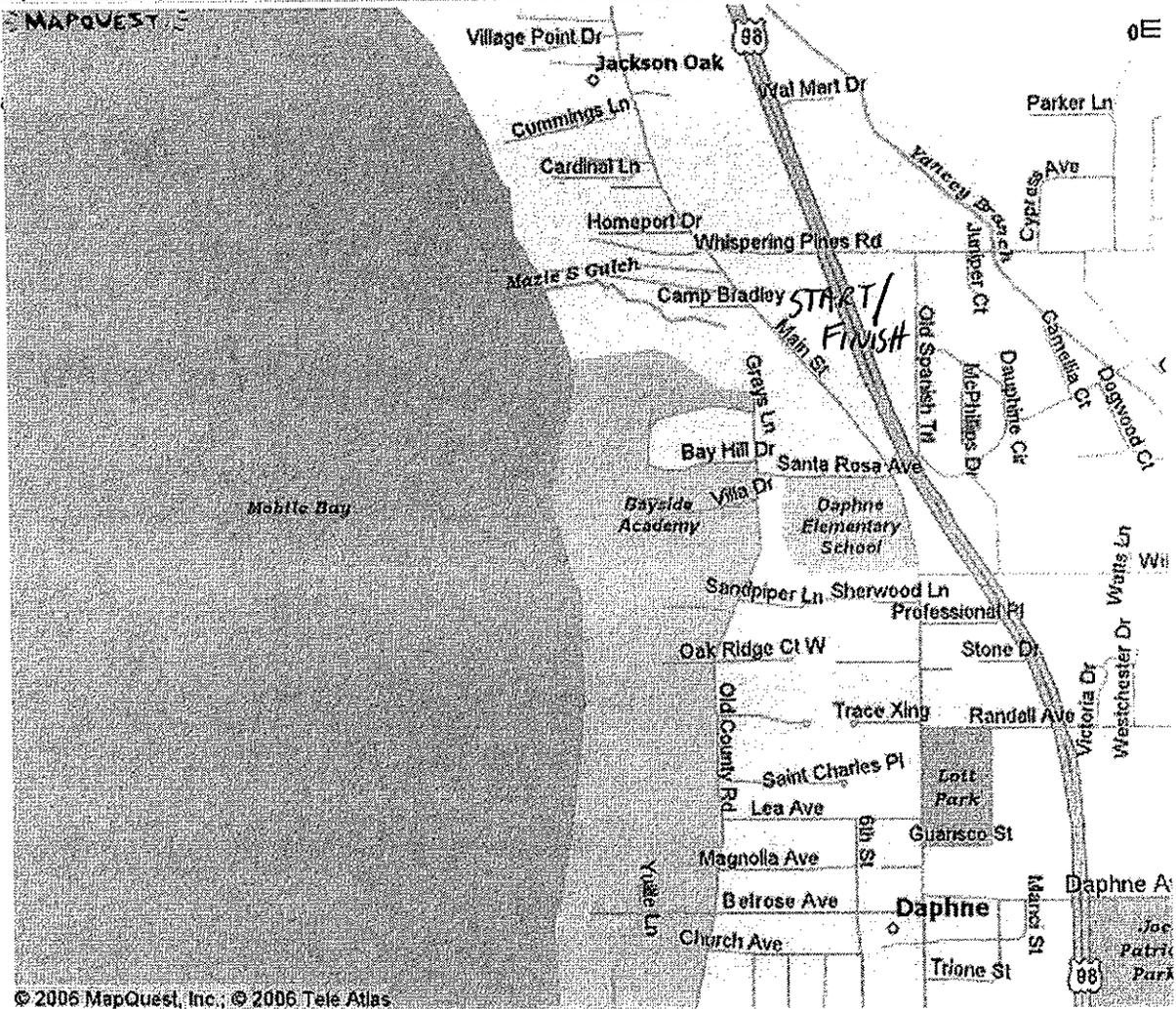


★ Daphne, AL 36526, US

[Directions To](#) | [Directions](#)

[From](#) | [Revise](#) | [New Map](#)

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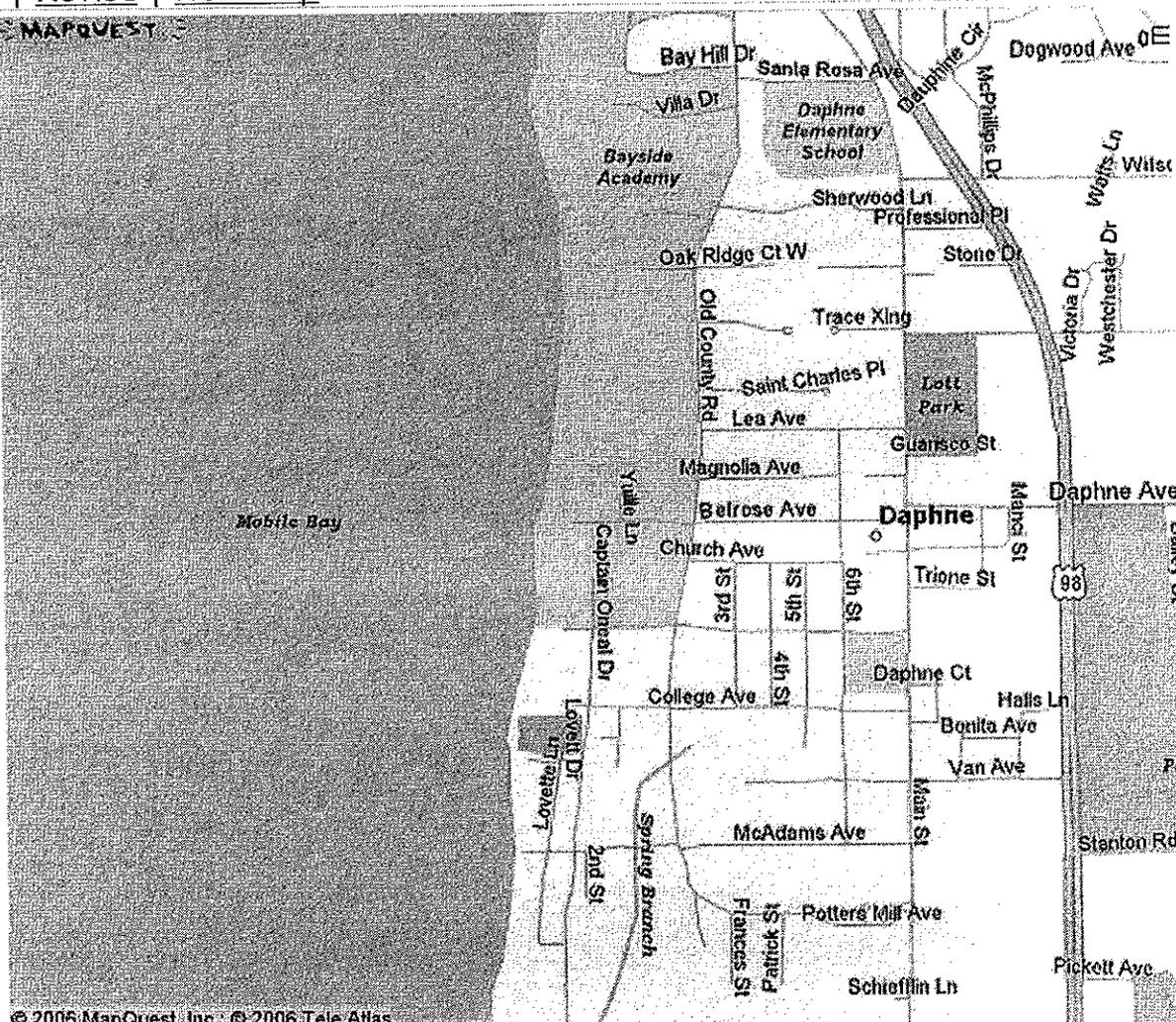
Page 1 of 2



★ Daphne, AL 36526, US

Directions To | Directions From | Revise | New Map

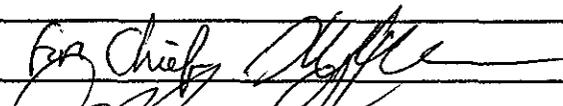
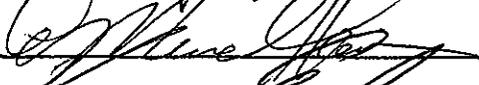
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Page 2 of 2

# CITY OF DAPHNE PARADE PERMIT

<b>ORGANIZATION:</b>	Loyal Order of FIRE TRUCK PARADE
<b>CONTACT PERSON:</b>	Ken ESLAVA
<b>ADDRESS:</b>	26435 Public Works Rd. Daphne, Al. 36526
<b>PHONE NUMBER (HOME):</b>	621-3966
<b>PHONE NUMBER (BUSINESS):</b>	621-3182 (c) 591-3377
<b>TYPE OF PARADE:</b>	Mardi Gras
<b>DATE OF PARADE:</b>	Feb. 26, 2006
<b>ROUTE TO BE TRAVELED:</b>	(see attached)
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	50 vehicles / 200 people
<b>START TIME:</b>	1:59 pm
<b>STOP TIME:</b>	3:00 pm
<b>ASSEMBLY AREA/STREET:</b>	MAYDAY PARK
<b>ASSEMBLY TIME:</b>	12:00 NOON
<b>APPROVAL</b>	
<b>POLICE: Chief David Carpenter:</b>	
<b>FIRE: Chief Mund Hanson</b>	
<b>PUBLIC WORKS: Ken Eslava</b>	
<b>CITY COUNCIL:</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	
<b>NOTIFICATION:</b>	

# **LOYAL ORDER OF FIRE TRUCK**

## **PARADE ROUTE**

**FEBRUARY 26, 2006**

Begin at Mayday Park then,  
Proceed South on Captain O'Neal to Maxwell Avenue then,  
Proceed East on Maxwell Avenue to Main Street then,  
Proceed North on Main Street to Santa Rosa Avenue the,  
Proceed West on Santa Rosa Avenue to Old County Road then,  
Proceed South on Old County Road towards College Avenue for disbanding

7720

Wine

2005-4(a)  
case no.

ABC LICENSE ROUTING

(initial)

DATE RECEIVED BY REVENUE DIV. 11-30-05 SWC

DATE FORWARDED TO POLICE DEPT. 11-30-05 SWC

DATE RECEIVED BY POLICE DEPT. 11-30-05 MWA

DATE: APPROVED  DISAPPROVED

POLICE DEPT. SIGNATURE Daniel Boy 1-23-2006

DATE RETURNED TO REVENUE DIV. 1-24-2006 SWC

DATE FORWARDED TO CITY CLERK 1-24-06 SWC

DATE RECEIVED BY CITY CLERK 1-24-06 SWC

SCHEDULED DATE ON AGENDA 2-6-06

Council Action :  APPROVED  DISAPPROVED  TABLED

COMMENTS- \_\_\_\_\_

Rescheduled for Council Agenda Date \_\_\_\_\_

Council Action :  APPROVED  DISAPPROVED  TABLED

COMMENTS- \_\_\_\_\_

DATE RETURNED TO REVENUE DIV. \_\_\_\_\_

DATE RETURNED TO TAXPAYER OR TO ABC FIELD OFFICE \_\_\_\_\_ (per taxpayer request)

Date Refused: \_\_\_\_\_ Date Approved: \_\_\_\_\_  
 By: \_\_\_\_\_ By: \_\_\_\_\_

TYPE APPLICATION

060 - Retail Table Wine - (On or Off Premises)

Name of Applicant (s) GULF COAST SALADS, LLC  
 Circle One: Ind. Part. Assoc. Corp. **LLC**

Name and address of individual, partners and members, association, corporate officers, etc.,:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
GARY DOUGLAS GIBERSON	AL 7730961 Member	08/09/60 HAWAII, US	29740 JASON MALBIS BLVD DAPHNE, AL 36526	6 YEARS

Corporate Information: INST # 918254 Date 08/26/05 County BALDWIN  
 (Enter book and page or document info.) (Incorporation or Authority)

Trade Name DOC GREEN'S GOURMET SALADS  
 Location 28600 US HWY 98 SUITE L & M DAPHNE, AL County BALDWIN

Mailing Address P.O. BOX 130 DAPHNE, AL 36526  
 (include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information  Transferee

Licensee Name ALA-ANA RESTAURANT, LLC A LOUISIANA COMPANY Type 020 Year 2002-2003

Trade Name SEMOLINA License Number 3969

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-14 regarding financial responsibility? Y N  
 Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N  
 Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N  
 Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N  
 Are the applicant(s) named above, the only person(s), in any manner, interested in the business sought to be licensed? Y N  
 These premises are located in the: Corporate Limits Police Jurisdiction of DAPHNE, Alabama (Enter N/A if not located in either)  
 Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N  
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N  
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N  
 What is the applicants' primary source of funding?  Loan  Inheritance  Individual(s)  Business  Other (explanation attached)  
 Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation? Y N  
 (If Yes, explain in Investigation Section) Signature of applicant [Signature]

The undersigned agree, if a license is issued as herein above applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the Board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him in connection with said licensed premises. The undersigned hereby understands that should he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA  
 COUNTY OF BALDWIN DISTRICT  
 Signed [Signature] Title Member Date 11/30/2005

The undersigned GARY DOUGLAS GIBERSON, Member of GULF COAST SALADS, LLC  
 (Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)

applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.

Sworn to and subscribed before me this 30th day of November 2005

[Signature] Signature of Notary Public  
 Notary Public, State at Large My commission expires \_\_\_\_\_  
[Signature] Signature of Affiant  
 Business Phone (251) 510-9000 Home Phone (251) 626-9937  
 FAX (251) 621-7499

For Central Office Use Only License No. Date of Issue Amount of Fees Total

**GENERAL APPLICATION INFORMATION**

Contact Person: GARY DOUGLAS GIBERSON

Phone Numbers: Home: (251) 626-9937 Business: (251) 510-9000

Fax: (251) 621-7499 Pager: \_\_\_\_\_ Other: \_\_\_\_\_

Internet/Web Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Does the premises have a fully equipped and operational kitchen?  Y  N  NA

Does the establishment have restroom facilities?  Y  N

Is place of business habitually and principally used for providing food to the public?  Y  N Snacks Only  NA

Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages?  Y  N

Will this business be operated PRIMARILY as a package store? Y  N

If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y  N  NA

**INVESTIGATION SECTION OF APPLICATION (To be completed by investigating ABC Agent)**

Will applicant engage in the sale of tobacco products? Y  N  If yes, type of business: \_\_\_\_\_

Number of tobacco vending machines present: n/a

Neighborhood Investigation waived in accordance with Application Guidelines

Building seating capacity 82 License premises includes patio area  Y  N

Building Dimensions: Length 80' Width 40' Square Footage 3200' Sales and Display Square Footage \_\_\_\_\_

License covers:  Entire structure  Portion of:  Top Floor  Bottom Floor  Other SHOPPING CENTER

License Structure:  One Story  Two Story  Multi-Story  Single Structure  Shopping Center  Motel/Hotel

Structure Material:  Wood  Brick/Block  Metal/Pre-Fab  Other \_\_\_\_\_

Is location within city limits?  Y  N Police Protection: County \_\_\_\_\_ City City

Number of licenses issued in vicinity:  0  1-5  6-10  more than 10 Nearest: CROSS THE STREET

Nearest:  School  Church  Private Residence

within 2 blocks  within 1/2 mile  Exceeds Above

within 2 blocks  within 1/2 mile  Exceeds Above

within 2 blocks  within 1/2 mile  Exceeds Above

**EXPLANATION OF LAW VIOLATIONS**

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a sole applicant, partner, officer, or member. (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition
I certify no member of this corporation has a criminal record.				

**FILING FEE ACKNOWLEDGEMENT**

In reference to ACT NO. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

Signature of Applicant: [Signature]

**TRANSFER AGREEMENT**

License Type: \_\_\_\_\_ License # \_\_\_\_\_

I, \_\_\_\_\_, as \_\_\_\_\_ holding current ABC License at \_\_\_\_\_

(Name) (Title)

this location, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

**LEASE/PROPERTY OWNERSHIP**

If applicant OWNS property, is copy of recorded deed attached? Y  N

If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached? Y  N

If applicant is LEASING the property, is a copy of the lease agreement attached? Y  N

A: Name of Property Owner/Lessor: JUBILEE POINTE, LLC Contact #: (251) 438-1112

B: What is the LESSOR'S primary business? REAL ESTATE INVESTMENT

C: Is LESSOR involved in any way with the Alcoholic Beverage business? Y  N  (If yes, explain on an attached sheet)

D: Is there any further interest in, or connection with, the licensee's business by the LESSOR? Y  N  (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) [Initials]

Agent/ID: [Signature] ABC 99 Supervisor: \_\_\_\_\_

(Review includes complete application packet)

AGENT: Application taken: 11/30/05 Application/Investigation completed: 11/30/05 Forwarded to D.O.:   /  /  

LOCAL GOVERNMENT: Submitted: 11/30/05 Received from:   /  /  

SUPERVISOR: Received in District Office:   /  /   Reviewed:   /  /   Forwarded to C.O.:   /  /

7720

Beer

2005-4(b)

case no.

ABC LICENSE ROUTING

		(initial)
DATE RECEIVED BY REVENUE DIV.	<u>11-30-05</u>	<u>SWC</u>
DATE FORWARDED TO POLICE DEPT.	<u>11-30-05</u>	<u>SWC</u>
DATE RECEIVED BY POLICE DEPT.	<u>11-30-05</u>	<u>MFA</u>
DATE: APPROVED <input checked="" type="checkbox"/>		DISAPPROVED <input type="checkbox"/>

POLICE DEPT. SIGNATURE [Signature] 1-23-06

DATE RETURNED TO REVENUE DIV.	<u>1-24-2006</u>	<u>[Signature]</u>
DATE FORWARDED TO CITY CLERK	<u>1-24-06</u>	<u>SWC</u>
DATE RECEIVED BY CITY CLERK	<u>1-24-06</u>	<u>RH</u>
SCHEDULED DATE ON AGENDA	<u>2-06-06</u>	<u>RH</u>

Council Action :  APPROVED  DISAPPROVED  TABLED

COMMENTS- \_\_\_\_\_

Rescheduled for Council Agenda Date \_\_\_\_\_

Council Action :  APPROVED  DISAPPROVED  TABLED

COMMENTS- \_\_\_\_\_

DATE RETURNED TO REVENUE DIV. \_\_\_\_\_

DATE RETURNED TO TAXPAYER OR TO ABC FIELD OFFICE \_\_\_\_\_ (per taxpayer request)

Date Refused  
By:

TYPE APPLICATION

Date Approved  
By:

040 - Retail Beer - (On or Off Premises)

Name of Applicant (s) GULF COAST SALADS, LLC  
Circle One: Ind. Part. Assoc. Corp. LLC

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length of Residence
GARY DOUGLAS GIBERSON	AL 7730961 Member	08/09/60 HAWAII, US	29740 JASON MALBIS BLVD DAPHNE, AL 36526	6 YEARS

Corporate Information: INST # 918254 Date 08/26/05 County BALDWIN  
(Enter book and page or document info.) (Incorporation or Authority)

Trade Name DOC GREEN'S GOURMET SALADS

Location 28600 US HWY 98 SUITE L & M DAPHNE, AL County BALDWIN

Mailing Address P.O. BOX 130 DAPHNE, AL 36526  
(Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information  Transferee

Licensee Name ALA-ANA RESTAURANT, LLC A LOUISIANA COMPANY Type 020 Year 2002-2003

Trade Name SEMOLINA License Number 3969

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-.14 regarding financial responsibility? Y N

Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N

Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N

Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N

Are the applicant(s) named above, the only person(s), in any manner, interested in the business sought to be licensed? Y N

These premises are located in the: Corporate Limits Police Jurisdiction of DAPHNE, Alabama (Enter N/A if not located in either)

Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N

What is the applicants' primary source of funding?  Loan  Inheritance  Individual(s)  Business  Other (explanation attached)

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation? Y N

(If Yes, explain in Investigation Section) Signature of applicant [Signature]

The undersigned agree, if a license is issued as herein above applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the Board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him in connection with said licensed premises. The undersigned hereby understands that should he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA  
COUNTY OF BALDWIN DISTRICT  
Signed [Signature]  
Title Member Date 11/30/2005

The undersigned GARY DOUGLAS GIBERSON, Member of GULF COAST SALADS, LLC  
(Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)

applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.

Sworn to and subscribed before me this 30th day of November, 2005

[Signature] Notary Public, State at Large My commission expires  
[Signature] Signature of Affiant  
Business Phone (251) 510-9000 Home Phone (251) 626-9937  
FAX (251) 621-7499

(For Central Office Use Only) License No. Amount of Fees Total

**GENERAL APPLICATION INFORMATION**

Contact Person: GARY DOUGLAS GIBERSON

Phone Numbers: Home: (251) 626-9937 Business: (251) 510-9000

Fax: (251) 621-7499 Pager: \_\_\_\_\_ Other: \_\_\_\_\_

Internet/Web Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Does the premises have a fully equipped and operational kitchen?  Y  N  NA

Does the establishment have restroom facilities?  Y  N

Is place of business habitually and principally used for providing food to the public?  Y  N  Snacks Only  NA

Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages?  Y  N

Will this business be operated PRIMARILY as a package store?  Y  N

If a COMMON CARRIER, does each vehicle seat 10 or more persons?  Y  N  NA

**INVESTIGATION SECTION OF APPLICATION (To be completed by Investigating ABC Agent)**

Will applicant engage in the sale of tobacco products?  Y  N If yes, type of business: \_\_\_\_\_

Number of tobacco vending machines present: n/a

Neighborhood Investigation waived in accordance with Application Guidelines

Building seating capacity 82 License premises includes patio area  Y  N

Building Dimensions: Length 80' Width 40' Square Footage 3200' Sales and Display Square Footage \_\_\_\_\_

License covers:  Entire structure  Portion of:  Top Floor  Bottom Floor  Other SHOPPING CENTER

License Structure:  One Story  Two Story  Multi-Story  Single Structure  Shopping Center  Motel/Hotel

Structure Material:  Wood  Brick/Block  Metal/Pre-Fab  Other \_\_\_\_\_

Is location within city limits?  Y  N Police Protection: County   City

Number of licenses issued in vicinity:  0  1-5  6-10  more than 10 Nearest: ACROSS THE STREET

Nearest:  School  Church  Private Residence

within 2 blocks  within 1/2 mile  Exceeds Above

within 2 blocks  within 1/2 mile  Exceeds Above

within 2 blocks  within 1/2 mile  Exceeds Above

**EXPLANATION OF LAW VIOLATIONS**

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a sole applicant, partner, officer, or member. (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition
I certify no member of this corporation has a criminal record.				

**FILING FEE ACKNOWLEDGEMENT**

In reference to ACT NO. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

Signature of Applicant: [Signature]

**TRANSFER AGREEMENT**

License Type: \_\_\_\_\_ License # \_\_\_\_\_

I, \_\_\_\_\_, as \_\_\_\_\_ holding current ABC License at \_\_\_\_\_

(Name) (Title)

this location, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee \_\_\_\_\_ Date \_\_\_\_\_

Applicant \_\_\_\_\_ Date \_\_\_\_\_

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

**LEASE/PROPERTY OWNERSHIP**

If applicant OWNS property, is copy of recorded deed attached?  Y  N

If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached?  Y  N

If applicant is LEASING the property, is a copy of the lease agreement attached?  Y  N

A: Name of Property Owner/Lessor: JUBILEE POINTE, LLC Contact #: (251) 438-1112

B: What is the LESSOR'S primary business? REAL ESTATE INVESTMENT

C: Is LESSOR involved in any way with the Alcoholic Beverage business?  Y  N (If yes, explain on an attached sheet)

D: Is there any further interest in, or connection with, the licensee's business by the LESSOR?  Y  N (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) [Signature]

Agent/ID [Signature] ABC 99 Supervisor [Signature]

AGENT: Application taken: 11/30/2005 Application/Investigation completed: 11/30/05 Forwarded to D.O.:   /  /  

LOCAL GOVERNMENT: Submitted: 11/30/05 Received from:   /  /  

SUPERVISOR: Received in District Office:   /  /   Reviewed:   /  /   Forwarded to C.O.:   /  /

Date Refused _____ By: _____	<b>TYPE APPLICATION</b> <b>140 - Special Events Retail</b>	Date Approved _____ By: _____
---------------------------------	---------------------------------------------------------------	----------------------------------

Name of Applicant (s) Bay Side Academy

Circle One: Ind. Part. Assoc. Corp. LLC

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Thomas Johnson	AL 6976022 Headmaster	11-18-1944 Valdosta GA	507 Polo Trace Daphne AL 36526	7 years
Barbara Pate	AL 2391600 Director	12-17-1957 Worcester MA	111 Cross Creek Fairhope AL 36532	2 years

Corporate Information: n/a Date \_\_\_\_\_ County \_\_\_\_\_  
(Enter book and page or document info.) (Incorporation or Authority)

Trade Name Bay Side Academy

Location Daphne Civic Center 2603 Hwy 98 Daphne AL 36526 County Baldwin

Mailing Address 303 Dryer Ave Daphne AL 36526  
(Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information  Transferee

Licensee Name N/A Type \_\_\_\_\_ Year \_\_\_\_\_

Trade Name N/A License Number N/A

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-14 regarding financial responsibility? Y N

Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N

Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N

Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N

Are the applicant(s) named above, in any manner, interested in the business sought to be licensed? Y N

These premises are located in the: Corporate Limits Police Jurisdiction of Daphne, Alabama (Enter N/A if not located in either)

Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N

What is the applicants' primary source of funding?  Loan  Inheritance  Individual(s)  Business  Other (explanation attached)

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation? Y N

(If Yes, explain in Investigation Section) Signature of applicant Barbara Pate

The undersigned agree, if a license is issued as herein above applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the Board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him in connection with said licensed premises. The undersigned hereby understands that should he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA Signed Barbara Pate  
 COUNTY OF Baldwin Title Director Date 01/25/2006

The undersigned Barbara Pate Director of Bay Side Academy  
(Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)  
 applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.

Sworn to and subscribed before me this 25th day of January, 2006

[Signature] Signature of Notary Public  
Barbara Pate Signature of Affiant

(For Central Office Use Only) License No: \_\_\_\_\_ Date of Issue \_\_\_\_\_ Amount of fees \_\_\_\_\_ Total \_\_\_\_\_

**GENERAL APPLICATION INFORMATION**

Contact Person: Barbara Patc

Phone Numbers: Home: (251) 928-0216 Business: (251) 626-2840 EXT. 228

Fax: \_\_\_\_\_ Pager: \_\_\_\_\_ Other: (251) 209-9416

Internet/Web Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Does the premises have a fully equipped and operational kitchen?  Y  N  NA

Does the establishment have restroom facilities?  Y  N

Is place of business habitually and principally used for providing food to the public? Y  N  Snacks Only  NA

Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages?  Y  N

Will this business be operated PRIMARILY as a package store? Y  N

If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y  N  NA

**INVESTIGATION SECTION OF APPLICATION (To be completed by investigating ABC Agent)**

Will applicant engage in the sale of tobacco products? Y  N  If yes, type of business: \_\_\_\_\_

Number of tobacco vending machines present: n/a

Neighborhood Investigation waived in accordance with Application Guidelines

Building seating capacity 200 License premises includes patio area Y  N

Building Dimensions: Length \_\_\_\_\_ Width \_\_\_\_\_ Square Footage 5000' Sales and Display Square Footage \_\_\_\_\_

License covers:  Entire structure  Portion of:  Top Floor  Bottom Floor  Other \_\_\_\_\_

License Structure:  One Story  Two Story  Multi-Story  Single Structure  Shopping Center  Motel/Hotel

Structure Material:  Wood  Brick/Block  Metal/Pre-Fab  Other \_\_\_\_\_

Is location within city limits? Y  N  Police Protection: County  City

Number of licenses issued in vicinity:  0  1-5  6-10  more than 10 Nearest: across the street

Nearest: School Church Private Residence

within 2 blocks  within 2 blocks  within 2 blocks  
 within 1/2 mile  within 1/2 mile  within 1/2 mile  
 Exceeds Above  Exceeds Above  Exceeds Above

**EXPLANATION OF LAW VIOLATIONS**

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a sole applicant, partner, officer, or member. (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition
I certify no member of this association has a criminal record.				

**FILING FEE ACKNOWLEDGEMENT**

In reference to ACT NO. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

Signature of Applicant: Barbara Patc

**TRANSFER AGREEMENT** License Type: \_\_\_\_\_ License # \_\_\_\_\_

I, \_\_\_\_\_ This is not a License Transfer \_\_\_\_\_, as \_\_\_\_\_ holding current ABC License at \_\_\_\_\_ (Name) \_\_\_\_\_ (Title)

this location, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee	Date
Applicant	Date

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

**LEASE/PROPERTY OWNERSHIP**

If applicant OWNS property, is copy of recorded deed attached? Y  N

If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached? Y  N

If applicant is LEASING the property, is a copy of the lease agreement attached? Y  N

A: Name of Property Owner/Lessor: City of Daphne Contact #: (251) 626-2136

B: What is the LESSOR'S primary business? City Business

C: Is LESSOR involved in any way with the Alcoholic Beverage business? Y  N  (If yes, explain on an attached sheet)

D: Is there any further interest in, or connection with, the licensee's business by the LESSOR? Y  N  (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) BSP

Agent/ID: Diana L. Malay 114 Supervisor \_\_\_\_\_ (Review includes complete application packet)

AGENT: Application taken: <u>01/25/2006</u>	Application/Investigation completed: <u>1/26/06</u>	Forwarded to D.O.: <u>  /  /  </u>
LOCAL GOVERNMENT: Submitted: <u>1/26/06</u>	Received from: <u>  /  /  </u>	
SUPERVISOR: Received in District Office: <u>  /  /  </u>	Reviewed: <u>  /  /  </u>	Forwarded to C.O.: <u>  /  /  </u>

**CLUB APPLICATION INFORMATION**

Does the Club charge and collect dues from elected members? Y N

Number of paid-up members at time of application?  at least 100  at least 150

Are regular meetings held? Y N If yes, when?  weekly  bi-monthly  monthly  quarterly  annually

Is business conducted through officers regularly elected? Y N

Are members admitted by written application, investigation, and ballot? Y N

(Attach membership list providing: name, address, telephone number, DOB, occupation, place of employment, and document source)

Has Agent verified membership applications for each member listed? Y N (DO NOT ATTACH MEMBERSHIP APPLICATIONS TO THIS APPLICATION)

Has at least 10% of members listed been confirmed and highlighted? Y N Agents Initials

For what purpose is the Club organized and operated?  Social  Patriotic  Political  Athletic  Other

Does the property used, as well as the advantages, belong to all the members? Y N

Do the operations of the Club benefit any individual members, officers, directors, agents or employees of the Club rather than to the benefit of the entire membership? Y N

Example: Class II (for profit) club belongs to the owners/officers of the corporation and the operations benefit a few as opposed to the entire membership

Example: Class I (non-profit) requires evidence of Non-Profit status (IRS Form 990 for example)

Documents required to accompany application: Articles of Incorporation, Constitution and By-Laws, and Membership list.

Signature of Applicant

**SPECIAL RETAIL LICENSE INFORMATION**

Thirty (30) days or less Starting Date N/A Ending Date N/A

More than thirty (30) days

State Park  Racing Commission  Fair Authority  Civic Center

Franchisee or Concessionaire of above

Other valid responsible organization

**SPECIAL EVENTS RETAIL LICENSE INFORMATION**

For SPECIAL EVENTS RETAIL LICENSE (Not to exceed 7 days) Starting 3/16/06 Ending 3/18/06 (Must be filed 25 days before event)

**Special Terms and Conditions for Special Retail Licenses/Special Events Retail Licenses**

Alcohol service will be contained to the inside of the building. ( No Drinks to go )

Patrons will purchase tickets and those tickets will be exchanged for drinks to include beer, wine, and mixed drinks.

The undersigned agree, if a Special Retail or Special Events Retail license is issued as herein above applied for, to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated above.

Signature of applicant

*Barbara J. Tate*

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

**CITY COUNCIL MEETING  
RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

## **RESOLUTION NO. 2006 – 09**

**WHEREAS**, Infirmiry Health System Special Care Facilities Financing Authority of Mobile, a public corporation organized under the laws of the State of Alabama (the “Authority”), proposes to issue its revenue bonds in an amount not to exceed \$300,000,000 (the “Bonds”). The Bonds will be issued to provide financing for the benefit of Infirmiry Health System, Inc. (“IHS”) and its affiliates, Mobile Infirmiry Association (“Mobile Infirmiry”), Gulf Health Hospitals, Inc. (“Gulf Health”) and Infirmiry Health Hospitals, Inc. (“Infirmiry Hospitals”). IHS and its affiliates (collectively referred to as the “IHS System Affiliates”) operate health care facilities in Mobile and Baldwin Counties; and

**WHEREAS**, the Bonds may be issued in a single series or in two or more series over a period ending February 1, 2009; and

**WHEREAS**, the Bonds will provide financing with respect to the following acute care hospital and outpatient facilities (collectively the “System Facilities”) of the IHS System Affiliates: (i) Mobile Infirmiry Medical Center located at 5 Mobile Infirmiry Circle (near Springhill and Louiselle Avenues, in Mobile Alabama), (ii) Thomas Hospital, located at 750 Morphy Avenue in Fairhope, Alabama, (iii) Thomas Medical Center located at 27961 U.S. Highway 98 in Daphne, Alabama, (iv) North Baldwin Infirmiry located at 1815 Hand Avenue in Bay Minette, Alabama, (v) Infirmiry Eastern Shore Outpatient Center located at 7101 Highway 90 in Daphne, Alabama, and (vi) Knollwood Hospitals located at 5600 Girby Road and 5644 Girby Road in Mobile, Alabama; and

**WHEREAS**, the proceeds of the bonds will be used to refund certain outstanding debt or bonds of the IHS System Affiliates, including (i) a loan obtained by Gulf Health to retire debt incurred with respect Thomas Hospital and (ii) \$22,500,000 principal amount of ALAHA Program Revenue Bonds, Series 2003-A (Gulf Health Hospitals, Inc.) issued by the ALAHA Special Care Facilities Financing Authority of the City of Montgomery to provide financing for a hospital expansion and improvement project at North Baldwin Infirmiry. In addition, proceeds of the bonds will be used to pay the costs of renovating, expanding or improving the hospital and clinic buildings for the System Facilities and acquiring and installing medical equipment, information systems, and furnishings for the System Facilities, including without limitation (i) a new bed tower and related building renovations and improvements at Thomas Hospital, (ii) renovations and improvements to the hospital buildings at Knollwood Hospital, and (iii) medical equipment, information systems and furnishings for these projects; and

**WHEREAS**, the proceeds of the Bonds will be loaned to one or more of the IHS System Affiliates pursuant to one or more loan agreements between the Authority and IHS System Affiliates. The loan agreements will provide for loan payments by one or more of the IHS System Affiliates in amounts sufficient to pay debt service on the Bonds when due. The bonds will be limited obligations of the Authority and will be payable solely from the loan payments by the IHS System Affiliates to the Authority. The Bonds will not be general obligations of the Authority and will not in any way constitute a debt,

liability or obligation of the State of Alabama or any political subdivision of the State of Alabama, including without limitation the political subdivisions holding the hearings described above or the political subdivisions where the System Facilities are located. The Bonds will not be payable from any tax revenues; and

**WHEREAS**, a public hearing concerning the proposed issuance of the Bonds was held at City Hall in the City of Daphne at 6:30 p.m. on Monday, February 6, 2006; notice of such hearing was given by publication in the *Mobile Press Register* on January 23, 2006, and such hearing provided opportunity for persons with different views on the proposed issuance of the Bonds and the location and nature of the bond-financed facilities to express their views, both orally and in writing.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** hereby approve (i) the issuance of the Bonds to finance improvements and additions to and equipment for Thomas Medical Center and Infirmary Eastern Shore Outpatient Center, and (ii) the location and nature of the System Facilities in the City of Daphne, Alabama, in accordance with the foregoing proposal of the Authority.

**APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**GREG BURNAM**  
**COUNCIL PRESIDENT**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**FRED SMALL**  
**MAYOR**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**DAVID L. COHEN**  
**CITY CLERK, MMC**

**RESOLUTION 2006-10**

**JOINT RESOLUTION  
OF THE  
COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA  
CITY OF DAPHNE, ALABAMA  
&  
CITY OF SPANISH FORT, ALABAMA**

---

**SUPPORTING A WATERSHED ASSESSMENT OF THE D'OLIVE CREEK  
WATERSHED IN BALDWIN COUNTY, ALABAMA**

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**WHEREAS**, the County Commission of Baldwin County, Alabama, City of Daphne, Alabama and City of Spanish Fort, Alabama, desire to collectively support a watershed assessment of the D'Olive Creek Watershed in Baldwin County; and

**WHEREAS**, currently, the D'Olive Creek Watershed is a rapidly developing residential and commercial area in Baldwin County which remains home to over 15,000 citizens on the Baldwin County Eastern Shore; and

**WHEREAS**, further, as the D'Olive Creek Watershed contains both the D'Olive Creek and Tiawassee Creek which empty directly into Mobile Bay, the environmental quality of the D'Olive Creek Watershed has a direct impact on the entire water quality of Mobile Bay; and

**WHEREAS**, because of the forgoing, the County Commission of Baldwin County, Alabama, City of Daphne, Alabama and City of Spanish Fort, Alabama desire to collectively support a watershed assessment be conducted of the D'Olive Creek Watershed in Baldwin County by the Alabama Department of Environmental Management.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA, CITY OF DAPHNE, ALABAMA AND CITY OF SPANISH FORT, ALABAMA, IN UNANIMOUS CONCURRENCE**, that we hereby collectively support a watershed assessment be conducted of the D'Olive Creek Watershed in Baldwin County by the Alabama Department of Environmental Management.

**DONE**, under the Seal of the City of Daphne, Alabama, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

STATE OF ALABAMA     )  
COUNTY OF BALDWIN    )

**JOINT RESOLUTION  
OF THE  
COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA  
CITY OF DAPHNE, ALABAMA  
&  
CITY OF SPANISH FORT, ALABAMA**

**SUPPORTING A WATERSHED ASSESSMENT OF THE D'OLIVE CREEK  
WATERSHED IN BALDWIN COUNTY, ALABAMA.**

WHEREAS, the County Commission of Baldwin County, Alabama, City of Daphne, Alabama, and City of Spanish Fort, Alabama, desire to collectively support a watershed assessment of the D'Olive Creek Watershed in Baldwin County; and

WHEREAS, currently, the D'Olive Creek Watershed is a rapidly developing residential and commercial area in Baldwin County which remains home to over 15,000 citizens on the Baldwin County Eastern Shore; and

WHEREAS, further, as the D'Olive Creek Watershed contains both the D'Olive Creek and Tiawasee Creek which empty directly into Mobile Bay the environmental quality of the D'Olive Creek Watershed has a direct impact on the entire water quality of Mobile Bay; and

WHEREAS, because of the foregoing, the County Commission of Baldwin County, Alabama, City of Daphne, Alabama, and City of Spanish Fort, Alabama, desire to collectively support a watershed assessment be conducted of the D'Olive Creek Watershed in Baldwin County by the Alabama Department of Environmental Management; now therefore

BE IT RESOLVED BY THE COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA, CITY OF DAPHNE, ALABAMA, AND CITY OF SPANISH FORT, ALABAMA, IN UNANIMOUS CONCURRENCE, That we hereby collectively support a watershed assessment be conducted of the D'Olive Creek Watershed in Baldwin County by the Alabama Department of Environmental Management.

DONE, under the Seal of the County of Baldwin, at the County Seat in Bay Minette, Alabama, on this the \_\_\_ day of February, 2006.

\_\_\_\_\_  
Commissioner David E. Bishop, Chairman

ATTEST:

\_\_\_\_\_  
Locke W. Williams, Clerk / Treasurer

DONE, under the Seal of the City of Daphne, Alabama, on this the \_\_\_ day of February, 2006.

\_\_\_\_\_  
Mayor Fred Small

ATTEST:

\_\_\_\_\_  
David Cohen, City Clerk

DONE, under the Seal of the City of Spanish Fort, Alabama, on this the \_\_\_ day of February, 2006.

\_\_\_\_\_  
Mayor Jo Bonner

ATTEST:

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

**RESOLUTION 2006-11**

**Acceptance of Streets and Drainage  
located in Oak Creek 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 Oak Creek Subdivision on May 26, 2005 and the City of Daphne hereby recommends acceptance of said street located in Oak Creek Subdivision; and,

**Whereas**, an inspection was made by the Director of Community Development. 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**, the Division of Public Works has accepted said streets and storm water drainage of Oak Creek Subdivision; and,

**Whereas**, the Utilities Board of the City of Daphne has accepted the utilities of Oak Creek Subdivision; and,

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

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS**, that Oak Creek Subdivision according to the plat by Hutchinson, Moore & Rauch as recorded in the Judge of Probate, Baldwin County, Alabama, and said street being named Acorn Knoll Drive and Deciduous Court are 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 \_\_\_\_\_, 2006.**

**THE CITY OF DAPHNE,  
AN ALABAMA MUNICIPAL CORPORATION**

\_\_\_\_\_  
**GREG BURNAM  
COUNCIL PRESIDENT  
DATE AND TIME SIGNED:**

\_\_\_\_\_  
**FRED SMALL  
MAYOR  
DATE AND TIME SIGNED:**

**ATTEST:**

\_\_\_\_\_  
**DAVID L. COHEN, CITY CLERK, MMC**

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

**SUBDIVISION NAME:** Oak Creek Subdivision

**LOCATION:** Highway 90 South of County Road 13

**THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY** is made this 17<sup>th</sup> day of January, 2006 by MAJ, LLC, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as Oak Creek Subdivision 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 Subdivision Review, and Article XI, Minimum Requirements and Required Improvements. 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**, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$23,468.40) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

**WHEREAS**, the Project Engineer 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 as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Subdivision Review, and Article XI, Minimum Requirements and Required Improvements.

**WHEREAS**, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a two (2) year maintenance period as described above; and,

**WHEREAS**, the City of Daphne has agreed to accept the property within the confines of the road right-of-way which does not include drainage or utility easements or any other improvements outside of these confines.

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

Recommendation:

---

William H. Eady, Sr., Director of Community Development  
City of Daphne

Approval:

---

Planning Commission Chairman  
City of Daphne

Revised: March 18, 2004



**MAINTENANCE BOND**

**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**  
Hartford, Connecticut 06183

BOND NO. 104620343

KNOW ALL MEN BY THESE PRESENTS:

That **James Brothers Excavating, Inc.**

as Principal, hereinafter called Contractor, and **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**, as Surety, hereinafter called Surety, are held and firmly bound unto **The City of Daphne**

as Obligee, hereinafter called Owner, in the penal sum of **\$23,468.40**, for the payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has by written agreement

entered into a contract with Owner for **Oak Creek Subdivision**

in accordance with the General Conditions, the Drawings and Specifications, which contract is by reference incorporated herein, and made a part hereof, and is referred to as the Contract.

NOW, THEREFORE, the condition of this obligation is such that, if Contractor shall remedy any defects due to faulty materials or workmanship which shall appear within a period of **2** year(s) from the date of substantial completion of the work provided for in the Contract, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that Owner shall give Contractor and Surety notice of observed defects with reasonable promptness.

SIGNED and sealed this **20<sup>th</sup>** day of **January 2006**.

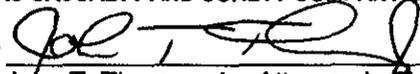
**James Brothers Excavating, Inc.**

IN THE PRESENCE OF:

(Seal)  
Principal

  
\_\_\_\_\_  
Title

**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**

By   
\_\_\_\_\_  
John T. Thomas, Jr., Attorney-In-Fact

**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA  
TRAVELERS CASUALTY AND SURETY COMPANY  
FARMINGTON CASUALTY COMPANY  
Hartford, Connecticut 06183-9062**

**POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT**

**KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: Jim E. Mabrey, John T. Thomas, Jr., Maria A. Davison, Vernon D. Harrison, Fairhope, Alabama, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s): by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.**

**This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:**

**VOTED:** That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

**VOTED:** That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

**VOTED:** That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

**This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:**

**VOTED:** That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

EXCERPTS FROM THE MINUTES OF A REGULAR  
MEETING OF THE  
CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA  
HELD ON FEBRUARY 6, 2006

The City Council of the City of Daphne, Alabama (the "Council") met in regular session at the City Hall in the City of Daphne on February 6, 2006, at 6:30 o'clock, p.m., Central Time. The following members of the Council were:

PRESENT

ABSENT

Greg Burnam, Council President, acted as chairman of the meeting and David L. Cohen, City Clerk, acted as clerk of the meeting. The attached notice of the open meeting was posted on [insert date] on the bulletin board at City Hall. The Chairman stated that a quorum being present, the meeting was open for the transaction of business.

\* \* \* \* \*

The Chairman then stated that it would be in order to consider the adoption of a resolution authorizing the City of Daphne to prepare for the issuance of certain refunding and capital improvement warrants, as described in such resolution. Councilmember \_\_\_\_\_ introduced the following resolution and order:

RESOLUTION 2006-12

BE IT RESOLVED by the City Council (the "Council) of Daphne, Alabama (the "City"), as follows:

Section 1. Findings of Council. Having made due and proper investigation of the matters hereinafter referred to, the Council hereby finds and determines:

(a) The City has heretofore issued, pursuant to a resolution of the City adopted on August 18, 1997 (the "1997 Resolution"), its General Obligation Refunding and Improvement Warrants, Series 1997, originally issued and currently outstanding in the aggregate principal amount of \$8,740,000 (the "1997 Warrants").

(b) The City is not in default in the payment of principal of or interest on the 1997 Warrants or under the 1997 Resolution.

(c) The City has heretofore issued, pursuant to a resolution of the City adopted on September 20, 1999 (the "1999 Resolution"), its General Obligation Improvement Warrants, Series 1999, originally issued and currently outstanding in the aggregate principal amount of \$5,855,000 (the "1999 Warrants").

(d) The City is not in default in the payment of principal of or interest on the 1999 Warrants or under the 1999 Resolution.

(e) The City has determined that it is necessary and desirable to: (i) refund the 1997 Warrants and the 1999 Warrants; (ii) construct a new City Hall to be located within the city limits of Daphne; (iii) construct and install sewer improvements within the city limits of Daphne; (iv) to acquire land for public recreation and parks within the city limits of Daphne; and (v) construct and install certain improvements to the public library located within the city limits in Daphne. The improvements set forth in subparagraphs (ii), (iii), (iv) and (v) of this paragraph (e) are hereinafter referred to as "Capital Improvements."

(f) The City does not have and does not expect to have in the near future, funds sufficient to enable it to pay all costs of acquisition, construction and installation of the Capital Improvements.

(g) The City intends to proceed with a plan of finance which will involve, among other things, the issuance and sale of the City's general obligation refunding and improvement warrants (the "Warrants") for the purpose of providing funds necessary to refund the 1997 Warrants and the 1999 Warrants and to pay the costs of the Capital Improvements.

Section 2. Authorization with respect to the Warrants. The Mayor is hereby authorized to take all such actions as are necessary and appropriate to present the Warrant issue to the Council, including, without limitation, the authorization of Gardnyr Michael Capital, Inc., as investment

banker with respect to the issue, to circulate a preliminary official statement or other offering document and of Hand Arendall, LLC, as bond counsel, to prepare authorizing proceedings for presentation to and approval of the Council. In the event he determines, in consultation with the Finance Director and the investment banker that it is desirable to do so in order to obtain favorable interest rates with respect to the Warrants, the Mayor is hereby authorized to execute a Warrant Purchase Agreement with respect to the sale of the Warrants; provided, that such sale shall not be binding on the Council until the Warrant Purchase Agreement is approved and authorized by the Council and that any Warrant Purchase Agreement so executed by the Mayor shall so provide.

Councilmember \_\_\_\_\_ moved that the foregoing resolution and order be adopted and spread upon the minutes of this meeting, which motion was seconded by Councilmember \_\_\_\_\_, and, upon the said motion being put to vote, the following vote was recorded:

YEAS

NAYS

The Chairman thereupon announced that the motion for adoption of the said resolution and order had been unanimously carried.

\* \* \* \* \*

There being no further business, the meeting was, on motion duly made, seconded and unanimously carried, adjourned.

\_\_\_\_\_  
Greg Burnam, Council President  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
Fred Small, Mayor  
Date & Time Signed: \_\_\_\_\_

[SEAL]

ATTEST:

\_\_\_\_\_  
CITY CLERK

CLERK'S CERTIFICATE

I, David L. Cohen, City Clerk of the City of Daphne, Alabama, DO HEREBY CERTIFY that the foregoing pages of typewritten material constitute Excerpts from Minutes of a regular meeting of the City Council of Daphne, Alabama, held on February 6, 2006, pertaining to the City's General Obligation Refunding and Improvement Warrants, Series 2006, which meeting was called and assembled and was open to the public and at which a quorum was present and acting throughout, and that the original of said minutes appears of record in the minute books of the City Council of Daphne, Alabama, which are in my custody and control.

Given under my hand and the seal of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

(SEAL)

\_\_\_\_\_  
City Clerk of the  
City of Daphne, Alabama

# CITY OF DAPHNE ORDINANCE NO. 2006 – 02

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## AN ORDINANCE AMENDING ORDINANCE NO. 2002-22 (THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE) THEREBY ADDING A RESIDENTIAL HIGH RISE ARTICLE AND OTHER NECESSARY AMENDMENTS

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**WHEREAS**, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of Daphne, Alabama, and

**WHEREAS**, the City Council of Daphne, Alabama has previously enacted ordinance number 2002-22 governing land use and development within the City jurisdiction, and

**WHEREAS**, the City Council of Daphne, Alabama desires to establish rules and regulations governing the development and building of Residential High Rise structures within the City of Daphne, Alabama, and in conjunction therewith must amend various articles and subsections of the current Land Use and Development Ordinance to promote consistency throughout, and

**WHEREAS**, the Cit Council of the City of Daphne, Alabama, desires therefore to amend the current Land Use and Development Ordinance contain the following additions and deletions thereto, now therefore,

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

**SECTION I. ARTICLE VIII, §8-2 entitled DEFINITION OF TERMS shall be amended as follows by the following amendments:**

1. (23) "Building Height" and the definition contained therein is hereby deleted in its entirety and replaced with the following definition:

"( 23) Building Height: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The highest point of the structure will vary with the type of roof. The vertical distance from the finished grade of the highest roof beams on a flat or shed roof, to the deck level or a mansard roof and the average distance between the eaves and ridge level for gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, elevator penthouses, church spires and steeples, water towers, parapet walls and similar appurtenances are excluded from height restrictions. However, the exclusions apply only to those elements that are appurtenant to the structure. The excluded

element shall not exceed the maximum height by more than fifteen (15) feet.

2. (178) "Townhouse" and the definition contained therein is hereby deleted in its entirety and replaced with the following definition:

(178) Town House – Single Family: A one family dwelling with ground floor outside access, attached to three or no more than five, one family dwelling s by common vertical fire resistant walls without openings, and not exceeding two and one-half (2-1/2) stories or thirty-five (35) feet in height.

3. The following definitions shall be added to the list of definitions contained in Article VIII, §8-2 as follows, and the City of Daphne Community Development Office shall be authorized to re-number the definitions contained therein accordingly:

Condominium – Mid Rise: A building, if containing three to seven stories in which dwelling units, offices, or floor area are owned individually and the structure, common area and facilities are owned by all owners or a proportional, undivided basis. Underground parking facilities are not counted in the height, however, ground level parking beneath the building shall be counted as a story.

Condominium –High Rise: A building containing eight (8) but not exceeding 16 stories in which dwelling units, offices, or floor area are owned individually and the structures, common area and facilities are owned by all owners or a proportional undivided basis. Underground parking facilities are not counted in the height, however, ground level parking beneath the building shall be counted as a story.

Duplex - 2 Family: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof, and not exceeding two and one-half (2-1/2) stories or thirty-five (35) feet in height.

Garden Apartments Multi-Family: One or more two or three story, multi-family structures containing 8 to 20 dwelling units and including related off-street parking, open space and recreation facilities, and not exceeding Fifty (50) feet in height. Structures shall not exceed 200 feet in length, Access may be from a common hall or individual entrance. Dwelling nuts may be located back to back, adjacent, and on top of one another.

Green Space (Green Area): Land shown on a development plan, master plan, or official map for conservation, preservation, recreation, landscaping, or park.

Net Buildable Area: The total horizontal area of a parcel, in square feet, less the area of any waterway, less the area of any wetlands, less the area of any submerged lands, less the area required for setbacks. For the purposes of computing net buildable area all waterways, wetlands, submerged lands and setback area square footages shall be rounded up to the next highest whole number.

Patio Home: A single family dwelling on a separate lot with opens space setbacks on four sides and not exceeding two and one-half (2-1/2) stories or thirty-five (35) feet in height.

Wetlands: An area or areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Submerged Lands: Lands beneath navigable waters.

**SECTION II: ARTICLE XII entitled ESTABLISHMENT OF DISTRICTS, §12-2 RESIDENTIAL DISTRICTS shall be amended to include by addition thereto a “Residential High Rise” district, as follows:**

**12-2 RESIDENTIAL DISTRICTS**

- (f) RHR, Residential High-Rise:

The intent of this district is to provide opportunity for High-Rise High Density urban type residential developments exceeding fifty (50) feet in height. The area is denoted on the Image Map found in the City’s Comprehensive Plan.

Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good, high density living environment by providing for needed community services.

- (g) That as a condition precedent for consideration of the rezoning of any parcel of real property to RHR (Residential High Rise), such owner of said parcel of real property or authorized agent thereof, shall first make application to the City Planning Commission for consideration to amend the City’s Comprehensive Plan for that parcel of real property to be included on the Image map.

The requirement to be considered for inclusion on the Image Map shall be in such format as is determined by the Community

Development Director, and shall include, at a minimum, a site plan which shall depict dimensions of the proposed building in relation to the parcel of real property which it will be situated upon and an architectural rendition of the proposed development. Only upon the Planning Commission's affirmative vote for inclusion the Image Map shall the owner or authorized agent thereof, than be permitted to proceed with appropriate request to rezone said parcel of real property to RHR, subject to and consistent with other provisions for rezoning under the City's Land Use and Development Ordinance.

**SECTION III: ARTICLE XIII entitled DISTRICT REQUIREMENTS, §13-4, shall be deleted in its entirety and replaced with the following:**

**13-4 REQUIREMENTS FOR LOT AREA, WIDTH, COVERAGE, DENSITY, AND OTHER FACTORS**

The following shall apply in districts as outlined, except in an R-5, Mobile Home Residential District, Planned Unit Developments, the Olde Towne Daphne District, and the Village Overlay District:

	Minimum Lot Area (Sq Ft)	Minimum Lot Width At Setback Line	Maximum Lot Coverage (%) <sup>a</sup>	Maximum Density <sup>b</sup>
<u>R-1, Low Density Residential:</u> Single Family	20,000	100	25	2.0
<u>R-2, Medium Density Residential:</u> Single Family	15,000	90	25	2.5
<u>R-3, High Density Residential:</u> Single Family	12,000	80	30	3.5
<u>R-4, High Density Single and Multi-Family Residential:</u> Single Family Two-Family Multi Family	5,000 10,000 7,500 <sup>c</sup>	50 80 85	38 35 35	8.0 8.0 14.0

<b><u>RHR Residential High-Rise Multi-Family Residential</u></b>	<b><u>N/A</u></b>	<b><u>85</u></b>	<b><u>35</u></b>	<b><u>N/A</u></b>
<u>Extraterritorial Planning Jurisdiction Single Family</u>	12,000	80	30	3.5

- 
- a. Percentage shall be factored on net buildable area.
  - b. Dwelling units per gross acre to be developed.
  - c. For one (1) unit plus 2,500 square foot for each additional unit.

**SECTION IV: ARTICLE XIII entitled DISTRICT REQUIREMENTS, §13-7, shall be amended by deleting the last sentence, and to thus read as follows:**

**13-7 MAXIMUM BUILDING HEIGHT**

Except as otherwise provided herein, no structure shall exceed two-and-one-half (2-1/2) stories or thirty-five (35) feet in height in an R-1, Low Density Single Family, R-2, Medium Density Single Family, or R-3, High Density Single Family Residential, district or more than four (4) stories or fifty (50) feet in height in any R-4, High Density Single and Multi-Family Residential, Business, or Commercial/Industrial, district. (See Definition of Height, Building, Article VIII, Definition of Terms).

**SECTION V: ARTICLE XIV, entitled THE OLDE TOWN DAPHNE DISTRICT, §14-18, shall be amended by deleting the last sentence, and to thus read as follows:**

**14-18 MAXIMUM BUILDING HEIGHT**

Except as otherwise provided herein, no structure shall exceed thirty-five (35) feet in height in any R-4, Single Family and Multi-Family Residential, district or more than 50 (fifty) feet in height in any Business or Multi-Use District. (See Definition of Height, Building in Article VIII, entitled Definition of Terms).

**SECTION VI: ARTICLE XXXVI, entitled THE VILLAGE OVERLAY DISTRICT, §36-18 shall be amended by deleting the last sentence thereof, and to thus read as follows:**

**36-18 MAXIMUM BUILDING HEIGHT**

Except as otherwise provided herein, no structure shall exceed thirty-five (35) feet in height in any R-4, Single Family and Multi-Family Residential, district or more than 50 (fifty) feet in height in any Business or Multi-Use District. (See Definition of Height, Building in Article VIII, entitled Definition of Terms).

**SECTION VII: ARTICLE XXXV entitled TABLE OF PERMITTED USES shall be deleted in its entirety and replaced with the following Table of Permitted Uses:**

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met	R	R	R	R	R		R	R	R	R	
Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens	R	R	R	R	R		R	R	R		
Air Conditioning sales and service							R	R		R	
Ambulance/EMS service							R	R	P	R	
Amusement and recreation services: must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area:											
Amusement Park								R			
Amusement arcade, kiddie land								R			
Archery range								R			
Baseball batting range								R			
Billiard or pool hall								R			
Bowling alley								R			

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Fairgrounds, circus or carnival								R		R	
Golf Course	P	P	P	P	P		P	P		P	
Golf Course, miniature							P	R			
Golf, driving range	P	P	P	P	P		P	R			
Racquetball or tennis courts, indoor	P	P	P	P	P		P	P		P	
Skating rink							P	R			
Tennis Courts, outdoor; need not be enclosed within a structure	P	P	P	P	P		P	P		P	
Theater, indoor						P	P	R			
Theater, outdoor/drive-in; need not be enclosed within a structure								P			
Animal clinic/kennels for small animals; need not be enclosed within a structure								R		R	
Antique store, including repairing, restoration and refinishing								R		R	
Apparel and accessory store						P	R	R			
Appliance store							R	R			
Armory				S	S		R	R		P	
Art gallery or museum	S	S	S	S	S		R	R	S		
Art sculptures, statues, monuments	S	S	S	S	S		P	P	P	P	
Art supplies							R	R			
Auditoriums, stadiums, coliseums, and other such places of public assembly	S	S	S	S	S			P		P	
Automobile Air Conditioning Sales and Service								R		R	
Automobile Glass and Upholstery Installation								R		R	
Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer								R		R	
Automobile parts sales, except used parts								R		R	

ARTICLE XXXV	USE DISTRICT										
TABLE OF PERMITTED USES AND CONDITIONS	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
<b>Automobile wrecking and salvage; need not be enclosed within a structure, but must be enclosed with a solid fence sufficiently high to obstruct noise and view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided</b>								P		P	
<b>Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used); need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district</b>								R		R	
<b>Automobile and truck laundry, including steam cleaning</b>										R	
<b>Automobile and truck repair garage, mechanical and body; must be conducted in a structure which shall not have any openings other than a stationary, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such structures</b>								R		R	
<b>Automobile and truck sales and service; but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities</b>								R		R	
<b>Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary function is retail sale of gasoline, oil, grease, tires, batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure</b>							P	P		R	
<b>Bakery, retail</b>						P	R	R			
<b>Bakery, wholesale</b>								R		R	
<b>Bank, including drive-in bank</b>							R	R	R		
<b>Barber shop or beauty parlor</b>							R	R			
<b>Barber and beauty supplies and equipment sales</b>								R		R	
<b>Bicycle, lawnmower sales, service and repair</b>								R		R	

ARTICLE XXXV  TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Boat construction, storage, service and repair, wet and dry, major; need not be enclosed within a structure								P		R	
Boat docking only of pleasure boats as an accessory use to a permitted principal use; maximum of three (3) slips per unit. Boat service is prohibited	R	R	R	R	R		R	R			
Boat dry storage; pleasure boats having lengths not greater than 31 feet								R		R	
Boat sales, accessories and service								R		R	
Boat storage, service and repair, minor; a marina for docking pleasure boats and providing services thereto and to the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment as accessory uses, may include dry storage in an enclosed structure								R		R	
Book store						P	R	R			
Bottling works								P		R	
Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district							R		R		
Bus and railroad terminal facilities							R		R		
Business machines sales and service							P	R		R	
Business school or college							P	P	P		
Butane and other liquefied petroleum gas products storage and sales; need not be enclosed within a structure								S		S	
Cabinet or carpenter shop								R		R	
Butane and other liquefied petroleum gas products storage and sales; need not be enclosed within a structure								S		S	
Cabinet or carpenter shop								R		R	
Cafe, grill, lunch counter and restaurant but not including night club, bar, tavern and drive-in restaurant						P		R	R		

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Camera and photographic supply store								R	R		
Candy, nut and confectionery store								R	R		
Canvas products manufacture								P		R	
Carting, express, crating, hauling, storage								R		R	
Catering shop or service							R	R			
Cemetery, subject to requirements of the Special Provisions	S	S	S	S	S		S	S	S	S	
Churches and related accessory buildings	S	S	S	S	S		R	R	R	S	
City Hall, police station, fire station, courthouse, federal office building and similar public building	R	R	R	R	R		R	R	R	R	
Clay and clay products manufacture; need not be enclosed within a structure								P		R	
Clinic, dental, medical or psychiatric for humans	S	S	S	S	S		R	R	R	S	
Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business	S	S	S	S	S		R	R		P	
Club, country club, golf, swimming or tennis club or the like, privately owned and operated community club or association, athletic field, park, recreation area, and similar uses of a recreational nature, provided that no building for such purposes is located within 100 feet of any property line	S	S	S	S	S		P	P		P	
College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line	S	S	S	S	S		P	P	P		
College sorority or fraternity house	S	S	S	S	S		P	P	P		
Communications Towers								S		P	
Concrete and concrete products manufacture; need not be enclosed within a structure										R	

ARTICLE XXXV  TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided									R		R
Convenience Store						P	R	R			
Correctional, detention or penal institution								S			S
Dairy equipment sales								R			R
Dairy products sales							R	R			
Delicatessen						P	R	R			
Department store								R			
Dog pound; need not be enclosed within a structure								P			R
Drive-in restaurant							P	R			
Drug Store						P	R	R			
Dry cleaning shop, including self-service							R	R			
Dry goods or fabric store							R	R			
Dwelling, one-family	R	R	R	R							
Dwelling, two-family				R							
Dwelling, multi-family				R							
Electric power generating plant								S			S
Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts	P	P	P	P	P		P	P	P	P	P
Electric repair shop								R			R
Electric Supply Store								R			R
Elevator maintenance service								R			R

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Employee credit union office							R	R	R		
Exterminator service office							P	R		R	
Farm and garden equipment and supply store								R		R	
Farmers' markets								R		R	
Fix-it shop, including small appliance repair							R	R		R	
Floor covering sales and service							R	R		R	
Floral shop							R	R			
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.								R		R	
Food products processing plant								R		R	
Food products, wholesale storage and sales								R		R	
Freight depot, railway or truck								P		R	
Fruit and produce, retail							R	R			
Funeral home, mortuary or undertaking establishment							R	R			
Furniture and home furnishing store, including office furniture and equipment								R		R	
Furniture repair, including upholstery and refinishing								R		R	
Gas regulator station	P	P	P	P	P		P	P	P	P	
Gift shop						P	R	R			
Grocery store, retail						P	R	R			
Gymnasium, commercial							R	R			
Hardware store, retail, wholesale, storage and sales							R	R			
Hatchery, poultry or fish										R	
Heating and plumbing equipment, supplies and service								R		R	
Hobby shop and supply store							R	R		R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Home occupation	R	R	R	R	R		R	R	R		
Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans	S	S	S	S	S		P	P	P		
Hotel and motel							P	R			
Ice Cream parlor						P	R	R			
Ice Plant										R	
Industrial park										R	
Innovative Design Developments				P							
Institution for children or the aged, day care	S	S	S	S	S		S	S			
Interior decorating shop							R	R			
Junk yard including storage, baling or sale of rags, paper, iron or junk; need not be enclosed within a structure but must be enclosed within a fence or sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided.										P	
Kindergarten, play school or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.	S	S	S	S	S		S	S			
Laboratory, scientific								S		R	
Laboratory, medical or dental							R	R		R	
Landscape garden sales; need not be enclosed within a structure							R	R		R	
Laundry, self-service				P			R	R			
Laundry, and dry cleaning pick-up station							R	R			
Laundry and dry cleaning plant								R		R	
Laundry, linen supply or diaper service								R		R	
Leather goods or luggage goods store							R	R			
Library	R	R	R	R	R		R	R			

ARTICLE XXXV  TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements							R	R			
Loan office							R	R			
Locksmith							R	R			
Lodging, boarding or rooming houses, and tourist homes				S			S	S			
Lumber yards and building materials; need not be enclosed within a structure								R		R	
Machine Shop								P		R	
Machinery, tools and construction equipment, sales and service								S		R	
Mail order house								R		R	
Manufacturing, repair, assembly or processing establishments of a light industrial nature, including, but not limited to the following:											
Automobile assembly										R	
Clothing and garment manufacturing										R	
Food products processing and packaging										R	
Glass products manufacturing										R	
Laboratories for testing materials, chemical analysis, photographic processing.										R	
Metal products manufacturing										R	
Millwork and similar wood products manufacturing										R	
Musical instruments and parts manufacturing										R	
Paper products manufacturing										R	
Plastics manufacturing										R	
Scientific, optical and electronic equipment assembly and manufacturing										R	
Shipbuilding and repair yard; need not be enclosed within a structure										R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Souvenirs and novelties manufacturing											R
Surgical and dental supplies manufacturing											R
Toy, sporting goods and athletic goods manufacturing											R
Marina, minor; see boat storage, service and repair minor								R			R
Marina, major; see boat construction, storage, service and repair, wet and dry, major; may also include boat sales, accessories and service								P			R
Marine stores and supplies								R			R
Manufactured Home			P	P	R						
Mobile Home Park					R						
Mobile Home Subdivision					R						
Motorcycle sales, service, and repair								R			R
Music store							R	R			
Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails	P	P	P	P	P		P	P			
News Stand							R	R			
Night club, bar, tavern and cocktail lounge when separate from a restaurant							R	R			
Office buildings, general							R	R			R
Office buildings, professional							R	R	R		
Office equipment and supplies, retail							R	R			
Oil and gas exploration and production activities	S	S	S	S	S		S	S	S	S	
Optician							R	R	R		
Paint and wallpaper store							R	R			R
Painting and decorating contractor								R			R
Paper supplies, wholesale								R			R

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Park or playground including recreation centers; need not be enclosed within a structure	P	P	P	P	P		P	P			
Pawn Shop							S	R			
Pet Shop							S	R			
Photographic studio and/or processing							R	R			
Picture framing and/or mirror silvering							S	R		P	
Planned Unit Development, fixed dwelling	P	P	P	P							
Planned Unit Development, mobile home					P						
Plastic fabrication								P		R	
Plumbing shop							R	R		R	
Police substation, including Highway Patrol	P	P	P	P	P		P	P	P	P	
Post Office	P	P	P	P	P		P	P	P	P	
Printing, blueprinting, bookbinding, Photostatting, lithographing and publishing establishment.							R	R		R	
Public utility production and maintenance buildings with proper screening							P	P		P	
Public utility substation with proper screening	P	P	P	P	P		P	P	P	P	
Radio and television antenna (amateur)	R	R	R	R	R		R	R	R	R	
Radio and television station and transmitting tower (commercial)							S			P	
Riding academy; need not be enclosed within a structure								P			
Roofing and sheet metal shop								P		R	
Rooming house and boarding house				S			S	S			
Rug and/or drapery cleaning service contained within a structure								P		R	
Sand and gravel storage yard; need not be enclosed within a structure								P		R	
Sawmill or planning mill								P		R	

ARTICLE XXXV	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
<b>TABLE OF PERMITTED USES AND CONDITIONS</b>											
<b>Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama</b>	S	S	S	S	S		S	S	S	S	
<b>Seafood store, retail</b>							R	R			
<b>Sewage disposal plant; need not be enclosed within a structure</b>								P		P	
<b>Shoe repair shop</b>							R	R			
<b>Shoe store, retail</b>							R	R			
<b>Sign shop</b>								R		R	
<b>Sporting goods store</b>							R	R			
<b>Stone monument sales, retail; may include cutting and processing merchandise sold at retail on the site; need not be enclosed within a structure</b>								S		R	
<b>Studio for dance or music</b>							R	R			
<b>Studio for professional work or teaching of fine arts such as photography, drama, speech and painting</b>							R	R			
<b>Surgical or dental supplies retail</b>								R		R	
<b>Tailor shop</b>							R	R			
<b>Taxi dispatching station</b>							R	R			
<b>Taxi terminal, storage and repair of vehicles</b>								R		R	
<b>Taxidermy shop</b>							R	R		R	
<b>Teen club or youth center</b>	S	S	S	S	S		S	S			
<b>Telephone exchange</b>	P	P	P	P	P		P	P	P	P	
<b>Telephone equipment storage including shops and garage; need not be enclosed within a structure but must provide adequate screening</b>								R		R	
<b>Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year</b>							R	R			
<b>Tires, batteries and other automotive accessories sales establishments</b>								R		R	

ARTICLE XXXV TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICT										
	R 1	R 2	R 3	R 4	R 5	R H R	B 1	B 2	B 3	C I	
Tobacco store							R	R			
Tourist Home				S			S	S			
Toy Store							R	R			
Trade school or college	S	S	S	S	S		S	S	S	S	
Transit vehicle storage and servicing; need not be enclosed within a structure								P		P	
Variety Store						P		R			
Veterinary service								R		R	
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities								P		P	
Water storage; need not be enclosed within a structure	P	P	P	P	P		P	P	P	P	
Water or sewage pumping station	P	P	P	P	P		P	P	P	P	
Welding shop								P		R	
Well drilling company								R		R	
YMCA, YWCA and similar institutions	S	S	S	S	S		S	S			
Zoo								S		S	

**SECTION VIII: ADDITION OF RESIDENTIAL HIGH-RISE DEVELOPMENT ARTICLE – the following new article shall be added to the existing Land Use and Development Ordinance, as follows:**

**ARTICLE XXXVIII  
RESIDENTIAL HIGH-RISE DEVELOPMENT**

**38-1    PURPOSE**

The intent of this article is to provide for the creation of high-rise residential developments that exceed 50 feet in height. The area of application is outlined on the Image Map found in the Comprehensive Plan and is restricted to the zoning district of RHR,

Residential High Rise. The provisions of this article shall apply to both "High Rise" and "Mid Rise" structures, as defined in this article.

### **38-2    DEFINITIONS**

- .1        Building Height. The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The highest point of the structure will vary with the type of roof. The vertical distance from the finished grade of the highest roof beams on a flat or shed roof, to the deck level or a mansard roof and the average distance between the eaves and ridge level for gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, elevator penthouses, church spires and steeples, water towers, parapet walls and similar appurtenances are excluded from height restrictions. However, the exclusions apply only to those elements that are appurtenant to the structure. The excluded element shall not exceed the maximum height by more than fifteen (15) feet.
  
- .2        Net Buildable Area: The total horizontal area of a parcel, in square feet, less the area of any waterway, less the area of any wetlands, less the area of any submerged lands, less the area required for setbacks. For the purposes of computing net buildable area all waterways, wetlands, submerged lands and setback area square footages shall be rounded up to the next highest whole number.
  
- .3        Wetlands: An area or areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.
  
- .4        Submerged Lands: Lands beneath navigable waters.

### **38-3    HEIGHT EXCEPTIONS**

The maximum livable height requirements shall not include structures or other appurtenances such as screening, parapet walls, condensers or other mechanical apparatus, communication antennas necessary for the operation of the building.

- .1        Heights may be allowed up to 200 ft or 16 stories by the Planning Commission in areas denoted for Residential High-

Rise Development as found on the Image Map in the City's Comprehensive Plan.

- .2 Additional net area minimums and setbacks will be required.
- .3 International Code Standards will be required for buildings over fifty (50) feet.

**38-4 SETBACKS**

The minimum setbacks for structures shall be not less than 50 ft. or .5 foot to 1 foot to height ratio, which ever is greater, and calculated as follows:

<u>Height Ft.</u>	<u>Minimum Setback</u>	<u>Net Acres Minimum Net Buildable Acres Required</u>
<u>200</u>	<u>100</u>	<u>1.89</u>
<u>175</u>	<u>85</u>	<u>1.57</u>
<u>150</u>	<u>75</u>	<u>1.29</u>
<u>125</u>	<u>62.5</u>	<u>1.03</u>
<u>100</u>	<u>50</u>	<u>0.08</u>
<u>75</u>	<u>50</u>	<u>0.80</u>

- 1. Not less than 2.0 parking spaces per dwelling unit.
- 2. An additional 25% of area will be required that will be used as green area and will be in addition to net areas if additional setbacks are required.
- 3. Additional buffers may be required for the protection of streams, rivers, watersheds, wetlands or the like. See ARTICLE XVIII of the Land Use and Development Ordinance.

**38-5 WATER AND SEWER CONNECTIONS**

- .1 Developments, individual lots, or parcels shall be properly connected to a public or private community water and sanitary sewer system. Residential High Rise Developments will not be approved unless the appropriate utility has the capacity to provide the required service.
- .2 All Residential High-Rise structures will require the installation of a grease trap which shall be accessible for regular inspection and cleaning.

**38-6 SIGN PROVISIONS**

See Article XXXIII

38-6.1 Signs shall be restricted to monument style signs.

**38-7     PARKING**

- .1 Underground parking facilities are encouraged and will not be counted in the height, however, ground level parking beneath the building shall be counted as a story. Internal parking shall not exceed 25% of the structure height. There shall not be less than two (2.0) parking spaces per dwelling unit. Parking may be provided outside of the building footprint.
- .2 There shall be no overnight storage of travel trailers, motor homes, hauling trailers, boat trailers, boats, wrecked or disabled vehicles on the property. (See Section 16-3 (j)). In no case may commercial vehicles used for hauling dangerous or hazardous products be parked or stored on premises.

**38-8     SIDEWALKS**

- .1 Sidewalks within the “*Gated Compounds*” shall be provided and shall not be less than four (4) feet wide.

**39-9     Traffic Impact Analysis**

A Traffic Impact Analysis may be required for Residential High-Rise developments. The results and any corrective measures necessary shall be included as part of, and in addition to, the requirements for site plan review and approval.

**39-10    Environmental Compatibility**

It is the intent of this section to ensure environmental compatibility of the proposed development with the natural environment. Additional buffers may be required for the protection of streams, rivers, watersheds, wetlands or the like, (see Section 38-4 number 3). Other requirements that may be considered by the Planning Commission may include, but not be limited to, reflective or specialized glass and lighting to serve as a flight path deterrent for migrating birds.

**SECTION IX: SEVERABILITY.**

The provisions of this ordinance shall supersede any conflict provisions of any other ordinances or resolutions previously adopted which pertain to the

establishment of fines and penalties for violations a job classification and pay plan. Should any provision of this ordinance be declared invalid or unenforceable by court of competent jurisdiction, the remaining provisions shall remain in full force and effect notwithstanding such invalidity.

**SECTION X: EFFECTIVE DATE.**

This ordinance shall be in full force and effect upon its adoption the City Council of the City of Daphne, and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005.**

\_\_\_\_\_  
GREG BURNAM  
COUNCIL PRESIDENT  
DATE/TIME SIGNED: \_\_\_\_\_

\_\_\_\_\_  
FRED SMALL, MAYOR  
THE CITY OF DAPHNE  
DATE/TIME SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
DAVID COHEN, CITY CLERK, MMC

**CITY OF DAPHNE**  
**ORDINANCE NO: 2006- 06**

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**AN ORDINANCE REPEALING ORDINANCE 1999-32 IN ITS ENTIRETY AND  
RE-ESTABLISHING A MISDEMEANOR OFFENSE FOR THE UNLAWFUL  
DISCHARGE OF PNEUMATIC WEAPONS WITHIN THE CITY OF DAPHNE,  
EXCEPTING THEREFROM “PAINT BALL GUNS”**

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**WHEREAS**, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of the City of Daphne by establishing a misdemeanor offense of discharging pneumatic weapons within the City of Daphne, and

**WHEREAS**, the City Council of the City of Daphne, Alabama recognizes that a legitimate and appropriate recreational industry now exists involving pneumatic weapons commonly known as “paint ball guns” and that the participation in said recreational activity should not be subjected to criminal penalty, and

**WHEREAS**, former Ordinance No. 1999-32 made it unlawful to discharge any pneumatic powered weapon within the City of Daphne, which would include “paint ball guns”; and

**WHEREAS**, the City Council of the City of Daphne, Alabama desires to revise the City’s policy on pneumatic weapons by making it legal to discharge pneumatic powered “paint ball guns” within the City of Daphne; and

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

Ordinance No. 1999-32 is hereby repealed in its entirety and is replaced by the following ordinance:

**SECTION I:**

It shall be unlawful for any person to discharge a firearm or pneumatic powered weapon within the city limits of the City of Daphne, Alabama; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to prohibit any citizen from discharging a firearm when lawfully defending himself or others; nor to prohibit the discharging of firearms within an indoor firing range which has been certified by an architect or engineer to have been constructed in substantial compliance with the design and specifications issued the National Rifle Association or other nationally recognized organization.

Exception: This section shall not apply to the discharge of recreational pneumatic powered paint ball guns.

**SECTION II:**

Any person violating this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one (\$1.00) dollar and no more than five hundred (\$500.00) dollars, and/or up to six (6) months in the city jail, or both, at the discretion of the Court.

**SECTION III: CONFLICT WITH OTHER ORDINANCES**

That any Ordinance heretofore adopted by the City Council of the City of Daphne, Alabama which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

**SECTION IV: 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 the 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 V: EFFECTIVE DATE**

That this Ordinance shall be in full force and effect upon its adoption as provided by law by the City Council of the City of Daphne.

**APPROVED AND ADOPTED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**GREG BURNAM**  
**COUNCIL PRESIDENT**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**FRED SMALL**  
**MAYOR**  
Dated & Time Signed:\_\_\_\_\_

**ATTEST**

\_\_\_\_\_  
**DAVID L. COHEN**  
**CITY CLERK, MMC**

**ORDINANCE NO. 2006 - 07**

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

**TIMBERCREEK LAND COMPANY, INC.  
ANNEXATION OF REMAINDER OF TIMBERCREEK PROPERTY  
NORTHWEST OF THE INTERSECTION OF  
TIMBERCREEK SUBDIVISION AND INTERSTATE 10**

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

**WHEREAS**, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed 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 has been presented to the Planning Commission of the City of Daphne on December 22, 2005 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business, zone;** and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on February 6, 2006 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 MAYOR AND CITY COUNCIL OF  
THE CITY OF DAPHNE, ALABAMA, as follows:**

**SECTION 1: CONSENT TO ANNEXATION.** The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

**SECTION 2: THE PROPERTY.** That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

## EXHIBIT AA@

## LEGAL DESCRIPTION:

Beginning at the Northwest corner of Lot 44, TimberCreek, Phase Nine (Amended Plat), as per plat recorded on Slide No. 2056-D of the Probate Court Records of Baldwin County, Alabama; thence along the West boundary of said TimberCreek, Phase Nine (Amended Plat), run as follows: S 201 51= 15@ W 296.10 feet, S 261 13= 34@ W 60.00 feet, S 631 46= 26@ E 20.33 feet, S 261 13= 34@ W 150.00 feet, S 631 46= 26@ E 135.23 feet, S 121 39= 08@ W 123.51 feet, S 231 27= 51@ E 138.95 feet, S 151 43= 34@ W 250.00 feet, S 741 16= 26@ E 41.00 feet, S 151 43= 34@ W 222.16 feet to the Southwest corner of said TimberCreek, Phase Nine (Amended Plat); thence along the South boundary of said TimberCreek, Phase Nine (Amended Plat) run as follows: S 781 35= 12@ E 130.29 feet, S 831 57= 06@ E 167.69 feet, S 581 10= 49@ E 308.72 feet, N 721 14= 17@ E 382.69 feet, S 841 23= 50@ E 192.17 feet, N 611 55= 13@ E 312.41 feet, N 491 29= 06@ E 328.79 feet, N 421 07= 38@ E 282.03 feet, N 461 02= 22@ E 182.14 feet, N 561 44= 36@ E 163.06 feet to the Southwest corner of TimberCreek, Phase Seven (Amended Plat), as per plat recorded on Slide No. 1929-A of the aforementioned Probate Court Records of Baldwin County, Alabama; thence along the South boundary of said TimberCreek, Phase Seven (Amended Plat), run as follows: N 651 21= 49@ E 200.26 feet, N 731 02= 20@ E 159.77 feet, N 751 26= 43@ E 202.24 feet, S 741 13= 21@ E 215.40 feet, N 691 02= 41@ E 310.47 feet, N 861 50= 19@ E 100.13 feet to the Northwest corner of TimberCreek, Phase Ten, Part AA@, as per plat recorded on Slide No. 2226-A of the aforementioned Probate Court Records of Baldwin County, Alabama; thence along the West boundary of said TimberCreek, Phase Ten, Part AA@, run as follows: S 401 17= 11@ E 193.74 feet, S 161 53= 28@ E 200.00 feet, S 191 00= 14@ E 60.00 feet to a point on the arc of a 613.97 foot radius curve concave Northwardly; thence continuing along said West boundary of TimberCreek, Phase Ten, Part AA@ and along said arc of curve, run Northeastwardly 52.94 feet to a point; said point bears N 681 31= 34@ E 52.92 feet from the last described point; thence continuing along said West boundary of TimberCreek, Phase Ten, Part AA@, run as follows: S 291 19= 04@ E 121.27 feet, S 001 28= 35@ E 208.88 feet, N 891 38= 38@ E 54.64 feet to a point on the arc of a 65 foot radius curve concave Northeastwardly; thence continuing along said West boundary of TimberCreek, Phase Ten, Part AA@ and along said arc of curve, run Southwestwardly 182.87 feet to a point; said point bears S 531 29= 32@ E 128.25 feet from the last described point; thence continuing along said West boundary of TimberCreek, Phase Ten, Part AA@, run S 531 44= 03@ E 215.90 feet to a point on the West terminus of a service road that is North of and adjacent to the North right of way line of Interstate Highway No. 10; thence along said West terminus of a service road that is North of and adjacent to the North right of way line of Interstate Highway No. 10, run S 001 03= 02@ W 70.89 feet to a point on the North line of Section 33, T4S-R2E, Baldwin County, Alabama; thence along said North line of Section 33, T4S-R2E, run S 891 28= 59@ W 249.37 feet to a point; thence run N 001 48= 51@ W 76.04 feet to a point; thence run S 891 23= 39@ W 140.00 feet to a point; thence run S 001 48= 51@ E 75.73 feet to a point on said North line of Section 33, T4S-R2E; thence along said North line of Section 33, T4S-R2E, run S 891 28= 59@ W 265.82 feet to a point; thence run S 001 00= 08@ W 101.88 feet to a point on the North right of way line of Interstate Highway No. 10; thence along said North right of way line of Interstate Highway No. 10, run S 811 32= 21@ W 4683.42 feet to a point; thence continuing along said North right of way line of Interstate Highway No. 10, run S 811 30= 38@ W 848.37 feet to a point on the centerline of a natural drain; thence along said centerline of a natural drain, run as follows: N 271 12= 16@ W 182.77 feet, N 411 35= 31@ W 146.10 feet, N 571 15= 17@ W 276.05 feet, N 301 59= 34@ W 144.94 feet, N

481 55= 22@ W 263.34 feet, N 481 17= 49@ W 273.25 feet to a point on the South boundary of Senior Douglas Subdivision, as per plat recorded in Map Book 8, Page 116 of the aforementioned Probate Court Records of Baldwin County, Alabama; thence along said South boundary of Senior Douglas  
**ORDINANCE 2006- ANNEXATION TIMBERCREEK PAGE 3**

Subdivision, run N 891 39= 00@ E 419.86 feet to a point; thence run N 891 25= 13@ E 1322.04 feet to the Southwest corner of Section 28, T4S-R2E, Baldwin County, Alabama; thence along the West boundary of said Section 28, T4S-R2E, run N 001 04= 44@ W 1326.14 feet, more or less, to a point; thence run S 891 07= 07@ E 1527.77 feet to the point of beginning. Containing 139.6 Acres, more or less.

**SECTION 3: MAP OF PROPERTY.** The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property 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 MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**

**City Clerk, MMC**

**CITY OF DAPHNE  
ORDINANCE NO.: 2006- 08**

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**AN ORDINANCE TO AMEND CERTAIN PERSONNEL POLICIES AND  
PROCEDURES RELATED TO A PRODUCTIVE WORK PLACE,  
EQUAL EMPLOYMENT OPPORTUNITIES,  
SEXUAL HARASSMENT, WORKPLACE VIOLENCE, RETALIATION,  
COMPLAINT PROCEDURES AND SECURITY MEASURES**

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**WHEREAS**, the City Council of the City of Daphne, Alabama, has certain personnel policies and procedures which are required to be administered by the Human Resources Director, and;

**WHEREAS**, the City Council of the City of Daphne, Alabama, believes that additional clarification should be provided for equal employment opportunities related to issues of sexual harassment, workplace violence, retaliation, complaint procedures and security measures , and,

**WHEREAS**, the City Council of the City of Daphne, Alabama, desires to enhance City policy in enforcement aspects of the personnel policies and procedures related to these subject matters;

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

**SECTION ONE:** That Section 1.1.6. entitled “**EQUAL EMPLOYMENT OPPORTUNITIES**” be and is hereby amended to add Section 1.1.6.1. to be entitled “**COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITIES**” which shall provide as follows:

**1.1.6.1. Commitment to Equal Employment Opportunities:** The City of Daphne is committed to equal employment opportunities for qualified persons. The City recognizes and appreciates each employee’s work and contribution to the City’s success, and the City believes that all employees are to be treated fairly and with respect. The City provides equal employment opportunities and equal treatment in all aspects of employment to all employees and all applicants for employment without regard to race, color, religion, sex, (including pregnancy, child birth and other related medical conditions), national origin, age, physical and/or

mental, disability, and/or military obligation. The City is committed to making reasonable accommodations to ensure equal employment opportunities for qualified disabled individuals. Violation of this policy shall not be permitted and shall be treated as a Group Two (2) offense, with disciplinary action up to and including termination.

**SECTION TWO:** That Section 7.3.4.17. entitled “**HARASSMENT**” be and is hereby deleted in its entirety and restated as follows:

**7.3.4.17. Harassment.** That the City of Daphne expects all employees, including department managers and supervisors, to respect the feelings of fellow employees and to treat co-employees in a courteous and professional manner. The City shall not tolerate any form of harassment in the workplace. Specifically forbidden is harassment due to a person’s sex, race, national origin, religion, age and/or physical or mental disabilities. *Certain examples of prohibited harassment include, but are not limited to: offensive, insulting or demeaning remarks, gestures, jokes, pranks, slurs, graffiti, e-mails, pictures, cartoons and the like, about a person’s sex, race, national origin, religion, age and/or physical or mental disabilities or statements or comments that reflect upon stereotypes related to a persons sex, race, national origin, religion, age and/or physical or mental disabilities.* Harassment of City employees is strictly forbidden and shall be treated as a Group Two (2) offense, with disciplinary action up to and including termination.

**SECTION THREE:** That Section 1.4. entitled “**SEXUAL HARASSMENT PROVISIONS**” be and is hereby amended to delete Section 1.4.1. “**PROHIBITED**” and replaced with “**PROHIBITED CONDUCT**” which shall provide as follows:

**1.4.1. (a). Prohibited Conduct.** That the City of Daphne requires all employees to maintain a professional workplace that is free of sexual harassment. Department managers, supervisors and co-employees shall not threaten or insinuate that an employee’s refusal to submit to sexual advances or any other form of sexual harassment will adversely effect the employee’s continued employment, pay, benefits, working conditions or job opportunities. Similarly, department managers and supervisors shall not state or imply, expressly or otherwise, that submission to sexual advances or any other form of sexual harassment will in any way enhance an employee’s employment opportunities, hours, pay, benefits and/or other terms or conditions of employment or advancement of employment.

(b). The City of Daphne expressly prohibits any verbal or physical conduct of a sexual nature that could contribute to a hostile or offensive workplace for any employee, whether committed by a department manager, supervisor, employee, or any other persons so employed with the City.

Some examples of prohibited conduct shall include, but are not to be limited to the following:

- a. The use of profane or vulgar language;
- b. Unwelcome sexual flirtations, sexual advances or sexual propositions;
- c. Sexually oriented or suggestive jokes or comments;
- d. Comments implied about a person's body or sex life;
- e. Sexually degrading words, including sexual slang used to describe any person;
- f. Any physical contact of a sexual nature, including unwelcome or inappropriate touching, pinching, patting, grabbing and/or hugging;
- g. The display, reproduction or transmission of sexually explicit and/or sexually suggestive images, objects, or cartoons in or about the workplace;
- h. Sexually suggestive or vulgar graffiti, including words and/or drawings;
- i. A department manager or supervisor's comments suggesting that an employee will suffer employment consequences such as demotion, discharge or denial of a pay raise if such employee does not agree to certain demands or if the employee complains about offenses of sexual behavior or other forms of harassment;
- j. Comments suggesting that the employee will receive favorable treatment in exchange for sexual favors.

(c). No department manager or supervisor has any authority to take any adverse action against an employee, including discharge, demotion or reducing the employee's work hours, benefits or pay because the employee refuses or has refused to submit to any sexual advances or any other form of sexual harassment. Similarly, no department manager or supervisor shall have any authority to provide an employee preferential treatment because the employee consents to the submission of sexual advances or any other form of sexual harassment. Sexual harassment of City employees is strictly forbidden and shall result in disciplinary action up to and including termination and shall otherwise be treated as a Group Two (2) offense.

**SECTION FOUR:** That Section 1.4. entitled “**SEXUAL HARASSMENT PROVISIONS**” be and is hereby amended to delete 1.4.3. and replaced with “**RETALIATION FORBIDDEN**” and add a new section to be designated as 1.4.4. entitled “**EEO/HARASSMENT/RETALIATION COMPLAINT PROCEDURE**” which shall provide as follows :

**1.4.3. Retaliation Forbidden:** That the City of Daphne encourages all employees of the City to immediately come forward if such employee has a discrimination or harassment complaint and the City does expressly affirm that no adverse action shall or may be taken or allowed against any employee who, in good faith, reports discrimination or harassment in the workplace. Retaliation against the employee shall be grounds for discipline and shall be considered a Group Two (2) offense.

**1.4.4. EEO/Harassment/Retaliation Complaint Procedure:** An employee shall promptly report any observed or any known incidences of discrimination, harassment and/or retaliation directly to the Human Resources Director to ensure that the City can promptly investigate, and if appropriate, take prompt and effective action. It is considered inappropriate and insufficient for an employee to report or complain only to a manager or supervisor. If a complaint involves the Human Resources Director, then the employee shall promptly report said complaint to the Mayor. All managers and supervisors shall have a responsibility to address any observed or reported harassment, discrimination or retaliation and shall immediately stop such misconduct if such occurs in their presence. All managers and supervisors shall have the responsibility to report observed or reported harassment, discrimination or retaliation to the Human Resources Director, even if no employee initiates a complaint. Failure to do so may result in disciplinary action, which shall be considered a Group Two (2) offense. The City of Daphne, through the Human Resources Director or Mayor’s office, shall thoroughly investigate all complaints and the complaining employee may be required to prepare a written report detailing the alleged allegation and to sign the report. To the extent practical, investigations will be confidential with extreme and due regard for the sensitive nature of such complaint. After completing an investigation, the Human Resources Director or the Mayor will determine if the complaint is valid. The Human Resources Director or the Mayor shall take prompt and appropriate disciplinary action up to and including discharge against the person or persons engaged in misconduct, depending upon the severity of the violation. If appropriate, the City has the discretion to provide counseling services, referrals and medical assistance

for employees. Employees who have reported violations of this policy will be notified by the Human Resources Director, subject to confidentiality, of how their reports were investigated and what actions were taken, within thirty (30) calendar days of the filing of said complaint.

**SECTION FIVE:** That new Section 1.8 is hereby created and entitled ***“WORKPLACE VIOLENCE”*** which shall provide as follows:

**1.8 (a)** ***Workplace Violence:*** That the City shall not tolerate acts of violence committed by or against City employees and shall strictly prohibit employees from making threats of, or engaging in, violent behavior. Workplace violence is defined as actions or words that endanger or harm another employee or result in other employees having a reasonable belief that they are in danger. It can occur inside or outside the workplace. Such prohibited conduct includes, but is not limited to, the following:

- (a). Intentionally injuring another employee or person;
- (b). Expressly or implicitly threatening physical injury to another person or employee;
- (c). Otherwise engaging in behavior that creates reasonable fear of physical injury to another person or employee or that subjects another individual to severe or extreme emotional distress or mental anguish;
- (d). Possessing, brandishing, or using a firearm, knife or other weapon while on City premises or engaging in City business, or threatening to use or utilizing any other object as a weapon;
- (e). Threatening to damage, or intentionally damaging, real or personal property;
- (g). Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

- (b). If an employee feels threatened or in danger of violent behavior, they shall immediately advise their supervisor and/or department manager and then promptly report the threat to the Human Resources Director. It may also be necessary to contact the Daphne Police Department. All threats of, or actual violence, both direct and indirect, shall be reported as soon as possible, and no later than twenty four (24) hours after occurrence. Such threats include threats by employees, by customers, vendors, solicitors or other members of the public and fears of being stalked and/or attacked in the workplace. Threats of violence may also include a co-worker discussing violence toward themselves in the form of a suicidal plan. All employees are encouraged to reach out and help their co-employees by reporting such comments to their immediate supervisor.
  
- (c). The City is committed to the safety and well-being of their employees, and for this reason, the City may provide, through the health insurance provider, counseling services, referrals and/or medical assistance for employees who have been victims of violence, as well as employees who are in need of help in dealing with personal or work related problems that generate anger, hostilities, or self harm ideas.

When reporting a threat of violence, the employee should be as specific in detail as possible (please refer the Attachment 1: Entitled ***Security Measures in Case of Workplace Violence*** for additional information on how to respond to a crisis situation).

The City shall thoroughly investigate all complaints and violations of workplace violence. The complaining employee may be required to prepare a written report describing the alleged violation and will be required to sign the report. If, after completing the investigation, the Human Resources Director and/or Mayor determines that a complaint is valid, the Human Resources Director and/or Mayor shall take prompt disciplinary action, up to and including discharge against the employee or employees engaged in the misconduct, depending upon the severity of the violation. Non-employees engaged in violent acts on the employer's premises will be reported to law enforcement for consideration of prosecution.

Employees who have reported violations of this policy shall be notified by the Human Resources Department, subject to confidentiality, of the status of their report, and that it was investigated and what actions were taken by the City, within thirty (30) calendar days of the complaint. The City will actively intervene at any indication of possible hostility or a violent situation.

**SECTION SIX: SEVERABILITY**

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 as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION SEVEN: REPEALER**

All prior Ordinances or parts thereof in conflict with the provisions of this Ordinance, to the extent they conflict be and are hereby repealed.

**SECTION EIGHT: EFFECTIVE DATE**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon its adoption and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
DAPHNE, ALABAMA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

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**GREG BURNAM**  
**Council President**

Date & Time Signed: \_\_\_\_\_

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**FRED SMALL**  
**Mayor**

Date & Time Signed: \_\_\_\_\_

**ATTEST:**

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**DAVID COHEN**  
**City Clerk, MMC**

## ATTACHMENT ONE

### SECURITY MEASURES IN CASES OF WORKPLACE VIOLENCE

1. EMERGENCY CONTACTS: In instances of workplace violence or threats of such violence the following emergency contacts are available:
  - A. Police Call 911 or 621-9100
  - B. Rescue Fire Department 911
  - C. Medical Industrial Medical Clinic-Daphne  
7101 Highway 90 Suite 101  
Daphne, AL 36526  
251-625-8222
  - D. Employee Counseling Alabama Psychiatric Services  
1203 US Hwy 98  
Daphne, AL  
621-9167
  
2. EVACUATION and COMMUNICATION: Upon learning that a suspicious intruder, violent person, or active shooter is in the building, the person discovering the incident shall:
  - A. Call 911, report the incident, and call for **CODE RED** within the city building. The **CODE RED** shall be announced over the building's PA system if available, portable radios, office to office phone calls, or by runner (as a last resort). If a runner has to be used, it is imperative that the runner announce **CODE RED** quickly to each office in a direction away from the threat and that the runner secures himself/herself in the last office announced to. Office personnel who choose to run outside may be running into the intruders if they are still outside the building.
  - B. A **CODE RED** places the city building into lockdown status. All office personnel upon receiving communication of a **CODE RED**, shall quickly and immediately lock their office door. The employees shall then move away from the door and stay secure as far from the door as possible until the police resolve the situation. Employees are not to open the door if demanded by the intruder.
  - C. Employees caught in the hallway during a **CODE RED** should immediately go to the nearest office and get secure. All doors are to remain closed until the Police Department responds, resolves the situation, and individually goes to each office, gives an "all clear", and escorts each office to a safe place.
  - D. If office personnel hear movement and see physical descriptions of the intruders, they should call the police department and relay the information without leaving the secured office.

- E. The same procedures apply if the situation turns into a hostage situation. Employees will stay in their office until police safely escort each office out of the danger area. Office personnel should expect to stay in lockdown for some time depending on the situation. The police department will safely evacuate each office out only when it is safe to do so.
- F. Once the threat has been neutralized or if the intruder is secured in a police perimeter, the police department will start evacuating the personnel room by room to a safe assembly point. The police department will determine where the assembly will take place as it will not be pre-determined.
- G. Once at the assembly area, every supervisor of each office will be asked to account for persons present and those missing. The names of missing personnel will be given to the police officer conducting the evacuation.
- H. The evacuated personnel will most likely be kept in one location until all personnel are present and/or accounted for. Additional police interviews will likely be conducted of employees and citizens that were in the building at the time of lockdown.

**CITY OF DAPHNE**  
**ORDINANCE NO. 2006- 09**

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**AN ORDINANCE TO AMEND CERTAIN  
PERSONNEL POLICIES AND PROCEDURES  
RELATED TO EMPLOYEE INSURABILITY**

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**WHEREAS**, the City Council of the City of Daphne, Alabama, has established ordinances related to personnel policies and procedures for employees within the City of Daphne, and,

**WHEREAS**, the City Council of the City of Daphne, Alabama, has determined that it is in the best interest of the City to employ and retain individuals who have driving records that can be insured at a preferred rate by the City's general liability carrier, and,

**WHEREAS**, the City Council of the City of Daphne, Alabama, believes that additional clarification is needed on the status of employees who have been identified by the insurance carrier as uninsurable.

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

**SECTION ONE:** Section 6.7.2.3.1. (a) of Ordinance 2005-52 is hereby repealed and replaced in its entirety as follows:

6.7.2.3.1 (a). That when the City receives information from the City's general liability carrier that an employee is excluded from having driving privileges and is otherwise uninsurable, the Human Resource Director shall contact the employee and the employee's supervisor immediately upon notification. The employee's driving privileges shall immediately be suspended until such time as the employee is able to provide additional information to the liability carrier, through Human Resources, in the form of a motor vehicle record, accident report, or any other documentation so that the liability carrier may cause a final determination to be made on the employee's insurability. Employees must provide this information as quickly as possible and not to exceed 10 days from notification.

If such final determination by the City's liability carrier is made that the employee is not insurable, the employee may be dismissed pursuant to the procedures as set forth in Section 6.7.3., and other

applicable provisions of the Personnel Policy and Procedures Handbook.

**SECTION TWO: SEVERABILITY**

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

**SECTION THREE: REPEALER**

All Ordinances or parts thereof in conflict with the provisions of this Ordinance, to the extent they conflict, shall be and are hereby repealed.

**SECTION FOUR: REAFFIRM**

All other provisions of Ordinance 2005-52 remain in full force and effect.

**SECTION FIVE: EFFECTIVE DATE**

This Ordinance shall take effect upon its adoption and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**GREG BURNAM**  
**Council President**  
Date and time signed: \_\_\_\_\_

\_\_\_\_\_  
**FRED SMALL**  
**Mayor**  
Date and time signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**DAVID L. COHEN**  
City Clerk, MMC