

CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
MARCH 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 February 16, 2006
City Council Regular meeting minutes meeting held February 20, 2006

Amended minutes meeting held February 6, 2006 / No Action

PUBLIC HEARINGS:

- a.) 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 / **Ordinance 2006-16**
- b.) Rezone: Two Step Partners, LLC / Property located on the corner of 2nd Street and Van Buren Street / from R-3, High Density Single Family Residential to B-2, General Business District / **Ordinance 2006-17**
- c.) Annexation: Julio Corte, Jr. / 10 Foot Strip / R-1, Low Density Single Family Residential District / **Ordinance 2006-18**
- d.) Annexation: Julio Corte, Jr. / 11.66 Acres / R-1 Low Density Single Family Residential District / **Ordinance 2006-19**
- e.) 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 / **Ordinance 2006-20**
- f.) Annexation: Julio Corte, Jr. / 21.27 Acres / R-4, High Density Single Family Residential / **Ordinance 2006-21**
- g.) Annexation: Julio Corte, Jr. / 18.91 Acres / R-3, High Density Single Family Residential / **Ordinance 2006-22**
- h.) Annexation: Julio Corte, Jr. / 25.14 Acres / R-2, Medium Density Single Family Residential / **Ordinance 2006-23**
- i.) Revision of Zoning Map / **Ordinance 2006-24**

4. REPORT STANDING COMMITTEES:

- A. **FINANCE COMMITTEE** – Scott
- B. **BUILDINGS & PROPERTY** - Lake
- C. **PUBLIC SAFETY** - Burnam
- D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Landry
Set Public Hearing: Codification of Ordinances for April 3, 2006 / Resolution 2006- 23
- E. **PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY** – Yelding
Review minutes meeting held February 24th
Review Beautification minutes meeting held February 3rd

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. *Board of Zoning Adjustments* – Eady
- B. *Downtown Redevelopment Authority* - Barnette
- C. *Industrial Development Board* – Yelding
- D. *Library Board* – Lake
Review minutes meeting held February 13th
- E. *Planning Commission* – Barnette
Review Utility Project presentation by Volkert & Associates / No Council action needed
- F. *Recreation Board* - Burnam
- G. *Utility Board* – Scott

6. REPORTS OF OFFICERS:

- A. *Mayors Report*
Discuss: Changing March 20th meeting date
Set Public Hearing for Eastern Shore Park on March 20, 2006 at 4:00 P.M.
- B. *City Attorney’s Report*
- C. *Department Head Comments*

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Naming of a Private Road Off of Wilson Avenue /
Kensington Place...../Resolution 2006-21
- b.) Adopting City Street Map...../Resolution 2006-22
- c.) Set Public Hearing: Codification of Ordinances...../Resolution 2006-23
- d.) Acceptance of Right-of-Way on Scenic Hwy 98 from
Daphne City Limits Southwesterly a distance of 652.00 Feet
to a Point...../Resolution 2006-24

ORDINANCES:

- a.) **Franchise Agreement: Malbis Properties, LLC 2ND READ/Ordinance 2006-14**
- b.) **Rezone: Country club Development,m LLC /
Bellaton Subdivision, Phase three / Property located off
US Highway 181 / R-3 to R-4. /Ordinance 2006-16**
- c.) **Rezone: Two Step Partners, LLC / Property on the Corner of
2nd Street and Van Buren Street / R-3 to B-2. /Ordinance 2006-17**
- d.) **Annexation: Julio Corte / 10 Foot Strip / Along Hwy 181. /Ordinance 2006-18**
- e.) **Annexation: Julio Corte / Oldfield / 11.66 Acres / Along Hwy 181. /Ordinance 2006-19**
- f.) **Annexation: French Settlement / County Hwy 13. /Ordinance 2006-20**
- g.) **Annexation: Julio Corte / Oldfield / 21.27 Acres / Along Hwy 181 /Ordinance 2006-21**
- h.) **Annexation: Julio Corte / Oldfield / 18.91 Acres / Along Hwy 181. /Ordinance 2006-22**
- i.) **Annexation: Julio Corte / Oldfield / 25.14 Acres / Along Hwy 181. /Ordinance 2006-23**
- j.) **Revision of Zoning Map. /Ordinance 2006-24**
- k.) **Appropriation of Funds: Recreation Part-Time Employees /
Building Inspections Vehicle. /Ordinance 2006-25**

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

FEBRUARY 16, 2006
CITY OF DAPHNE
CITY COUNCIL
SPECIAL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

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COUNCIL MEMBERS PRESENT: Bailey Yelding, Cathy Barnette; John Lake; Greg Burnam arrived at 6:41; Ron Scott; August Palumbo.

Absent: Regina Landry.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Tim Fleming Attorney; Ken Eslava, Public Works Director; John Crawford, Fire Department; Bill Eady, Planning Department Director.

1. CALL TO ORDER

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

2. DISCUSS: LAKE FOREST BEAUTIFICATION COMMITTEE / KEN ESLAVA

Mr. Eslava presented the Council with conceptual drawing of a plan by the Lake Forest Improvement Committee for sidewalks and trees in the medians through the community. The Council discussed becoming a partner with them in this project. They asked Mr. Eslava to come back with a proposal.

3. DISCUSS: FRANCHISE AGREEMENT / EASTERN SHORE PARK OVERLAY DISTRICT / CITY ATTORNEY JAY ROSS

Mr. Ross explained the Ordinance and Agreement for signage for Aronov that will be in the Council packet for Monday.

4. RESIDENTIAL HIGH RISE ORDINANCE

Council discussed taking “g” out of the Ordinance and recommending to the Planning Commission to expand the boundary for the High Rise District to Jordan Lane or keeping the boundary at Van Buren and including the two properties below Van Buren that have projects waiting for the adoption of the Ordinance. The Council kept referring to the part of section “g” where developers can come and ask to be put on the image map.

Mr. Beatty Pearson - one of the two property owners below Van Buren spoke to the Council regarding his property being added to the District.

**FEBRUARY 16, 2006
CITY OF DAPHNE
CITY COUNCIL
SPECIAL WORK SESSION
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Mr. Rick Fine - the second of the two property owners spoke to the Council regarding his property and project, and being added to the District.

Mr. Eady, after consultation with Mr. Ross, modified section "g" taking the request to be put on image map out of the section. After much discussion on section "g" the Council could not come to an agreement regarding section "g" or on the height limit for condominiums.

5. COUNCIL PACKET

Council briefly discussed the amended budget. Some of the Council members were concerned that they had not seen several of the community contributions listed before now, and were concerned with the increase of the lodging tax levy. They asked if the hotel owners were invited to the meeting to voice their opinion on the tax levy.

Council President Burnam mentioned changing the Work Session so that they can review the recommendation coming out of the Finance Committee meeting, or wait to include the information in a council packet until the Council can review it at their Work Session.

6. ADJOURN

Council President Burnam adjourned the meeting at 9:15 p.m.

Respectfully submitted by

David L. Cohen
City Clerk, MMC

Certification of Presiding Officer

Greg Burnam
Council President
Date & Time Signed: _____

**FEBRUARY 20, 2006
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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1. CALL TO ORDER

Council President Burnam called the meeting to order at 6:35 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Councilman John Lake gave the invocation.

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; Jay Ross, City Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Mund Hanson, Fire Chief; David Carpenter, Police Chief; Sandra Morse, Civic Center Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Nancy Seale, Library; Suzânn Henson, Senior Accountant; Scott Hutchinson, City Engineer; Al Guarisco, Village Point; Willie Robison, BZA; Starke Irvine, DRA; Bob Segalla, Utility Board; Mickey Boykin, Daphne Museum.

Absent: Kim Briley, Finance Director.

3. APPROVE MINUTES:

MOTION BY Mrs. Barnette to approve the Council Meeting minutes meeting held February 6, 2006 with the amendment correcting page six (6) by including the motion to approve the Liquor License for Bayside Academy. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

The minutes of the February 13th meeting are in the packet.

MOTION BY Mr. Scott to accept the Treasurers report as of January 31, 2006 in the amount of \$13,834,126. *Seconded by Mrs. Landry.*

Mr. Scott stated that this time last year the Treasurers report was a little over \$10 million, and the difference in that is several items, one is the city has been reimbursed by FEMA, second there is the money from the de-annexation of the property across I-10, and third the ad valorem tax is considerably higher than it was, primarily because of additional property, and in some cases higher values in the city, and that is about \$3.7 million higher than it was a year ago.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

SALES & USE TAX COLLECTIONS

Mr. Scott reported that about \$1,168,443 was collected, which was \$68,000 more than was budgeted. He said that was the good news, the bad news is that in October, 2005 it was over budget \$107,000, and in November it was down to \$80,000, and down to \$68,000 in December. He said the trend is downward in the above budget category, but year to date it is over a quarter of a million dollars ahead of budget projections. \$44,694 was collected in lodging tax in December, this is not budgeted per say, but you can compare it with the previous year, and it is up some \$6,000 over fiscal year '05. *Mr. Scott* said that they don't know what it will be from here on in, because FEMA has stopped paying for the hotels for hurricane evacuees.

B. Buildings and Property Committee – Lake

Mr. Lake said that he was not at the meeting, but he thinks everything was taken care of at the last meeting. *Mr. Palumbo* concurred saying that the MOU with Johnson Controls was the major piece of the meeting. They also received reports regarding the Civic Center stage which needs to be replaced in order to use the facility to its capacity. Unfortunately, when it was constructed, that was one of the areas that the money was saved on, and now the stage is not useful for many events. *Mr. Palumbo* stated that the next meeting will be the 1st Friday of March, which is March 3rd.

BACK TO FINANCE REPORT

Mr. Scott stated that he forgot something under his report. There were several motions that need to be made.

MOTION BY *Mr. Scott* to authorize the Mayor to enter into a five (5) year agreement with the Baldwin County Economic Alliance. *Seconded by Mrs. Landry.*

Discussion was held that this is just authorizing the contract, no money is involved. This is not a binding contract, it is up for renewal every year, they just want a commitment for five (5) years on the city's part.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY *Mr. Scott* to authorize the Bank of New York to serve as Paying Agent/Registrar/Escrow Agent, and to authorize Wachovia Bank to serve as depository for the 2006 Construction Fund. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

C. PUBLIC SAFETY – Burnam

Council President Burnam stated that the minutes meeting held February 7th are in the packet, and Council action is needed on several items.

MOTION BY Mrs. Landry to lower the speed limit on Creekwood Drive from 30 mph to 25 mph. Seconded by Mr. Lake.

Council President Burnam stated that the community wanted the whole Creekside subdivision lowered to 25 mph.

Mrs. Landry amended her motion to read to lower the speed limit for the Creekside subdivision from 30 mph to 25 mph. Mr. Lake seconded the amendment.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President Burnam stated that the Committee favorably recommended to the Council to make the 4-way stop sign at Santa Rosa and Main Street permanent.

MOTION BY Mrs. Barnette to make the 4-way stop sign at Santa Rosa and Main Street permanent. Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President Burnam stated that the next meeting will be March 7th at 4:30 pm in the Council Chambers.

Mrs. Barnette asked the Committee to look into installing a stop sign at 6th Street and McAdams Avenue. She stated that it is a blind corner coming up the hill, so 6th is used as a cut through street, and there seems to be a concern that something bad might happen.

Mr. Burnam said that the Committee will look into this.

E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

Mrs. Landry said that the Committee met February 7th, and the minutes are in the packet. She stated that they did not have any Ordinances to consider, so the Sign Committee met with the Council members present along with nine (9) members of the public. Several people from the public spoke and gave presentations. She stated that Mr. Fleming was going to look into whether or not the needed to send their recommendation back to the Planning Commission or if they could send it directly to the Council.

Mr. Ross said that Mr. Fleming recommended sending it back to the Planning Commission.

MOTION BY Mrs. Landry to send the Sign Committee recommendation in regards to the Sign Ordinance to the Planning Commission. Seconded by Mr. Palumbo.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mrs. Landry reported that the next meeting will be March 7th at 5:30 pm in the Council Chambers.

F. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding
Mr. Eslava stated that the next meeting will be Friday at City Hall at 8:00 am.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

There will not be a meeting in February or March.

B. Downtown Redevelopment Authority – Barnette

The next meeting will be March 7th at 5:30 pm in the Council Chambers. Mrs. Barnette asked Mr. Irvine to report on the last meeting.

Mr. Irvine reported that at the last meeting Mike Keating from the Board of Education was present to answer questions regarding the traffic study that the Board was supposed to do before starting on the renovation of the south campus. Mr. Keating said the Board has not done a study as of yet, but he is getting with Mr. Eslava about doing one. Mr. Irvine stated that the plan is to put 1,150 students in that school, which is twice the number there now, and the north school will be used for administrative offices, and the Board is planning to sell off some of that property.

C. Industrial Development Board – Yelding

The next meeting will be the fourth Monday of February, which is February 27th.

Mrs. Barnette nominated Mr. Joe Lovelady to fill the unexpired term left by the resignation of Mr. Sam Marler.

MOTION BY Mr. Scott to suspend the rules to appoint Mr. Joe Lovelady to the Industrial Development Board to fill the unexpired term of Mr. Sam Marler. Term ending December, 2007. *Seconded by Mr. Lake.*

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to appoint Mr. Joe Lovelady to the Industrial Development Board to fill the unexpired term left by the resignation of Mr. Sam Marler. Term ending December, 2007. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

D. Library Board – Lake

No report. The next meeting will be March 13th

E. Planning Commission – Barnette

The next Planning Commission meeting will be Thursday at 6:00 p.m. in the Council Chambers. The unapproved minutes from the January 26th meeting are in the packet.

F. Recreation Board - Burnam

Mr. Burnam stated that he has had three (3) or four (4) names submitted for the Board. He asked the Council to come up with one (1) name for their district to serve on the Board. He said they could e-mail the name to him or Shannon.

G. Utility Board – Scott

The minutes for the January 25th meeting are in the packet. The next meeting has been changed to March 1st at 5:00 pm.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

1.) Parade Permit / Daphne United Methodist Church / 5K & Fun Run / April 15, 2006

MOTION BY Mrs. Barnette to approve the Parade Permit for the Daphne United Methodist Church 5K & Fun Run to be held April 15, 2006. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small stated that Wednesday there will be a press conference at 10:00 am regarding the graduation exam exit coming up March 6-10 for 11th graders. If they do not pass this test they will not graduate. Each student that does not pass the exam counts against the school and if too many fail the school loses accreditation, and the State takes over, and Daphne High School is on the list for 2004-2005. Anyone that can help should show up Wednesday. The plan is to help the students in any way they can.

B. *City Attorney's Report*

No report.

C. *Department Head Comments*

Chief Hanson – Fire Department – reported that ARK from Virginia is conducting structural collapse and technical rescue training for Daphne, Orange Beach, Gulf Shores, and Foley Fire Departments on North Main Street this week.

Chief Carpenter – Police Department – reported that the incident that happened at the Civic Center weekend before last was blown out of proportion by the press, and there was no incidents this past weekend.

Ken Eslava – Public Works Director - stated that there will be parades Friday and Saturday night, and the Loyal Order of Fire trucks on Sunday. He reported that the Arbor Day tree give-away will be Saturday at the Civic Center. He said they let the bids for the Village Point Park Preserve boardwalk and the pier today. May Day Park construction will start in two (2) weeks.

7. PUBLIC PARTICIPATION

Ms. Michelle Rowe – S.E.E.D.S. - presentation for funds, \$35,000, to support a part-time employee for their organization. Ms. Rowe’s comments are spread out upon these minutes.

Mr. Al Guarisco – 1109 Randall Avenue - spoke regarding an event held in Bay Minette and asked if the city could not coat tail with them and bring the big names to Daphne.

Mr. Kevin Spriggs – 23 Signal Hill, Spanish Fort and hotel owner in Daphne, spoke opposing the proposed increase to the lodging tax.

Mr. Willie Robison – 560 Stuart Street – spoke opposing the moving of the boundary for the High Rise District south. He said that Van Buren should be the boundary.

Mr. David Wetzel – Belrose Avenue – spoke regarding the selling of the sewage treatment plant to a developer. He asked where the Utility Board would put another plant.

Mr. Bob Segalla – Creekside Subdivision – Utility Board – answered Mr. Wetzel’s question saying the Board is not in negotiations to sell the sewage treatment plant. But, they have signed an agreement to sell the non-functioning out-of-date facility on Jordan Lane, if the High Rise Ordinance is adopted.

Ms. Elaine O’Connor Paige - spoke regarding the city being auctioned to the highest bidder, eminent domain, pollution, and earning a living wage.

Mr. Rocko Valluzo – Owner Microtel Suites – spoke opposing the proposed increase in the lodging tax.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) **Prepaid Travel / Cathy Barnette, Betty Stevens, Ha Le Riggio,
John Lake, Regina Landry, Bailey Yelding,
David Cohen /Resolution 2006-13**

- b.) Bid Award: 2006-1-PD/All Terrain Vehicle /
Baldwin Tractor & Equipment /Resolution 2006-14
- c.) Bid Award: 2006-J-Asphalt / Hosea O. Weaver & Sons. /Resolution 2006-15
- d.) Bid Award: 2006-K-Concrete Material / Reynolds Ready Mix. /Resolution 2006-16
- e.) Bid Award: 2006-L-Concrete Pipe / Hanson Pipe & Products. /Resolution 2006-17
- f.) Bid Award: 2006-M-Rock Material / Martin Marietta
Aggregates /Resolution 2006-18
- g.) Confiscated Funds Signatories. /Resolution 2006-19
- h.) Approve to Request an Attorney Generals Opinion /Resolution 2006-20

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-13. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolution 2006-13. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to waive the reading to Resolutions 2006-14, 2006-15, 2006-16, 2006-17, 2006-18, 2006-19, and 2006-20. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolutions 2006-14, 2006-15, 2006-16, 2006-17, and 2006-18. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolution 2006-19. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolution 2006-20. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

- a.) Amending the Land Use and Development Ordinance
Adding a Residential High Rise Article and Other
Necessary Amendments 3rd READ...../Ordinance 2006-02
- b.) Reestablishing A Misdemeanor Offense for the Unlawful
Discharge of Pneumatic Weapons – Excepting Therefrom
Paint Ball Guns 2nd READ...../Ordinance 2006-06
- c.) Annexation: TimberCreek Property 2nd READ...../Ordinance 2006-07
- d.) Amending Personnel Policies and Procedures Related to
A Productive Work Place, Equal Employment Opportunities
Sexual Harassment, Workplace Violence, Retaliation,
Complaint Procedures, and Security Measures
2nd READ...../Ordinance 2006-08
- e.) Amending Personnel Policies and Procedures Related to
Employee Insurability 2nd READ...../Ordinance 2006-09
- e.) Appropriation of Funds: Amended Budget...../Ordinance 2006-11
- f.) Daphne Jubilee Court Scholarship Program...../Ordinance 2006-12
- g.) 6% Lodging Tax Levy Amendment to the Use of
Lodging Tax Proceeds...../Ordinance 2006-13
- h.) Franchise Agreement: Malbis Properties, LLC...../Ordinance 2006-14
- i.) Adopting Revision to City Street Map...../Ordinance 2006-15

MOTION BY Mrs. Landry to waive the reading of Ordinance 2006-07. *Seconded by Mr. Lake.*

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

MOTION BY Mrs. Landry to adopt Ordinance 2006-07. *Seconded by Mr. Lake.*

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

MOTION BY Mrs. Landry to waive the reading of Ordinances 2006-08 and 2006-09. *Seconded by Mrs. Barnette.*

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

MOTION BY Mrs. Landry to adopt Ordinances 2006-08 and 2006-09. *Seconded by Mrs. Barnette.*

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

MOTION BY Mrs. Landry to suspend the rules to consider Ordinance 2006-12.

Council President Burnam called point of order. He stated that this same Ordinance failed to be adopted several months back, and only someone from the prevailing side can bring it back up again. The prevailing side consists of Councilman Yelding, Councilman Lake, Councilman Palumbo, and Council President Burnam.

Mrs. Landry stated that the Ordinance came out of the Finance Committee meeting.

Mr. Lake asked if this was a recommendation from the Finance Committee..

Mr. Scott stated that two voted for and Mr. Yelding voted “nay”, as he did before, to recommend it to the Council.

No one from the prevailing side made a motion to consider the Ordinance.

Council President Burnam struck the Ordinance from the agenda, and asked the City Clerk to put it on the next work session agenda.

Mrs. Barnette stated regarding consideration of Ordinance 2006-11, the amended budget, the Fire Chief has sent a memo stating that there is a cost saving of some \$14,000 to have those positions funded tonight. She said that she talked with the City Attorney, and she ~~has~~ has a motion that will work:

MOTION BY Mrs. Barnette to exclude all items from Ordinance 2006-11 except the Fire Department request for new positions and gear that they need.

Mr. Ross stated that the rules should be suspended to consider the motion.

Mr. Scott said that with the alternate 2006-11 with community contributions excluded, unless anyone has major problems, these are budgeted items. It is now four (4) months into the budget year. He said that there is compelling reason to help the Fire Department out, and he feels that the Police Department and other departments would like go ahead with their opportunities. He said that if anyone had any questions, that he and Mrs. Henson could answer them.

Mrs. Barnette said she does not have a problem with the Pay Plan, Finance, and Police, because they have all heard those essential recommendations. There are some questions that she has, and she does not want to exclude those out.

Council discussed several items on the alternate budget, which excludes the community contributions, the items discussed were the requested positions by the Recreation Department, and the vehicle requested by Building Inspections for the Erosion Control Officer.

The City Clerk advised the Council that they should suspend the rules in order to discuss the Ordinance.

MOTION BY Mr. Lake to suspend the rules to consider the alternate Ordinance 2006-11, the amended budget omitting the community contributions. *Seconded by Mr. Scott.*

Mrs. Barnette said that she would like to leave out of the budget the requests for Recreation personnel and the vehicle for the Erosion Control Officer for further discussion.

Council agreed to consider the Recreation personnel request and the Erosion Control Officer at the work session.

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Lake to adopt alternate Ordinance 2006-11, budget that excludes the community contributions, with the removal of the Recreation Department's request for part-time Community Admin Tech positions and the vehicle for the Erosion Control Officer. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small asked the Council if they understood that Ordinance 2006-14 is an agreement allowing the development to put their sign on city property. He stated that Ordinance 2006-15 should have been a resolution. He said that the street map will be continually updated.

Council Burnam struck Ordinance 2006-15 from the agenda and requested that it come back in the form of a Resolution.

MOTION BY Mrs. Landry to suspend the rules to consider Ordinance 2006-14. Seconded by Mr. Palumbo.

ROLL CALL VOTE

Barnette	Nay	Landry	Aye
Lake	Aye	Palumbo	Aye
Scott	Aye	Burnam	Aye

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

MOTION FAILED

ORDINANCE 2006-14 IS A 1ST READ.

MOTION BY Mrs. Barnette to table Ordinance 2006-13 in order to discuss it at the next work session. Seconded by Mr. Lake.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCE 2006-13 IS A 1ST READ.

8. COUNCIL COMMENTS

Mrs. Barnette wished everyone a happy Mardi Gras.

Mr. Landry mentioned that Mrs. Morse did a great job on the Mardi Gras ball held Friday.

Mr. Palumbo thanked the Mayor, Department Heads, and his colleagues for finally getting through with the capital budget. He said it is tough to look at all the needs and get it whittled down considering the money that was available. They just appropriated a half million dollars to paving projects in the city, which they hope to undertake right away. There will be four new police officers and vehicles. He said they have heavily weighed what was passed in this measure in the Public Safety arena. He thinks the first job of city government is to provide public services like public safety. This will also open Station #4 of the Fire Department, which is drastically needed. The empty Fire Station and fire truck have been there for some time. This will cut the response time down from 6½ minutes to 3-3½ minutes, not only for fires, but other emergencies situations. It will also keep a presence in case there are two major incidences at one

time and half of the city is left unprotected. He thanked the Finance Committee for crunching the budget a lot. He said that they get bombarded a lot. The Council got it late, but hopefully, next year they will start tackling it a little earlier. He thinks it is a good budget.

Council President Burnam asked Rebecca to send a memo to Michele Hanson regarding a stop sign at 6th and McAdams making sure it is on the next Public Safety agenda. He listed for the City Clerk the agenda for the next work session which will consist of 1.) The High Rise Ordinance 2.) Proposed increased lodging tax (those two will be first) and if time permits 3.) Budget leftovers

Mr. Scott stated that he thinks it is important that community contributions be discussed at the next work session.

Council President Burnam suggested having two work sessions in March.

No earlier date could be agreed upon so Council President Burnam said to put all of the items on the next work session agenda, and they will get to them if they can.

9. ADJOURN

MOTION BY Mr. Lake to adjourn. *Seconded by Mr. Scott.*

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

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 9:00 P.M.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam
Date & Time Signed: _____

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

6

Amended minutes from the
February 6, 2006 Council Meeting
Include motion to approve Liquor
License for Bayside Academy

- 3.) *Liquor License / Doc Greene's Gourmet Salads / 060 – Retail Wine – On or Off Premises*
4.) *Liquor License / Doc Greene's Gourmet Salads /040 – Retail Beer – On or Off Premises*

MOTION BY Mrs. Barnette to approve the Liquor License for Doc Greene's Gourmet Salads – 060- Retail Wine – On or Off Premises and 040 – Retail Beer – On or Off Premises.
Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- 5.) *Liquor License / Bayside Academy / Annual Fund Raiser / 140 Special Events Retail*

MOTION BY Mrs. Barnette to approve the Liquor License for Bayside Academy/ Annual fund Raiser / 140 Special /Events Retail. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small announced a fund raiser at Lott Park to be held February 18th for Paul Raines, Jr., who was injured while serving in Iraq, to help the family with expenses.

B. City Attorney's Report

No report.

C. Department Head Comments

Chief Hanson – Fire Department – said they were gearing up for Mardi Gras and asked the citizens to be careful during the season.

Chief Carpenter – Police Department – announced that the Daphne 8th grade girls basketball team won County Championship. He said that the turning lanes at Whispering Pines that Public Works installed at Whispering pines are working well, and are able to reposition some work force with the school crossing guards and the four (4) Way stop sign at Santa Rosa was also working well.

Ken Eslava – Public Works Director - wanted to give a pat on the back to HMR for designing the turn lanes at Whispering Pines, and thanked the Baldwin County Commission, and the Board of Education for participating in this project. He said that they are preparing for Mardi Gras as well. He announced that they received a \$40,000 Urban Forestry grant, It will be a total of \$53,000 project, \$40,000 will be for contracted services, and the other \$13,000 will be in-kind services and/or cash matches by the city. This is the kickoff day for the automated garbage collection program. He said as time goes by he feels they will see a significant savings over the course of the project and a virtual elimination of employee injuries as a result of this project.

7. PUBLIC PARTICIPATION

Mr. Mark Taupeka – Village Drive – Represents the Community Association Board – read a prepared statement, which is spread out upon these minutes, opposing a sewer exception for Dr. Ennis

PUBLIC HEARINGS

MARCH 6, 2006

- a.) 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
- b.) Rezone: Two Step Partners, LLC / Property located on the corner of 2nd Street and Van Buren Street / from R-3, High Density Single Family Residential to B-2, General Business District
- c.) Annexation: Julio Corte, Jr. / 10 Foot Strip / R-1, Low Density Single Family Residential
- d.) Annexation: Julio Corte, Jr. / 11.66 Acres / R-1 Low Density Single Family Residential
- e.) 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
- f.) Annexation: Julio Corte, Jr. / 21.27 Acres / R-4, High Density Single Family Residential
- g.) Annexation: Julio Corte, Jr. / 18.91 Acres / R-3, High Density Single Family Residential
- h.) Annexation: Julio Corte, Jr. / 25.14 Acres / R-2, Medium Density Single Family Residential
- i.) Revision of the Zoning Map

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:

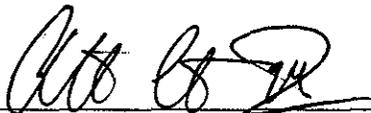
Planning Commission: January 26, 2006

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

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:

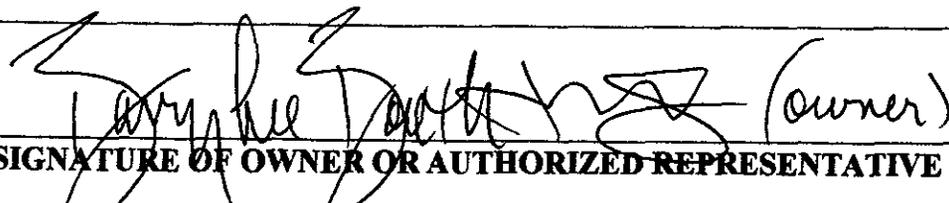
Planning Commission: JANUARY 26, 2006

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:

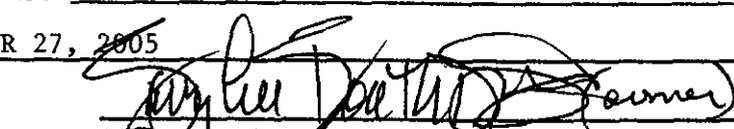
- a) Address 28720 2ND STREET
- b) Name of Subdivision PARK CITY
- c) Lot numbers involved in change 4, 5, 6, AND 7, BLOCK 56
- d) Total acreage of change 0.6 ACRES
- e) Recorded in Map Book MISC BK 1 Page 230-1
- f) Owned in whole by the undersigned? YES
- g) If owned in part, name(s) of co-owner(s):

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

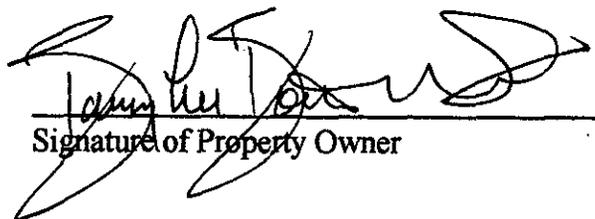
AGREEMENT

...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:

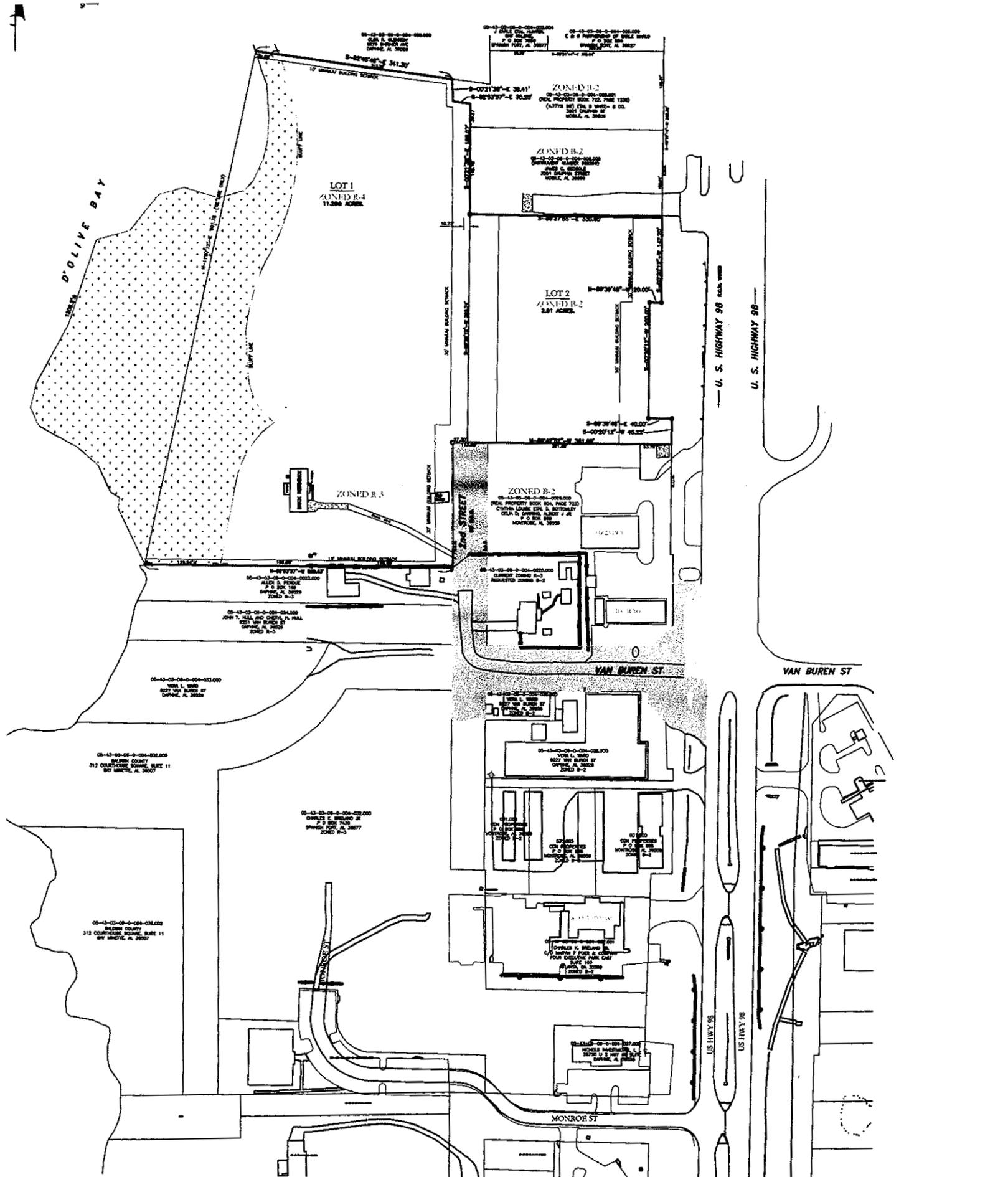
Parcel A:

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.

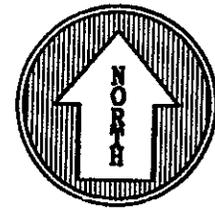
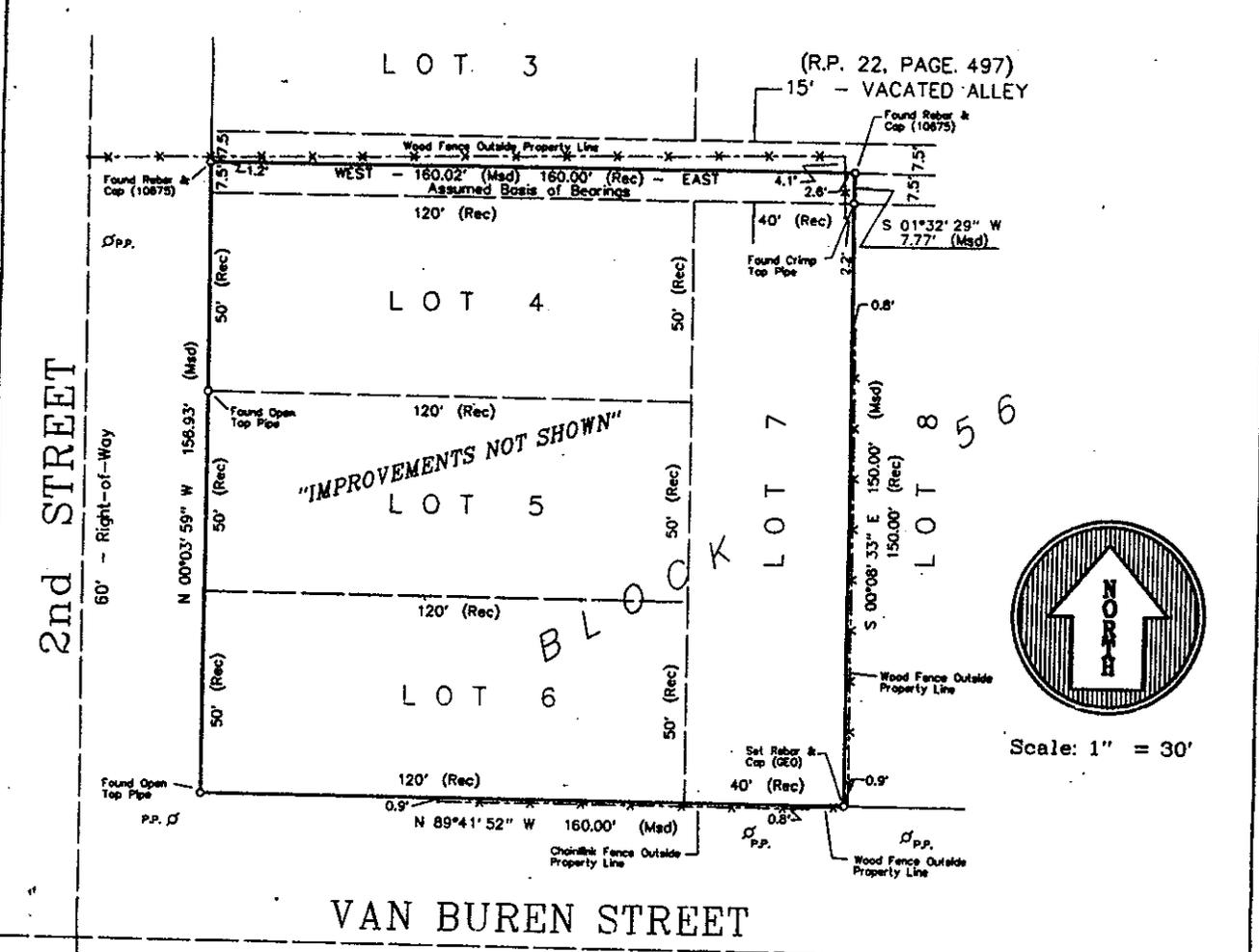
Parcel B:

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 2nd Street



TWO STEP PARTNERS
 ZONING AMENDMENT ³⁶ EXHIBIT "B"



Scale: 1" = 30'

NOT VALID WITHOUT EMBOSSED SEAL

(STATE OF ALABAMA)
(COUNTY OF BALDWIN)

I, MATTHEW S. KOUNTZ, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT THIS IS A TRUE AND CORRECT MAP OF THE FOLLOWING DESCRIPTION.

LOTS 4, 5, 6, AND 7, BLOCK 56; PARK CITY, ACCORDING TO PLAT OF PARK CITY RECORDED IN MISC. BOOK 1, PAGE 230-231 AND PAGE 237 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 LOTS 4 & 7 AND THE CENTER LINE OF A VACATED ALLEY LYING BETWEEN LOTS 3 AND 4, AND LOTS 7 AND 24, AS FORMED BY A NORTHWARD EXTENSION OF THE EAST AND WEST LINES OF SAID LOTS 4 & 7 TO THE CENTER LINE OF SAID VACATED ALLEY. (Description copied from deed supplied)

I FURTHER STATE THAT THE IMPROVEMENTS PRESENTLY SITUATED ON SAID PROPERTY ARE LOCATED WITHIN THE BOUNDARIES THEREOF; THAT THERE ARE NO ENCROACHMENTS UPON SAID PROPERTY BY BUILDINGS OR FENCES SITUATED ON ADJOINING PROPERTY; AND THAT THERE ARE NO JOINT DRIVEWAYS, EASEMENTS, NOR RIGHTS-OF-WAY VISIBLE ON THE SURFACE, EXCEPT AS NOTED HEREON.

ALL ACCORDING TO MY SURVEY MADE THIS THE 25TH OF FEBRUARY, 2005.

I ALSO STATE THAT THIS DRAWING AND OR CERTIFICATION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH, OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENTS AT TIME OF SURVEY.

Matthew S. Kountz
MATTHEW S. KOUNTZ, P.L.S.
ALABAMA REG. NO. 20359

**BOUNDARY SURVEY FOR
CECIL PARRISH
(PARCELS IN PARK CITY SUBDIVISION)**

PROJECT NO.	25045
DATE	02/25/05
SCALE	1" = 30'
DRAWN BY	MK
FIELD BOOK NO.	SDR
SHEET 1 OF	1 SHEETS

GEO-SURVEYING, INC.
PROFESSIONAL LAND SURVEYING
P.O. BOX 679
FAIRHOPE, ALABAMA 36533
Phone: (251) 990-0816 Fax: (251) 990-0866

REVISIONS	
DISCREPANCY	DATE BY

SEAL

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

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 18TH 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 18th 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)

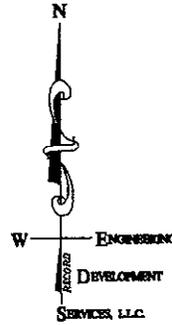
POINT OF COMMENCEMENT &
POINT OF BEGINNING

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)

ALABAMA STATE HIGHWAY NO. 181

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

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

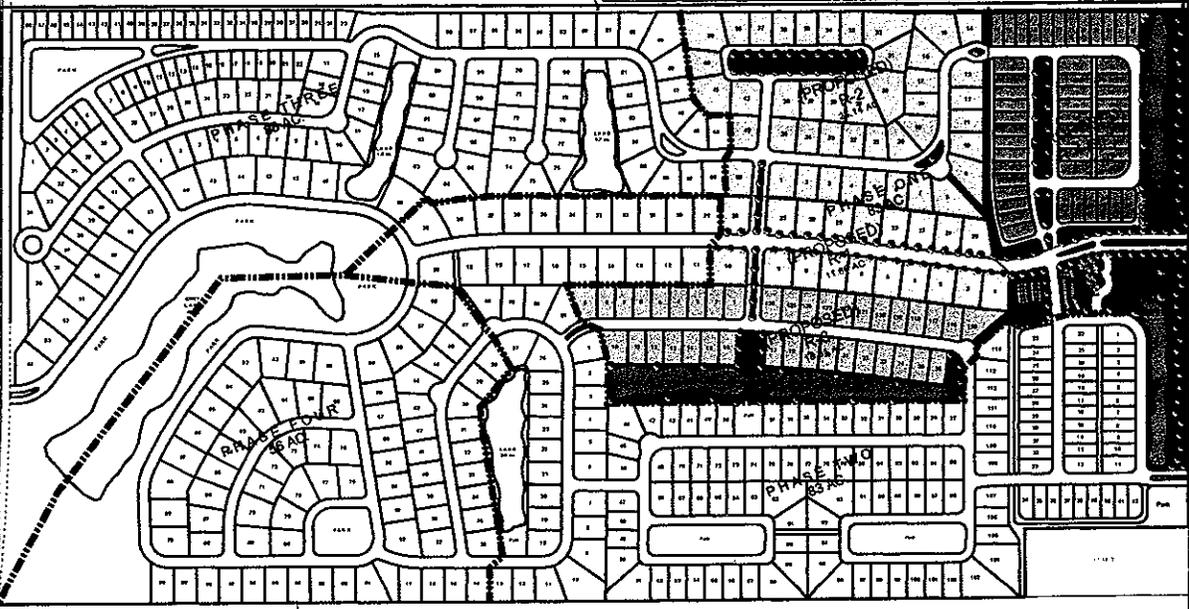
N89°30'17"W
10.00'

27 | 26
- 0 -
34 | 35

ENGINEERING DEVELOPMENT SERVICES, LLC
Engineering • Planning • Surveying • Construction Management
27164 Pulbert Road • Daphne, Alabama 36526
P.O. Box 1282 • Daphne, Alabama 36526
(904) 688-2622 • Fax (904) 688-6222

Bellaton

R-1
10 FT. STRIP



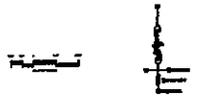
OPEN SPACE SUMMARY

Lawns	6.6 AC.
Parks	0.8 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.
TOTAL	181 Units	63 ac.

OLDFIELD
PHASE ONE
 FOR
MIKE McLAUGHLIN



Speco
annexation 01/26/06

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 21st 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

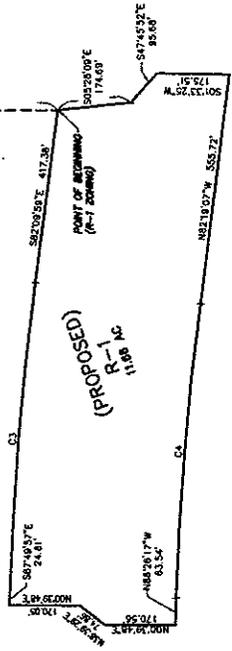
148°30'17" N
 100.00'

148°30'17" N
 886.30'

148°30'17" N
 23.00'

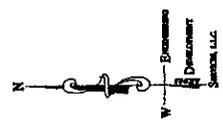
ALABAMA STATE HIGHWAY NO. 181
 80' RIGHT-OF-WAY (PAVED ROAD)

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'	750.00'	377.32'	753.74'	N84°57'13"W
C4	711.34'	730.00'	355.95'	711.05'	N82°58'20"W
C5	52.88'	30.00'	24.20'	30.13'	N85°17'01"E



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

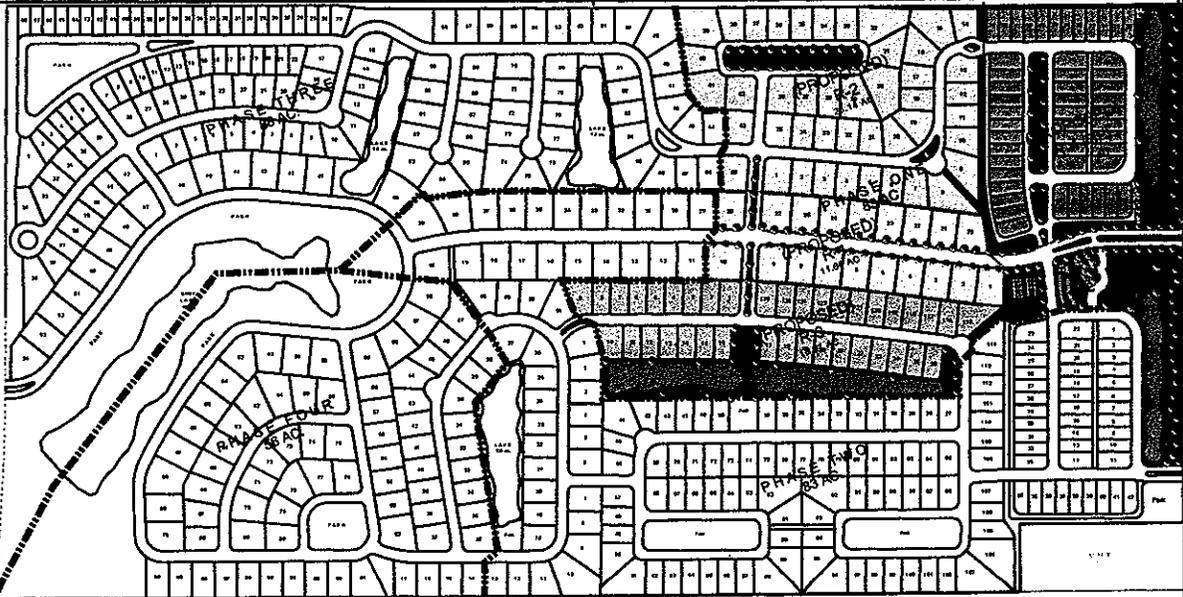
OLDFIELD
 (FORMERLY KNOWN AS COTTONWOOD)



ENGINEERING DEVELOPMENT SERVICES, LLC
 11000 Highway 100, Suite 100
 Birmingham, AL 35243
 Phone: (205) 991-1100
 Fax: (205) 991-1101
 Web: www.edsllc.com

Bellaton

R-1
10 FT. STRIP



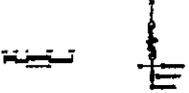
OPEN SPACE SUMMARY

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	14.91 ac
D-1		0.03 ac
TOTAL	121 Units	51.74 ac

OLDFIELD
 PHASE ONE
 FOR
 MIKE McLAUGHLIN



*Specio
 annotation 01/26/06*

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

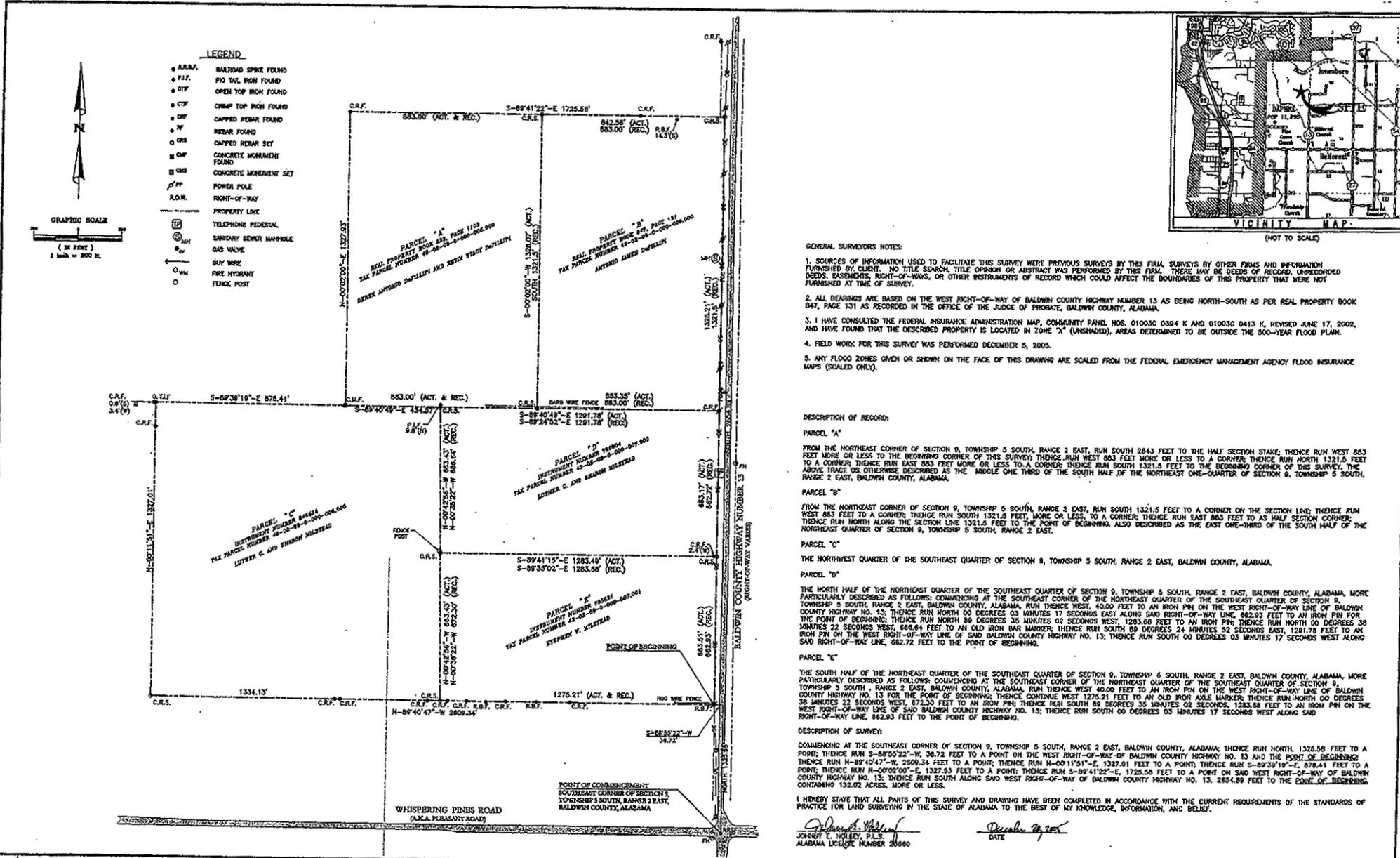
DESCRIPTION OF SURVEY ACCOMPANIED BOUNDARY OF 132.02 ACRES TO-WIT:

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"

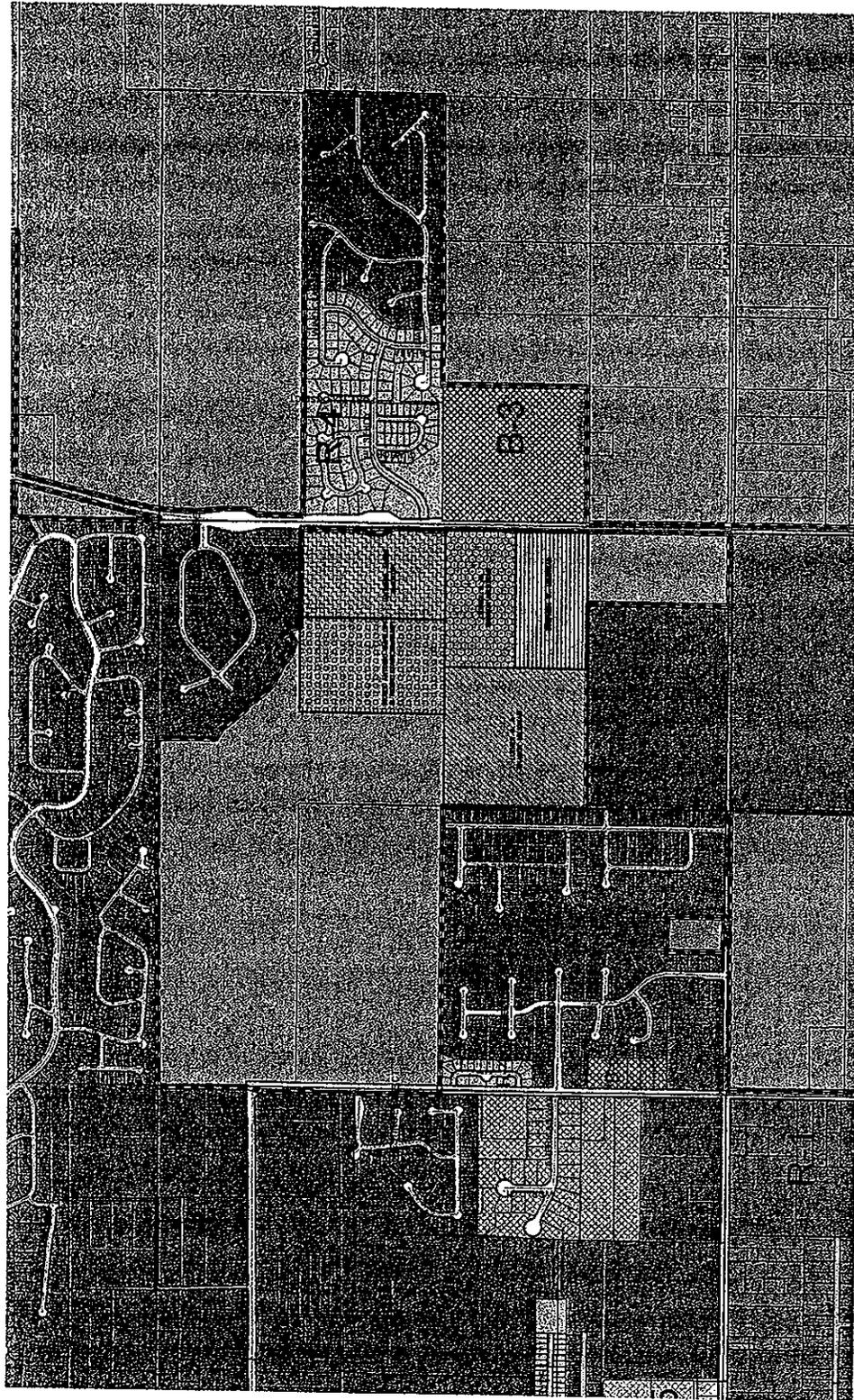


HUTCHINSON, MOORE & RAUCH, LLC
2039 MAIN STREET
DAPHNE, ALABAMA 36626
ENGINEERS & SURVEYORS
LAND PLANNERS



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
 14201-2100-15.02

DAPHNE ANNEXATION
 DAPHNE ZONING MAP

FRENCH SETTLEMENT

DATE: DECEMBER 2005
 SHEET NO. 1 OF 1

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 18TH 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 18th day of November, 2005.

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

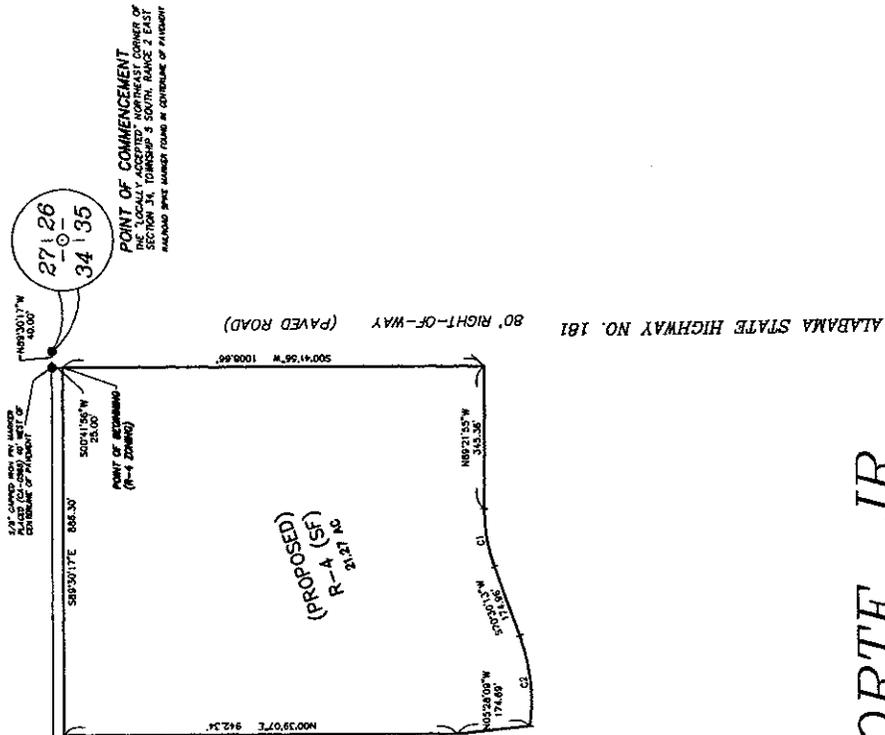
Julio Corte, Jr.
ANNEXATION OF 21.27 ACRES
AS R-4 SINGLE FAMILY

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.

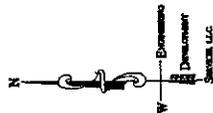
REFERENCE PROJECT: OLDFIELD



JULIO CORTE, JR. ANNEXATION OF 21.27 AC. AS R-4 SINGLE FAMILY EXHIBIT "B"

OLDFIELD
(FORMERLY KNOWN AS COTTONWOOD)

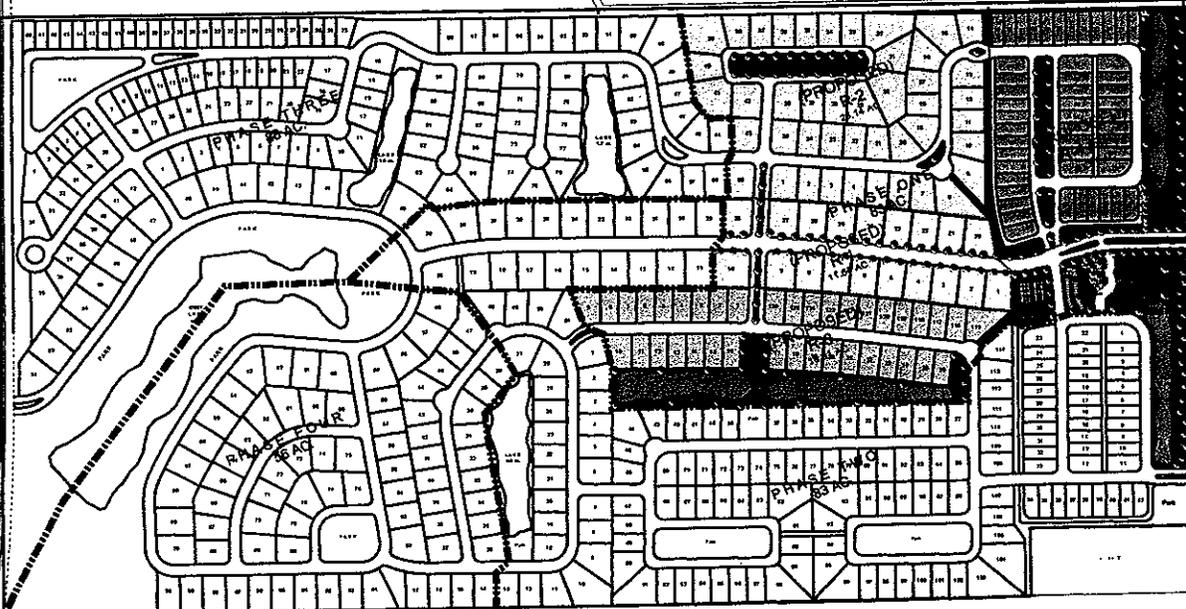
CURVE TABLE					
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BRG.
C1	140.54'	400.00'	71.00'	138.92'	S00°34'09" W
C2	223.08'	497.72'	113.71'	210.98'	N84°10'08" E
C3	754.04'	7750.00'	377.32'	753.74'	N62°57'13" W
C4	10711.54'	7350.00'	355.95'	711.06'	N62°56'20" W
C5	52.88'	50.00'	28.20'	50.43'	N65°17'04" E



Engineering Development Services, LLC
Professional Engineers, Surveyors, and Land Surveyors
215 West 10th Street, Suite 100
Lawton, Oklahoma 73507
Phone: (800) 451-7888
Fax: (581) 241-7888

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.
TOTAL	101 Units	55.95 ac.

OLDFIELD
 PHASE ONE
 FOR
 MIKE McLAUGHLIN



*Sheila
 enumeration 01/26/06*

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 21st 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:

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.

REFERNCE PROJECT: OLDFIELD

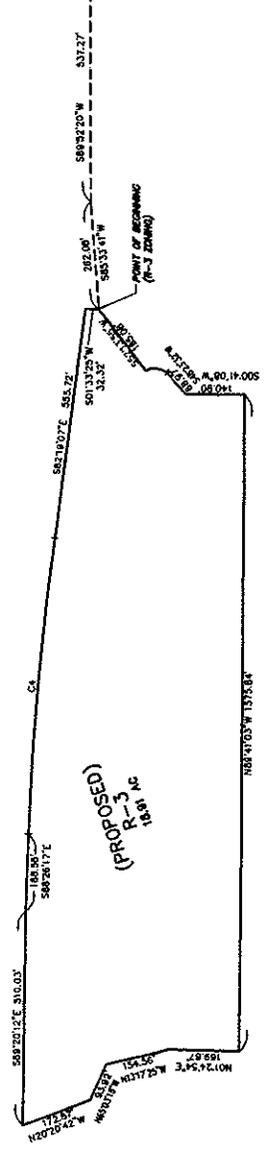
P:\050740E\Annexation\DESC TO ACCOMPANY SKETCH OF 18.91 AC-R3.doc

271.26
-0-
341.35

POINT OF COMMENCEMENT
SECTION 34, TOWNSHIP 3 SOUTH, RANGE 2 EAST
RANGE 2 EAST

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

5.7' LAMPED AND 4.0' UNLAMPED
PLACED (20' TOTAL) AT WEST OF
CENTRAL OF HIGHWAY

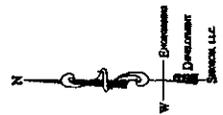


JULIO CORTE, JR.
ANNEXATION OF 18.91 AC.
AS R-3 SINGLE FAMILY
EXHIBIT "B"

OLDFIELD

(FORMERLY KNOWN AS COTTONWOOD)

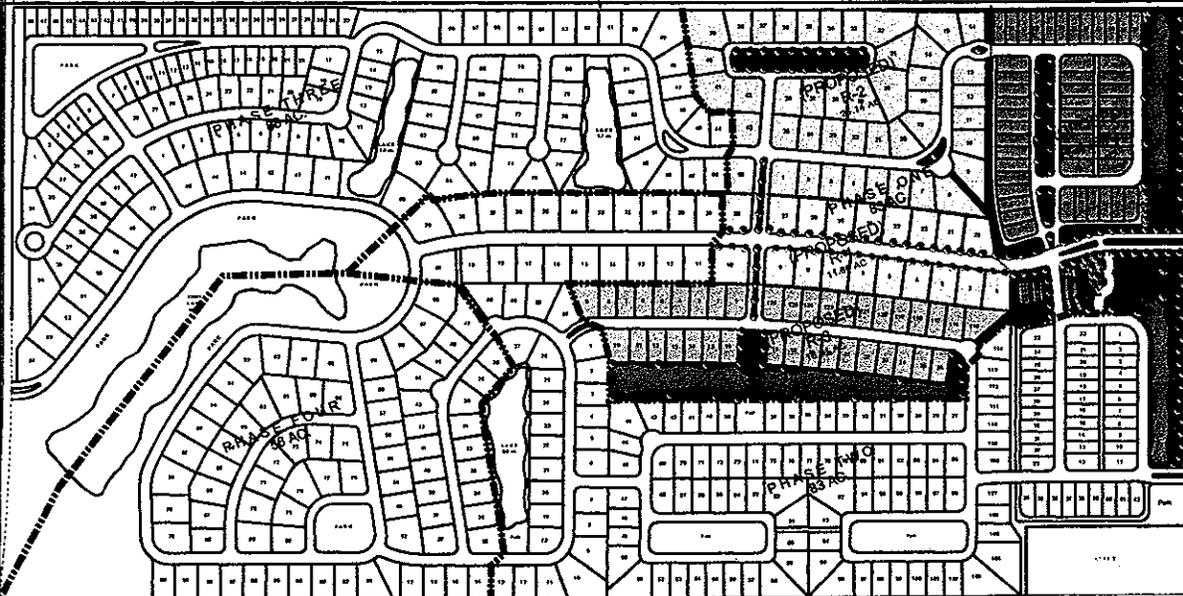
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BRG.
C1	146.54	465.00	71.00	138.92	S80°34.09'W
C2	223.08	487.72	113.71	226.98	N84°10.09'E
C3	794.04	7750.00	377.82	753.74	N84°37.13'W
C4	711.34	7250.00	353.93	711.05	N84°56.20'W
C5	324.88	50.00	28.20	36.43	N05°17.03'E



ENGINEERING DEVELOPMENT SERVICES, LLC
 10000 Highway 100, Suite 100
 Birmingham, AL 35243
 Phone: (205) 988-1111
 Fax: (205) 988-1112
 Web: www.eds-svcs.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.
TOTAL	151 Units	85 ac.

OLDFIELD
 PHASE ONE
 FOR
 MIKE McLAUGHLIN



July 10
annexation 01/26/06

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 21st 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

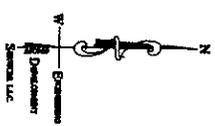
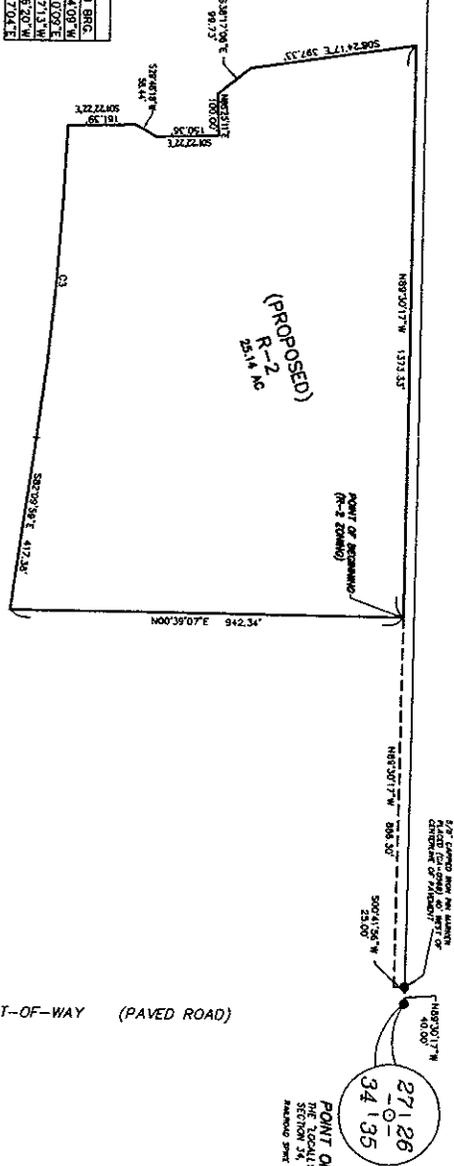
EXHIBIT "A"

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'	130.00'	S80°24'09"W	S80°24'09"W
C2	223.08'	483.72'	113.20'	248.00'	N81°19'02"E	N81°19'02"E
C3	254.04'	2780.00'	372.47'	443.20'	N81°19'02"E	N81°19'02"E
C4	711.34'	2380.00'	365.85'	711.00'	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



JULIO CORTE, JR.
ANNEXATION OF 25.14 AC.
AS R-2 SINGLE FAMILY
EXHIBIT "B"

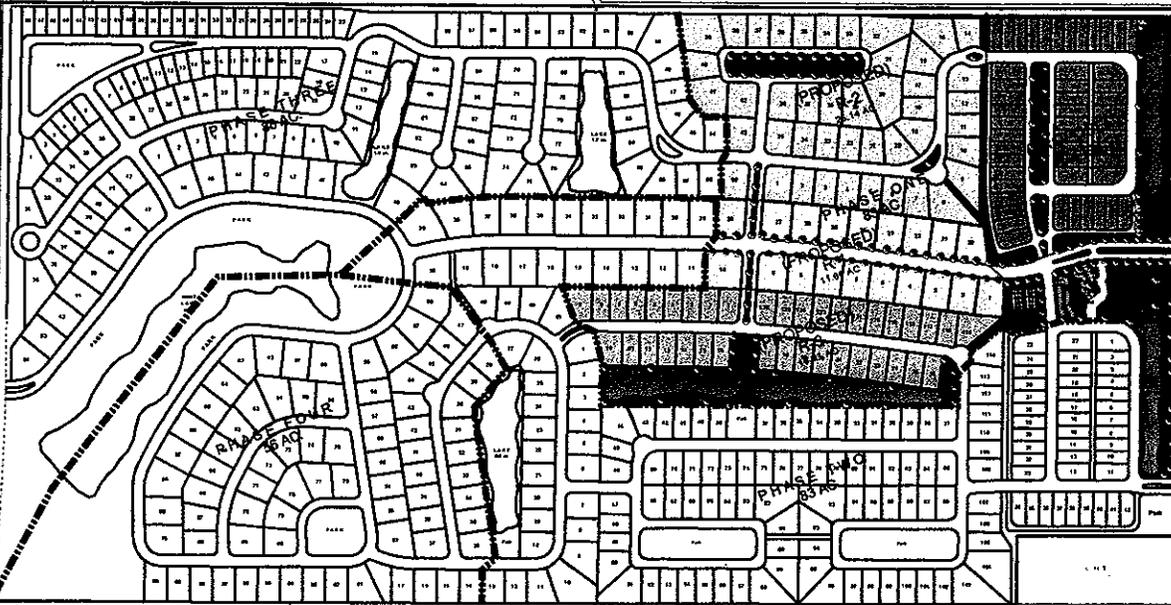
OLDFIELD
 (FORMERLY KNOWN AS COTTONWOOD)

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

POINT OF COMMENCEMENT
 FUTURE POINT OF BEGINNING OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 12 WEST, ALABAMA STATE MAPS FOUND IN OFFICE OF PLANNING

Bellaton

R-1
10 FT. STRIP



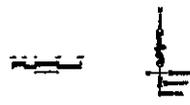
OPEN SPACE SUMMARY

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.
TOTAL	101 Units	50 ac.

OLDFIELD
 PHASE ONE
 FOR
 MIKE McLAUGHLIN



Julio
annulation 0126/06

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

**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

MARCH 6, 2006

SET PUBLIC HEARING FOR

APRIL 3, 2006

FOR

1.) Codification of City Ordinances

ORDINANCE NO. 2006-

AN ORDINANCE ADOPTING AND ENACTING THE 2005 CODE OF ORDINANCES FOR THE CITY OF DAPHNE, ALABAMA PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the City of Daphne, Alabama has, from time to time codified existing ordinances; and

WHEREAS, the last codification of its municipal ordinances occurred in 1998; and

WHEREAS, numerous ordinances have since been adopted from time to time by the City Council, thereby enacting new laws applicable to the City of Daphne, Alabama; and

WHEREAS, the past codification of ordinances is due to be updated, re-codified and re-organized; and

WHEREAS, the City Council of Daphne, Alabama desires to adopt a new codification of ordinances for the City, and that such codification is in the best interest of the welfare of the citizens of Daphne, Alabama; and

WHEREAS, public notice of said adoption has been provided by City of Daphne Resolution No. 2006-23, adopted on March 6, 2006, as required by Alabama Code 1975, §11-45-8(c) for the adoption of codes in book form;

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

SECTION 1: The Code entitled "Code of Ordinance, City of Daphne, Alabama" published by Municipal Code Corporation consisting of Chapters 1 through 20, each inclusive, republication date of January, 2006, is hereby adopted as the official Code of Ordinances for the City of Daphne, Alabama.

SECTION 2: Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

SECTION 3: That additions or amendments to the Code when passed in form so as to indicate the intention of the City Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

SECTION 4: That ordinances adopted after May 17, 2005 that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

SECTION 5: Severability Clause – That the provisions of this ordinance and the Daphne Code of Ordinances adopted hereby are severable. In the event that any of the provisions hereof, or of the Daphne Code of Ordinances are declared invalid by a Court of competent jurisdiction, then the remaining portions shall remain in full force and effect notwithstanding such invalidity.

SECTION 8: That this ordinance shall become effective upon publication of such notice.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, THIS _____ day of _____, 2006.

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

FRED SMALL
MAYOR
DATE/TIME SIGNED: _____

ATTEST:

DAVID COHEN
CITY CLERK, MMC

PUBLIC WORKS COMMITTEE MEETING
February 24, 2006

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

I. CALL TO ORDER

The February meeting of the Public Works Committee was called to order at 8:15 a.m.

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

II. PUBLIC PARTICIPATION & CORRESPONDENCE

The committee reviewed the correspondence and the work request reports for January 2006.

Councilman Bailey Yelding commented on seeing the traffic maintenance crew throughout the City. Mr. Eslava indicated that the traffic maintenance truck performs work within the municipal limits.

III. OLD BUSINESS

A. The committee reviewed the minutes from the Public Works Committee meeting held January 27, 2006. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman John Lake seconded the motion.**

IV. NEW BUSINESS

- A. Councilwoman Cathy Barnette indicated that the Aranov project was discussed in the Planning Commission meeting last night and they agreed to request the Phase II landscaping requirements. Mr. Eslava indicated that the landscaping requirements had previously been discussed with the Mr. Eady, and that grassing was adequate since the City will have to maintain the right-of-way.
- B. Arbor Day in February 25, 2006 at the Daphne Civic Center beginning at 8:00 am. Several different types of trees will be distributed by the City.
- C. Ken Eslava notified the Committee that he will begin Jury Duty March 6, and it will last for two weeks. In addition, Mr. Eslava indicated that he will be using some of his vacation time in the month of March.

V. DIRECTOR'S REPORT

A. National Hurricane Conference
Ken Eslava will be attending the National Hurricane Conference April 10-14, 2006, in Orlando, Florida. He requested an approval for travel expenses of \$210 be sent to the Finance Committee.

Councilwoman Cathy Barnette made a motion to send a recommendation to the Finance Committee for payment of the travel expenses for Mr. Eslava to attend the National Hurricane Conference in Orlando, Florida. The motion was seconded by Councilman John Lake.

Councilman John Lake inquired into the possibility of sending a second person to attend the conference. Mr. Eslava indicated that whomever was hired for the Accountant/Emergency Management Assistant position would probably also attend the conference in order to be trained in the FEMA procedures for debris management. Subsequent discussions resulted in which Councilman Bailey Yelding expressed concerns about the make-up of the City employees and the lack of African-Americans in the upper level positions. In addition, he expressed concerns with the hiring practices for job openings within the City of Daphne regarding the advertising of those positions and the required qualifications. Councilwoman Cathy Barnette also expressed a need for more diversity in the City work force.

B. Delinquent Garbage Bill Collection

Ken Eslava indicated that, with the Committee's approval, he would like to send the Code Enforcement Officer to begin efforts in the collection on delinquent garbage accounts. This would include first speaking to the residents to discuss the payment of the delinquent account. If the resident still does not settle the account, a Municipal Offense Ticket (MOT) will be issued. The MOT will result in the resident appearing in court. Collections can only be made for the previous 12 months.

There were some discussions on the coordination of activities with the Daphne Utilities Board and the Park City Water Board to ensure that the garbage bills are being paid. The Mayor indicated that he will work with the Park City Water Board. Councilman John Lake requested a meeting with Ken and the Park City Community Association to discuss the coordination of billing and payment activities.

Other discussions included the clean-up of junk cars, dilapidated houses, and the paving of roads. Some changes to City ordinances may be needed to address these issues.

C. Ken's CEM (Certified Emergency Manager) Program Update

Ken Eslava indicated that he is pursuing certification as a Certified Emergency Manager, which may take as long as one year to complete. Mr. Eslava is trying to stay current with changing trends related to emergency management. Mayor Small indicated that he would like a second person in the City to be trained as an emergency manager, so that Mr. Eslava has a back-up in the event that Mr. Eslava is not available. That person should be from a department other than Public Works. Other disasters that are being considered by EMAs include the bird flu, terrorism, etc.

D. 2006 Road Projects

Mr. Eslava provided a listing of the 2006 road projects. These projects include the paving of unimproved (gravel) roads and the paving of heavily traveled roads that are in need of asphalt resurfacing or microsurfacing. Other costs associated with the projects include the striping of the roads, fire hydrant installation, and some surveying.

Councilman John Lake made a motion to send the list of 2006 Road Projects to Council for review. Councilwoman Cathy Barnette seconded the motion.

Work on these projects will commence based on the Public Works Committee approval. Mayor Small indicated that they are looking into the purchasing of an asphalt spreader.

There was a discussion on the roads in Lake Forest and the repair of patches resulting from utility work.

VI. SOLID WASTE AUTHORITY

VII. MUSEUM COMMITTEE

VIII. BEAUTIFICATION COMMITTEE

- A. The minutes from the February Beautification Committee meeting were reviewed.
- B. Councilwoman Barnette issued compliments to the Beautification Committee and their progress, as they have made great improvements and are headed in the right direction. They are thoroughly appreciated for the fantastic work that they are doing.

IX. ENGINEER REPORT

- A. NRCS Update
Ken Eslava provided a listing of the targeted areas for the new NRCS projects. Alabama expects to receive approximately \$17,000,000 in NRCS funds. These projects include Whiting Court, Church Street, and County Road 64. Councilwoman Barnette requested a meeting with the residents in the Whiting Court area to discuss the project there.

X. FUTURE BUSINESS

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

XI. ADJOURNMENT

The meeting adjourned at 9:26 a.m. **Councilman Lake and Councilwoman Barnette motioned to adjourn.**

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE AGENDA
Time: 8:00 AM on February 24, 2006
Location: City Hall Council Chambers

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

I. CALL TO ORDER

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Correspondence
- B. Work Request Report

III. OLD BUSINESS

- A. Minutes – January 27, 2006

IV. NEW BUSINESS

- A. Any other business deemed necessary

V. DIRECTOR'S REPORT

- A. Ken's travel to the National Hurricane Conference
- B. Delinquent Garbage Bill Collection Program
- C. Ken's CEM (Certified Emergency Manager) Program Update
- D. 2006 Road Projects

VI. SOLID WASTE AUTHORITY

VII. MUSEUM COMMITTEE

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes – February 3, 2006

IX. ENGINEER REPORT

- A. NRCS Update

V. FUTURE BUSINESS

- A. Next Meeting – March 24, 2006, 8:00 a.m.

XI. ADJOURNMENT

Girl Scouts. *Girl Scouts*

SCOUTS®

Girl Scouts

Girl Scouts®

*Girl
Girl*

Girl Scouts®

girl scouts®

Girl Scouts®



2/14/06

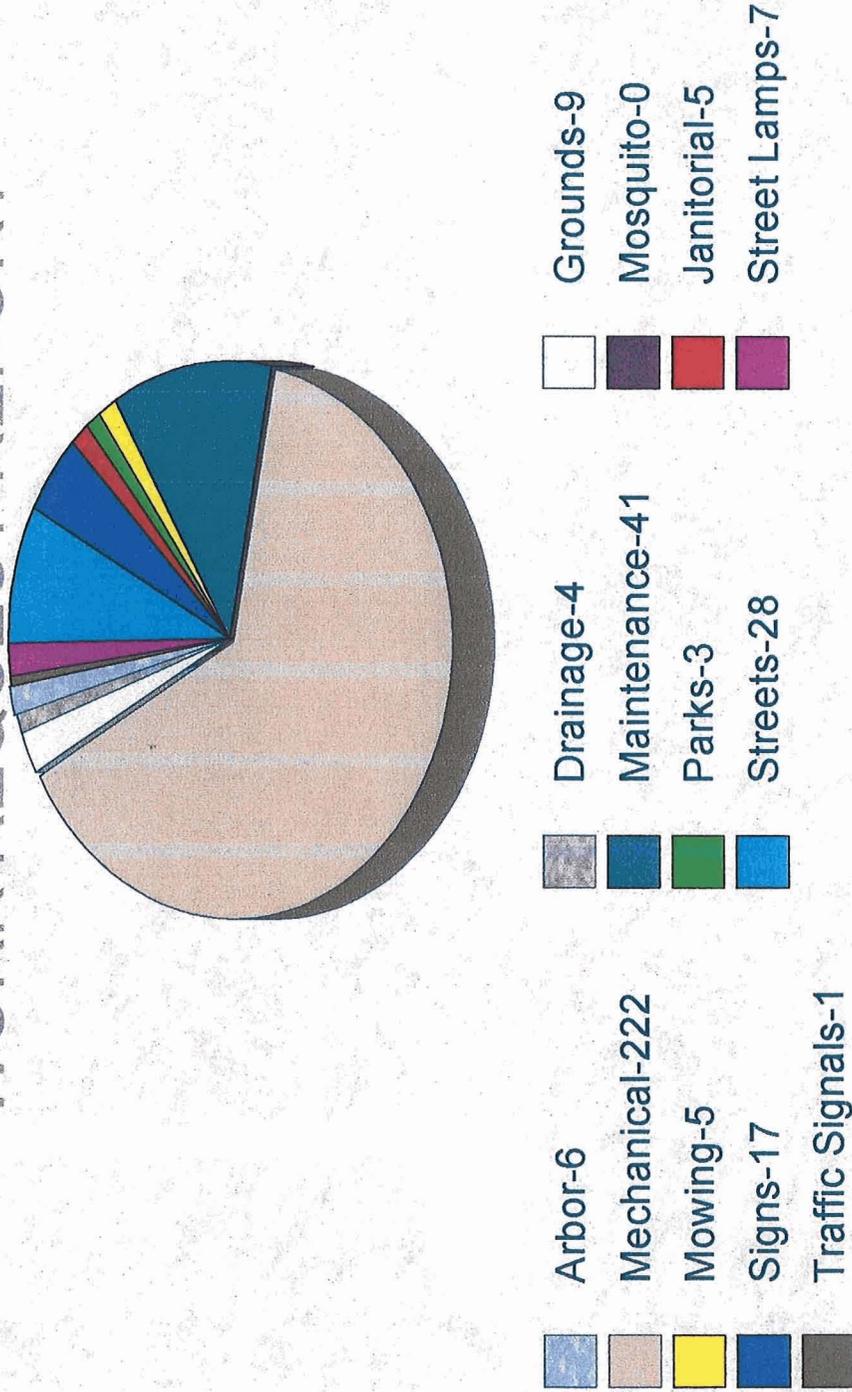
Hi Ken,

I'm dropping by with a
 previous basket for you to
 share with your personell.
 Enjoy! The optenist club called me
 and we should have cookie
 delivery at 5pm 2/17/06. This tick
 Thank you for all you do for the
 City of Daphne's continued
 support of Girl Scouts!

Kim Mussen
 SU #15 Cookie
 Coordinator

Division of Public Works January 2006

WORK REQUEST REPORT



PUBLIC WORKS COMMITTEE MEETING
January 27, 2006

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

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.**

2006 National Hurricane Conference * April 10-14 * The Rosen Centre * Orlando, FL

Registration Information

You may use your computer to print out this Registration Form, then mail or fax your completed form to: National Hurricane Conference * 2952 Wellington Circle * Tallahassee, Florida 32309 (850) 906-9228 FAX

REGISTRATION FEES:

Early Registration (through February 10, 2006) \$300
Registration (after February 10, 2006) \$350
Speaker Registration \$300

Cancellations will be accepted through April 3, 2006. A \$50 processing fee will apply.

No registrations accepted without payment. No Purchase Orders accepted. We now accept Visa, Mastercard, American Express & Discover.

Name Ken Eslava
Title Emergency Management Coordinator
Company or Agency City of Daphne
Address P.O. Box 400
City Daphne State AL Zip 36526
Phone Number 251-621-3182 FAX 251-621-3189
Email daphnepw@bellsouth.net
Enclosed is a check for \$ 300.00
Credit Card type Signature
Credit Card # Card Expires
Print Name of Card Holder

APPROVED INVOICE
160200
DEPT ORG #
52211
GL OBJECT #
10/12/05 40
DATE
DEPT HEAD APPROVAL

EMI Workshop Registration (Special Training Sessions) by Reservation Only

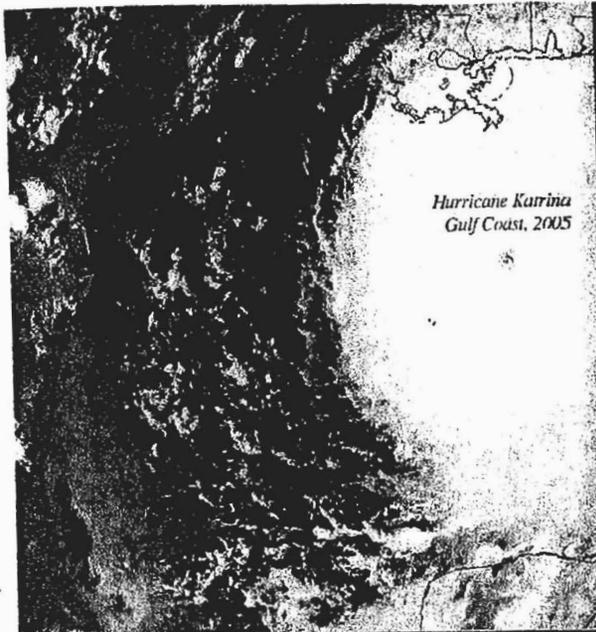
CIRCLE which EMI course you want to attend. Space is limited.

Registration is on a first come, first served basis. For all other training sessions, no sign-up is necessary

EMI RESERVATIONS ARE FOR PAID REGISTRANTS ONLY

EMI COURSE 1 2 3 4 5 6 7

Please make checks payable to:
NHC * 2952 Wellington Circle * Tallahassee, Florida 32309
For information: (850) 906-9224 * (850) 906-9228 FAX
FEID# 20-2105613



**MORE THAN
40 WORKSHOPS**
ON A WIDE RANGE OF TOPICS FOR
HURRICANE RESPONDERS

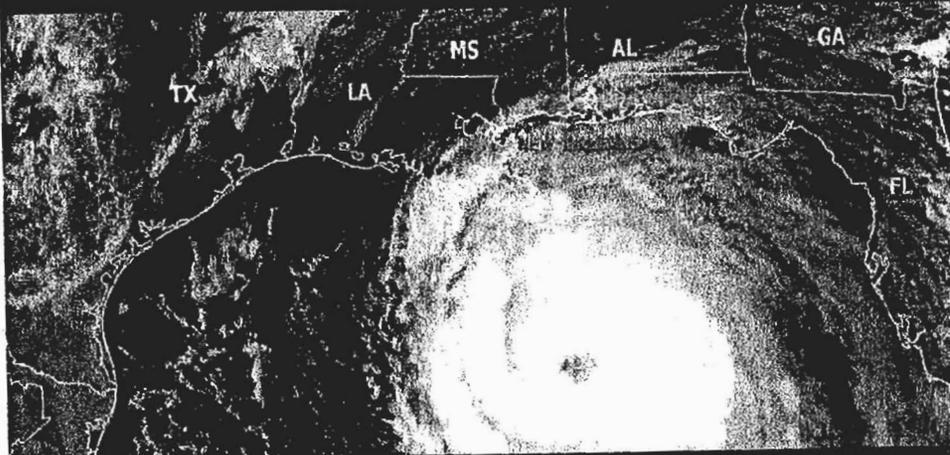
- Meteorology
- Engineering/Building Codes
- Evacuation
- Shelters
- Response
- Recovery
- Mitigation
- Law Enforcement
- Fire Service/EMS
- Public Awareness
- Utilities
- Insurance
- Tropical Islands/Latin America
- Private Industry
- Health Care/Special Needs

**MORE THAN
15 TRAINING SESSIONS**
RANGING IN LENGTH
FROM THREE HOURS TO THREE DAYS

Topics include:

- Amateur Radio
- Animal Disaster Planning
- EOCs
- Evacuation Decision-Making
- Shelter Standards

CALL FOR PROGRAM IDEAS & AWARD NOMINATIONS



April 10-14, 2006 The Rosen Centre Orlando, Florida
The nation's forum for education and professional training in hurricane preparedness!

www.HurricaneMeeting.com

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Tallahassee, FL 32301
Permit No. 328

Florida Shore & Beach Preservation Association
2952 Wellington Circle
Tallahassee, FL 32309

PURPOSE OF THE CONFERENCE

The primary goal of the National Hurricane Conference is to improve hurricane preparedness, response, recovery and mitigation in order to save lives and property in the United States and the tropical islands of the Caribbean and Pacific.

In addition, the conference serves as a national forum for federal, state and local officials to exchange ideas and recommend new policies to improve emergency management.

To accomplish these goals, the annual conference emphasizes:

- Lessons learned from hurricane strikes.
- State of the art programs worthy of emulation.
- New ideas being tested or considered.

Information about new or ongoing assistance programs.

The ABC's of hurricane preparedness, response, recovery and mitigation – in recognition of the fact that there is a continual turnover of emergency management leadership and staff.

We Want Your Ideas for SPEAKERS & TOPICS for the 2006 Conference

We invite you to help us 'design' the 2006 conference.

Do you have a suggestion on an important topic that should be covered - either in a training session, workshop or a general session presentation?

Is there a specific speaker who could best cover that topic?

Do you want to volunteer to be a speaker?

EMAIL YOUR TOPIC SUGGESTIONS TO: teri@hurricanemeeting.com

- Indicate what type of presentation (training session, workshop or general session)
- Title of the presentation. Please limit your recommendation to 150 words or less

Provide complete contact information

DEADLINE FOR YOUR IDEAS IS MONDAY, OCTOBER 31, 2005.

SPEAKER REGISTRATION FEES

Workshop and training session speakers who also plan to attend the conference are expected to pay the early registration fee of \$300.

SPEAKER EXPENSES

Speakers are responsible for their own travel expenses.

PLANNING COMMITTEE

Chair

John Wilson
Lee County Public Safety, Fort Myers, FL

Vice Chairs

Max Mayfield, National Hurricane Center, Miami, FL and
John Gambel, FEMA, Washington, DC

Executive Director

David L. Tall

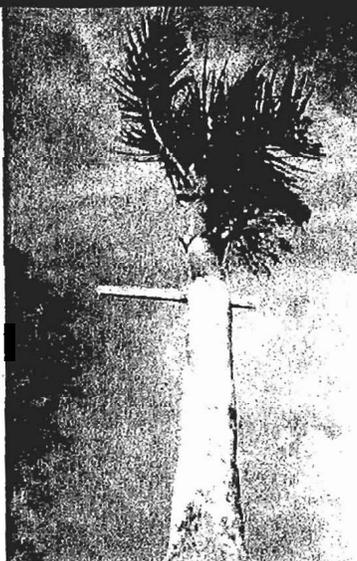
Conference Coordinator

Stan Tall

Exhibit & Sponsorship Coordinator

Teri Bess

Dr. Jay Baker, Florida State University, Tallahassee, FL
Bruce Baughman, Alabama Emergency Mgmt. Agency, Clanton, AL
Jack Colley, Texas Dept. of Public Safety, Austin, TX
Guy E. Daines, Pinellas County, FL, retired
John Droneburg, Maryland Emergency Management Agency, Reisterstown, MD
Craig Fugate, Florida Division of Emergency Management, Tallahassee, FL
Frank Koutnik, Florida Division of Emergency Management, Tallahassee, FL
Billy Manning, SBCCI, retired, Hayesville, NC
Joe Myers, Disasters, Strategies & Ideas Group, LLC, Tallahassee, FL
Gregg O'Byon, American Red Cross, Washington, DC
Ronald Osborne, South Carolina Emergency Management Department, West Columbia, SC
Col. Jeff Smith, Acting Deputy Director/LA Emergency Preparedness, Baton Rouge, LA
T. Eric Stafford, FLASH, Birmingham, AL
William Wagner, Monroe County Emergency Management, Marathon, FL



WHO SHOULD ATTEND ?

Agricultural Interests
Amateur Radio
Armed Forces
Disaster Preparedness Officials
Building & Zoning Officials
City & County Commissioners
City & County Managers
Emergency Management Officials
Engineers
Environmental Officials
Fire/Emergency Medical
Geographers
Hospital/Health Care Officials
Insurance Company Officials
Law Enforcement
Meteorologists
News Media
Nursing Home Officials
Planners
Port Authority Officials
Public Information Officers
Public & Private Utility Officials
Public Works Officials
Transportation Departments (state & local)
Volunteer Agency Representatives

CONFERENCE SPONSORS

American Association for
Wind Engineering
Amateur Radio Relay League, Inc.
American Coastal Coalition
American Meteorological Society
American Public Works Association
American Red Cross
Caribbean Disaster Emergency
Response Agency
Coastal States Organization
Federal Coordinator for Meteorological
Services
Federal Emergency Management Agency
Florida Division of Emergency
Management
Florida Shore & Beach Preservation
Association
Insurance Information Institute
Institute for Business and Home Safety
International Code Council
International Association of Emergency
Managers
Louisiana State University Hurricane
Center
National Emergency Management
Association
National Hurricane Center
National Oceanic and Atmospheric
Administration
National Weather Service
U.S. Army Corps of Engineers
USAID/OFDA, U.S. State Department
U.S. Geological Survey/Coastal and
Marine Geology Program

PROFESSIONAL TRAINING

For Professional Training in Hurricane Preparedness, the conference offers a "crash course" in hurricane preparedness for public officials and private industry. America's leading experts will update your skills and offer practical ways to upgrade your hurricane planning.

PROFESSIONAL DEVELOPMENT HOURS

The Hurricane Conference awards Professional Development Hours to Conference attendees.

The Conference maintains a permanent record of each participant's hours.

EXHIBIT INFORMATION

The National Hurricane Conference provides an excellent opportunity for vendors to display their products to interested decision-makers.

For detailed information on exhibit space, advertising or sponsorships, contact:

Teri Besse at (850) 906-9224 or via email: teri@hurricanemeeting.com

Special Training Sessions —By Reservation Only—See Registration Form Below

8:30 a.m. to noon—1:30 p.m. to 5:00 p.m. 8:30 a.m. to noon—1:30 p.m. to 5:00 p.m. 8:30 a.m. to noon

- 1 **Debris Management Course**
This 2 and 1/2-day workshop provides an overview of issues and recommended actions to prepare for, respond to, and recover from a major debris-generating event (with emphasis on state and local responsibilities). Who Should Attend - local, state and federal personnel responsible for planning and/or implementing debris removal and disposal.
- 2 **Recovery From Disaster: The Local Government Role**
This 2 and 1/2-day workshop is designed to prepare local recovery teams to coordinate local recovery efforts following a disaster. This workshop emphasizes 4 critical areas of recovery: emergency management, public works, building inspection, and community planning. Who Should Attend - elected officials, city/county managers and administrators, emergency managers, public works directors, building inspectors, and community planners.
- 3 **Emergency Planning and Special Needs Populations**
This is a 2 and 1/2-day workshop. The goals for this course are to: Open a dialogue with the special needs network that will lead to cooperative planning and appropriate response; Raise awareness of and commitment to planning for special needs populations; Provide personnel who are responsible for emergency planning with an understanding of the special needs populations and with knowledge required to develop and implement sound plans. At the end of this course, the participants should be able to: Define special needs populations at the local level; Identify appropriate resources to assist in planning for special needs populations; Identify capabilities and limitations of the special needs network; Define key terms related to special needs planning; Describe the special needs considerations in all phases of comprehensive emergency management; Identify the relationship between special needs planning and the community Emergency Operations Plan (EOP); and Identify basic components of a special needs plan.
- 4 **Mitigation Planning Workshop for Local Government**
This 2-day course assists representatives of local communities or multi-jurisdictional planning areas to develop a mitigation plan that meets community needs as well as the standards for FEMA approval. FEMA-approved local mitigation plans are required in order to receive Pre-Disaster Mitigation Grant funds, beginning with the Fiscal 2004 funding cycle. After November 1, 2004, FEMA-approved local mitigation plans will be required in order to receive post-disaster mitigation grant funds. This workshop explains each of the requirements, demonstrates how FEMA's new Mitigation Planning How-to Guides can be used to address each requirement, and provides opportunities to begin the planning process in group activities.
- 5 **Hurricane Planning Course**
This 2-day course covers proven methods and techniques for planning response operations before and after a hurricane. Topics include hurricane hazards forecasting and decision aids, evacuation, shelter, refugees of last resort and initial post-storm response. Who should attend - planners responsible for developing or revising hurricane operations plans and procedures.
- 6 **Community Mass Care Management**
This 2-day course is aimed to equip emergency management staff and voluntary agency personnel with the knowledge and skills necessary to perform as effective mass care coordinators in a broad range of disaster situations. The course covers how to assess and size up mass care needs; how to plan for mass care; recruitment, training and exercises for mass care personnel; and actions to take in short term and long term mass care operations (response and recovery).
- 7 **HURREVAC Training/SLOSH DISPLAY**
Requirement: Student must bring laptop. This is a 1 and 1/2-day course and is a new FEMA developed standardized course of the FEMA-US Army Corps of Engineers' hurricane decision-making software program known as HURREVAC. The training provides instruction with hands-on interactive experience and includes an exercise. The course will briefly cover all aspects of HURREVAC and is designed for beginners as well as users who would like a refresher. Important Note: HURREVAC is only available to public sector individuals; therefore we can only accept participants who are employees of government entities, i.e., fire, police, emergency management (local, state or federal).

NOTE:

These training sessions have a limited enrollment. Slots for these courses will be allocated to paid registrants of the National Hurricane Conference on a first-come, first-served basis. Please note that these sessions range from 1 and 1/2 to 2 and 1/2 days in length. You must attend the entire session to receive a certificate.

HOW TO REGISTER:
Register directly when you register for the conference using the Registration Form below or register online at www.hurricanemeeting.com

CONFERENCE & WORKSHOP REGISTRATION

Conference Registration
No registrations accepted without payment. No purchase orders accepted. Pre-registration is encouraged.

We accept these credit cards



Early Registration \$300 (through February 10, 2006)
Registration \$330 (after February 10, 2006)
Cancellations will be accepted through April 3, 2006. A \$50 processing fee will apply.

For more information:
Phone: 850-906-9224
Fax: 850-906-9228
mali@hurricanemeeting.com

Please make checks payable to NHC
2952 Wellington Circle
Tallahassee, FL 32309
FEID #20-2105613

2006 NATIONAL HURRICANE CONFERENCE
April 10-14 • The Rosen Centre, Orlando, Florida

(Please print name as you would like it to appear on your name tag)

Name _____
Title _____
Company or Agency _____

City _____ State _____ Zip _____
Phone _____ Fax _____
E-mail _____

Enclosed is a check for \$
THREE Ways to Register:
Credit Card by Fax: 850-906-9228
Credit Card On-Line: www.hurricanemeeting.com
or Mail: NHC, 2952 Wellington Circle, Tallahassee, FL 32309

Credit Card Number _____
Print Name of Card Holder _____
Signature: _____ Card Expires _____

Training Session Choice

Check which course you want to attend.

- 01
- 02
- 03
- 04
- 05
- 06
- 07

No phone registrations will be accepted. You will receive confirmation of acceptance by mail.

HOTEL RESERVATION INFORMATION

Make arrangements directly with:
The Rosen Centre Hotel
9840 International Drive
Orlando, FL 32819

Reservations:
1-800-204-7234 or 407-996-9840

Request the group rate for
the National Hurricane Conference

Conference Group Rate:
\$ 134.00 single/double
\$ 20.00 additional person
\$ 40.00 additional - Club Level

Registrations should be made on or before March 10, 2006.
After this date, rooms will be made available at the Conference
rate on a space available basis.

All reservations must be accompanied by a first night's room
and tax deposit paid by credit card or check.

Major Credit Cards Accepted

Cancellations must be received 5 days prior to arrival.

Check-In Time: 3:00 p.m.
Check-Out Time: 11:00 a.m.



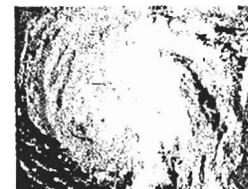
Galveston, Texas, 1900



Hurricane Andrew,
Dade County FL, 1992



Hurricane Camille,
New Orleans, LA 1969



Hurricane Dennis,
Pensacola Beach, FL, 2005

2006 NATIONAL HURRICANE CONFERENCE Awards Nominations

You are invited to make nominations for the National Hurricane Conference's
2006 Awards Program. Awards will be presented at the Annual Awards
Banquet.

The Awards Committee is interested in specific activities and accomplishments
of your nominee rather than general background.

Nominations should include a one-page summary of those accomplishments
or activities you believe merit consideration for an award. Also, feel free to
attach supportive materials, such as newspaper clippings, resolutions, etc.,
to bolster your case.

Please send an original and four (4) copies of each nomination and supporting
material to:

NHC Awards
2952 Wellington Circle
Tallahassee, FL 32309

Deadline is February 6, 2006

Neil Frank Award

The Conference's top award is presented to an individual for making a major impact
in the areas of hurricane preparedness, response, recovery, mitigation or related
fields. The impact of those improvements must be national or international in scope.

Distinguished Service Award

For a sustained, significant contribution to one or more fields of hurricane related
activity or knowledge over a career. The intent is to recognize individuals whose
cumulative accomplishments are of unusual merit, but who might not have the
national or international impact necessary for the Neil Frank Award.

Please complete forms in their entirety

Nominated by:

Name
Title
Organization or Agency
Mailing Address
City State Zip
Business Phone

Award Nominee:

Award Category
Name
Organization or Agency
Mailing Address
City State Zip
Business Phone

Outstanding Achievement Award

For a specific outstanding and
innovative achievement in any
hurricane-related activity, which may
serve as a model to others.
Examples include, but are not
limited to: legislation, public
awareness programs, financing
mechanisms, sheltering plans,
engineering research, warning
notification systems, and prediction
techniques. The key word for this
award is innovative. We're looking
for individuals or organizations
who're doing things in a new and
better way and which are worthy of
emulation by others around the
country. This award is not for
someone who is simply doing his or
her job well.

We anticipate several Outstanding
Achievement Awards in different
areas of endeavor. For example,
there could be separate wards for
outstanding and innovative
achievement in the following or
other categories:

- Emergency Management
- Meteorology
- Mitigation
- News Media
- Public Awareness
- Legislative (federal, state, and local)

For more information,
call Lisa Tall at
850-906-9224 or via email
lisa@hurricanemeeting.com

MEMORANDUM

CITY of DAPHNE...DIVISION of PUBLIC WORKS

To: Public Works Committee Members

From: Ken Eslava, Public Works Director



Date: February 23, 2006

Re: FY 2006 Road Improvements

This morning, Mayor Small and I selected the following list of road improvement projects to be worked on this fiscal year. The basis for our selection was:

- 1) paving unimproved (gravel) roads.
- 2) paving important, heavily traveled roads which required no other remediation other than asphalt resurfacing, or microsurfacing.
- 3) To achieve as much work as possible with the budgeted funds.

The list of roads, and ESTIMATED price for this work are as follows:

- a) North Main Street.....\$139,000.00
- b) Windsor Drive(Lake Forest).....\$33,000.00
- c) Lake Forest Boulevard.....\$53,000.00
- d) Daphne Avenue.....\$29,000.00
- e) Trione, Guarisco & Mancini Avenue.....\$58,000.00
- f) Lawson Road.....\$80,000.00
- g) First Avenue North....gravel
- h) Second Avenue North....gravel
- i) Third Avenue North....gravel
- j) Fourth Avenue North....gravel
- k) Fifth Avenue North....gravel
- l) Sixth Avenue North....gravel
- m) Seventh Avenue North....gravel

Next page please

n)Eighth Avenue North....gravel
o)Ninth Avenue North & South....gravel
p)Tenth Avenue North...gravel.....estimated total for items
g) through p) = \$45,000.00

Grand estimated total of road costs.....\$437,000.00

It should be noted that we still have other costs associated with these projects, such as all gravel roads must be professionally surveyed in order to confirm actual City rights-of-way, paint striping costs, centerline reflective markers & fire hydrant reflective markers...all of which will work against the budgeted \$500,000.00 capital allocation.

cc: Mayor Fred Small

Daphne Beautification Committee
City Hall 1705 Main Street, Daphne, AL

Minutes of the February 3, 2006 meeting

The meeting was called to order at 10:06 by the president, Carollee Grindel. Also present were Vincent Russo, Anne Talton, Roger Davidson, Dorothy Rankins, Tomasina Werner, Audrey Rouire, Marilyn O'Connor Moore, Nancy Henderson, Patty Kerney, Dorothy Morrison, Bea Wilson, and representing the city were Marshall Parsons and Marjorie Bellue.

The minutes were distributed and read by all present. Dorothy Morrison made a motion to make a change in the minutes and the charter limiting the elected board to a two-year period. Marilyn O'Connor Moore seconded the motion and it was approved. The minutes were then accepted.

Margorie Bellue informed us of Arbor Day Plans and asked for a sub committee to help her with the distribution of trees on February 25th at the Recreation Department from 8 to noon. Anne Talton, Roger Davidson, Patty Kerney volunteered to go early (7 a.m.) to help set up refreshments that our committee will pay for. The rest of the sub committee Carollee Grindel, Nancy Henderson, Audry Rouire and Marilyn Moore will arrive at 8 a.m.

Marshal spoke on the need for sub committees in general and also asked for a sub committee to direct the planting of the crepe myrtles that will be removed from Highway 98. That committee is Roger Davidson, Anne Talton, Bea Wilson, Dorothy Rankin, Dorothy Morrison, Tomasina Werner and Audrey Rouire. Marshall reported that a 40 thousand dollar grant for the Tree Remediation has been received for Daphne. His report covered the care of the Daphne Rose Garden. He asked for a sub committee to help with that. Audrey Rouire, Vincent Russo and Marilyn Moore volunteered. Marshall gave out bench information and suggested a uniform bench throughout Daphne. The committee reviewed the style of bench that Marshall had found in his research. Vincent made a motion to have the city buy them. This was seconded and accepted with a unanimous vote. Property Owners Associations can then buy them from the city.

The secretary asked each person present which district they lived in and we found that District two had four people present and no one to represent District one.

The New Business was tabled until the March meeting.

Respectfully submitted,

Anne Talton, Secretary

**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:

Daphne Library Board
February 13, 2006
Meeting Minutes

In Attendance:

Interim Library Director Nancy Seale, Board Members Glenn Swaney, Chairman, Gayle Robinson, Ernie Seckinger, and Anita Rigas. Absent were Cassandra Day and our Council Representatives.

Call to Order:

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

Reading and Approval of Minutes:

The minutes of the January 9, 2006 meeting were reviewed and approved.

Monthly Reports:

The Monthly Report for January was presented to the Board and accepted. The numbers were up again this month. Ms Seale reported that a number of DVDs are missing, having been taken from the Library without being checked out. Glenn offered to check into the cost of security scanners. In the meanwhile, the staff will take temporary steps to move the DVD collection closer to the circulation desk in order to monitor them more closely.

Dome Repairs and Replacement of A/C units:

Public Works is aware of the problem and is coordinating repairs. Bids for the a/c work have been received from contractors and should be done soon at a cost of approximately \$12,000. \$1,800-\$2,000 has been set aside to repair the leak in the dome. The carpeting needs to be replaced at a cost of about \$8,900 and will require that the Library be closed for four days. It was suggested that the work possibly be scheduled to coincide with a holiday. It was reported that a patron fell at the drain in front of the Library. Suggestion was made that posts and a chain be installed to keep people from walking in that area. It was also suggested that the City check the lights in the parking lot and maybe install more to provide more lighting.

Library Expansion:

Mr. Swaney presented for the Board's consideration a letter written to Ms Kelle Strickland in Representative Jo Bonner's Washington office requesting consideration for a \$180,000 grant to use for upfront engineering, design and

cost estimates for the project. This is six to eight percent of the total cost. The grant is slanted toward technology, computers, young adults, the education of students in the area, and children's reading. It still seems that the City will contribute \$1,000,000 to the project. Motion was made by Anita Rigas and seconded by Ernie Seckinger that the letter be submitted as soon as possible to Representative Bonner. Motion carried. Glenn indicated that he would discuss these issues with the Mayor and also have a preliminary meeting with Jeff Hudson about the expansion.

Library Policies:

Copies of the Library Policies were passed out to the Board. Discussion will follow at the next meeting.

Public Participation:

None

New Business:

The printers need to be replaced. Charlie Wilson will work on a solution, possibly a laser printer instead of ink jet ones.

The meeting adjourned at 5:34pm.

Respectfully submitted by Anita Rigas

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Utilities Board of the City
of Daphne

MEMORANDUM

Date: March 1, 2006

At the regular meeting of the City of Daphne Planning Commission on February 23, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned request by the Utilities Board of the City of Daphne for the U.S. Highway 90/Malbis and Canterbury Subdivision water main improvement project and the Dauphine Acres, sanitary sewer improvement project proposed by Volkert & Associates, Inc., Ms. Melinda Immel.

Upon receipt of said documentation, please place on the March 6, 2006 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

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

**NOTICE OF PUBLIC HEARING
CITY OF DAPHNE**

The City of Daphne will hold a Public Hearing on March 20, 2006 at 4:00 p.m. in the council meeting room of the Daphne City Hall located at 1705 Main Street in Daphne, Alabama. The purpose of this hearing will be to discuss the submission of an application(s) for Community Development Block Grant funds to primarily benefit low and moderate income persons in Daphne. Information to be presented includes the amount of grant funds available, the range of eligible activities that may be undertaken and a discussion of the proposed project for which the City intends to submit an application to the State of Alabama requesting Community Development Block Grant funds. All citizens are urged to express their views on the community's most pressing housing and community development needs.

This hearing will be accessible to all persons in attendance. If you have a disability which might require special materials, services, or assistance, please notify the clerk at 621-9000 at least 24 hours prior to the date of the hearing.

Fred Small, Mayor
City of Daphne

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

**CITY COUNCIL MEETING
RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION NO. 2006-

**NAMING OF A PRIVATE ROAD OFF OF WILSON AVENUE TO
“KENSINGTON PLACE”**

WHEREAS, Mr. Shawn Drummonds and Thomas Toombs representing Black Angus Development, L.L.C. are requesting that the City of Daphne name a private road off of Wilson Avenue; and

WHEREAS, the owners desires to name of the private road, to be Kensington Place; and

WHEREAS, at a regular meeting of the City of Daphne Planning Commission on February 23, 2006, the name change was an affirmative recommendation; and

WHEREAS, the Mayor and City Council of City of Daphne in the interest of public safety with regard to E-911 have the new property owner follow all the guidelines required to change the name of a private drive and address.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Daphne, Alabama that the private road hereby be named to Kensington Place.

APPROVED AND ADOPTED ON THE _____ DAY OF MARCH, 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: Request by Mr. Shawn
Drummonds and Mr. Thomas
Toombs to name a private
street

MEMORANDUM

Date: March 1, 2006

At the regular meeting of the City of Daphne Planning Commission on February 23, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned request.

The owners, Shawn Drummonds and Thomas Toombs representing Black Angus Development Company, L.L.C. are requesting that the City of Daphne name a private road, Kensington Place, from Wilson Avenue into their development.

Upon receipt of said documentation, please prepare a resolution to place on the March 6, 2006 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

**CITY OF DAPHNE
RESOLUTION NO. 2006-22
CITY OF DAPHNE STREET MAP**

WHEREAS, the Planning Commission of the City of Daphne, at their regular meeting held on January 26, 2006, hereby recommends a revision to the City Daphne Street map; and,

WHEREAS, said map is necessary due to the city's need to revise 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 revision 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 RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I. ADOPTION OF MAP:

Ordinance No. 2005-47, the City of Daphne Street Map is hereby repealed in its entirety. The City of Daphne Street Map proposed by the City of Daphne Planning Commission to the City Council on March 6, 2006 is hereby adopted as the official "City of Daphne Street Map."

SECTION I. REPEALER

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

SECTION II. EFFECTIVE DATE

This resolution shall take effect and be in force from and after the date of its approval by the City Council of Daphne.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, ON THE 6TH DAY OF MARCH, 2006.

GREG BURNAM, COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL, MAYOR
Date & Time Signed: _____

ATTEST:

DAVID COHEN, CITY CLERK, MMC

RESOLUTION NO. 2006-23

**ADOPTING THE 2005 EDITION
OF THE CODIFICATION OF ORDINANCES
FOR THE CITY OF DAPHNE, ALABAMA**

WHEREAS, the City of Daphne shall by this ordinance adopt the 2005 Supplement Edition of the Codification Manual for the City of Daphne; and

WHEREAS, the Municipal Code Corporation will be publishing future supplements to the 2005 Edition of the Codification of Ordinances; and

WHEREAS, Section 11-45-8 (c) provides for the adoption of codes in book form upon compliance with the requirements of such Section.

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

- 1.) That a public hearing shall be held on April 3, 2006 concerning the adoption of an Ordinance to adopt the 2005 Edition of the Codification of Ordinances and amendments thereto.
- 2.) That this resolution shall be published once a week for two consecutive weeks prior to said hearing.
- 3.) That three copies of said Code shall be filed for not less that fifteen (15) days prior to the holding of the public hearing for use and examination by the public in the Office of the City Clerk.

ADOPTED AND APPROVED 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

**CITY OF DAPHNE
RESOLUTION 2006-24**

**ACCEPTANCE OF ROADWAY DESCRIBED AS
“SCENIC HIGHWAY 98 FROM DAPHNE CITY LIMITS
SOUTHWESTERLY A DISTANCE OF 651.88 FEET”**

Whereas, The Baldwin County Commission is, by Quitclaim Deed, granting to The City of Daphne that certain roadway located at Scenic Highway 98 from Daphne City limits southwesterly a distance of 651.88 feet, and

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has accepted said roadway located at Scenic Highway 98 from Daphne City limits southwesterly a distance of 651.88 feet, more specifically described below by that certain Quitclaim Deed granting to The City of Daphne (Grantee) said roadway from The Baldwin County Commission (Grantor) and the City of Daphne hereby recommends acceptance of said roadway, more specifically described as follows:

Commence at a crimp top iron pin in the Northwest corner of the Intersection of Scenic 98 and North Winding Brook Drive for the point of Beginning; thence run North 21 degrees 17 minutes 01 seconds East a distance of 551.88 feet to a crimp top iron pin; thence continue North 21 degrees 17 minutes 01 seconds East a distance of 100 feet, more or less, to a point on the Daphne City Limits; thence turn an angle of 90 degrees to the right and run 80 feet to a point on the East right-of-way of Scenic Highway 98; thence run South 21 degrees, 17 minutes 01 seconds West a distance of 651.88 feet, more or less, along the right-of-way of Scenic Highway 98 to a point; thence turn an angle of 90 degrees to the right and run 80 feet to the Point of Beginning. Right-of-way being 40 feet on each side of the centerline to make an 80 foot wide right-of-way lying in Section 30, Township 5 South, Range 2 East, Baldwin County, Alabama.

Land Description Prepared By: John E. Taylor, Public Land Officer.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS: The roadway located at Scenic Highway 98 from Daphne City limits southwesterly a distance of 651.88 feet is hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2006.

THE CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION

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- 14

Franchise Agreement: Malbis Properties, L.L.C.

WHEREAS Malbis Properties, L.L.C., an Alabama limited liability company, is desirous of obtaining a permanent franchise for authority to construct, operate and maintain (or to have the same done in its behalf), lighting and landscaping on a portion of a municipal street right-of-way within the City limits of the City of Daphne, and;

WHEREAS, the City of Daphne, having a statutory right to grant franchises under Alabama Code and having heretofore enacted Ordinance 2005-38 to authorize certain outdoor advertising signs, raised lighting and landscaping for the benefit of Malbis Properties, L.L.C., and;

WHEREAS, the City of Daphne believes it to be in the best interest of the health, welfare and safety of the citizens of The City of Daphne to grant a permanent franchise to Malbis Properties, L.L.C.;

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

SECTION ONE: That a permanent franchise, containing the hereinafter prescribed terms and conditions, be, and the same hereby is, granted unto Malbis Properties, L.L.C., an Alabama limited liability company, and its successors and assigns in the ownership of the parcel described as Lot 14 according to the Final Plat of Eastern Shore Park recorded in Slides 2244-A and 2244-B, in the Office of the Judge of Probate of Baldwin County, Alabama, to allow Malbis Properties, L.L.C., its successors and assigns as specified below, to construct, install, maintain and use a sign and related lighting and landscaping on a portion of the right-of-way known as Dimitrios Avenue owned by the City of Daphne, which portion of said right-of-way is described as follows:

A parcel of land situated in the SE 1/4 of the NE 1/4 of Section 34, Township 4 South, Range 2 East, Baldwin County, Alabama, more particularly described as follows:

Commence at the northeast corner of said Section 34, said point being reproduced from a survey by Rester and Coleman Engineers, Inc., dated April 10, 1997; thence, run South 89°56'56" West along the north boundary of the NE 1/4 of said Section 34, as calculated from said survey, a calculated distance of 533.77 feet to a point on the south right-of-way of U.S. Interstate Highway 10 (variable right-of-way; thence, run South 67°57'44" East along said right-of-way a distance of 273.02 feet to a concrete right-of-way monument found; thence, run South 33°51'04" East along said right-of-way distance of 165.52 feet

to a concrete right-of-way monument found at the intersection of said Interstate right-of-way and the west right-of-way of Alabama Highway No. 181 (said right-of-way being 320 feet in width at this point); thence, run South 00°10'57" West along the west right-of-way of said Alabama Highway No. 181 a distance of 479.73 feet to a 1/2" rebar and cap set at a point of right-of-way change; thence, run South 29°50'31" East along the west right-of-way of said Alabama Highway No. 181, and along said right-of-way change, a distance of 170.10 feet to a rebar found at the end of said right-of-way change (said right-of-way being 150 feet in width at this point); thence, run South 00°13'13" West along the west right-of-way of said Alabama Highway No. 181 a distance of 638.11 feet to the POINT OF BEGINNING; thence, continue South 00°13'13" West along the west right-of-way of said Alabama Highway No. 181 a distance of 13.00 feet; thence, depart said right-of-way and run North 89°46'47" West a distance of 190.17 feet; thence, run North 00°13'13" East a distance of 1.11 feet; thence, run North 76°43'28" East a distance of 50.97 feet; thence, run South 89°46'47" East a distance of 140.61 feet to the POINT OF BEGINNING.

Said parcel lying and being situated in Baldwin County, Alabama and containing 2,178 square feet, more or less, and being generally depicted in that map attached to the franchise appended hereto.

SECTION TWO: That by accepting this franchise, the aforesaid Malbis Properties, L.L.C., its successors and assigns in said Lot 14 (hereinafter collectively called "Grantee"), does assume and agree to be bound by the several duties and obligations imposed upon them by the following terms and conditions of this franchise, namely:

- (a) The outdoor advertising sign and related lighting and landscaping shall be installed, operated and maintained in compliance with, and subject to the provisions of, Ordinance No. 2005-38, as the same may be hereafter amended from time to time.
- (b) Upon allowing installation of said outdoor advertising sign and related lighting and landscaping, no liability will attach to the City of Daphne from the existence, use or maintenance of such improvements, and the Grantee does hereby indemnify and hold harmless the City of Daphne from any and all liability arising out of the installation and/or maintenance of said improvements including all defense costs that may be incurred by City arising from any claims by any third parties against the City.

- (c) No other construction of any type will be built by or for Grantee under the terms of this permit.
- (d) The City shall have authority to enter upon said right-of-way for the maintenance and repair any of its existing facilities located therein.
- (e) Grantee may permit other businesses operating on any portion of the real property to utilize portions of the sign for advertising, subject to compliance with the provisions of Ordinance No. 2005-38.
- (f) Grantee's rights in this franchise are as owner of Lot 14, according to the Final Plat of Eastern Shore Park recorded in Slides 2244-A and 2244-B, in the Office of the Judge of Probate of Baldwin County, Alabama. The rights in this franchise are an appurtenant right in said Lot 14 which are assigned to, and held by, any owner of the fee simple title to said Lot 14 without any separate instrument of assignment to such owner or, by separate instrument of assignment, to the owner or owners of any lot or lots in the aforesaid plat.

SECTION THREE: That the Mayor is hereby authorized to execute and the City Clerk to attest, on behalf of the City, that certain Franchise Agreement attached hereto, such agreement to be effective upon counter-execution by Grantee.

SECTION FOUR: The Clerk is further instructed to publish this Ordinance in accordance with the provisions of §11-43C-29 et seq Code of Alabama (1975) as amended.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this the _____ day of _____ 2006.

THE CITY OF DAPHNE

GREG BURNAM
COUNCIL PRESIDENT

Date & Time Signed:_____

FRED SMALL
MAYOR

Dated and Time_____

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

FRANCHISE AGREEMENT

STATE OF ALABAMA
BALDWIN COUNTY

WHEREAS, Malbis Properties, L.L.C., an Alabama limited liability company, desires to have constructed, operated and maintained a sign with related lighting and landscaping (collectively, the "Improvements") within the right-of-way limits of a portion of Dimitrios Avenue.

WHEREAS, that portion of the street right-of-way where the Improvements will be situated is described as follows:

A parcel of land situated in the SE 1/4 of the NE 1/4 of Section 34, Township 4 South, Range 2 East, Baldwin County, Alabama, more particularly described as follows:

Commence at the northeast corner of said Section 34, said point being reproduced from a survey by Rester and Coleman Engineers, Inc., dated April 10, 1997; thence, run South 89°56'56" West along the north boundary of the NE 1/4 of said Section 34, as calculated from said survey, a calculated distance of 533.77 feet to a point on the south right-of-way of U.S. Interstate Highway 10 (variable right-of-way; thence, run South 67°57'44" East along said right-of-way a distance of 273.02 feet to a concrete right-of-way monument found; thence, run South 33°51'04" East along said right-of-way distance of 165.52 feet to a concrete right-of-way monument found at the intersection of said Interstate right-of-way and the west right-of-way of Alabama Highway No. 181 (said right-of-way being 320 feet in width at this point); thence, run South 00°10'57" West along the west right-of-way of said Alabama Highway No. 181 a distance of 479.73 feet to a 1/2" rebar and cap set at a point of right-of-way change; thence, run South 29°50'31" East along the west right-of-way of said Alabama Highway No. 181, and along said right-of-way change, a distance of 170.10 feet to a rebar found at the end of said right-of-way change (said right-of-way being 150 feet in width at this point); thence, run South 00°13'13" West along the west right-of-way of said Alabama Highway No. 181 a distance of 638.11 feet to the POINT OF BEGINNING; thence, continue South 00°13'13" West along the west right-of-way of said Alabama Highway No. 181 a distance of 13.00 feet; thence, depart said right-of-way and run North 89°46'47" West a distance of 190.17 feet; thence, run North 00°13'13" East a distance of 1.11 feet; thence, run North 76°43'28" East a distance of 50.97 feet; thence, run South 89°46'47" East a distance of 140.61 feet to the POINT OF BEGINNING.

Said parcel lying and being situated in Baldwin County, Alabama and containing 2,178 square feet, more or less, and being generally depicted in that map appended hereto as Exhibit "A", and;

WHEREAS, the City of Daphne, an Alabama municipal corporation, has agreed pursuant to City Ordinance Number 2006-_____ for Malbis Properties, L.L.C., as owner of Lot 14, according to the Final Plat of Eastern Shore Park recorded in Slides

2244-A and 2244-B, in the Office of the Judge of Probate of Baldwin County, Alabama, its successors and assigns in said lot, to construct, operate and maintain (or cause the same to be constructed, operated and maintained) the Improvements within the above-described portion of the right-of-way limits of Dimitrios Avenue;

NOW, THEREFORE, in consideration of the premises and in consideration of One Dollar (\$1.00) each to the other in hand paid, the receipt whereof is hereby acknowledged, Malbis Properties, L.L.C. and the City of Daphne, Alabama, agree as follows:

1. The City authorizes and permits Malbis Properties, L.L.C. to construct, operate and maintain the Improvements (or cause the same to be constructed, operated and maintained) within the right-of-way previously described, in compliance with and subject to the provisions of Ordinance 2005-38.
2. Malbis Properties, L.L.C. agrees that no liability will attach to the City from the Improvements, or the use or maintenance of the Improvements, and Malbis Properties, L.L.C. hereby does indemnify and hold harmless the City of Daphne, Alabama from any and all liability arising out of the existence, use or maintenance of said Improvements, including any litigation costs incurred by City.
3. No other construction of any type will be built pursuant to the terms of this permanent franchise.
4. The City of Daphne shall have authority to enter upon said right-of-way for the maintenance and repair of any of its existing facilities located therein.
5. Malbis Properties, L.L.C. may permit other businesses operating on any portion of the real property subject to Ordinance No. 2005-38 to utilize portions of the sign for advertising in compliance with, and subject to the provisions of, Ordinance No. 2005-38.
6. Malbis Properties, L.L.C.'s rights in this franchise are as owner of Lot 14, according to the Final Plat of Eastern Shore Park recorded in Slides 2244-A and 2244-B, in the Office of the Judge of Probate of Baldwin County, Alabama. The rights in this franchise are an appurtenant right in said Lot 14 which are assigned to, and held by, any owner of the fee simple title to said Lot 14 without any separate instrument of assignment to such owner or, by separate instrument of

assignment, to the Owner or Owners of any lot or lots in the aforesaid plat.

IN WITNESS WHEREOF, MALBIS PROPERTIES, L.L.C., ACTING THROUGH ITS DULY AUTHORIZED MANAGER, HAS CAUSED THIS FRANCHISE AGREEMENT TO BE EXECUTED IN ITS NAME AND BEHALF THIS THE _____ DAY OF _____, _____.

MALBIS PROPERTIES, L.L.C. (SEAL)

By: Malbis Properties Management, Inc.
As its: Manager

By: _____
Its: _____

STATE OF ALABAMA
COUNTY OF MONTGOMERY

I, the undersigned, a Notary Public in and for said State at Large, hereby certify that _____, whose name as _____ of Malbis Properties Management, Inc., an Alabama corporation, acting in its capacity as Manager of Malbis Properties, L.L.C., an Alabama limited liability company, 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 said instrument, _____, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its aforesaid capacity as Manager of said limited liability company as of the date hereof.

Given under my hand this _____ day of _____, _____.

Notary Public
My Commission Expires:

IN WITNESS WHEREOF, THE CITY OF DAPHNE, ACTING THROUGH ITS
MAYOR. HAS SET ITS HAND AND SEAL, THIS THE ____ DAY OF
_____, 2006.

THE CITY OF DAPHNE
A Municipal Corporation

MAYOR FRED SMALL
Date and Time_____

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

ORDINANCE NO. 2006 - 16

**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

ORDINANCE NO. 2006 – 17

**Ordinance to Rezone Property Located
on the corner of 2nd 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 2nd Street and Van Buren Street in Daphne, Alabama, being more particularly described as follows:

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.

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

ORDINANCE NO. 2006- 18

**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 AA@

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

ORDINANCE NO. 2006- 19

**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 AA@

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

ORDINANCE NO. 2006-20

**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 AA@

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

ORDINANCE NO. 2006-21

**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,

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 AA@**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

ORDINANCE NO. 2006-22

**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:**

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-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 AA@

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

ORDINANCE NO. 2006-23

**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 AA@

LEGAL DESCRIPTION:

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.

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. 2006-24**

**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

ORDINANCE 2006-25

An Ordinance Appropriating Funds:

**Recreation Part-Time Employees
Building Inspections Vehicle**

WHEREAS, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

WHEREAS, such Fiscal Year 2006 budget, as heretofore amended, includes \$ 109,438 Revenues in excess of Appropriations; and

WHEREAS, the City Council has considered certain capital, personnel, and operating appropriation requests.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2006 General Fund Budget is hereby amended to include:

Appropriations totaling \$ 37,872 as summarized below:

\$ 19,872	Personnel: Recreation (3) PT Community Ctr Assc
\$ 18,000	Building Inspections: Vehicle for Erosion Control Officer

APPROVED AND ADOPTED by the 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