

**CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
DECEMBER 3, 2007
6:30 P.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL/INVOCATION
PLEDGE OF ALLEGIANCE**

3. APPROVE MINUTES: Council Meeting minutes meeting held November 19, 2007

SWEARING IN: Officer Rick Oliver / Judge Doyle

PRESENTATION: Baldwin County Bicentennial Committee / Pat Scanland

- PUBLIC HEARINGS:**
- 1.) **Rezoning:** Property located on Main Street / Demaris Anderson / R-2, Medium Density Single Family Residential District to B-3, Professional Business District / ***Unanimous - Favorable Recommendation / Ordinance 2007-51***
 - 2.) **Annexation:** Property located on AL Highway 181 / M & S Development / Requested zoning: R-4, High Density Multi-Family District / ***Unanimous - Negative Recommendation / Ordinance 2007-52***
 - 3.) **Rezoning:** Property located on U.S. Highway 98 / William Lange / B-1, General Business District to B-2, Local Business District / ***Unanimous - Favorable Recommendation / Ordinance 2007-53***
 - 4.) **Rezoning:** Property located on U.S. Highway 98 / Barry L. Booth / Veteran's Pointe / B-1, General Business District to B-2, Local Business District / ***Unanimous - Favorable Recommendation / Ordinance 2007-54***

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE - Scott**
- B. BUILDINGS & PROPERTY - Lake**
- C. PUBLIC SAFETY - Burnam**
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE -**
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**

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 November 1st

E. Planning Commission – Barnette

Set Public Hearings for **January 7, 2008** to consider the following:

- 1.) Rezone: Property located on Main Street / Howard and CeAnn Wachter / R-3, High Density Single Family Residential District to B-1, Local Business District
- 2.) Rezone: Property located on U.S. Hwy 98 (East of U.S. Hwy 98 and South Park Drive) / Windscape II Associates, Ltd. / B-2, General Business to R-4, High Density Multi-Family Residential District
- 3.) Rezone: Property located East of U.S. Hwy 98 and South Park Drive / Patrick Klass / B-2, General Business to R-4, High Density Multi-Family District
- 4.) Rezone: Property located East of U.S. Hwy 98 and South Park Drive / Patrick Klass / B-2, General Business to R-4, High Density Multi-Family District
- 5.) Annexation: Property located on AL Highway 181 (North of Dunsmore Subdivision) / Requested zoning: 14.9 acre parcel zoned B-2, General Business District / 23.47 acre parcel zoned R-4, High Density Multi-Family Residential District / 10.2 acre parcel zoned R-3, High Density Single Family Residential District / 8.89 acre parcel zoned R-4, High Density Single Family Residential District
- 6.) Revision to the Olde Towne District Map

F. Recreation Board - Palumbo

Review minutes meeting held November 14th

G. Utility Board - Scott

Review minutes meeting held September 26th

6. REPORTS OF OFFICERS:

- A. Mayors Report*
- B. City Attorney’s Report*
- C. Department Head Comments*

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Renaissance Center Economic Development Agreement/Resolution 2007-83
- b.) Approving Petition for Preliminary Assessment of Certain Land Located within Renaissance Improvement District. /Resolution 2007-100
- c.) Appointing Board of Directors for the Educational Building Authority of the City of Daphne/Bayside Academy. /Resolution 2007-104

ORDINANCES:

2nd READ

- a.) **Appropriation of Funds: Study of the East/West Corridor / Main Street to Wilson Avenue/Ordinance 2007-50**

1ST READ

- b.) **Rezone: Property Located on Main Street / Demaris Anderson. /Ordinance 2007-51**
- c.) **Annexation: Property located on AL Highway 181 / M & S Development / Requested Zoning R-4, High Density Multi-Family District. /Ordinance 2007-52**
- d.) **Rezone: Property located on U.S. Hwy 98 / William Lange / From B-1, General Business District to B-2, Local Business District. /Ordinance 2007-53**
- e.) **Rezone: Property located on U.S. hwy 98 / Barry L. Booth / Veteran's Pointe / From B-1, General Business District to B-2, Local Business District. /Ordinance 2007-54**

9.COUNCIL COMMENTS

MOTION: Change January 21, 2007 Council meeting date due to a holiday, Martin Luther King Day

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

NOVEMBER 19, 2007
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 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Willie Robison gave the invocation.

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

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney, City Attorney; Bill Eady, Planning Department Director; Sandra Morse, Civic Center Director; Tonja Young, Library Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Melvin McCarley, Interim Public Works Director; Capt. Scott Taylor, Police Dept.; Suzanne Henson, Senior Accountant; Megan Matrone, Recreation Dpt.; Mr. Ron Allen, Library Board; Rob McElroy, Utilities, Danny Lyndall, Utilities; Utilities employees; Scott Hutchinson, City Engineer; Al Guarisco, Village Point; Willie Robison, BZA.

Absent: Kim Briley, Finance Director; James White, Fire Chief; David McKelroy, Recreation Director; David Carpenter, Police Chief.

3. APPROVE MINUTES:

**MOTION BY Mr. Scott to approve the Council meeting minutes meeting held October 15, 2007.
Seconded by Mr. Yelding.**

AYE Yelding, Lake, Scott, Palumbo

NAY NONE OPPOSED

ABSTAIN Barnette, Burnam

MOTION CARRIED

PRESENTATION: Bayside Academy / Educational Building Authority / Ronald Stevens

Mr. Stevens explained that they are asking the city to create an Educational Building Authority which would allow Bayside Academy, as a non-profit educational organization, to issue tax exempt bonds to cover the cost of the new buildings. There is no liability to the city or the Authority, and all the revenue that they receive will go to pay pre-pay the bonds. The bonds are currently to be purchased in a private place by Compass Bank so that they will not be on the open market.

PRESENTATION: Utility Board

Rob McKelroy, Utilities Director, presented a conceptual design of the park that will be constructed behind the Utilities building, and the Utilities employees unanimously agreed to name the park “The Elizabeth Yelding Park in honor of Councilman Bailey Yelding’s wife. She was a fixture, and a example to the whole community, and they, as a utility, pledge to dedicate this park to her memory, and to the memory of the service she did for the community.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

The minutes for the November 8th meeting are in the packet.

MOTION BY Mr. Scott to accept the Treasurers Report ending October 31, 2007 with a balance of \$22,281,373.72. *Secoded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Sales and Use Tax Collection / September 30, 2007

Mr. Scott said that they are told that these are not final numbers, because there are a couple of delinquencies that they are working on, but it was roughly \$31,000 under budget. Collections ended up right at the budgeted amount, it was just slightly underneath what was budgeted for the year.

Lodging Tax / September 30, 2007

For the month of September \$37,180.00 was collected, and this was down a couple of thousand dollars from last year.

Mr. Scott stated that overall the economy is slowing down. He said that he has talked with the people dealing with sales tax for Baldwin County, and they were down about 4% for the month of September. He thinks that the economy is truly slowing down, and because of this Mrs. Briley has recommended to Council that they not adopt the capital budget until after the first of the year until the city has a couple of months to see where things are going.

Motion: Authorize Engineering Cost and Advertising of Bids for Road on New Recreation Property

MOTION BY Mr. Scott to authorize engineering cost not to exceed \$20,000 and the advertising of bids for the new Recreation property. *Secoded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President Burnam stated that they would go ahead and vote on Resolution 2007-101 regarding the Educational Authority.

VOTE ON RESOLUTION 2007-101

MOTION BY Mrs. Barnette to waive the reading of Resolution 2007-101. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolution 2007-101. *Seconded by Mr. Yelding.*

AYE Yelding, Lake, Scott Palumbo, Burnam NAY NONE OPPOSED

ABSTAIN Barnette MOTION CARRIED

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The committee met on November 2nd and the minutes are in the next packet. One of the items brought before the committee was an offer to donate land to the city. The property is five (5) lots on Dogwood Avenue. Mr. Lake stated that the land was not buildable. The recommendation of the committee is to accept the donation of the five (5) lots

Mr. Ross suggested to Council that they get an Environmental Phase I Study in order to know what the city would be getting, will need an opinion as to the value of the property, which would be an appraisal after the Phase I Study comes back, a title search should be done to affirm that the city would be receiving property that is free and clear of any encumbrances and if these initial things come back positive then he will prepare a resolution or ordinance for acceptance of the property.

Mr. Dale Marston, representing the owners of the property, stated the Phase I Study does not need to be done because this is environmentally sensitive property. He said that you cannot build a park such as Centennial Park, he said that the owners have requested that the property be a preserve, walkway or to left in its current state, and to have the restrictions recorded on the deed. He said that the owners would pay for the appraisal and the city prepare the deed after the appraisal is done.

Mr. McCarley stated that all the property could be used for is drainage purposes.

MOTION BY Mr. Lake to authorize the Mayor and City Attorney to do due diligence regarding the property on Dogwood Avenue and report back to Council. *Seconded by Mr. Palumbo.*

Council requested that the Erosion Control Officer take a look at the property and report back to Council.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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C. PUBLIC SAFETY COMMITTEE – Burnam

The next meeting will be the first Tuesday in December.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE –

The next meeting will be the first Tuesday in December after the Public Safety meeting. The swimming pool ordinance will be on the agenda.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

There was not a quorum for the meeting. There will not be a meeting this Friday due to the holiday. The next meeting will be in December.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

The minutes for the November 1st meeting are in the packet. Mr. Eady reported that Mr. Walter Crimmins has resigned from the board and will need an appointment for 2nd alternate. There will not be a meeting in December.

B. Downtown Redevelopment Authority – Barnette

The minutes for the last meeting are in the packet. The members continue to look for creative ways to fund projects, and create some energy and buzz. Mrs. Barnette told the Council to stay tuned, that there was a presentation on the redevelopment of Northport at the last meeting that was very interesting. The Authority will continue to move forward to bring more good things to downtown. There will not be a meeting in December.

C. Industrial Development Board – Yelding

No report. Mr. Yelding stated that he could not find anyone in his district to serve on the board, and the, and they also can't find a person from District #7 to serve, and the board cannot meet without a quorum. Mr. Yelding suggested that if there is someone from the other districts that would like to serve to submit their names to Mr. Cohen.

D. Library Board – Lake

There is amnesty for long overdue items that started November 13th and will end November 25th. Mr. Lake stated that there is a new book drop off at the Library which is now incorporated in the building for safer drop offs. The next meeting will be December 6th at 4:00 p.m. Mr. Lake also mention that Coffee with the Mayor will be November 29th at the Recreation Center.

E. Planning Commission – Barnette

The minutes for the August 23rd and October 25th meeting are in the packet. The Planning Commission meeting is tomorrow night.

F. Recreation Board – Palumbo

Mayor Small stated the board had a very productive meeting last week. Scott Hutchinson presented the topographical map of the area to get the elevations, and the wetlands study was done which will probably change the original plans somewhat. They had four (4) plans there for the board to vote on, and they did pick one plan which they want to bring before Council at a work session. The board discussed changing the use of the Nicholson Center since there is nothing going on there at all. Discussion has been held about giving the building to the Art Guild because they are out of space, and then the city could have the property back that is behind City Hall, and then get rid of the building that is there now. Mayor Small stated that he thinks that Mr. Nelson is going to be on the next work session agenda and bring some of these items before Council.

G. Utility Board – Scott

No report. The next meeting will be the last Wednesday of the month, which is the 28th in the Council Chambers at 5:00 p.m. Mr. Scott thanked the Utility Board for their work on the park area. He said that the Downtown Redevelopment folks should be particularly pleased, because that it a real plus. He said that it is another place that people can go and eat a sack lunch or get something from the local restaurants and take over there and eat outside.

Councilman Yelding asked Mr. McElroy if they would change the name of the park to Elizabeth S. Yelding for purposes of the way that his wife would want her name, because she always used Elizabeth S. Yelding.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

a.) Approve 20th Annual Jubilee Festival and Request in Letter from Chamber of Commerce

Mayor Small stated that he would like to table this issue until the next meeting so that he can get the total of what the city spends on the festival and bring them to a work session for discussion before Council approves the requests that are in the letter from the Chamber. The Mayor thanked Mr. Lake for bringing up Coffee with the Mayor. He said that actually they wanted to do this for Veteran's day, and he said that he would like for the city, at some point in time, to organize a Veteran's Day parade or celebration for Daphne's deserving veteran's.

B. City Attorney's Report

No report. Mr. Ross stated that Mr. Preston Bolt is here to talk about the Renaissance Center Economic Development Agreement Resolution 2007-83. He mentioned to Council that, even if the Council would desire to adopt this resolution, that they shouldn't, because proper advertisement was not done according to Alabama State law. Mr. Bolt will also discuss Resolution 2007-100 Assessment of property in the Improvement District.

Council President Burnam stated that he had a few questions regarding the agreement so they may as well go ahead and address it now. He asked Mr. Bolt to explain regarding the detention pond in the Development Agreement, Article 6, Section 6.1, saying that the city has requested Malbis Properties to donate the land, and it says that Malbis Properties has not yet agreed to donate the said land to the city.

Mr. Ogletree stated that they have since agreed to donate the property.

Council President Burnam read from the agreement saying, "The city wishes the cost of constructing the area pond to be included as a public improvement to be financed out of the net proceeds of the bonds." He asked Mr. Bolt to explain that statement in laymen's terms.

Mr. Bolt explained that one of the purposes of the bonds will to be to finance a set of public improvements, and one of which is the detention pond, and so what this constitutes is the agreement on behalf of the city, more or less, to get the detention pond built out of bond proceeds as opposed to out of other funds. The bonds that are issued are payable out of assessments and out of rebates to the city, pledged grant money. Both of those go to pay the bonds off. One of the things bonds are used for is the detention pond. You can't exactly say where the money comes from, but some city pledged grant money will go for that purpose, but there will also be money available from the assessments.

Council President Burnam stated that from day one it will be up to the city to maintain that detention pond, is that correct, or will it be like with some subdivisions there will be bonds and things like that?

Mr. Ogletree stated that this is purely an activity on their part to help the city fund the construction. He said that they have an estimate of \$85,000 and they have placed that amount into the budget for the bonds, and then when the city is ready to do that, the city will contract with someone to have it built, they will not build it. They will just make the money available, and the repayment of the bond, and specifically the \$85,000, comes out of their share of the sales tax recaptured and the lodging tax, and then in addition, they are doing special assessment on the property, that they are liable to pay, which would also pick up the bonds, if the sales tax revenue were not sufficient.

Council President asked a question on the petition side, on the detention pond under Exhibit "A" it says that offsite improvements are \$85,000, which Mr. Ogletree just addressed, and then onsite improvements it shows common detention \$700,000?

Mr. Ogletree stated that the original regulations that the city had for that property would have required every individual parcel owner to build their own detention pond. He said that when they started development of this early on, the city asked them to consider putting in common detention for the development, and they agreed to do that. That common detention includes, not only the detention ponds, but all the storm sewer collection piping, and also includes some curbing, and so the actual cost of the onsite detention is much more expensive than the city's common detention, which will be offsite, because there you are using basically wetlands, and for the onsite they had to create this for the use of the property and collect everything. Mr. Ogletree stated that the two ponds that are on their property are only temporary ponds until the larger permanent pond is in place. He said that after the project is built out, they are going to use those ponds while things are under construction as sediment ponds to help clarify the water a little bit, but after the project is built out those two detention ponds will be reclaimed, and will no longer be detention ponds. So, those detention ponds on their property will not be dedicated to the city, and the city will not have responsibility for them, because they are temporary.

Mr. Palumbo asked that, not at this meeting, but perhaps at the work session, he would like to go into executive session to be updated on Value Place litigation as well as the Lamar sign litigation. He would like

the whole Council to be brought up-to-date on where the city stands and where they go from here on both of the cases.

Mr. Ross stated that he would be glad to provide the updates on those cases as well as the Ms. Nicholson case.

Council tabled Resolutions 2007-83 and 2007-100.

C. Department Head Comments

Sharon Cureton – Human Resource Director – stated that she wanted to follow up from the last meeting to find out if the Council had any preference on how they wanted to proceed in reviewing the salary survey that they have done. She asked if they wanted to do it before the full Council or have a committee review it. She would like to know how they wanted to proceed. Mrs. Cureton stated that she has e-mailed Council all the information that she has, and now it is a matter of them sitting down with her to look at where they are as a city, what the results show or if there is more information that they would like her to gather, just what direction they would like her to take.

Mr. Yelding suggested that they create a committee to put the Human Resource department under, because each time Mrs. Cureton makes a presentation to the Council it is one on one, from her to Council, and it seems that she never gets an answer. It is like OK we haven't had an opportunity to see that. He stated that he would like to see her be placed under a committee so that the committee can be the liaison between her department and the City Council. He said that she is the only Department Head in the City of Daphne that is not a part of a committee.

Mrs. Cureton stated that that would be helpful.

Mr. Yelding continued saying that she would meet monthly with the committee and share with them what she wants her program to do instead of Mrs. Cureton making a presentation to Council single handed each time she gets ready to do something. He stated that he thought the appropriate place for her to be would be under the Finance Committee.

Mr. Scott stated that he concurred, and he said that he would like to check with Mrs. Briley first, and the logical place would be with the Finance Committee and they could have a special portion of each Finance Committee meeting, they meet monthly, for Human Resource.

Mr. Yelding stated that this is a good idea because Mrs. Cureton is out there by herself and that is not fair to her.

Megan Matrone – Recreation Department – stated that the Christmas parade and tree lighting will be November 29th. He said that the tree lighting will be across the street this year.

7. PUBLIC PARTICIPATION

Mr. John Coulter – Ridgewood Drive - asked about the contract with the Mobile Chamber of Commerce.

Mr. Willie Robison – 560 Stuart Street – spoke regarding Council speaking into the microphones, leaving the medians in Lake Forest just as they are and appointing Victor LeJune to fill the vacated District #6 position.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

a.) Renaissance Center Economic Development Agreement/Resolution 2007-83

b.) Approving Petition for Preliminary Assessment of Certain Land
Located within Renaissance Improvement District/Resolution 2007-100

c.) Approving the Formation of the Educational Building Authority
Of the City of Daphne/Bayside Academy...../Resolution 2007-101

d.) Fiscal Year 2008 Community Contributions/Resolution 2007-102

e.) Approving Contract: Mobile Area Chamber of Commerce/Resolution 2007-103

Resolution 2007-83 and Resolution 2007-100 were made 1st Read earlier in the meeting.

Resolution 2007-101 was adopted earlier in the meeting.

MOTION BY Mr. Scott to waive the reading of Resolution 2007-102. *Seconded by Mrs. Barnette.*

Council discussed the contribution to Baldwin County Economic Development Alliance and South Alabama Regional Planning Commission.

Councilman Scott called for the question.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolution 2007-102 excluding South Alabama Regional Planning Commission and Baldwin County Economic Development Alliance. *Seconded by Mr. Yelding.*

Secondary Motion

MOTION BY Mr. Palumbo to also exclude the Eastern Shore Chamber of Commerce. Seconded by Mrs. Barnette.

AYE Barnette, Palumbo, Burnam

NAY Yelding, Lake, Scott

MOTION FAILED

Vote on Original Motion.

AYE Yelding, Lake, Scott, Palumbo, Burnam

NAY Barnette

MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Resolution 2007-103. Seconded by Mr. Yelding.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2007-103. Seconded by Mr. Palumbo.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

ORDINANCES:

- a.) Appropriation of Funds: Study of the East/West Corridor /
Main Street to Wilson Avenue/Ordinance 2007-50

ORDINANCE 2007-50 WAS MADE A 1ST READ

9. COUNCIL COMMENTS

Mrs. Barnette congratulated Mr. Yelding on the naming of the park in honor of his wife. She wished everyone a happy Thanksgiving. She apologized for missing the last Council meeting due to her work, and for missing the tree planting at Yancey Branch, she thanked Village Point for their help with the tree planting.

Mr. Lake wished everyone a happy Thanksgiving. He mentioned that while he was attending the National League of Cities Conference in New Orleans, and that he attended a seminar on how they handled their evacuations, and he related how Daphne organized the relief work of handing out water and K-rations without people getting out of their cars. He said that there was a gentleman that was intrigued by the city's process of drive through relief and wanted more information so that they can implement that process.

Mr. Scott wished everyone happy Thanksgiving and encouraged all to come out for the Christmas parade.

Mr. Palumbo pointed out that they received a dismal economic forecast in that the Finance Director has asked Council not to consider the capital budget until they get a little clearer picture into this fiscal year of the city's revenues. He said not to add gloom to doom, but last month there was a grand total of six (6) residential building permit applications, which is down from over the past three (3) years of an average of somewhere between 80 and 100 per month. He said he thinks that the month before last there were 15 applications. It is another economic indicator, he was hoping to get into the capital budget, but he will defer to the Finance Director's request. He stated that directly after January 1st they need to see where they stand and put a capital budget in place, because there are some serious capital needs in the city, and they will have to prioritize where they will use those funds. The city is at a standstill on capital projects. He congratulated Mr. Lake for being re-elected President of the National Christian Officials Caucus at the National League of Cities Congress. He said it is good to have someone from the city president of that national organization. He thinks it bodes well for the city. Mr. Palumbo wished everyone a happy Thanksgiving.

Mayor Small reported that Daphne High School football team has made it to the third round in the playoffs. He said it was a good game last Friday in Opelika which the Trojans pulled out. Daphne will meet McGill-Toolen this Friday night at Trojan Stadium which will be an excellent ball game. Mayor Small encouraged everyone to come out and support the Trojans.

A work session has been scheduled for December 10th at 6:30 p.m. for interviewing candidates for the District #6 position.

10. ADJOURN

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

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

**NOVEMBER 19, 2007
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:20 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

John Lake, Council President Pro Tem
Date & Time Signed: _____

PUBLIC HEARING

DECEMBER 3, 2007

- 1.) **Rezone:** Property located on Main Street / Demaris Anderson / R-2, Medium Density Single Family Residential District to B-3, Professional Business District / ***Unanimous - Favorable Recommendation / Ordinance 2007-51***

- 2.) **Annexation:** Property located on AL Highway 181 / M & S Development / Requested zoning: R-4, High Density Multi-Family District / ***Unanimous - Negative Recommendation / Ordinance 2007-52***

- 3.) **Rezone:** Property located on U.S. Highway 98 / William Lange / B-1, General Business District to B-2, Local Business District / ***Unanimous - Favorable Recommendation / Ordinance 2007-53***

- 4.) **Rezone:** Property located on U.S. Highway 98 / Barry L. Booth / Veteran's Pointe / B-1, General Business District to B-2, Local Business District / ***Unanimous - Favorable Recommendation / Ordinance 2007-54***

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Demaris Anderson - Zoning
Amendment

MEMORANDUM

Date: October 26, 2007

At the regular meeting of the City of Daphne Planning Commission on October 25, 2007, seven members were present and the motion carried unanimously for the favorable recommendation of the above-mentioned zoning amendment.

Upon receipt thereof, please place the ordinance on the agenda to set the public hearing for adoption by the City Council.

The present zoning is R-2, Medium Density Single Family Residential. The proposed zoning is B-3, Professional Business. The property is located on Southwest corner of Van Avenue and Main Street.

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: 207-10 Date Plat Submitted: Sept. 25, 2007

Date Presented: Oct. 25, 2007

Name of Owner: Demaris L. Anderson

Address: 1306 Main Street Daphne, AL 36526 Telephone # no phone
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Robert Deneefe

Address: Post Office Box 1342 Fairhope, AL 36533 Telephone # 251-689-1272
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Morse Subdivision ^{SD}

Lot(s): 1 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: Sept. 25, 2007).

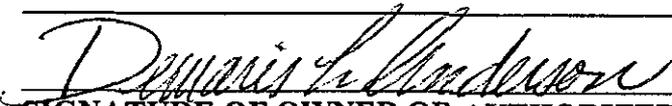
Meeting Dates:

Planning Commission: October 25, 2007

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Construction of a multi use facility with business on the first floor and a residence on the second floor



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:

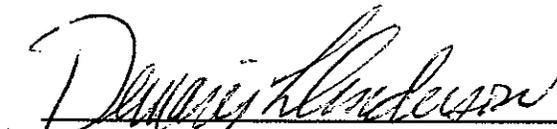
- a) Address 1306 Main Street, Daphne, Al 36526
- b) Name of Subdivision Morse
- c) Lot numbers involved in change 1
- d) Total acreage of change 0.30
- e) Recorded in Map Book 0192, Page 896
- f) Owned in whole by the undersigned? yes
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property R-2, Medium Density Single Family Res
- b) Reclassification desired B-3, Professional Business
- c) Character of neighborhood Residential and Professional Business (B-3)

3) Certifications:

- a) Owner's Name Demaris L. Anderson
- b) Address 1403 Main Street Daphne, Al 36526
- c) Telephone Number _____
- d) Date September 25, 2007



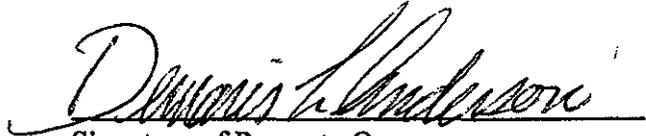
Signature of Property Owner

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.

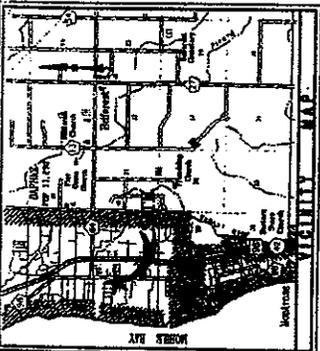
I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed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

September 25, 2007
Date


Signature of Property Owner

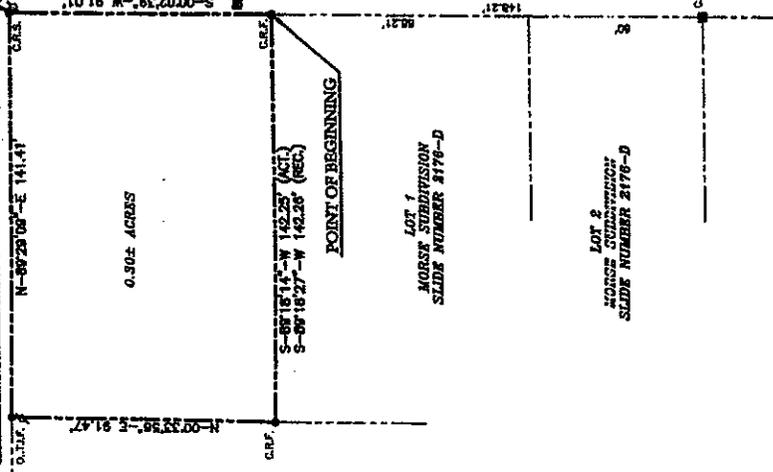
**DEMARIS L. ANDERSON
ZONING AMENDMENT
EXHIBIT "A"
LEGAL DESCRIPTION
(PROPERTY 0.30 AC)**

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, MORSE SUBDIVISION, SLIDE NUMBER 2176-D, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, SAID POINT OF BEING ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-89°18'14"-W, LEAVING SAID WEST RIGHT-OF-WAY OF MAIN STREET, 142.25 FEET TO A POINT; THENCE RUN N-00°33'56"-E, 91.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF VAN AVENUE; THENCE RUN N-89°29'09"-E ALONG SAID SOUTH RIGHT-OF-WAY OF VAN AVENUE, 141.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-00°02'39"-W ALONG SAID WEST RIGHT-OF-WAY OF MAIN STREET, 91.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.30 ACRES, MORE OR LESS.



VICINITY MAP
(NOT TO SCALE)

R.B.F. 215.68' 0.114'



- LEGEND**
- OUF OPEN TOP IRON FOUND
 - OUF CAMP TOP IRON FOUND
 - OUF CAPPED REBAR FOUND
 - OUF REBAR FOUND
 - OUF CAPPED REBAR SET
 - OUF CONCRETE MONUMENT FOUND
 - OUF CONCRETE MONUMENT SET
 - P/M POWER POLE
 - R.A.W. RIGHT-OF-WAY
 - PROPERTY LINE
 - ☐ TRANSFORMER BOX
 - W/M WATER METER
 - C/W CITY WIRE

GENERAL SURVEYOR'S NOTES:

- SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS FIRM, SURVEYS BY OTHER FIRMS AND INFORMATION FURNISHED BY CLIENT. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS ORDERED BY THIS FIRM. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT TIME OF SURVEY.
- ALL BEARINGS ARE BASED ON THE WEST RIGHT-OF-WAY OF MAIN STREET AS BEING S-00°02'39\"-W, ACCORDING TO MORSE SUBDIVISION, SLIDE NUMBER 2176-D, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.
- I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION MAP, COMMUNITY PANEL NO. 01003020607 K, REVISED JUNE 17, 2002, AND HAVE FOUND THAT THE DESCRIBED PROPERTY IS LOCATED IN ZONE "X" (UNSHADDED), AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAN.
- FIELD WORK FOR THIS SURVEY WAS PERFORMED AUGUST 25, 2006.
- ANY FLOOD ZONES OPEN OR SHOWN ON THE FACE OF THIS DRAWING ARE SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAPS (SCALED ONLY).

DESCRIPTION OF RECORD:

START AT A POINT 2255.5 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN WEST ON A VARIATION OF 4°30' EAST 182 FEET; THENCE SOUTH ON A VARIATION OF NORTH 4°18' EAST 29 FEET; THENCE EAST ON A VARIATION OF 4°30' EAST 182 FEET; THENCE NORTH ON A VARIATION OF NORTH 4°18' EAST 29 FEET; THENCE SOUTH ON A VARIATION OF SOUTH 89°18'14\"-W, LEAVING SAID WEST RIGHT-OF-WAY OF MAIN STREET, 142.95 FEET TO A POINT; THENCE RUN N-00°33'56\"-E, 91.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF VAN AVENUE; THENCE RUN N-89°29'08\"-E ALONG SAID SOUTH RIGHT-OF-WAY OF VAN AVENUE, 141.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-00°02'39\"-W ALONG SAID WEST RIGHT-OF-WAY OF MAIN STREET, 91.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.30 ACRES, MORE OR LESS.

DESCRIPTION OF SURVEY:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, MORSE SUBDIVISION, SLIDE NUMBER 2176-D, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-89°18'14\"-W, LEAVING SAID WEST RIGHT-OF-WAY OF MAIN STREET, 142.95 FEET TO A POINT; THENCE RUN N-00°33'56\"-E, 91.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF VAN AVENUE; THENCE RUN N-89°29'08\"-E ALONG SAID SOUTH RIGHT-OF-WAY OF VAN AVENUE, 141.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-00°02'39\"-W ALONG SAID WEST RIGHT-OF-WAY OF MAIN STREET, 91.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.30 ACRES, MORE OR LESS.

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

John E. Holley, P.L.S.
 JOHN E. HOLLEY, P.L.S.
 ALABAMA LICENSE NUMBER 23660

August 29, 2006
 DATE

DEMARIS ANDERSON
 ZONING AMENDMENT
 EXHIBIT "B"



HUTCHINSON, MOORE & RAUCH, LLC
 ENGINEERING SURVEYORS
 DAPHNE, ALABAMA

2039 MAIN STREET
 POST OFFICE BOX 2067
 36626

TEL (205) 626-2828
 FAX (205) 626-9834
 dph@hutchinsonmoore.com

BOUNDARY SURVEY
 GRANT SECTION 41, TOWNSHIP 5 SOUTH, RANGE 2 EAST
 DEMARIS L. ANDERSON

AUGUST 25, 2006

1 OF 1

**DEMARIS L. ANDERSON
ZONING AMENDMENT**

**ADJACENT PROPERTY OWNERS
(PROPERTY 0.30 AC)**

Parcel Number: 05-43-04-41-005-127.000
PPIN Number : 36896
Property Owner:
Vernon and Sandra Faye Morse
10 Denton Lane
Fairhope, AL 36532

Parcel Number: 05-43-04-20-2-000-090.000
PPIN Number : 31250
Property Owner:
Victorine Mandeville Nelson
PO Box 235
Daphne, AL 36526

Parcel Number: 05-43-04-41-0-005-124.000
PPIN Number : 30643
Property Owner:
Demaris L. Anderson
C/O H.L. Brown
PO Box 143
Tucker, GA 30085

Parcel Number: 05-43-04-41-0-005-130.000
PPIN Number : 9953
Jack D. Covert
PO Box 1143
Daphne, AL 36526

Parcel Number: 05-43-04-20-2-000-073.003
PPIN Number : 248582
Property Owner:
Vira and Associates, LLC
701 South Mobile St.
Fairhope, AL 36532

Parcel Number: 05-43-04-41-0-005-118.000
PPIN Number : 35339
Property Owner:
Emily Olive Russell and Roy C. Rayford
703 Van Ave.
Daphne, AL 36526



October 24, 2007

Mr. William H. Eady, Sr., Director
Community Development
City of Daphne
P.O. Box 400
Daphne, Alabama 36526

Re: Ms. Demaris Anderson Re-Zoning Request

With regrets, I will not be able to attend the Planning Commission meeting on Thursday, October 25, 2007 as I will be out of town on business. My property is located next to the property that is requesting to be re-zoned from R-2 to B-3. Please present my opinion to the Commission. Neither I nor my husband has any objection to the zoning request. It is my understanding that this property is the only piece on the west side of Main Street between Van Avenue and McAdams Avenue that is zoned residential. We gladly give this comment of support for the re-zoning request made by Ms. Demaris Anderson. Please contact us at 929-0966 if additional information is needed.

Sincerely,

Sandra Morse

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: M & S Development, L.L.C. -
Annexation

MEMORANDUM

Date: October 26, 2007

At the regular meeting of the City of Daphne Planning Commission on October 25, 2007, seven members were present and the motion carried unanimously for the negative recommendation of the above-mentioned annexation review.

Upon receipt thereof, please place the ordinance on the agenda to set the public hearing for adoption by the City Council.

The present zoning is R-3, Single Family Residential, in Baldwin County District 15. The proposed zoning is R-4, High Density Multi-Family Residential for the City of Daphne. The property is located on West side of Alabama Highway 181.

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 undersigned, M & S DEVELOPMENT, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as M & S DEVELOPMENT 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, M & S DEVELOPMENT, LLC, is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. Specific Conditions: This Petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said Property into the corporate limits of the City of Daphne. Please state the requested zoning, if other than R-1, or any other conditions which may apply upon annexation:

REQUESTED ZONING: R-4 Multifamily Residential

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 24 day of SEPTEMBER,
2007.

Respectfully submitted,

M & S DEVELOPMENT, LLC

Name of Corporation

By: X *Mike McDonald*

Its: MANAGER

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Mike McDonald whose name as Manager of M & S Development, LLC, an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he 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 25 day
of September, 2007.

Deborah Alice White

(NOTARY SEAL)

NOTARY PUBLIC

My commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Sept 26, 2010
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

M & S DEVELOPMENT, LLC

(REFERENCE: M & S DEVELOPMENT)

ANNEXATION
LEGAL DESCRIPTION

EXHIBIT "A"

TAX ID 43-02-10-0-000-006.000

BEING IN SECTION 10, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, SOMMERSET PLACE, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA ON SLIDE 1585-B, BEING ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181 (80' RW); THENCE ALONG SAID RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181, S00°01'00"W, 330.00 FEET TO AN IRON PIN; THENCE N89°25'00"W, 1289.55 FEET TO AN IRON PIN; THENCE N00°01'00"E, 330.00 FEET TO AN IRON PIN; THENCE S89°25'00"W, 1289.55 TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 9.769 ACRES, MORE OR LESS AND IS THE SAME TRACT OF LAND DESCRIBED ON INSTRUMENT NUMBER 1006049 AND RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

October 22, 2007

Attn: Mr. Eady
Daphne Planning Commission
P.O.Box 400
Daphne, AL 36526

Dear Sir or Madam:

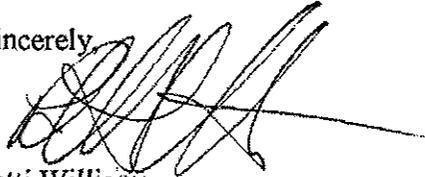
This letter is written concerning property at 27695 State Highway 181. There is a request before your planning Commission to have this 10+ acres annexed into the city of Daphne and then re-zoned for condominiums.

Patti Williams and Linda Partlow, owners and residents at 9948 Sommerset, are very opposed to the rezoning of this property directly behind our home.

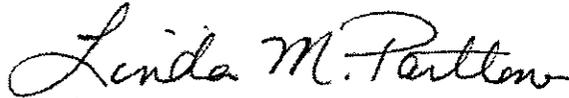
We purchased our home because the area was zoned R-3, single family residence. Please protect our investment and our neighborhood by not rezoning this property.

Thank you for your consideration,

Sincerely,

A handwritten signature in black ink, appearing to be 'Patti Williams', written over a horizontal line.

Patti Williams

A handwritten signature in black ink, appearing to be 'Linda M. Partlow', written in a cursive style.

Linda Partlow

October 19, 2007
9934 Sommerset Drive
Daphne, AL 36526

Mr. Bill Eady
Director, Daphne Planning & Zoning Dept.
P.O. Box 400
Daphne, AL 36526

Dear Mr. Eady,

We are writing to strongly object to any proposal to change the zoning of property at 27695 U.S. Highway 181 from single family residential. As adjacent property owners, we are extremely concerned that this proposed change is incompatible with the neighborhood, which is single family residential. Also, we are extremely concerned that multi-family housing on this acreage would negatively impact the adjacent wetlands area and increase the possibility of flooding in an area already prone to flooding.

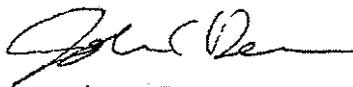
As you review the request to rezone, you will see that the Sommerset Place neighborhood backs up to this property along the entire north side. Also, two new single family residential neighborhoods are currently being built just across Hwy. 181 from this property, on the east side. The Sehoj residential community is through the woods on the west side. So, it is surrounded on three sides by quiet residential communities with homes priced from \$250,000 to \$400,000 and up. It is bounded on the south side by a wetlands area. There is no buffer between this property and the Sommerset neighborhood; our back yards overlook the property. If anything is built on this property, it should be single family residential homes in keeping with the neighborhoods surrounding it on three sides. There is plenty of money to be made by constructing such a neighborhood that would be compatible with the current developments.

We are extremely concerned that any development other than single family residential would negatively impact our property values, create problems with water runoff and flooding, and harm the adjacent wetlands area. The addition of hundreds of residents would substantially increase traffic and noise and reduce our quality of life.

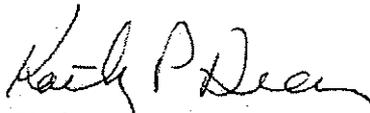
Also, we are deeply concerned that there has been no notification of neighboring property owners about this request. Previous owners had attempted to have this acreage zoned B-3 through the Baldwin County Planning & Zoning Board, and that board tabled the item due to concerns about wetlands impact, traffic, population density and impact on adjacent property owners. We would expect that the city of Daphne would have the same concerns as Baldwin County officials, and would deny the request for a zone change. We ask you to take such action regarding any request for zone change.

You may contact us at 604-7592 if you wish to discuss this further.

Sincerely,



John C. Dean



Kathy P. Dean

Date: October 18, 2007

To: Mr. Bill Eady
Daphne Planning and Zoning Department
P.O. Box 400
Daphne, Al 36526

From: Melvin F. & Carolyn George
9765 Sommerset Dr.
Daphne, Al 36526

Subject: 27695 U.S. Highway 181 Property Annexation

Dear Sir,

As a property and single-family home owner, it has been brought to my attention that a request has or will be made to the Daphne Planning and Zoning Department to annex property to the immediate south, along Highway 181, of my home and property in Sommerset Place on Highway 181.

Mr. Eady, this request greatly concerns my wife and I due to the possibility of interrupting our quiet single-family neighborhood with a development that is sure to cause depreciation of the values my family and I have placed in our neighborhood. It has been stated that a 48 housing unit development is in the planning stages, along with swimming pool and clubhouse.

My property and home was purchased with the intent of retiring in a quiet and peaceful environment of 16 homes on a two-way cul-de-sac. Since my purchase, there have been two additional single-family developments to commence growth in the neighborhood.

In the recent past, the Baldwin County Planning Commission (Mr. Wayne Dyas) turned down a request for this same property to be re-zoned such that developments other than single-family dwellings could be constructed. It appears now that an

attempt is being made to annex this property into the City of Daphne in order to avoid the Baldwin County Planning Commission's denial for re-zoning. As a citizen of Baldwin County, I'm concerned for the future value of my quiet neighborhood, as well as, the value of my property.

It is with regret that I write this letter of concern. As a voter in Baldwin County, I'm requesting of you, as a member of the Daphne Planning and Zoning Department, to also deny this request.

Thank you in advance for the positive and reasonable response,

Melvin F. & Carolyn George
9765 Sommerset Dr.
Daphne, Al 36526
(251) 621-2929
(251) 599-0690 Cell



To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: William Lange - Zoning
Amendment

MEMORANDUM

Reference: Bay Auto Glass

Date: October 26, 2007

At the regular meeting of the City of Daphne Planning Commission on October 25, 2007, seven members were present and the motion carried unanimously for the favorable recommendation of the above-mentioned zoning amendment.

Upon receipt thereof, please place the ordinance on the agenda to set the public hearing for adoption by the City Council.

The present zoning is B-1, Local Business. The proposed zoning is B-2, General Business. The property is located on East side of U. S. Highway 98.

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
(BAY AUTO GLASS)

Application Number: 207-09 Date Plat Submitted: Sept. 25, 2007
Date Presented: Oct. 25, 2007

Name of Owner: William Lange

Address: 2506 U. S. Highway 98, Daphne, Al 36526 Telephone # 251-626-1995
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: _____

Address: _____ Telephone # _____
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Tillman Brothers Subdivision

Lot(s): Lots 1, 2, & 3 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: September 25, 2007).

Meeting Dates:

Planning Commission: October 25, 2007

City Council: _____

Reason(s) for requesting the Zoning Amendment:

BAY AUTO GLASS BEGAN OPERATION IN DAPHNE, ALABAMA IN 1990 AT THE CORNER OF MAIN STREET AND BELROSE AVENUE. AFTER SEVEN YEARS, IN 1997, I PURCHASED LOT 3 AND A PORTION OF LOT 2 OF TILLMAN BROTHERS SUBDIVISION ON U. S. HIGHWAY 98 FROM DOUG TILLMAN IN ORDER TO RELOCATE. I CONTACTED THE CITY FOR PERMITTING AND BUILDING CODES AND BUSINESS LICENSE TRANSFER INFORMATION AND UPON THE DAY OF OPENING THE CODE ENFORCEMENT OFFICER INSTRUCTED ME THAT THIS TYPE OF BUSINESS WAS NOT ALLOWED IN A B-1, LOCAL BUSINESS ZONE. IN JANUARY, 1998, I PETITIONED THE PLANNING COMMISSION TO AMEND THE LAND USE ORDINANCE, BUT ULTIMATELY THE ORDINANCE CHANGE WAS DENIED BY THE CITY COUNCIL BECAUSE THE APPLICATION FOR HAMP GRIFFIN AND BAY AUTO GLASS WERE CONSIDERED AT THE SAME TIME RATHER THAN INDIVIDUALLY. AT THAT TIME COMMENTS WERE MADE SUCH THAT AN AMENDMENT COULD BE MADE TO THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE TO ALLOW AN AUTOMOBILE GLASS INSTALLATION FACILITY IN THIS ZONE, BUT TO DATE NO REVISION HAS BEEN MADE. NOW THE OWNERS TO THE NORTH WISH TO SELL THE REMAINDER OF THE LOTS IN THE SUBDIVISION TO ME. THIS WOULD CLEAR THE ENCROACHMENT OF THE BUILDING ON LOT 2 AND AFFORD ME THE POSSIBILITY OF EXPANSION IF I WISH TO DO SO AT A LATER DATE THEREFORE, I RESPECTFULLY REQUEST CONSIDERATION OF AN APPLICATION FOR A ZONING AMENDMENT FROM A B-1 TO A B-2 ZONE. DR. BARRY BOOTH, OWNER OF VETERAN'S POINTE, IS APPLYING ALONG WITH ME SO ALL OF THE BUSINESSES ALONG THIS SECTION OF U. S. HIGHWAY 98 ARE ZONED B-2, GENERAL BUSINESS. CURRENTLY FAUSAK TIRES AND THE PROPERTY TO THE NORTH ARE ZONED B-2, GENERAL BUSINESS.

William Lange
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

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 2506 U. S. Highway 98 which consists of Lot 3 and a portion of Lot 2, the location of Bay Auto Glass and the recently purchased lot 1 and the remainder of Lot 2
- b) Name of Subdivision Tillman Brothers Subdivision
- c) Lot numbers involved in change 1, 2 and 3
- d) Total acreage of change 1.44
- e) Recorded in Slide 1650 B
- f) Owned in whole by the undersigned? Owner, William Lange
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property B-1, General Business
- b) Reclassification desired B-2, Local Business
- c) Character of neighborhood General Business (B-2)

3) Certifications:

- a) Owner's Name William Lange (Bay Auto Glass)
- b) Address 2506 Highway 98 Daphne, Al 36526
- c) Telephone Number 251-626-1995
- d) Date September 25, 2007

William Lange
Signature of Property Owner

...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.

9-26-07
Date

William Jung
Signature of Property Owner

WILLIAM LANGE
JIM BOOTHE CONTRACTING
ZONING AMENDMENT

EXHIBIT "A"

PARCEL A:

COMMENCING AT THE HALF SECTION CORNER ON THE EAST LINE OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00° 21' 39" WEST, 1735.82 FEET TO A POINT ON SAID HALF SECTION LINE OF SECTION 18; THENCE RUN SOUTH 89° 41' 10" WEST, 30.0 FEET TO AN IRON PIPE ON THE WEST RIGHT OF WAY LINE OF OLD SPANISH TRAIL (60.0 FOOT RIGHT OF WAY) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00° 22' 56" EAST ALONG SAID WEST RIGHT OF WAY, 93.05 FEET TO A CAPPED STEEL ROD; THENCE RUN SOUTH 89° 42' 17" WEST, 277.15 FEET TO A CAPPED STEEL ROD ON THE EAST RIGHT OF WAY LINE OF US HIGHWAY NUMBER 98 (4-LANE); THENCE RUN NORTHWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT (SAID ARC HAVING A RADIUS OF 5629.58 FEET), 100.00 FEET TO AN IRON PIPE (CHORD BEARING NORTH 21° 47' 01" WEST, A DISTANCE OF 100.00 FEET); THENCE RUN NORTH 89° 42' 17" EAST, 313.64 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THE NORTH 60 FEET OF LOT NUMBER 2 OF "TILLMAN BROTHERS SUBDIVISION" AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

(Description supplied by client and copied from Instrument 710346).

LOT 1 AND A PORTION OF LOT 2, TILLMAN BROTHERS SUBDIVISION

WILLIAM LANGE
ZONING AMENDMENT

EXHIBIT "A"

LEGAL DESCRIPTION:

LOTS NUMBER 2 AND 3 OF TILLMAN BROTHERS SUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LESS AND EXCEPT:

THE NORTH 60 FEET OF LOT NUMBER 2 OF TILLMAN BROTHERS SUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

REFERENCE: BAY AUTO GLASS

DAPHNE

275(s)

132

410 (s)
FAUSAK TIRES
ZONED B-2

12

B-2

120(s)

356.9
12.001

B

113

3 S

315

WILLIAM LANGE
BAY AUTO GLASS
ZONED B-1
PROPOSED B-2

13

235

228(s)

215.8(d) 228(s)

DR BARRY BOOTH
VETERANS POINTE
ZONED B-1
PROPOSED B-2

14

403.6

TRAIL

SPANISH

OLD

SEE SHEET 19

HWY.

N. 00. 86

200'



R/W

245.15

LI

6

1333.1

271.51

275.8

16

537.2

391.8

120

1803

90.1

15

200'

PHNE UNITED
THODIST CHURCH

17.001

496.33

266.8 @

265.1 @

42 295(s)

249

THE CITY OF DAPHNE
PLANNING COMMISSION
REGULAR MEETING
DECEMBER 18, 1997 - 6:00 P.M.

Mr. Eady stated no, sir.

A Motion was made by Mr. Woodham and Seconded by Mr. West to grant Site Plan approval to the Office for S. Starke Irvine. The Motion carried unanimously.

PLANNING COMMISSION DISCUSSION:

Discussion regarding the Plat Notes for the Historic Malbis Development:

Mr. Eady referenced the plat notes that he had given the Commission. These are the notes that would be placed on the plat. He stated that he had met with Mr. Don Coleman, Rester & Coleman Engineers, and recommended that the notes be changed in order to be in compliance with the Ordinance.

The Chairman questioned whether or not the proposed changes were being presented for the purpose of discussion or did he want the Commission to act on them.

Mr. Eady stated that is up to the discretion of the Commission.

A Motion was made by Mayor Brown and Seconded by Mr. Kirby to include the suggested changes by Mr. Eady, Planning Director, in the Notes to Plat proposed by the Historic Malbis Development. The Motion carried unanimously.

Discussion regarding relocation of Bay Auto Glass to U. S. Highway 98 (formerly known as) Doug's Produce:

Mr. Eady stated that it has come to my attention that Bay Auto Glass has relocated from the Main Street location to U. S. Highway 98 which was formerly the location of Doug's Produce. He referenced Section 9.3 the Table of Permitted Uses and stated that automobile glass installation is permitted in a B-2 zone and this location is zoned B-1. He stated that he was bringing this to the attention of the Commission for guidance.

Mr. Woodham stated that there was no relief except for the property owner to apply for rezoning and the Commission was not likely to recommend the rezoning of this property.

A Motion was made by Mayor Brown and Seconded by Mr. West to adjourn. The Motion carried unanimously.

ADJOURNMENT:

APRIL 6, 1998
CITY COUNCIL
DAPHNE, ALABAMA

1

CITY COUNCIL
REGULAR MEETING
6:30 PM

1. CALL TO ORDER

Mayor Brown called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Members Present: John Montgomery, J. Rhea Silvernail, John Lake, Greg Burnam, Nell Gustavson, Patrick Collins, Penny Leff and Mayor Brown.

Also Present: Manley Cummins, City Attorney; Michele Whalen, Adm. Secretary; Ed Kirby, Code Enforcement; Kim Briley, Finance/Treasurer; Fire Chief Mund Hanson; Steve Whittington, Personnel; Bill Eady, Planning Director; Police Chief Joe Hall; Lt. Charlie McNichol; Sgt. James Matthews; Mike Hovey, Public Works Director.

Hal Pierce & John Coulter, IBD; Arthur Prater & Art Rigas, Utility Board; Darrellyn Bender, ES Chamber.

3. APPROVE MINUTES OF REGULAR MEETING HELD MARCH 16, 1998.

MOTION BY Mr. Silvernail to approve the minutes of the meeting held March 16, 1998 with the change on page 2 to add the word 'deal' to the last line of paragraph 3. Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

***Proclamation: Child Abuse Prevention/Care House - Blakely Davis*

Mayor Brown presented a proclamation to Ms. Blakely Davis from Baldwin County Care House in recognizing April as Child Abuse Prevention month. Ms. Davis thanked the Mayor and Council for all their support to the program.

Bay Auto Glass

***PUBLIC HEARING: Amendment to the Land Use & Development Ordinance.*

Mayor Brown opened the public hearing at 6:38 p.m. and asked if there was anyone present who wished to address the Council regarding the amendment to the Land Use & Development Ordinance.

Mr. Burnam stated that as a Council, we should be consistent in what we do and in his opinion if we are going to vote to change this ordinance to accommodate a certain type of business, He doesn't see any difference in changing the zoning laws to accommodate another one.

Mr. Collins stated that this ordinance is an amendment to the Land Use Code to allow Automobile Air Conditioning Sales & Service and Automobile Glass & Upholstery Installation in a B-1 zone by permission from the Planning

Commission, now they are not allowed in those zones.

Mayor Brown stated that the Land Use Ordinance needs to be reviewed and revised.

Mayor Brown closed the public hearing at 6:42 p.m.

***Presentation: Baldwin County Trailblazer-'Unity in the Community Walk'*

Mayor Brown introduced Tamer Hasson and Davey Richerson. Mr. Hasson and Mr. Richerson presented to the council their request to have a 'Unity in the Community Walk' on Saturday, May 2nd to help make the community aware of the trail project which will run from the USS Battleship to Weeks Bay.

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Burnam

Mr. Burnam reviewed the request from the Daphne Dixie Boys to purchase baseball equipment in the amount of \$1804.90. It was the recommendation of the finance committee to appropriate the funds for the Dixie Boys baseball equipment.

MOTION BY Mr. Burnam to appropriate the \$1804.90 for the Dixie Boys baseball equipment and the equipment will be City property and the Recreation Department will inventory the items before they are passed out and at the end of the season when they are turned back in. Seconded by Mr. Silvernail.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

The next finance meeting will be Friday, April 10th at 8:30 a.m.

B. PUBLIC SAFETY/ORDINANCE COMMITTEE - Gustavson

Mr. Collins stated the next meeting will be Monday, April 13th at 4:30 p.m. at the Justice Center. Mr. Collins reviewed the minutes of the Ordinance committee held on March 26th.

C. PUBLIC WORKS COMMITTEE - Montgomery

Mr. Montgomery stated the meeting that was scheduled for March 26th was cancelled due to the death of our former councilmember, Mr. John Sasser. The next meeting will be Wednesday, April 15th at 4:00 p.m.

Ms. Leff asked Mr. Hovey about the work at Greenwood Drive. She stated that she was out there today and there were 5 men doing nothing and took pictures of what has been done there: she also stated she did not appreciate being stood up this morning by his department to go and look at some of the projects.

Mr. Hovey stated that the men at Greenwood Drive were doing their job as they

AYE - ALL IN FAVOR, except

NAY - Penny Leff

e) ADECA Application Funding

/Resolution No. 1998-37

f) LFPOA Fourth of July Agreement

/Resolution No. 1998-38

MOTION BY Mr. Collins to waive the reading of Resolution No. 1998-37 and 1998-38. Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

MOTION BY Mr. Collins to adopt Resolution No. 1998-37 and 1998-38. Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

Ordinances:

a) Natural Resource Conservation Service Grant /Ordinance No. 1998-06

MOTION BY Mr. Silvernail to waive the reading of Ordinance No. 1998-06. Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

MOTION BY Ms. Leff to adopt Ordinance 1998-06. Seconded by Mr. Burnam.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

MOTION BY Mr. Burnam to voting on the Land Use & Development Amendment and the Hamp Griffin Rezoning at the same time. Seconded by Mr. Montgomery.

Mr. Burnam restated his feeling about the Council being consistent on all issues brought before them.

Mr. Cummins stated that he would like to see them voted on separately, because they are two separate amendments to the ordinance.

ROLL CALL VOTE:

AYE - Montgomery, Burnam, Collins

NAY - Silvernail, Lake,
Custavson, Leff, Brown

Motion fails.

b) Land Use & Development Ordinance Amend. /Ordinance No. 1998-07

MOTION BY Mr. Silvernail to waive the reading of Ordinance No. 1998-07.
Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

MOTION BY Mr. Silvernail adopt Ordinance 1998-07. Seconded by Mr. Montgomery.

ROLL CALL VOTE:

AYE - Montgomery, Lake, Burnam, Leff

NAY - Silvernail, Gustavson,
Collins, Brown

Motion fails.

MOTION BY Mr. Silvernail to send this ordinance back to the Planning Commission for further review. Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

c) Hamp Griffin Rezoning

/Ordinance No. 1998-08

MOTION BY Mr. Silvernail to waive the reading of Ordinance No. 1998-08.
Seconded by Ms. Leff.

AYE - ALL IN FAVOR

NAY - NONE OPPOSED

MOTION BY Mr. Silvernail to adopt Ordinance No. 1998-08. Seconded by Mrs. Gustavson.

ROLL CALL VOTE:

AYE - Montgomery, Burnam, Leff

NAY - Silvernail, Lake,
Gustavson, Collins

Motion fails.

Other Business:

a) Eastern Shore Chamber of Commerce

***waiver of fees for Bay Front Park - approved earlier**

b) Baldwin County Trailblazers

***walk a thru request - approved administratively**

CONDITIONS IN THE CITY OF DAPHNE	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	(
Apparel and accessory store						R	R		
Appliance store						R	R		
Armory	S	S	S	S	S	R	R		
Art gallery or museum	S	S	S	S	S	R	R	S	
Art sculptures, statues, monuments	S	S	S	S	S	P	P	P	I
Art supplies						R	R		
Auditoriums, stadiums, coliseums, dance halls and other such places of public assembly	S	S	S	S	S	R	R		S
Automobile Air Conditioning Sales and Service							P		R
Automobile Glass and Upholstery Installation							P		R
Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer							R		R
Automobile parts sales, except used parts							R		R
Automobile wrecking and salvage; need not be enclosed within a structure, but must be enclosed with a solid fence sufficiently high to obstruct noise and view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided							S		S
Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (now and used); need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district							R		P
Automobile and truck laundry, including steam cleaning									R
Automobile and truck repair garage, mechanical and body; must be conducted in a structure which shall not have any openings other than a stationary, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such structures							S		R
Automobile and truck sales and service ; but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities							R		R

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Dr. Barry Booth - Zoning
Amendment

MEMORANDUM

Reference: Veteran's Pointe

Date: October 26, 2007

At the regular meeting of the City of Daphne Planning Commission on October 25, 2007, seven members were present and the motion carried unanimously for the favorable recommendation of the above-mentioned zoning amendment.

Upon receipt thereof, please place the ordinance on the agenda to set the public hearing for adoption by the City Council.

The present zoning is B-1, Local Business. The proposed zoning is B-2, General Business. The property is located on East side of U. S. Highway 98.

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
(VETERANS POINTE)

Application Number: 207-08 Date Plat Submitted: Sept 25, 2007

Date Presented: Oct. 25, 2007

Name of Owner: Dr. Barry L. Booth

Address: Post Office Box 7406 Spanish Fort, Al 36577 Telephone # 251-626-3211
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: _____

Address: _____ Telephone # _____
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Not Applicable

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: Sept 25, 2007).

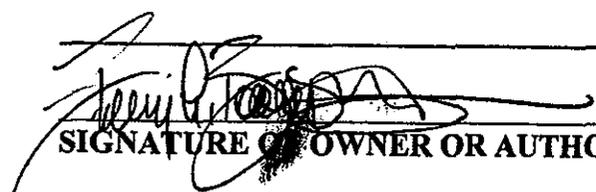
Meeting Dates:

Planning Commission: October 25, 2007

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Request zoning amendment along with Bay Auto Glass in order for all businesses along this section of U. S. Highway 98 to be in confirmity as B-2, General Business, zoning



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 2504 U. S. Highway 98
South of Bay Auto Glass
b) Name of Subdivision
c) Lot numbers involved in change
d) Total acreage of change 1.6
e) Recorded in
f) Owned in whole by the undersigned? Owner, Dr. Barry L. Booth
g) If owned in part, name(s) of co-owner(s):

2) Zoning change requested:

- a) Present classification of property B-1, General Business
b) Reclassification desired B-2, Local Business
c) Character of neighborhood General Business (B-2)

3) Certifications:

- a) Owner's Name Dr. Barry L. Booth (Veterans Pointe)
b) Address 2506 Highway 98 Daphne, Al 36526
c) Telephone Number 251-626-3211
d) Date

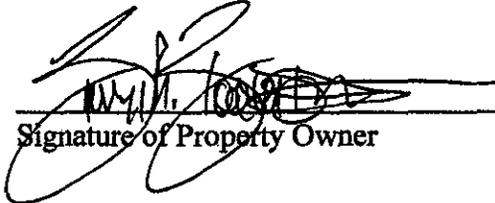
Handwritten signature of Dr. Barry L. Booth
Signature of Property Owner

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.

September 25, 2007
Date

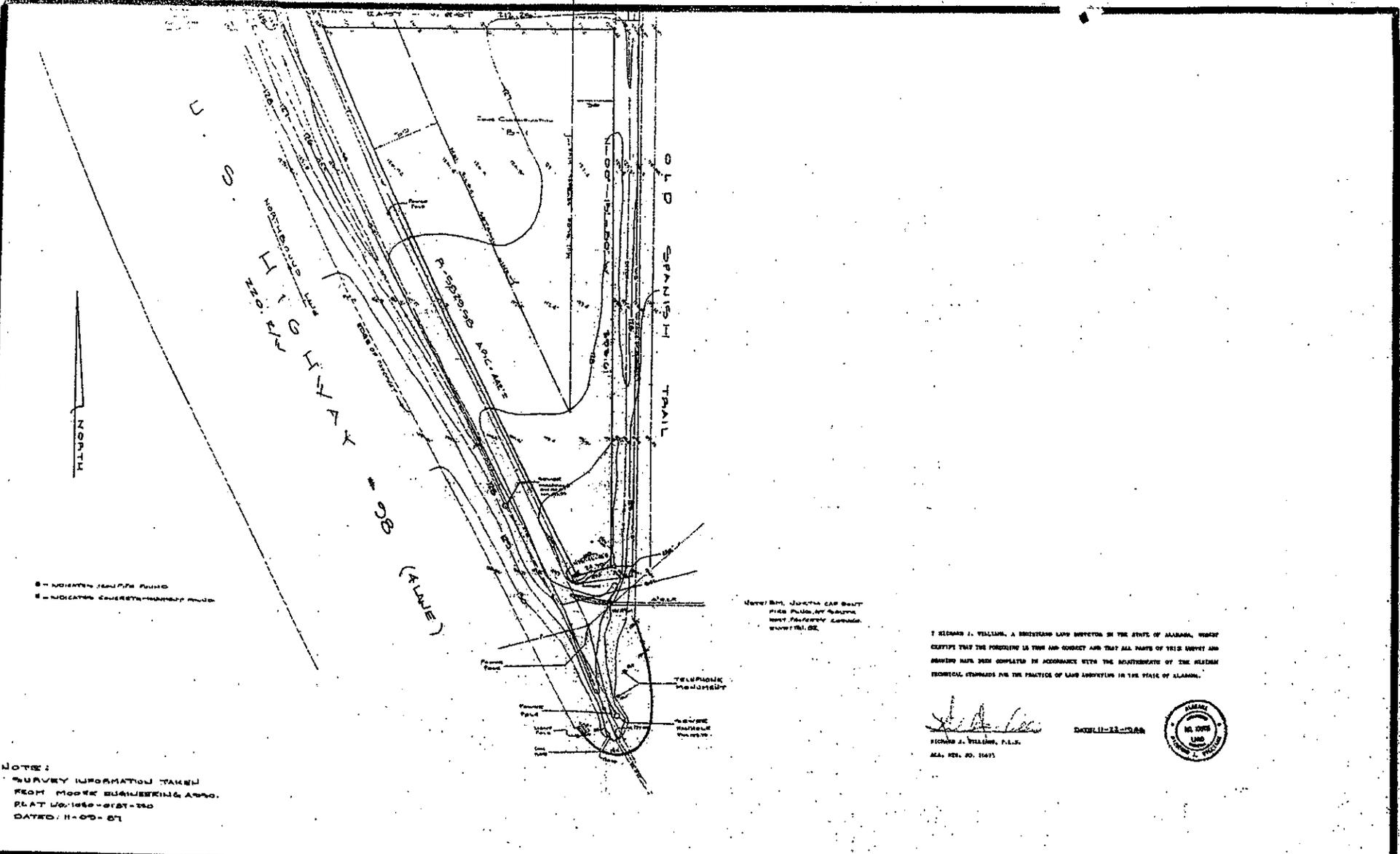

Signature of Property Owner

BARRY BOOTH
VETERANS POINTE
ZONING AMENDMENT

EXHIBIT "A"

FROM THE HALF SECTION CORNER OF GRANT SECTION 41, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH ALONG THE EAST SECTION LINE OF GRANT SECTION 41, A DISTANCE OF 1501.40 FEET TO A POINT; THENCE RUN WEST A DISTANCE OF 30 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL BEING THE POINT OF BEGINNING; THENCE CONTINUE WEST, A DISTANCE OF 212.25 FEET TO AN IRON PIN LYING ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 98, THE FOUR LANE; THENCE RUN SOUTHEASTERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98, THE FOUR LANE, A DISTANCE OF 442 FEET, MORE OR LESS (441.79 CHORD, S-25°32'01"-E), ALONG A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, TO AN IRON PIN; THENCE RUN N-75°43'48"-E, A DISTANCE OF 24.93 FEET TO AN IRON PIN LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL; THENCE RUN N-00°15'50"-W, A DISTANCE OF 393.61 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.6 ACRES, MORE OR LESS.

(Description supplied by client and copied from Map Book 779, Page 0793)



B - NORTHERN GRADE POINT
 C - INDICATES CONCRETE-MONUMENT POINT

Survey B.M. JUNIOR CAR BUILT
 FROM PUBLIC WORKS
 WEST PROPERTY CORNER
 11/11/02

I, RICHARD J. WILLIAMS, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY
 CERTIFY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT ALL PARTS OF THIS SURVEY AND
 DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALABAMA
 STATUTES AND THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA.

Richard J. Williams
 RICHARD J. WILLIAMS, P.L.S.
 A.C.A. REG. NO. 10471

DOUBLE-12-02A



NOTE:
 SURVEY INFORMATION TAKEN
 FROM MOORE ENGINEERING ASSOC.
 PLAT NO. 106-01ST-240
 DATED 11-00-07



McCRORY & WILLIAMS

consulting engineers
 and
 land surveyors

A TOPOGRAPHIC SURVEY FOR			
DR BARRY BOOTH			
DAPHNE ALABAMA			
Scale: 1" = 50'	Date: Nov-2-1902	Drawn by: P.H.L.L.C.	Designed by: []
			Sheet: 1 of 1

DAPHNE

2.75(s)

132

410 (s)
FAUSAK TIRES
ZONED B-2

12

B-2

356.9

12.001

3

S

315

WILLIAM LANGE
BAY AUTO GLASS
ZONED B-1
PROPOSED B-2

13

228 (s)

215.8 (d)

228 (s)

DR BARRY BOOTH
VETERANS POINTE
ZONED B-1
PROPOSED B-2

14

TRAIL

SPANISH

OLD

HWY.

245.15

6

86

253.3

200'

252.6

271.51

275.8



16

537.2

391.8

434.1

403.6

200'

R/W

90.1

15

266.8 (d)

59

265.1 (d)

295 (s)

496.33

DAPHNE UNITED
METHODIST CHURCH

17.001

SEE SHEET 19

WILLIAM LANGE
BAY AUTO GLASS

DR BARRY BOOTH
VETERANS POINTE

ADJACENT PROPERTY OWNERS LIST

WILLIAM LANGE
2506 U S HIGHWAY 98
DAPHNE, AL 36526

JIM BOOTHE CONTRACTING & SUPPY
26201 CAPITAL DRIVE
DAPHNE, AL 36526

DR BARRY BOOTH
P O BOX 7406
SPANISH FORT AL 36526

FAUSAK TIRES & SERVICE
2516 U S HIGHWAY 98
DAPHNE, AL 36526

JOAN C WHITT
827 DAUPHINE CIRCLE
DAPHNE, AL 36526

FRANK MCCLANTOC
831 DAUPHINE CIRCLE
DAPHNE, AL 36526

DONNA STEWART
P. O. BOX 2367
DAPHNE, AL 36526

KHRISTIAN WHITE
2504 OLD SPANISH TRACE
DAPHNE, AL 36526

**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

**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 Public Library Board
November 1, 2007
Meeting Minutes**

1) In Attendance:

Library Director Tonja Young; Board Members Cassandra Day and Dee Gambill; Board Chairman Ron Allen; Foundation Committee Member Jan Blankenhorn; City Council Liaison John Lake.

2) Call to Order:

After a quorum was established, Board Chairman Ron Allen called the meeting to order at 4:10 pm.

3) Reading and Approval of the Minutes:

The minutes of the October 4, 2007 meeting were reviewed and approved.

4) Chairman's Remarks:

Board Chair Ron Allen welcomed everyone. Ron stated that he had received the 501 (c)3 application papers for the foundation. He made some corrections and has returned them to Mr. Scully for completion. It will cost \$300 to file for the 501 (c)3 status and the board discussed requesting this amount from the Friends.

5) Nominating Committee:

Cassandra Day reported for the Nominating Committee of Dee Gambill, Cassandra Day and Tonja Young. The nominations were Ron Allen for the office of Chairperson, Gayle Robinson for Vice Chair, and Dee Gambill for Treasurer of the Board, and Ms. Young for Secretary. There were no nominations from the floor. The officers were elected as stated.

6) Library Director's Report:

A written copy of the Director's Report is attached to these minutes.

A. 2008 City Budget

The approved city budgets for 2008 were incorrectly reported as \$1,674,809.00 for Operating Budget and \$2,187,943.00 for Annual Budget. These figures were actually those for the Recreation and Library Departments combined. The actual totals are: Operating Budget \$193,150.00 and Annual Budget with current employees \$706,284.00. The Director apologizes for this mistake. The city accounting forms combine the totals for the two departments and the form was misread.

B. Statistics

The monthly statistical report for October, 2007 was reviewed. **Circulation increased 13.59% and patronage increased 10.65%** since October, 2006. Year-to-date circulation for October, 2007 was **22,469** compared to a year-to-date circulation of 19,708 for the end of October, 2006. Interlibrary loans increased from 7 loaned out and 17 borrowed in October, 2006 to 1,294 loaned out and 1,546 borrowed in October, 2007. The Library added 164 new patrons during the month of October.

Councilman Lake stated that the capital Budget might not be approved until January, 2008.

Ms. Young pointed out that the library now holds 51,480 items with a total worth of \$955,612.57.

C. Library Policy Changes and Updates

Several updates and small changes to tighten policies were discussed and approved, including Board Member and staff changes, total holdings, date and time of Board meetings, the addition of the words "Privacy Act" to the section on "confidentiality," and updates tightening policies on meeting room usage and agreement forms.

D. Free Art Materials

Ms. Young informed the Board that she had discovered the DUC (Distribution to Underserved Communities) which offers free art books and other materials at no charge to libraries considered to be rural or inner city. She ordered 102 titles.

E. Public Awareness Campaign

Ms. Young announced that Max Reed of ROCGROUP (Result Oriented Communication) will be making a presentation for his vision of the public awareness

campaign at the December Board meeting. Their website is www.RocGroupMarketing.com.

Board members suggested requesting a cross-reference with utilities to see which patrons still live in the area. It was also suggested that the utilities might include flyers concerning the library in their bill packets to citizens. Collection Agencies were brought up, but the Director hopes to hold that option until other ideas have been explored.

F. Amnesty Period for Patrons

The Director requested approval for an amnesty period with the theme "Be Thankful for YOUR Library!" from Tuesday, November 13 through Sunday, November 25. This will give the public an opportunity to return long overdue and long lost items at no charge for a period of 13 days. The idea was inspired by research showing that the library currently has 15,693 items long overdue or lost at a value of \$52,459.16. The Board approved the amnesty program and the Director has since received approval from the Mayor to go forward.

G. New Book Drop

The new thru-wall Book Drop will be put into use beginning Tuesday, November 13, in conjunction with the amnesty period. Signs have been posted to inform the public. Once the thru-wall book drop is in use, the outdoor boxes will be removed.

Councilman Lake suggested taking the old book drops and placing them at the Fire Department for collection. He also stated that perhaps a fireman could transport the materials to the library once a day so the library staff would not have to leave the premises to collect the materials.

H. Request for Staff Day

Ms. Young requested a Staff Day with the library closed to the public so that the library staff could become better acquainted with city policies, library policies, and each other. The Board approved the request.

Citizen Participation:

No additional public participation.

Closing Comments:

The next meeting will be held on Thursday, December 4, 2007, at 4:00 pm.

Adjourn:

The meeting adjourned at 5:01 pm.

Respectfully submitted by
Tonja Young, Library Director, November 6, 2007

1. Approved City Budget for FY 2008:
 - a. Operating Budget: \$1,674,809.00
 - b. Present Annual Budget: \$2,187,943.00 (does not include capital requests of new staff members)
2. Statistical Report: YTD Patrons = 18,542, YTD Circ = 22,469; increases of 10.65% and 13.59%, respectively, since this time last year.
3. Director's research shows that the Daphne Public Library now holds 51,480 items at a value of \$955,612.57.
4. Library Policy Updates & Changes
5. Free Art Materials ordered through DUC (Distribution to Underserved Communities – required to be a rural or inner city library) – 102 Items (books and DVDs)
6. Max Reed of ROCGROUP scheduled to make presentation at December Board Meeting.
7. "Be Thankful for YOUR Library" Fine Free Period from November 13-25. The Library would like to give the public an opportunity to return overdue and long lost items so that these items will be available for other patrons use. We currently have approximately 15,693 items overdue or long lost at a total of \$52,459.16.
8. New thru-wall Book Drop installed. Notices will go up tomorrow that beginning November 13 all items should be returned to the new book drop. Old book drops will be removed.
9. Request for Staff Day:
 - a. Go over Library and Staff Policies
 - b. Annual Cleaning Day
 - c. Discuss any Issues
 - d. Promote Good Working Relationships

1. Approved City Budget for FY 2008:
 - a. Operating Budget: \$1,674,809.00
 - b. Present Annual Budget: \$2,187,943.00 (does not include capital requests of new staff members)
2. Statistical Report: YTD Patrons = 18,542, YTD Circ = 22,469; increases of 10.65% and 13.59%, respectively, since this time last year.
3. Director's research shows that the Daphne Public Library now holds 51,480 items at a value of \$955,612.57.
4. Library Policy Updates & Changes
5. Free Art Materials ordered through DUC (Distribution to Underserved Communities – required to be a rural or inner city library) – 102 Items (books and DVDs)
6. Max Reed of ROCGROUP scheduled to make presentation at December Board Meeting.
7. "Be Thankful for YOUR Library" Fine Free Period from November 13-25. The Library would like to give the public an opportunity to return overdue and long lost items so that these items will be available for other patrons use. We currently have approximately 15,693 items overdue or long lost at a total of \$52,459.16.
8. New thru-wall Book Drop installed. Notices will go up tomorrow that beginning November 13 all items should be returned to the new book drop. Old book drops will be removed.
9. Request for Staff Day:
 - a. Go over Library and Staff Policies
 - b. Annual Cleaning Day
 - c. Discuss any Issues
 - d. Promote Good Working Relationships

SET A PUBLIC HEARING DATE FOR

JANUARY 7, 2008

TO CONSIDER:

- 1.) Rezone: Property located on Main Street / Howard and CeAnn Wachter / R-3, High Density Single Family Residential District to B-1, Local Business District
- 2.) Rezone: Property located on U.S. Hwy 98 (East of U.S. Hwy 98 and South Park Drive) / Windscape II Associates, Ltd. / B-2, General Business to R-4, High Density Multi-Family Residential District
- 3.) Rezone: Property located East of U.S. Hwy 98 and South Park Drive / Patrick Klass / B-2, General Business to R-4, High Density Multi-Family District
- 4.) Rezone: Property located East of U.S. Hwy 98 and South Park Drive / Patrick Klass / B-2, General Business to R-4, High Density Multi-Family District
- 5.) Annexation: Property located on AL Highway 181 (North of Dunsmore Subdivision) / Requested zoning:
14.9 acre parcel zoned B-2, General Business District /
23.47 acre parcel zoned R-4, High Density Multi-Family Residential District /
10.2 acre parcel zoned R-3, High Density Single Family Residential District /
8.89 acre parcel zoned R-4, High Density Single Family Residential District
- 6.) Revision to the Olde Towne District Map

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Howard & CeAnn Wachter -
Zoning Amendment for 1410 Main
Street
(not the Frame Corner)
Date: November 27, 2007

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, November 20, 2007, seven members were present and the motion carried unanimously for the affirmative recommendation of the above-mentioned request.

The present zoning is R-3, high density single family residential. The proposed zoning is B-1, local business. The property is located Northeast of the intersection of Van Avenue and Main Street.

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: 207-11 Date Plat Submitted: Oct 22, 2007

Date Presented: Nov 20, 2007

Name of Owner: Howard & Ceann Wachter

Address: P.O. Box 520 Montrose, AL 36559 Telephone# 928-9623
(Street or P.O. Box) (City) (State) (Zip Code) 626-3999

Name of Authorized Agent, if other than owner: Chason Wachter

Address: 118 General Canby Dr. Spanish Ft. Telephone# 379-4444
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: _____

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: 10/18/2007).

Meeting Dates:

Planning Commission: _____

City Council: _____

Reason(s) for requesting the Zoning Amendment:

to use as art gallery

Howard Wachter
Ceann Wachter

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 1410 Main Street
Daphne, AL 36526
- b) Name of Subdivision _____
- c) Lot numbers involved in change 1
- d) Total acreage of change 3/4 acre
- e) Recorded in Map Book _____ Page 4304202000071000
- f) Owned in whole by the undersigned? Howard & Ceann Wachter (yes)
- g) If owned in part, name(s) of co-owner(s) :

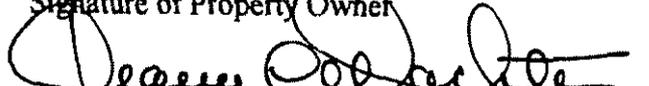
2) Zoning change requested:

- a) Present classification of property R-3
- b) Reclassification desired B-1
- c) Character of neighborhood residential with business
across the street

3) Certifications:

- a) Owner's Name Howard & Ceann Wachter
- b) Address P.O. Box 520 Montrose, AL 36559
- c) Telephone Number 928-9623 / 626-3999
- d) Date 10/18/2007


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.

10/14/07
Date


Signature of Property Owner


HOWARD & CEANN WACHTER
ZONING AMENDMENT

EXHIBIT "A"

LEGAL DESCRIPTION:

FROM THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST RUN THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 1701.72 FEET; THENCE RUN EAST 25 FEET FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 145 FEET; THENCE RUN EAST 225 FEET TO A CORNER; THENCE RUN NORTH 143.2 FEET TO A CORNER ON THE SOUTH SIDE OF A 21.7 FOOT ALLEY; THENCE RUN WESTWARDLY ALONG THE SOUTH LINE OF THE SAID ALLEY 225 FEET TO A POINT OF BEGINNING. SAID PARCEL CONTAINING 0.74 ACRES MORE OR LESS.

REFERENCE: 1410 MAIN STREET

ZONING AMENDMENT
HOWARD & CEANN WACHTER

Adjacent Property Owners to 1410 Main St

Union of Sisters of the Pres
The Blessed Virgin Mary Inc.
P.O. Box 901
Daphne, AL

Edward & Melodie Baldwin
P.O. Box 338
Daphne, AL 36526

William Russell, Jr.
1418 Sixth St.
Daphne, AL 36526

Lucille Holmes
1408 Main St.
Daphne, AL 36526

Jesse Andrews, Jr.
P.O. Box 2485
Daphne, AL 36526

Lee & Felicia Coker
P.O. Box 891
Daphne, AL 36526

Christ the King
P.O. Box 549
Daphne, AL 36526

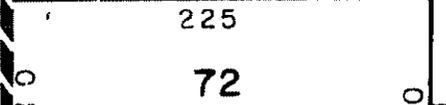
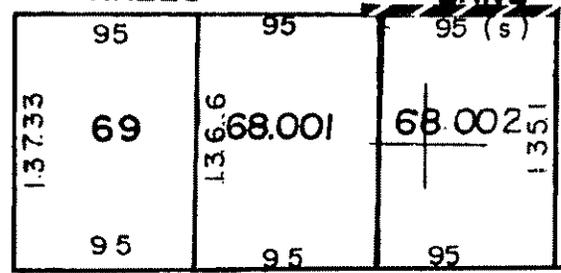
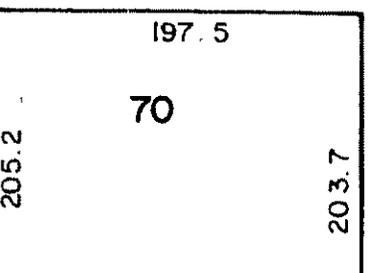
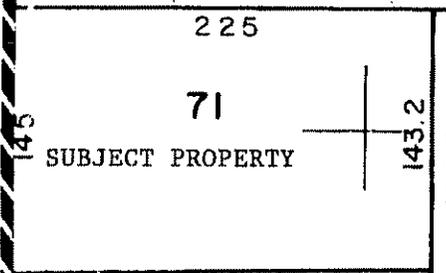
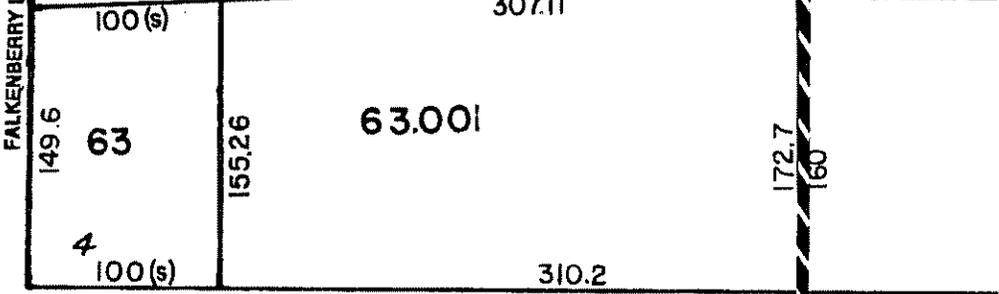
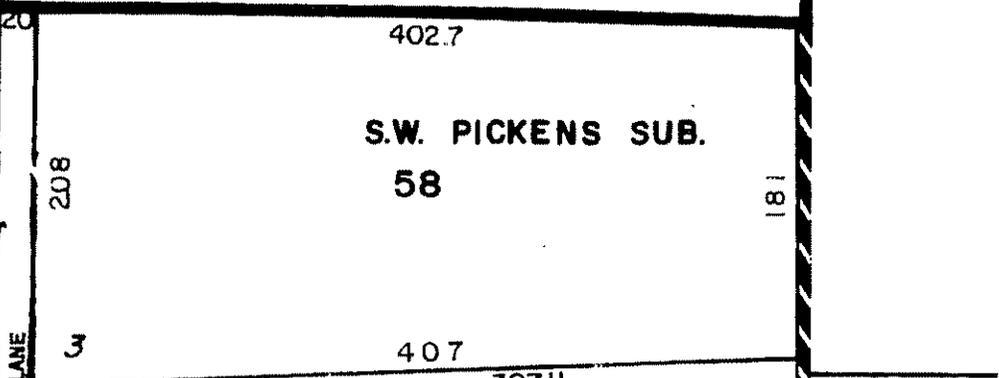
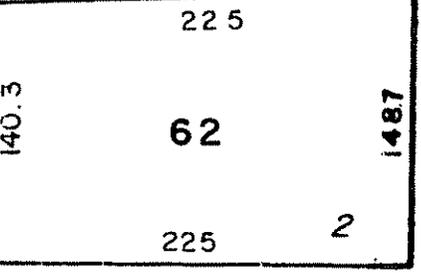
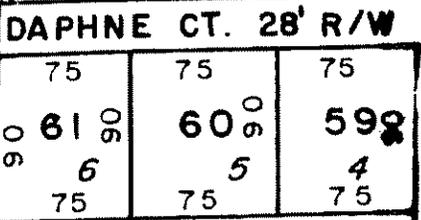
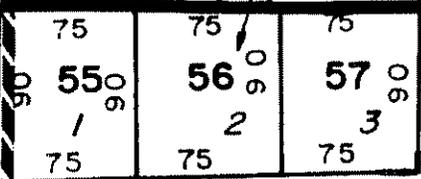
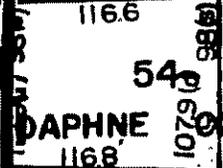
65.42

651.32

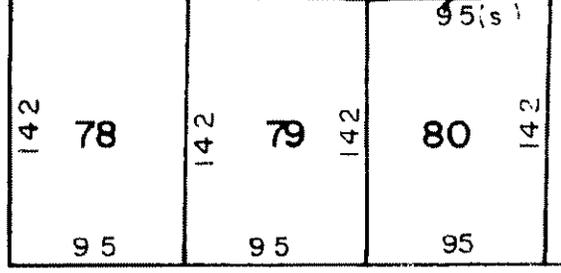
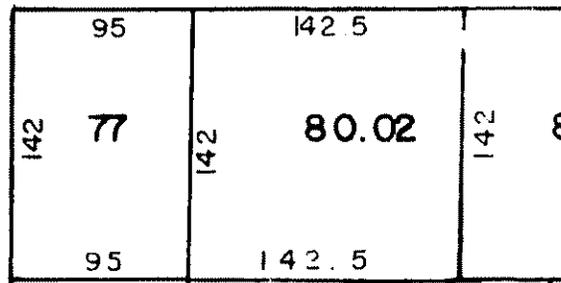
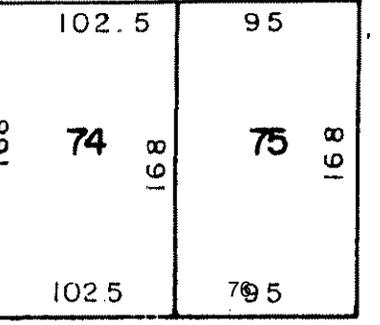
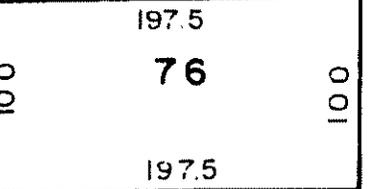
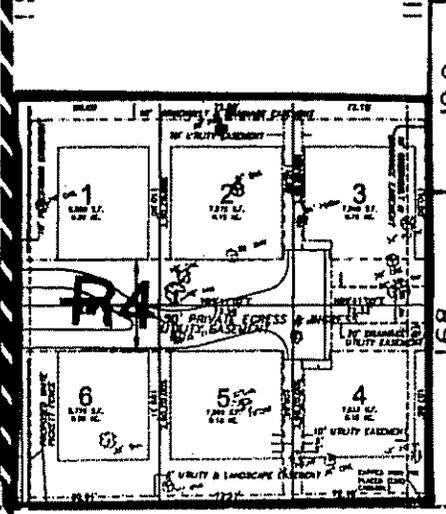
HOWARD & CEANN WACHTER
ZONING AMENDMENT
EXHIBIT "B"

54.00' B1

MAIN ST.



BONITA ST.



50' R/W PERCH ST.

Rx Date/Time

OCT-16-2007(TUE)

14:49

2513445140

P.001

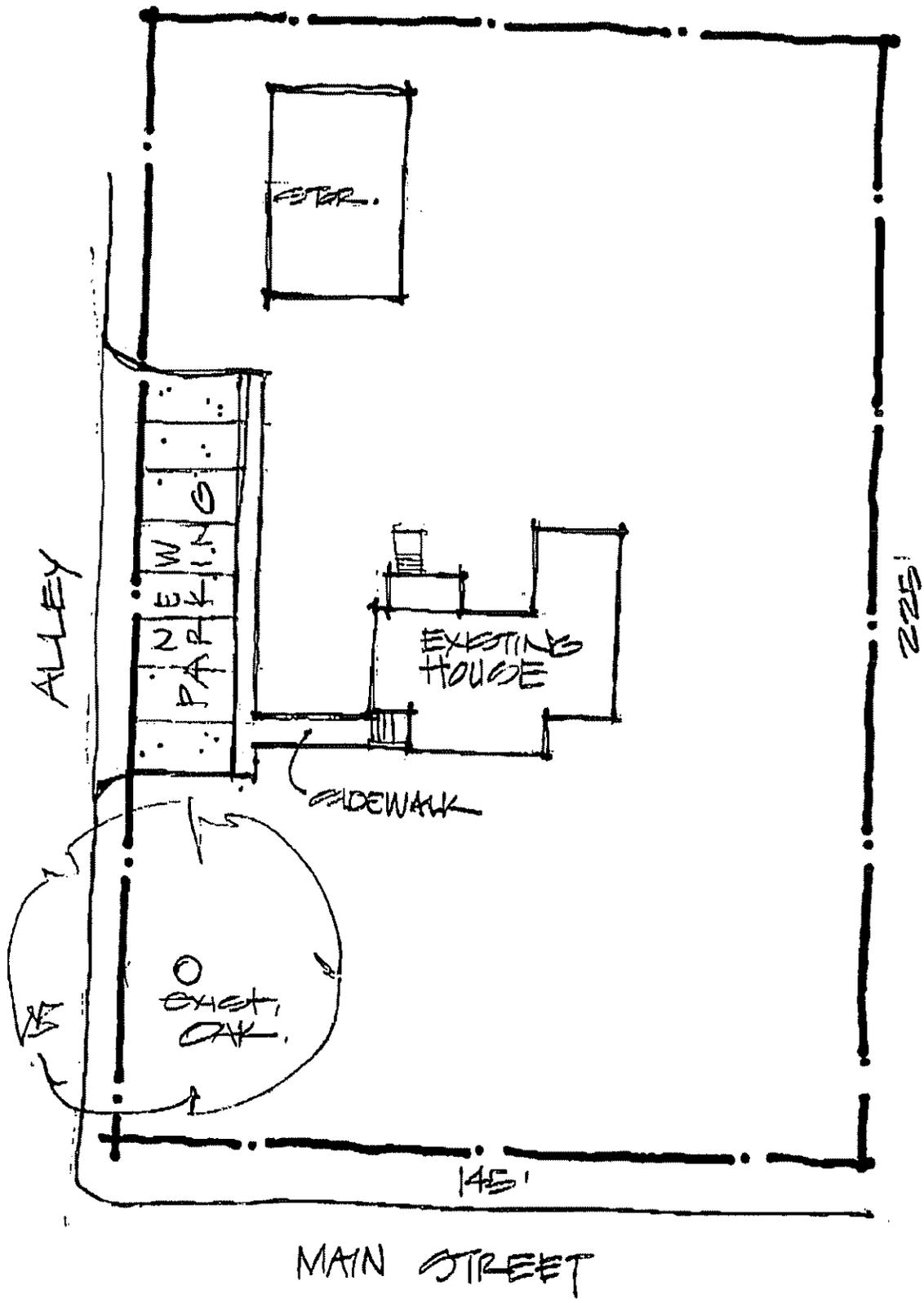
OCT.16'2007 12:27 2513445140

WATERMARK DESIGN

#6441 P.001/001

WACHTER
10/16/07

NORTH



Starke Irvine
Chairman

Ceann Wachter
Jackie Ward
Kit Smith
Chris Donald
Glenn Glass
Lad Drago



CITY OF DAPHNE
DOWNTOWN REDEVELOPMENT AUTHORITY

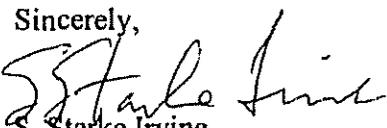
Mr. William Eady
Community Planning Director
City of Daphne
Daphne, Al 36526

Re: Rezoning Application

Good morning Mr. Eady,

The Daphne Downtown Redevelopment Authority supports the request as filed by Mrs. Ceann Wachter. It is imperative that I disclose up front that Mrs. Wachter is a member of the Authority. The subject property lies between properties which are zoned R-4 single Family. However, across the street is property we are requesting be rezoned to B-1 in the future. This is prime area for the typical style "Mixed-Use" buildings which we are promoting and encouraging people to develop in the overlay district. It is apparent that the conversion from current zoning, which is largely residential, will take time. That is why we have presented to the P & Z Board, for consideration a plan for zoning in the whole Olde Towne Daphne overlay district. I know on the face of it this appears to be a spot zone situation, however, when you look at it from the perspective of all the west side being zoned B-1 that sheds a different light on the matter. Looking at the over all proposed plan it is easy to see how this makes sense and a good case for proper zoning and development.

Thank you for all that you do, and the tireless assistance given to bring about this overlay plan.

Sincerely,

S. Starke Irvine
Chairman
Daphne Redevelopment Authority

ORDINANCE NO. 2008 –

**Ordinance to Rezone Property Located on Main Street
Howard and CeAnn Wachter (.74 Acres)**

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, General Business District to B-1, Local Business District, said property is located on Main Street, Daphne Alabama, being more particularly described as follows:

Legal Description:

FROM THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST RUN THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 1701.72 FEET; THENCE RUN EAST 25 FEET FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 145 FEET; THENCE RUN EAST 225 FEET TO A CORNER; THENCE RUN NORTH 143.2 FEET TO A CORNER ON THE SOUTH SIDE OF A 21.7 FOOT ALLEY; THENCE RUN WESTWARDLY ALONG THE SOUTH LINE OF THE SAID ALLEY 225 FEET TO A POINT OF BEGINNING. SAID PARCEL CONTAINING 0.74 ACRES MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on November 20, 2007 has considered said request and set forth an *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, January 7, 2008 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, General Business District to B-1, Local 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 of _____, 2008.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Wednesday,
December 5, 2007

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 7, 2008 at 6:30 p.m. in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property as presented below R-3, High Density Single Family Residential District to B-1, Local Business District. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 –

**Ordinance to Rezone Property Located on Main Street
Howard and CeAnn Wachter (.74 Acres)**

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, General Business District to B-1, Local Business District, said property is located on Main Street, Daphne Alabama, being more particularly described as follows:

Legal Description:

FROM THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST RUN THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 1701.72 FEET; THENCE RUN EAST 25 FEET FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 145 FEET; THENCE RUN EAST 225 FEET TO A CORNER; THENCE RUN NORTH 143.2 FEET TO A CORNER ON THE SOUTH SIDE OF A 21.7 FOOT ALLEY; THENCE RUN WESTWARDLY ALONG THE SOUTH LINE OF THE SAID ALLEY 225 FEET TO A POINT OF BEGINNING. SAID PARCEL CONTAINING 0.74 ACRES MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on November 20, 2007 has considered said request and set forth an *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, January 7, 2008 concerning the requested rezoning.

PLEASE Publish in the Bulletin Legal Section on Wednesday, December 12, 2007

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on December 5, 2007, that the City Council of the City of Daphne will hold a Public Hearing on January 7, 2008 at 6:30 p.m. in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain properties from R-3, High Density Single Family Residential District to B-1, Local Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 –

**Ordinance to Rezone Property Located on Main Street
Howard and CeAnn Wachter (.74 Acres)**

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, General Business District to B-1, Local Business District, said property is located on Main Street, Daphne Alabama, being more particularly described as follows:

Legal Description:

FROM THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST RUN THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 1701.72 FEET; THENCE RUN EAST 25 FEET FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 145 FEET; THENCE RUN EAST 225 FEET TO A CORNER; THENCE RUN NORTH 143.2 FEET TO A CORNER ON THE SOUTH SIDE OF A 21.7 FOOT ALLEY; THENCE RUN WESTWARDLY ALONG THE SOUTH LINE OF THE SAID ALLEY 225 FEET TO A POINT OF BEGINNING. SAID PARCEL CONTAINING 0.74 ACRES MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on November 20, 2007 has considered said request and set forth an 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, January 7, 2008 concerning the requested rezoning.

/END SYNOPSIS



To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Windscape II Associates, LTD
Zoning Amendment
Southeast of the intersection
of U. S. Highway 98 and Park
Drive
Date: November 27, 2007

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, November 20, 2007, seven members were present and the motion carried unanimously for the affirmative recommendation of the above-mentioned request.

The present zoning is B-2, general business. The proposed zoning is R-4, high density multi-family residential. The property is located Southeast of the intersection of U. S. Highway 98 and Park Drive.

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: 207-14 Date Plat Submitted: October 31, 2007

Date Presented: November 20, 2007

Name of Owner: Windscape II Associates, LTD

Address: 115 Penn Warren Dr Suite 300 PMB 385 Brentwood, TN 37027 Telephone # (615) 661-4721
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Les Goodall

Address: 115 Penn Warren Dr Suite 300 PMB 385 Brentwood, TN 37027 Telephone # (615) 661-4721
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Windscape Apartments (02J0)

Lot(s): Northern Division Pt. Lots 10,11,12 Unit _____

Two (2) copies of legal description of the subject property.

N/A 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: _____).

Meeting Dates:

Planning Commission: _____

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Presently, subject property is zoned B-2. The current facility is an apartment complex and therefore does not comply with the current zoning regulations. Apartment Complexes should be zoned R-4, which is out objective.

Les Goodall
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 27670 US Highway 98
Daphne, AL 36526
- b) Name of Subdivision Windscape Apartments
- c) Lot numbers involved in change Northern Division Pt. Lots 10, 11, 12
- d) Total acreage of change 6.0 Acres
- e) Recorded in Map Book _____ Page _____
- f) Owned in whole by the undersigned? Owned by Windscape II Associates, LTD.
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property B-2 general business
- b) Reclassification desired -B-4- R-4, high density multi-family
- c) Character of neighborhood Apartment Community

PLG

3) Certifications:

- a) Owner's Name Windscape II Associates, LTD.
- b) Address 115 Penn Warren Dr. Ste 300 PMB 385 Brentwood, TN 37027
- c) Telephone Number (615) 661-4721
- d) Date 10/16/07

[Signature]
Signature of Property Owner - Windscape II Associates, LTD
Representative

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.

10/16/07
Date

[Signature]
Signature of Property Owner

EXHIBIT A**LEGAL DESCRIPTION**

That real property situated in Section 7 and 8, Township 5 South, Range 2 East County of Baldwin, State of Alabama, described as follows, to-wit:

PARCEL A:

BEGINNING AT THE RIGHT OF WAY MONUMENT LOCATED ON THE EAST RIGHT OF WAY OF U. S. HIGHWAY NUMBER 98 NORTH OF DAPHNE, ALABAMA, MARKED "STATION 422+00"; THENCE SOUTH 21 DEGREES 11 MINUTES 30 SECONDS EAST 112.10 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 89 DEGREES 00 MINUTES 11 SECONDS WEST 450.00 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 48 MINUTES 30 SECONDS EAST 627.00 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 11 MINUTES 30 SECONDS EAST 280.00 FEET TO A POINT; THENCE RUN SOUTH 65 DEGREES 47 MINUTES 45 SECONDS WEST 647.17 FEET TO A POINT ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98; THENCE RUN NORTH 21 DEGREES 11 MINUTES 30 SECONDS WEST 100.00 FEET ALONG THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98 TO THE POINT OF BEGINNING; SAID ABOVE DESCRIBED PARCEL CONTAINING 5.99 ACRES BEING PARTS OF LOTS 10, 11, AND 12, OF THE NORTH DIVISION OF JACKSON'S OAK SUBDIVISION, LOCATED IN SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE COURT, BALDWIN COUNTY, ALABAMA.

PARCEL B:

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 OF THE NORTHERN DIVISION OF JACKSON'S OAK SUBDIVISION IN REGULAR U.S. SECTIONS 7 AND 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 4, PAGES 36-37, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA. AS THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE SOUTH 00 DEGREES 11 MINUTES 30 SECONDS EAST ALONG THE EAST LINE OF LOTS 6, AND 7, IN SAID SUBDIVISION 148.00 FEET TO A POINT ON THE EAST RIGHT OF WAY OF ALABAMA STATE HIGHWAY DEPARTMENT PROJECT 635+3 (U.S. HIGHWAY NUMBER 98); THENCE RUN NORTH 21 DEGREES 11 MINUTES 30 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 112.10 FEET TO RIGHT OF WAY MONUMENT "422+00"; THENCE RUN NORTH 68 DEGREES 48 MINUTES 31 SECONDS EAST, 20.00 FEET; THENCE RUN NORTH 21 DEGREES 11 MINUTES 30 SECONDS WEST 38.40 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 6; THENCE RUN NORTH 89 DEGREES EAST, 33.80 FEET TO THE POINT OF BEGINNING;

BOTH PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE RIGHT OF WAY MONUMENT LOCATED ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98 NORTH OF DAPHNE, ALABAMA, MARKED

“STATION 422+00”; THENCE RUN NORTH 69 DEGREES 08 MINUTES 50 SECONDS EAST 20.00 FEET TO A POINT; THENCE RUN NORTH 20 DEGREES 51 MINUTES 10 SECONDS WEST 38.03 FEET TO A POINT, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98; THENCE RUN NORTH 89 DEGREES 00 MINUTES 00 SECONDS EAST 34.16 FEET TO THE NORTHEAST CORNER OF LOT 6, NORTHERN DIVISION OF JACKSON’S OAK SUBDIVISION, SAID SUBDIVISION BEING LOCATED IN REGULAR SECTIONS 7 & 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ACCORDING TO A PLAT THEREOF RECORDED IN MAP BOOK 4, PAGES 36-37, IN THE OFFICE OF THE JUDGE OF PROBATE COURT, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 11 MINUTES 30 SECONDS WEST 302.60 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 51 MINUTES 54 SECONDS EAST, 626.72 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 11 SECONDS EAST, 279.95 FEET TO A POINT; THENCE RUN SOUTH 65 DEGREES 50 MINUTES 33 SECONDS WEST 647.29 FEET TO A POINT ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98; THENCE RUN NORTH 20 DEGREES 51 MINUTES 10 SECONDS WEST, 211.37 FEET TO THE POINT OF BEGINNING; CONTAINING 6.06 ACRES MORE OR LESS.

PARCEL (A & B) BEING SUBJECT TO A NON-EXCLUSIVE DRAINAGE, PARKING, INGRESS & EGRESS, AND UTILITY-EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RIGHT OF WAY MONUMENT LOCATED ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98, NORTH OF DAPHNE, ALABAMA. MARKED “STATION 422+00”; THENCE RUN SOUTH 20 DEGREES 51 MINUTES 10 SECONDS EAST 211.37 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 65 DEGREES 50 MINUTES 33 SECONDS EAST ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL 647.29 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 10 MINUTES 11 SECONDS WEST ALONG THE EAST LINE OF ABOVE DESCRIBED PARCEL 117.62 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 49 MINUTES 49 SECONDS WEST, 81.81 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 11 SECONDS EAST 20.89 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 206.89 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET, A CHORD DISTANCE OF 190.88 FEET, AND A CHORD BEARING OF SOUTH 39 DEGREES 20 MINUTES 37 SECONDS WEST TO A POINT; THENCE RUN SOUTH 78 DEGREES 51 MINUTES 25 SECONDS WEST, 36.53 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, AN ARC LENGTH OF 415.74 FEET, SAID CURVE HAVING A RADIUS OF 616.92 FEET, A CHORD DISTANCE OF 407.92 FEET, AND A CHORD BEARING OF SOUTH 59 DEGREES 33 MINUTES 05 SECONDS WEST TO THE POINT OF BEGINNING, CONTAINING 0.85 ACRES MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED RIGHTS:

A non-exclusive utility easement as described in Real Property Book 159, Page 174 over and across the following described property; commence at the right of way monument located on the East right of way of U. S. 98 North of Daphne, Alabama, marked “Station 422+00”; thence run

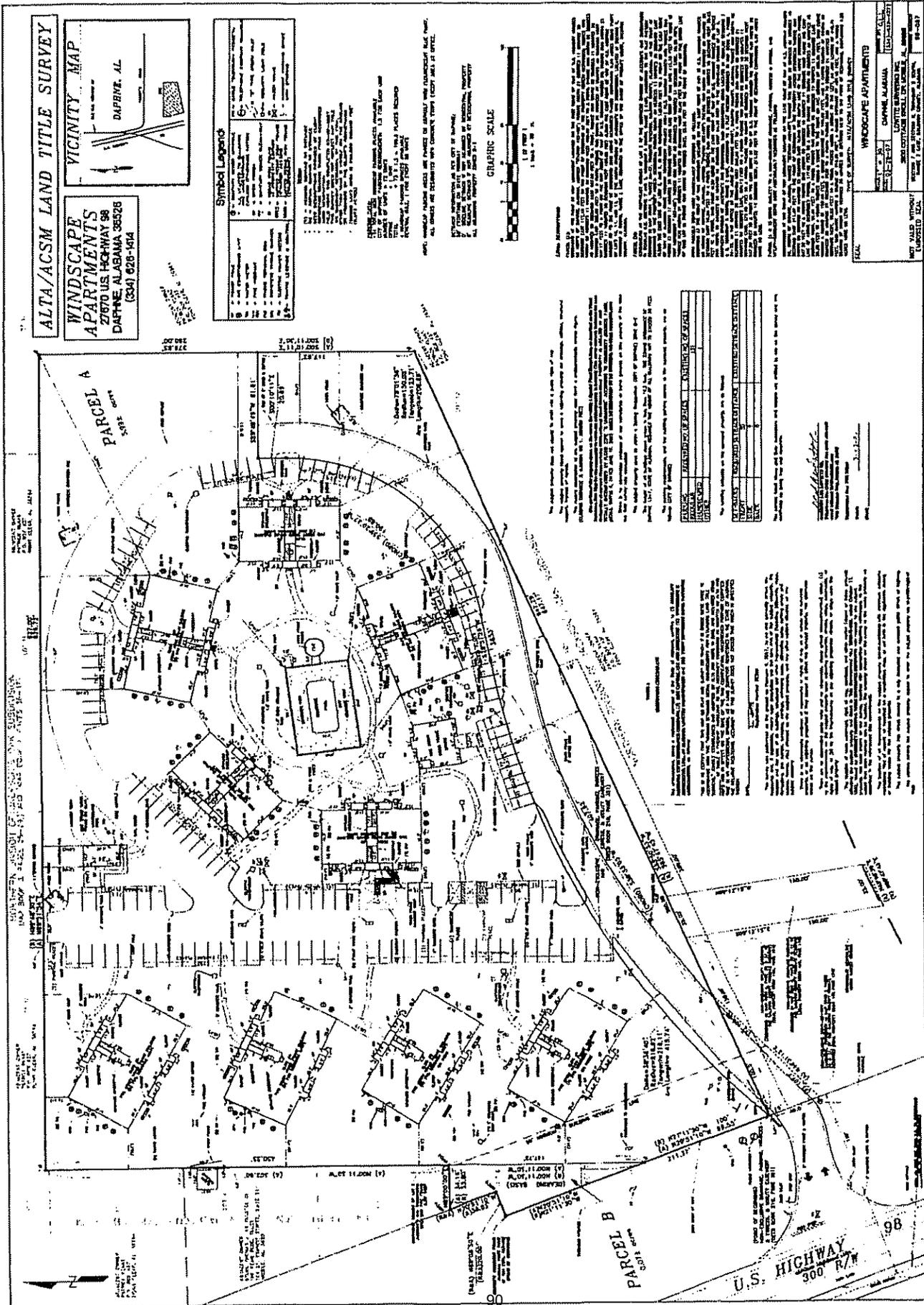
South 21 degrees 11 minutes 30 seconds East 212.1 feet to the point of beginning, run thence North 65 degrees 47 minutes 45 seconds East 380.00 feet; run thence South 21 degrees 11 minutes 30 seconds East 15.0 feet; run thence South 65 degrees 47 minutes 45 seconds West 380.0 feet; run thence North 21 degrees 11 minutes 30 seconds West 15.0 feet to the point of beginning. Said above described parcel being a part of Lots 10 and 11 of the Northern Division of Jackson's Oak Subdivision, located in Section 7, Township 5 South, Range 2 East recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Map Book 4, Pages 36-37.

A non-exclusive drainage easement as described in Real Property Book 159, Page 176 over and across the following described property; commencing at the right of way monument located on the East right of way of U. S. 98 North of Daphne, Alabama, marked "Station 422+00"; thence run South 21 degrees 11 minutes 30 seconds East 212.1 feet; thence run North 65 degrees 47 minutes 45 seconds East 150.0 feet to the point of beginning; run thence South 9 degrees 12 minutes 15 seconds East 150 feet to the center of North Yancey Branch; thence run against the stream flow 35 feet, more or less, to the centerline of said stream; thence run North 9 degrees 12 minutes 15 seconds West 150 feet more or less, thence run South 65 degrees 47 minutes 45 seconds West to the point of beginning, Said above described parcel being a part of Lot 10 of the Northern Division of Jackson's Oak Subdivision, located in Section 7, Township 5 South, Range 2 East, recorded in the Office of the Judge of Probate of Baldwin County, Alabama, In Map Book 4, Pages 36-37.

A non-exclusive right of way easement as described in Real Property Book 159, Page 178 over and across the following described property; commence at the right of way monument located on the East right of way of U. S. 98 North of Daphne, Alabama, marked "Station 422+00"; thence run South 21 degrees 11 minutes 30 seconds East 212.1 feet to the point of beginning, run thence South 21 degrees, 11 minutes 30 seconds East 40.0 feet; thence run North 43 degrees 55 minutes 40 seconds East 107.7 feet thence run South 65 degrees 47 minutes 45 seconds West 100.0 feet to the point of beginning. Said above described parcel being a part of Lot 10 of the Northern Division of Jackson's Oak Subdivision, located in Section 7, Township 5 South, Range 2 East, recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Map Book 4, Pages 36-37.

**EXHIBIT B
PERMITTED ENCUMBRANCES**

1. All taxes for the year 2007 and subsequent years, not yet due and payable, and any additional taxes, interest, and/or penalties which may be assessed for the year 2007 or prior years by virtue of adjustment, re-appraisal, re-assessment, appeal or other amendment of the tax records for the City of Daphne and Baldwin County.
2. Rights of tenants, as tenants only in possession of subject property.
3. Any prior reservation or conveyance of minerals of every kind and character, including, but not limited to, oil, gas, sand and gravel in, on, and/or under subject property, not limited to, but including Warranty Deed, dated October 28, 1983, and recorded November 9, 1983, in Real Property Book 159, Page 170, aforesaid records.
4. Title to that portion of land lying within public right of way, conveyed for highway purposes or acquired in condemnation procedure not recorded in deed records of Baldwin County, State of Alabama.
5. All matters appearing on plat of survey recorded in Map Book 4, Pages 36 and 37, Baldwin County, Alabama Records.
6. Reservations as contained in Utility Easement by Patrick Klaas and Barbara Klaas, husband and wife to Paradise Beach Investment, Ltd., dated October 28, 1983, and recorded November 9, 1983, in Real Property Book 159, Page 174, aforesaid records.
7. Reservations as contained in Drainage Easement by Patrick Klaas and Barbara Klaas, husband and wife to Paradise Beach Investment, Ltd., dated October 28, 1983, and recorded November 9, 1983, in Real Property Book 159, Page 176, aforesaid records.
8. Reservations as contained in Access Easement by Patrick Klaas and Barbara Klaas, husband and wife to Paradise Beach Investment, Ltd., dated October 28, 1983, and recorded November 9, 1983, in Real Property Book 159, Page 178, aforesaid records.
9. Easement Agreement by and between Windscape Associates, Ltd., a Florida limited partnership and Patrick Martin Klaas, dated April 15, 1998, and recorded April 29, 1998, in Real Property Book 821, Page 273, aforesaid records.
10. Terms and conditions of Memorandum of Lease by and between Windscape Rotondo, LLC, Lessor and Coinmach Corporation, Lessee, dated August 28, 2002, and recorded September 19, 2002, in Instrument No. 682938, aforesaid records.
11. Restrictive Covenants as contained in Deed from Otto Neese and Maudine Neese to Marietta L. Klaas, dated July 7, 1954, and recorded in Deed Book 210, Page 351, aforesaid records.



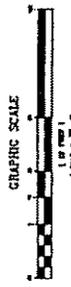
ALTA/ACSM LAND TITLE SURVEY

WINDSCAPE APARTMENTS
 27670 US HIGHWAY 98
 DAPHNE, ALABAMA 36526
 (334) 828-1414

VICINITY MAP
 DAPHNE, AL

Symbol Legend

1. All improvements shown	6. Easements
2. Easements	7. Easements
3. Easements	8. Easements
4. Easements	9. Easements
5. Easements	10. Easements



THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ALABAMA SURVEYING ACT OF 1964, AS AMENDED, AND THE ALABAMA PROFESSIONAL SURVEYING BOARD'S REGULATIONS THEREUNDER. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMES INTO FULL COMPLIANCE WITH THE SAID ACT AND REGULATIONS.

DATE OF SURVEY: 11/28/07
 SURVEYOR: [Signature]
 LICENSE NO.: [Number]

NO.	DESCRIPTION	DATE
1
2
3
4
5
6
7
8
9
10

APPROVED FOR THE APPLICANT:

[Signature]

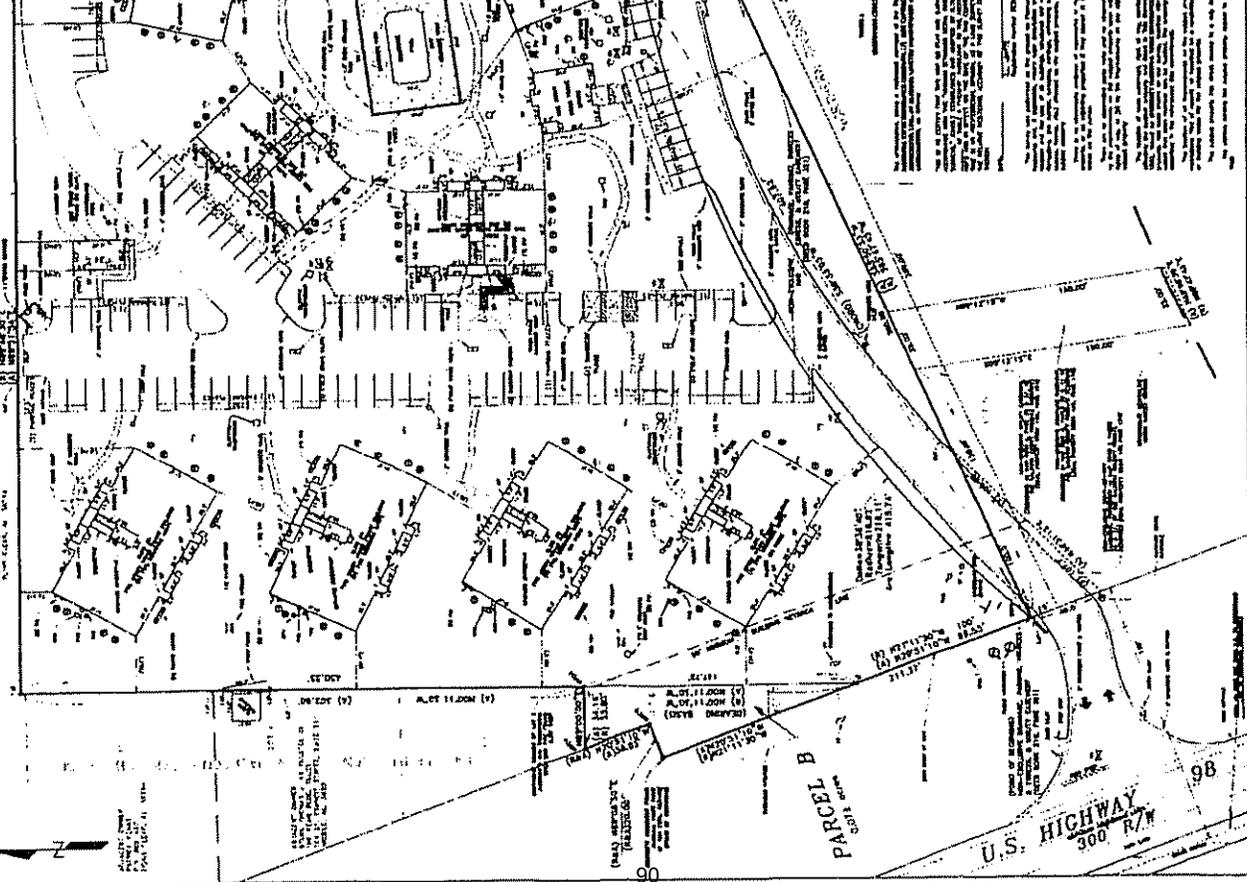
WINDSCAPE APARTMENTS

OWNER	...
DEVELOPER	...
ARCHITECT	...
ENGINEER	...
DATE	...

SECTION 17, TOWNSHIP 10N, RANGE 10E, CO. 10, ALA.

SECTION 18, TOWNSHIP 10N, RANGE 10E, CO. 10, ALA.

SECTION 19, TOWNSHIP 10N, RANGE 10E, CO. 10, ALA.



Property Owners Adjacent to Windscape Apartments:

**Patrick Klaas
P.O. Box 437
Point Clear, AL 36564**

**Stein, Thomas J AS
Trustee of the Penn
P.O. Box 1772
Mobile, AL 36633**

ORDINANCE NO. 2008 –

**Ordinance to Rezone Property Located on U.S. Highway 98
(East of U.S. Highway 98 and South Park Drive)
Windscape II Associates, Ltd.
(6 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District to R-4, High Density Multi-Family Residential District said property is located on U. S. Highway 98, East of U.S. Highway 98 and South Park Drive, Daphne, Alabama, being more particularly described as follows:

Legal Description:

That real property situated in Section 7 and 8, Township 5 South, Range 2 East County of Baldwin, State of Alabama, described as follows, to-wit:

PARCEL A:

BEGINNING AT THE RIGHT OF WAY MONUMENT LOCATED ON THE EAST RIGHT OF WAY OF U. S. HIGHWAY NUMBER 98 NORTH OF DAPHNE, ALABAMA, MARKED "STATION 422+00"; THENCE SOUTH 21 DEGREES 11 MINUTES 30 SECONDS EAST 112.10 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 89 DEGREES 00 MINUTES 11 SECONDS WEST 450.00 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 48 MINUTES 30 SECONDS EAST 627.00 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 11 MINUTES 30 SECONDS EAST 280.00 FEET TO A POINT; THENCE RUN SOUTH 65 DEGREES 47 MINUTES 45 SECONDS WEST 647.17 FEET TO A POINT ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98; THENCE RUN NORTH 21 DEGREES 11 MINUTES 30 SECONDS WEST 100.00 FEET ALONG THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98 TO THE POINT OF BEGINNING; SAID ABOVE DESCRIBED PARCEL CONTAINING 5.99 ACRES BEING PARTS OF LOTS 10, 11, AND 12, OF THE NORTH DIVISION OF JACKSON'S OAK SUBDIVISION, LOCATED IN SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE COURT, BALDWIN COUNTY, ALABAMA.

PARCEL B:

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 OF THE NORTHERN DIVISION OF JACKSON'S OAK SUBDIVISION IN REGULAR U.S. SECTIONS 7 AND 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 4, PAGES 36-37, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA. AS THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE SOUTH 00 DEGREES 11 MINUTES 30 SECONDS EAST ALONG THE EAST LINE OF LOTS 6, AND 7, IN SAID SUBDIVISION 148.00 FEET TO A POINT ON THE EAST RIGHT OF WAY OF ALABAMA STATE HIGHWAY DEPARTMENT PROJECT 635+3 (U.S. HIGHWAY NUMBER 98); THENCE RUN NORTH 21 DEGREES 11 MINUTES 30 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 112.10 FEET TO RIGHT OF WAY MONUMENT "422+00"; THENCE RUN NORTH 68 DEGREES 48 MINUTES 31 SECONDS EAST, 20.00 FEET; THENCE RUN NORTH 21 DEGREES 11 MINUTES 30 SECONDS WEST 38.40 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 6; THENCE RUN NORTH 89 DEGREES EAST, 33.80 FEET TO THE POINT OF BEGINNING;

BOTH PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE RIGHT OF WAY MONUMENT LOCATED ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98 NORTH OF DAPHNE, ALABAMA, MARKED

Exhibit A-1

"STATION 422+00"; THENCE RUN NORTH 69 DEGREES 08 MINUTES 50 SECONDS EAST 20.00 FEET TO A POINT; THENCE RUN NORTH 20 DEGREES 51 MINUTES 10 SECONDS WEST 38.03 FEET TO A POINT,

SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98; THENCE RUN NORTH 89 DEGREES 00 MINUTES 00 SECONDS EAST 34.16 FEET TO THE NORTHEAST CORNER OF LOT 6, NORTHERN DIVISION OF JACKSON'S OAK SUBDIVISION, SAID SUBDIVISION BEING LOCATED IN REGULAR SECTIONS 7 & 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ACCORDING TO A PLAT THEREOF RECORDED IN MAP BOOK 4, PAGES 36-37, IN THE OFFICE OF THE JUDGE OF PROBATE COURT, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 11 MINUTES 30 SECONDS WEST 302.60 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 51 MINUTES 54 SECONDS EAST, 626.72 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 11 SECONDS EAST, 279.95 FEET TO A POINT; THENCE RUN SOUTH 65 DEGREES 50 MINUTES 33 SECONDS WEST 647.29 FEET TO A POINT ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98; THENCE RUN NORTH 20 DEGREES 51 MINUTES 10 SECONDS WEST, 211.37 FEET TO THE POINT OF BEGINNING; CONTAINING 6.06 ACRES MORE OR LESS.

PARCEL (A & B) BEING SUBJECT TO A NON-EXCLUSIVE DRAINAGE, PARKING, INGRESS & EGRESS, AND UTILITY-EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RIGHT OF WAY MONUMENT LOCATED ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98, NORTH OF DAPHNE, ALABAMA. MARKED "STATION 422+00"; THENCE RUN SOUTH 20 DEGREES 51 MINUTES 10 SECONDS EAST 211.37 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 65 DEGREES 50 MINUTES 33 SECONDS EAST ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL 647.29 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 10 MINUTES 11 SECONDS WEST ALONG THE EAST LINE OF ABOVE DESCRIBED PARCEL 117.62 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 49 MINUTES 49 SECONDS WEST, 81.81 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 11 SECONDS EAST 20.89 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 206.89 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET, A CHORD DISTANCE OF 190.88 FEET, AND A CHORD BEARING OF SOUTH 39 DEGREES 20 MINUTES 37 SECONDS WEST TO A POINT; THENCE RUN SOUTH 78 DEGREES 51 MINUTES 25 SECONDS WEST, 36.53 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, AN ARC LENGTH OF 415.74 FEET, SAID CURVE HAVING A RADIUS OF 616.92 FEET, A CHORD DISTANCE OF 407.92 FEET, AND A CHORD BEARING OF SOUTH 59 DEGREES 33 MINUTES 05 SECONDS WEST TO THE POINT OF BEGINNING, CONTAINING 0.85 ACRES MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED RIGHTS:

A non-exclusive utility easement as described in Real Property Book 159, Page 174 over and across the following described property; commence at the right of way monument located on the East right of way of U. S. 98 North of Daphne, Alabama, marked "Station 422+00"; thence run

South 21 degrees 11 minutes 30 seconds East 212.1 feet to the point of beginning, run thence North 65 degrees 47 minutes 45 seconds East 380.00 feet; run thence South 21 degrees 11 minutes 30 seconds East 15.0 feet; run thence South 65 degrees 47 minutes 45 seconds West 380.0 feet; run thence North 21 degrees 11 minutes 30 seconds West 15.0 feet to the point of beginning. Said above described parcel being a part of Lots 10 and 11 of the Northern Division of Jackson's Oak Subdivision, located in Section 7, Township 5 South, Range 2 East recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Map Book 4, Pages 36-37.

A non-exclusive drainage easement as described in Real Property Book 159, Page 176 over and across the following described property; commencing at the right of way monument located on the East right of way of U. S. 98 North of Daphne, Alabama, marked "Station 422+00"; thence run South 21 degrees 11 minutes 30 seconds East 212.1 feet; thence run North 65 degrees 47 minutes 45 seconds East 150.0 feet to the point of beginning; run thence South 9 degrees 12 minutes 15 seconds East 150 feet to the center of North Yancey Branch; thence run against the stream flow 35 feet, more or less, to the centerline of said stream; thence run North 9 degrees 12 minutes 15 seconds West 150 feet more or less, thence run South 65 degrees 47 minutes 45 seconds West to the point of beginning, Said above described parcel being a part of Lot 10 of the Northern Division of Jackson's Oak Subdivision, located in Section 7, Township 5 South, Range 2 East, recorded in the Office of the Judge of Probate of Baldwin County, Alabama, In Map Book 4, Pages 36-37.

A non-exclusive right of way easement as described in Real Property Book 159, Page 178 over and across the following described property; commence at the right of way monument located on the East right of way of U. S. 98 North of Daphne, Alabama, marked "Station 422+00"; thence run South 21 degrees 11 minutes 30 seconds East 212.1 feet to the

point of beginning, run thence South 21 degrees, 11 minutes 30 seconds East 40.0 feet; thence run North 43 degrees 55 minutes 40 seconds East 107.7 feet thence run South 65 degrees 47 minutes 45 seconds West 100.0 feet to the point of beginning. Said above described parcel being a part of Lot 10 of the Northern Division of Jackson's Oak Subdivision, located in Section 7, Township 5 South, Range 2 East, recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Map Book 4, Pages 36-37.

EXHIBIT B
PERMITTED ENCUMBRANCES

1. All taxes for the year 2007 and subsequent years, not yet due and payable, and any additional taxes, interest, and/or penalties which may be assessed for the year 2007 or prior years by virtue of adjustment, re-appraisal, re-assessment, appeal or other amendment of the tax records for the City of Daphne and Baldwin County.
2. Rights of tenants, as tenants only in possession of subject property.
3. Any prior reservation or conveyance of minerals of every kind and character, including, but not limited to, oil, gas, sand and gravel in, on, and/or under subject property, not limited to, but including Warranty Deed, dated October 28, 1983, and recorded November 9, 1983, in Real Property Book 159, Page 170, aforesaid records.
4. Title to that portion of land lying within public right of way, conveyed for highway purposes or acquired in condemnation procedure not recorded in deed records of Baldwin County, State of Alabama.
5. All matters appearing on plat of survey recorded in Map Book 4, Pages 36 and 37, Baldwin County, Alabama Records.
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7. Reservations as contained in Drainage Easement by Patrick Klaas and Barbara Klaas, husband and wife to Paradise Beach Investment, Ltd., dated October 28, 1983, and recorded November 9, 1983, in Real Property Book 159, Page 176, aforesaid records.
8. Reservations as contained in Access Easement by Patrick Klaas and Barbara Klaas, husband and wife to Paradise Beach Investment, Ltd., dated October 28, 1983, and recorded November 9, 1983, in Real Property Book 159, Page 178, aforesaid records.
9. Easement Agreement by and between Windscape Associates, Ltd., a Florida limited partnership and Patrick Martin Klaas, dated April 15, 1998, and recorded April 29, 1998, in Real Property Book 821, Page 273, aforesaid records.
10. Terms and conditions of Memorandum of Lease by and between Windscape Rotondo, LLC, Lessor and Coinmach Corporation, Lessee, dated August 28, 2002, and recorded September 19, 2002, in Instrument No. 682938, aforesaid records.
11. Restrictive Covenants as contained in Deed from Otto Neese and Maudine Neese to Marietta L Klaas, dated July 7, 1954, and recorded in Deed Book 210, Page 351, aforesaid records.

Exhibit B-1

WHEREAS, the Planning Commission of the City of Daphne on November 20, 2007 has considered said request and set forth an *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, January 7, 2008 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 B-2, General Business District to R-4, to High Density Multi-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 of _____, 2008.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Wednesday,
December 5, 2007

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 7, 2008 at 6:30 p.m. in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property as presented below from B-2, General Business District to R-4, High Density Multi-Family Residential District. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 –

**Ordinance to Rezone Property Located on U.S. Highway 98
(East of U.S. Highway 98 and South Park Drive)
Windscape II Associates, Ltd.
(6 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District to R-4, High Density Multi-Family Residential District said property is located on U. S. Highway 98, East of U.S. Highway 98 and South Park Drive, Daphne, Alabama, being more particularly described as follows:

Legal Description:

That real property situated in Section 7 and 8, Township 5 South, Range 2 East County of Baldwin, State of Alabama, described as follows, to-wit:

PARCEL A:

BEGINNING AT THE RIGHT OF WAY MONUMENT LOCATED ON THE EAST RIGHT OF WAY OF U. S. HIGHWAY NUMBER 98 NORTH OF DAPHNE, ALABAMA, MARKED "STATION 422+00"; THENCE SOUTH 21 DEGREES 11 MINUTES 30 SECONDS EAST 112.10 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 89 DEGREES 00 MINUTES 11 SECONDS WEST 450.00 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 48 MINUTES 30 SECONDS EAST 627.00 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 11 MINUTES 30 SECONDS EAST 280.00 FEET TO A POINT; THENCE RUN SOUTH 65 DEGREES 47 MINUTES 45 SECONDS WEST 647.17 FEET TO A POINT ON THE EAST RIGHT OF

PLEASE Publish in the Bulletin Legal Section on Wednesday, December 12, 2007

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on December 5, 2007, that the City Council of the City of Daphne will hold a Public Hearing on January 7, 2008 at 6:30 p.m. in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain properties from B-2, General Business District to R-4, High Density Multi-Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 –

**Ordinance to Rezone Property Located on U.S. Highway 98
(East of U.S. Highway 98 and South Park Drive)
Windscape II Associates, Ltd.
(6 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District to R-4, High Density Multi-Family Residential District said property is located on U. S. Highway 98, East of U.S. Highway 98 and South Park Drive, Daphne, Alabama, being more particularly described as follows:

Legal Description:

That real property situated in Section 7 and 8, Township 5 South, Range 2 East County of Baldwin, State of Alabama, described as follows, to-wit:

PARCELA:

BEGINNING AT THE RIGHT OF WAY MONUMENT LOCATED ON THE EAST RIGHT OF WAY OF U. S. HIGHWAY NUMBER 98 NORTH OF DAPHNE, ALABAMA, MARKED "STATION 422+00"; THENCE SOUTH 21 DEGREES 11 MINUTES 30 SECONDS EAST 112.10 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 89 DEGREES 00 MINUTES 11 SECONDS WEST 450.00 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 48 MINUTES 30 SECONDS EAST 627.00 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 11 MINUTES 30 SECONDS EAST 280.00 FEET TO A POINT; THENCE RUN SOUTH 65 DEGREES 47 MINUTES 45 SECONDS WEST 647.17 FEET TO A POINT ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98; THENCE RUN NORTH 21 DEGREES 11 MINUTES 30 SECONDS WEST 100.00 FEET ALONG THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Patrick Klaas - Zoning U. S.
Highway 98 and Park Drive
1.04 acre parcel
Date: November 27, 2007

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, November 20, 2007, seven members were present and the motion failed for the affirmative recommendation; therefore, it was not favorably recommended.

The present zoning is R-3, high density single family residential. The proposed zoning is R-4, high density multi-family residential. The property is located Southeast of the intersection of U. S. Highway 98 and Park Drive.

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: 207-13 Date Plat Submitted: Oct. 23, 2007

Date Presented: Nov. 20, 2007

Name of Owner: Patrick ~~Klass~~ Klaas

Address: P O BOX 437 POINT CLEAR, AL 36564 Telephone# 928-8321
(Street or P.O. Box) (City) (State) (Zip Code)

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

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

Subdivision: _____

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: 10/18/07).

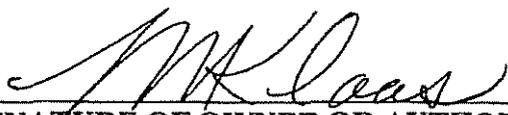
Meeting Dates:

Planning Commission: _____

City Council: _____

Reason(s) for requesting the Zoning Amendment:

To develop an R-4 MULTI FAMILY along US HWY 98



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

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 E OF US HWY 98 AND SOUTH OF PARK DRIVE

b) Name of Subdivision _____

c) Lot numbers involved in change _____

d) Total acreage of change 1.04

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 Multi-Family

c) Character of neighborhood Mixed, residential & undeveloped

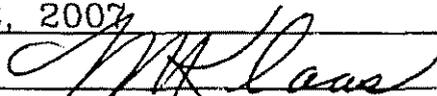
3) Certifications:

a) Owner's Name Patrick Klass ^{Klaas}

b) Address P O Box 437 Point Clear, 36564

c) Telephone Number 928-8321

d) Date October 22, 2007



Signature of Property Owner

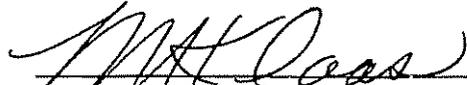
Signature of Property Owner

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.

10-19-07
Date


Signature of Property Owner

PATRICK KLAAS

REZONING OF 1.04 ACRES
TO R-4 MULTI-FAMILY

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH OF 1.04 ACRES TO-WIT:

PARCEL 1

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 15 OF THE NORTHERN DIVISION OF JACKSON'S OAK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 4, AT PAGES 36 AND 37, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, (SAID POINT IS ALSO KNOWN AS THE SOUTHWEST CORNER OF WILLIE'S PLACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1784-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA) FOR A POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING RUN SOUTH 00 DEGREES 17 MINUTES 44 SECONDS EAST, FOR A DISTANCE OF 85.82 FEET TO A POINT IN THE CENTER OF THE NORTH FORK OF YANCEY'S BRANCH; THENCE RUN SOUTHEASTWARDLY ALONG AND FOLLOWING THE CENTERLINE OF THE NORTH FORK OF YANCEY'S BRANCH AND ALSO ALONG AND FOLLOWING THE NORTH LINE OF SUMMER OAKS TOWNHOMES, UNITS 13, FOR A DISTANCE OF 371 FEET MORE OR LESS; THENCE RUN NORTH 00 DEGREES 01 MINUTE 23 SECONDS WEST, FOR A DISTANCE OF 265.39 FEET; THENCE RUN SOUTH 89 DEGREES 47 MINUTE 36 SECONDS WEST, FOR A DISTANCE OF 310.49 FEET, TO THE POINT OF BEGINNING. TRACT CONTAINS 1.04 ACRES, MORE OR LESS, AND LIES IN THE D'OLIVE GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA. (DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY).

NORTH FORK
REZONE APO LISTING
R3 TO R4 MULTI FAMILY

GERTMAN, JOCELYN J
4333 DEEPHAVEN COURT
DENVER,CO 80239

TONSMEIRE DEVELOPMENT CORPORATION C/O TONSMEIRE PROPERTIES
6 S SUMMIT ST
FAIRHOPE,AL 36532

SUMMER OAKS PROPERTY OWNERS ASSOC INC
99 SUMMER OAKS DR
DAPHNE,AL 36526

BOUTIN, CHRISTIE
47 SUMMER OAKS DRIVE
DAPHNE,AL 36526

GULF COAST REFERRAL SERVICE LLC
6351 MONROE ST
DAPHNE,AL 36526

DENTON, CHARLES S ETAL DENTON, PERRI G
61 SUMMER OAKS DR
DAPHNE,AL 36526

PENN, JOHN NOEL JR
63 SUMMER OAKS DR
DAPHNE,AL 36526

KEELING, IRENE W(MOZER, MARTHA KEELING-A
65 SUMMER OAKS DRIVE
DAPHNE,AL 36526

NORTH FORK
REZONE APO LISTING
R3 TO R4 MULTI FAMILY

MOZER, MARTHA K
67 SUMMER OAKS DRIVE
DAPHNE,AL 36526

GRAHAM, JAMES KEITH
49 SUMMER OAKS DR
DAPHNE,AL 36526

LEFEBVRE, BRUCE A ETAL LEFEBVRE, LINDA J
1001 EATON ST I
KEY WEST,FL 33040

KING, FREDRICK
51 SUMMER OAKS
DAPHNE,AL 36526

RUSSELL, DENNIS K ETAL RUSSELL, TREASA P
52 SUMMER OAKS DRIVE
DAPHNE,AL 36526

WAL-MART STORES INC C/O PROPERTY TAX DEPT
P O BOX 8050 ATTN: 0555
BENTONVILLE,AR 72712

PADGETT, LEONARD & ESTELLE
7014 PARK DR
DAPHNE,AL 36526

DAPHNE CITY OF
P O BOX 400
DAPHNE,AL 36526

ORDINANCE NO. 2008 –

**Ordinance to Rezone Property Located
East of U.S. Highway 98 and South Park Drive
Patrick Klaas
(1.04 Acres)**

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 Multi-Family Residential District said property is located on East of U. S. Highway 98 and South Park Drive, Daphne, Alabama, being more particularly described as follows:

Legal Description:

PARCEL 1

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 15 OF THE NORTHERN DIVISION OF JACKSON'S OAK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 4, AT PAGES 36 AND 37, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, (SAID POINT IS ALSO KNOWN AS THE SOUTHWEST CORNER OF WILLIE'S PLACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1784-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA) FOR A POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING RUN SOUTH 00 DEGREES 17 MINUTES 44 SECONDS EAST, FOR A DISTANCE OF 85.82 FEET TO A POINT IN THE CENTER OF THE NORTH FORK OF YANCEY'S BRANCH; THENCE RUN SOUTHEASTWARDLY ALONG AND FOLLOWING THE CENTERLINE OF THE NORTH FORK OF YANCEY'S BRANCH AND ALSO ALONG AND FOLLOWING THE NORTH LINE OF SUMMER OAKS TOWNHOMES, UNITS 13, FOR A DISTANCE OF 371 FEET MORE OR LESS; THENCE RUN NORTH 00 DEGREES 01 MINUTE 23 SECONDS WEST, FOR A DISTANCE OF 265.39 FEET; THENCE RUN SOUTH 89 DEGREES 47 MINUTE 36 SECONDS WEST, FOR A DISTANCE OF 310.49 FEET, TO THE POINT OF BEGINNING. TRACT CONTAINS 1.04 ACRES, MORE OR LESS, AND LIES IN THE D'OLIVE GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA. (DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY).

WHEREAS, the Planning Commission of the City of Daphne on November 20, 2007 has considered said request and *the motion failed for the 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, January 7, 2008 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 Multi-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 of _____, 2008.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Wednesday,
December 5, 2007

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 7, 2008 at 6:30 p.m. in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property as presented below R-3, High Density Single Family Residential District to R-4, High Density Multi-Family Residential District. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 –

**Ordinance to Rezone Property Located
East of U.S. Highway 98 and South Park Drive
Patrick Klaas
(1.04 Acres)**

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 Multi-Family Residential District said property is located on East of U. S. Highway 98 and South Park Drive, Daphne, Alabama, being more particularly described as follows:

Legal Description:

PARCEL 1

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 15 OF THE NORTHERN DIVISION OF JACKSON'S OAK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 4, AT PAGES 36 AND 37, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, (SAID POINT IS ALSO KNOWN AS THE SOUTHWEST CORNER OF WILLIE'S PLACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1784-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA) FOR A POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING RUN SOUTH 00 DEGREES 17 MINUTES 44 SECONDS EAST, FOR A DISTANCE OF 85.82 FEET TO A POINT IN THE CENTER OF THE NORTH FORK OF

PLEASE Publish in the Bulletin Legal Section on Wednesday,
December 12, 2007

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on December 5, 2007, that the City Council of the City of Daphne will hold a Public Hearing on January 7, 2008 at 6:30 p.m. in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain properties from below R-3, High Density Single Family Residential District to R-4, High Density Multi-Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 --

**Ordinance to Rezone Property Located
East of U.S. Highway 98 and South Park Drive
Patrick Klaas
(1.04 Acres)**

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 Multi-Family Residential District said property is located on East of U. S. Highway 98 and South Park Drive, Daphne, Alabama, being more particularly described as follows:

Legal Description:

PARCEL 1

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 15 OF THE NORTHERN DIVISION OF JACKSON'S OAK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 4, AT PAGES 36 AND 37, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, (SAID POINT IS ALSO KNOWN AS THE SOUTHWEST CORNER OF WILLIE'S PLACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1784-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA) FOR A POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING RUN SOUTH 00 DEGREES 17 MINUTES 44 SECONDS EAST, FOR A DISTANCE OF 85.82 FEET TO A POINT IN THE CENTER OF THE NORTH FORK OF YANCEY'S BRANCH; THENCE RUN SOUTHEASTWARDLY ALONG AND FOLLOWING THE CENTERLINE OF THE NORTH FORK OF YANCEY'S BRANCH AND ALSO ALONG AND FOLLOWING THE NORTH LINE OF SUMMER OAKS TOWNHOMES, UNITS 13, FOR A

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Patrick Klaas - Zoning U. S.
Highway 98 and Park Drive
13.86 acre parcel
Date: November 27, 2007

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, November 20, 2007, seven members were present and the motion carried for the affirmative recommendation of the above-mentioned request.

The present zoning is B-2, general business. The proposed zoning is R-4, high density multi-family residential. The property is located Southeast of the intersection of U. S. Highway 98 and Park Drive.

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: 207-12 Date Plat Submitted: Oct. 23, 2007

Date Presented: Nov. 20, 2007

Name of Owner: Patrick Klass Klaas

Address: P O BOX 437 POINT CLEAR, AL 36564 Telephone# 928-8321
(Street or P.O. Box) (City) (State) (Zip Code)

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

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

Subdivision: _____

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: 10/18/07).

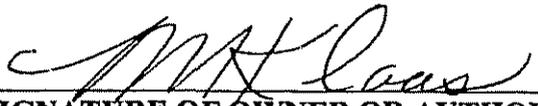
Meeting Dates:

Planning Commission: _____

City Council: _____

Reason(s) for requesting the Zoning Amendment:

To develop an R-4 MULTI FAMILY along US HWY 98



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 E OF US HWY 98 AND SOUTH OF PARK DRIVE

b) Name of Subdivision _____

c) Lot numbers involved in change _____

d) Total acreage of change 13.86

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 B-2

b) Reclassification desired R-4 Multi-Family

c) Character of neighborhood Mixed, residential & undeveloped

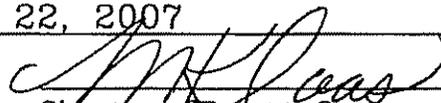
3) Certifications:

a) Owner's Name Patrick ~~Klass~~ ^{Klaas}

b) Address P O Box 437 Point Clear, 36564

c) Telephone Number 928-8321

d) Date October 22, 2007


Signature of Property Owner

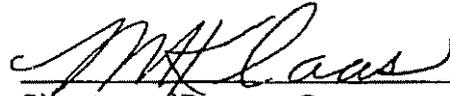
Signature of Property Owner

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.

10-19-07
Date


Signature of Property Owner

PATRICK KLAAS

REZONING OF 13.86 ACRES
TO R-4 MULTI-FAMILY

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH OF 13.86 ACRES TO-WIT

PARCEL 2

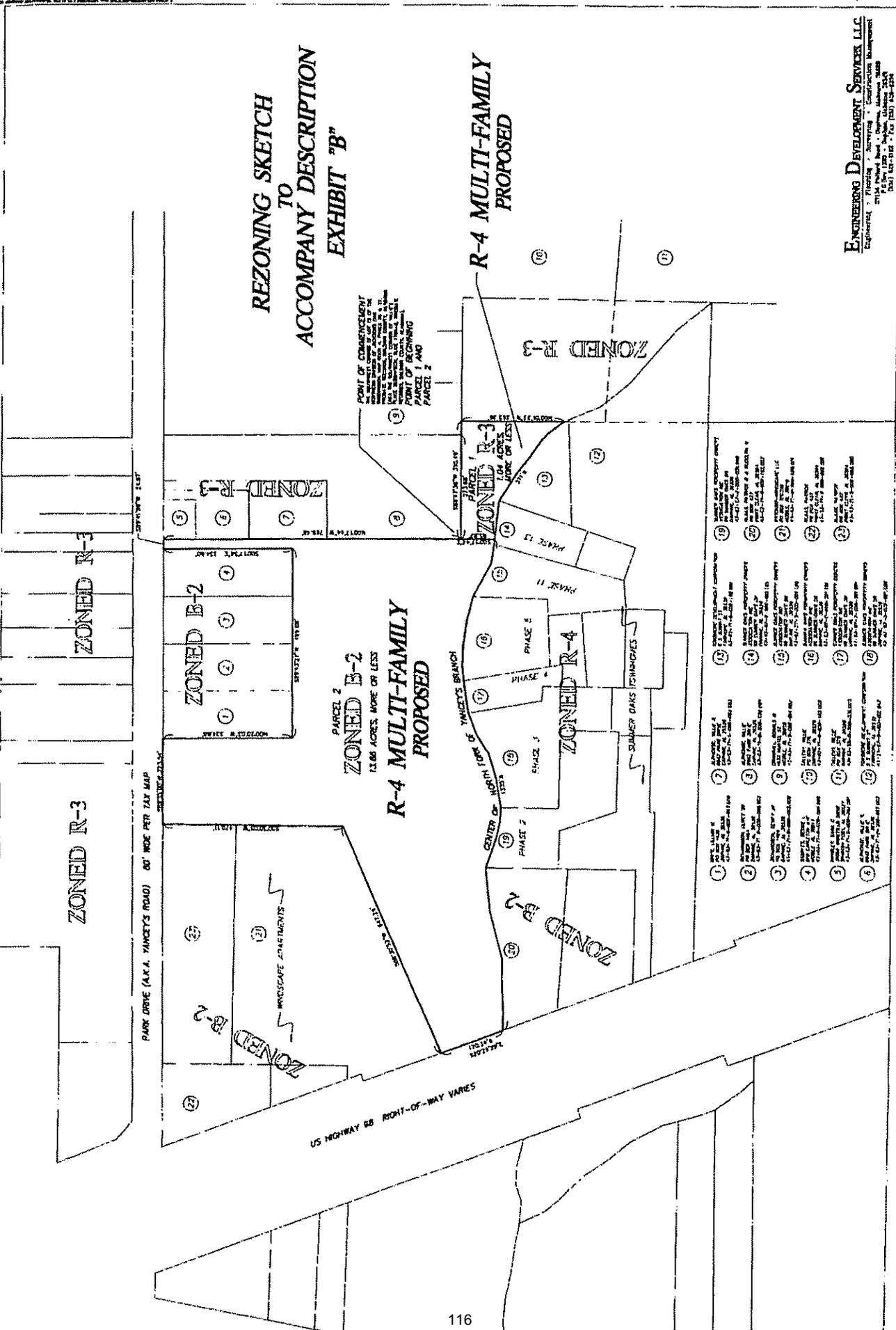
COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 15 OF THE NORTHERN DIVISION OF JACKSON'S OAK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 4, AT PAGES 36 AND 37, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, (SAID POINT IS ALSO KNOWN AS THE SOUTHWEST CORNER OF WILLIE'S PLACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORD AT SLIDE FILE 1784-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA) FOR A POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING RUN NORTH 00 DEGREES 17 MINUTES 44 SECONDS WEST, FOR A DISTANCE OF 769.48 FEET TO A POINT ON THE SOUTH MARGIN OF PARK DRIVE (A/K/A YANCEY'S ROAD); THENCE RUN SOUTH 89 DEGREES 41 MINUTES 59 SECONDS WEST, ALONG THE SOUTH MARGIN OF SAID ROAD FOR A DISTANCE OF 24.87 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 56 SECONDS EAST, FOR A DISTANCE OF 334.60 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 27 SECONDS WEST, FOR A DISTANCE OF 499.86 FEET; THENCE RUN NORTH 00 DEGREES 20 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 334.68 FEET TO A POINT ON THE SOUTH MARGIN OF SAID PARK DRIVE; THENCE RUN SOUTH 89 DEGREES 35 MINUTES 00 SECONDS WEST, ALONG SAID ROAD FOR A DISTANCE OF 223.54 FEET; THENCE RUN SOUTH 00 DEGREES 30 MINUTES 05 SECONDS WEST, FOR A DISTANCE OF 470.11 FEET; THENCE RUN SOUTH 66 DEGREES 30 MINUTES 52 SECONDS WEST, FOR A DISTANCE OF 647.24 FEET TO A POINT ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98; THENCE RUN SOUTH 20 DEGREES 25 MINUTES 29 SECONDS EAST, ALONG SAID RIGHT OF WAY, FOR A DISTANCE OF 170.24 FEET TO A POINT IN THE CENTER OF THE NORTH FORK OF YANCEY'S BRANCH; THENCE RUN EASTWARDLY, NORTHEASTWARDLY, AND SOUTHEASTWARDLY ALONG AND FOLLOWING THE CENTERLINE OF THE NORTH FORK OF YANCEY'S BRANCH AND ALSO ALONG AND FOLLOWING THE NORTH LINE OF SUMMER OAKS TOWNHOMES, UNITS 2, 3, 4, 5, 11, AND 13, FOR A DISTANCE OF 1335 FEET, MORE OR LESS, TO A POINT THAT IS SITUATED SOUTH 00 DEGREES 17 MINUTES 44 SECONDS EAST, FROM THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 17 MINUTE 44 SECONDS WEST, FOR A DISTANCE OF 85.82 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. TRACT CONTAINS 13.86 ACRES, MORE OR LESS, AND LIES IN THE D'OLIVE GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA. (DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY).

REZONING SKETCH TO ACCOMPANY DESCRIPTION EXHIBIT "B"

R-4 MULTI-FAMILY PROPOSED

PARCEL 2 ZONED B-2 12.66 ACRES, MORE OR LESS R-4 MULTI-FAMILY PROPOSED



- 1. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 2. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 3. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 4. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 5. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 6. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 7. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 8. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 9. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 10. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 11. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 12. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 13. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 14. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 15. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 16. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 17. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 18. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 19. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 20. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 21. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 22. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 23. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 24. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 25. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 26. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 27. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 28. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 29. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.
- 30. 12.66 ACRES, MORE OR LESS, PARCEL 2, ZONED B-2, 12.66 ACRES, MORE OR LESS, R-4 MULTI-FAMILY PROPOSED.

ENGINEERING DEVELOPMENT SERVICES, LLC
 Engineering | Planning | Surveying | Construction Management
 1114 Parkside Blvd., Suite 100, Winston-Salem, NC 27104
 P.O. Box 1287, Raleigh, North Carolina 27602
 Phone: (704) 771-1111 Fax: (704) 771-1111

NORTH FORK REZONE APO LISTING

ADREY, JEANNETTE (1/2 INT) ETAL
PHILLIPS
7125 HIGHPOINTE PLACE W
SPANISH FORT,AL 36527

ALPHONSE, WILLIE R ETUX LEANA M
6942 PARK DRIVE
DAPHNE,AL 36526

ANDERSON, STEVEN D
210 SOUTH DRIVE
FAIRHOPE,AL 36532

BAREFOOT, GLEN A SR ETUX
MARILYN E
6 RANGER RD
SPANISH FORT,AL 36527

BELL, TIMOTHY LEE (TRUSTEE OF
THE TIMOTH
9914 MCGEE ST
ELBERTA,AL 36530

BOBACK, MARY KATHLEEN
53 SUMMER OAKS DRIVE
DAPHNE,AL 36526

BOOTHE, KIRK A ETUX JULIE A
8787 PINE RUN
DAPHNE,AL 36526

BOUTIN, CHRISTIE
47 SUMMER OAKS DRIVE
DAPHNE,AL 36526

BRADLEY, SARA C ETAL BRADLEY,
WILLIAM
31099 WAKEFIELD DRIVE
SPANISH FORT,AL 36527

BRANTLEY, ROBERT L ETAL
BRANTLEY, SYLVIA
108 LANCASTER WAY
DAPHNE,AL 36526

BREWINGTON, ANDREA JEANNE
ETAL BREWINGTO
57 SUMMER OAKS DR
DAPHNE,AL 36526

BROWN, CYNTHIA M
12 SUMMER OAKS DRIVE
DAPHNE,AL 36526

BROWN, JOEL MCDONALD
4 YACHT CLUB DRIVE UNIT 20
DAPHNE,AL 36526

BUZBEE, PHYLLIS E
11730 WINDY WOODS
SPANISH FORT,AL 36527

BYRD, BRANDON J
42 SUMMER OAKS DR
DAPHNE,AL 36526

BYRD, ELVIN ETAL AMY E
62 SUMMER OAKS DR
DAPHNE,AL 36526

CAMPBELL, CLARENCE ETUX BETTY
6715 AUDUBON DRIVE
COLUMBUS,GA 31909

CENNAME, MARY
103 SUMMERWINDS LANE
JUPITER,FL 33458

CHADWELL, MARTHA M
54 SUMMER OAKS
DAPHNE,AL 36526

CHANEY, LOUIS J & GWENDA H
13113 MICA CT
SILVER SPRING,MD 20904

CHILDRESS, SYLVIA
5 SUMMER OAKS DR
DAPHNE,AL 36526

CRANDALL, RONALD M
1652 HURTEL ST
MOBILE,AL 36617

CROFT, M SCOTT ETAL CROFT,
TERESA
26100 VIA DEL SAN FRANCESCO
DAPHNE,AL 36526

CROWE, MARIANNE
28 SUMMER OAKS DR
DAPHNE,AL 36526

DAPHNE CITY OF
P O BOX 400
DAPHNE,AL 36526

DAVENPORT, JACK ELLIOTT JR
66 SUMMER OAKS DR
DAPHNE,AL 36526

DENTON, CHARLES S ETAL DENTON,
PERRI G
61 SUMMER OAKS DR
DAPHNE,AL 36526

DUNBAR, PAULA J
P O BOX 1735
DAPHNE,AL 36526

EASTERN SHORE BAPTIST CHURCH S
B C INC
P O BOX 128
DAPHNE,AL 36526

ECHOLS, BARBARA F/K/A HENRY,
BARBARA AS
59 SUMMER OAKS DRIVE
DAPHNE,AL 36526

EVANS, DAVID SCOTT
19 SUMMER OAKS DR
DAPHNE,AL 36526

FIRST COMMUNITY BANK
P O BOX 1419
CHATOM,AL 36518

FLEISCHMANN, KRIS WALTER
37 SUMMER OAKS DRIVE
DAPHNE,AL 36526

GERTMAN, JOCELYN J
4333 DEEPHAVEN COURT
DENVER,CO 80239

GRAHAM, JAMES KEITH
49 SUMMER OAKS DR
DAPHNE,AL 36526

GREEN, WILLIAM P
7348 NORTHBROOK CIRCLE
SPANISH FORT,AL 36527

GULF COAST REFERRAL SERVICE
LLC
6351 MONROE ST
DAPHNE,AL 36526

GULLEY, PERCY ETAL GULLEY,
TRINA SEXTON
6919 PARK DRIVE
DAPHNE,AL 36526

HAFNER, JUDITH A
46 SUMMER OAKS DRIVE
DAPHNE,AL 36526

HARRISON, AUBREY BOMAR JR
27 SUMMER OAKS DR
DAPHNE,AL 36526

HEIM, MICHELE
#18 SUMMER OAKS DRIVE
DAPHNE,AL 36526

HEMBREE, SHERRY J
3 SUMMER OAKS DR
DAPHNE,AL 36526

HERP, BETTY J
11 SUMMER OAKS DRIVE
DAPHNE,AL 36526

IRWIN, D BRUCE
2147 RIVERCHASE OFC RD
HOOVER,AL 35244

JAMES, JOSEPH H ETAL JAMES CHERI
T
53 SUMMER OAKS DR
DAPHNE,AL 36526

JERNUDD, STEVEN R
104 COMER CIRCLE
DAPHNE,AL 36526

KAISER, WILLIAM R
901 RYAN
DAPHNE,AL 36526

KEELING, IRENE W(MOZER, MARTHA
KEELING-A
65 SUMMER OAKS DRIVE
DAPHNE,AL 36526

KING, FREDRICK
51 SUMMER OAKS
DAPHNE,AL 36526

KLAAS, A RUDOLPH III 1/2 INT &
PATRAICK 1/2 INT
P O BOX 437
POINT CLEAR,AL 36564

KLAAS, PATRICK
P O BOX 437
POINT CLEAR,AL 36564

LEDBETTER, ERIC J ETAL
LEDBETTER, CAROL
28040 ST HWY 181
DAPHNE,AL 36526

LEFEBVRE, BRUCE A ETAL
LEFEBVRE, LINDA J
1001 EATON ST 1
KEY WEST,FL 33040

LETT, FRANCES ETAL LETT, BETTY
LOU
6715 AUDOBON DRIVE
COLUMBUS,GA 31909

LOES, ERIC BERNARD
201 BAY VIEW DR
DAPHNE,AL 36526

LUKA, SARAH
8 SUMMER OAKS DR
DAPHNE,AL 36526

MANCI, WILLIAM A ETAL MANCI,
GWENDOLYN J
1 SUMMER OAKS DR
DAPHNE,AL 36526

MCCLELLAND, FLORA GAIL
32 SUMMER OAKS
DAPHNE,AL 36526

MCCOVERY, NAPOLEON ETAL
MCCOVERY, CARRIE
6994 PARK DR
DAPHNE,AL 36526

MCDANIEL, EMMA JEAN
40 SUMMER OAKS DR
DAPHNE,AL 36526

MCINTYRE, ASHLEY K
7 SUMMER OAKS DR
DAPHNE,AL 36526

MILLER, MEAD PICKENS
24 SUMMER OAKS DRIVE
DAPHNE,AL 36526

MOSLEY, JEFFREY C
21 SUMMER OAKS DRIVE
DAPHNE,AL 36526

MOZER, MARTHA K
67 SUMMER OAKS DRIVE
DAPHNE,AL 36526

MUZILA, JOSEPH P & LOIS M
2555 DALTON DRIVE
PELHAM,AL 35124

O'CONNOR, MATTHEW JOSEPH
34 SUMMER OAKS DR
DAPHNE,AL 36526

O'HEAR, DEBORAH B
35 SUMMER OAKS
DAPHNE,AL 36526

PADGETT, LEONARD & ESTELLE
7014 PARK DR
DAPHNE,AL 36526

PARKER, MICHAEL J
110 FIFTH STREET 204C
DAPHNE,AL 36526

PENN, JOHN NOEL JR
63 SUMMER OAKS DR
DAPHNE,AL 36526

PERDUE, ALLEN D
1837 FAIRLEE COURT
MONTGOMERY,AL 36106

QUALE, CHERYL L
29 SUMMER OAKS DR
DAPHNE,AL 36526

RENCHER, CHARLIE
9989 CO ROAD 24
FAIRHOPE,AL 36532

RICHARDSON, CHAD ETAL
RICHARDSON, STEPHA
31 SUMMER OAKS DR
DAPHNE,AL 36526

RICHARDSON, DEWEY JR
P O BOX 1464
DAPHNE,AL 36526

RICHARDSON, DEWEY SR ETAL
RICHARDSON, OC
P O BOX 1464
DAPHNE,AL 36526

ROTONDO-WINDSCAPE LLC
P O BOX 160306
MOBILE,AL 36616

RUSSELL, DENNIS K ETAL RUSSELL,
TREASA P
52 SUMMER OAKS DRIVE
DAPHNE,AL 36526

SAMPLES, BESSIE LUCILLE
819 CARLETON AVE
MOBILE,AL 36617

SAMS, DOROTHY
157 E 102ND STREET
LOS ANGELES,CA 90003

SANCHEZ-NAVARRO, JOSE L
2 SUMMER OAKS DR
DAPHNE,AL 36526

SIMMONS, ANDREW M
14868 BLUFF ROAD
SUMMERDALE,AL 36580

SMITH, CONRAD LEO
P O BOX 530013
BIRMINGHAM,AL 35253

STEIN, THOMAS J AS TRUSTEE OF
THE PENN
P O BOX 1772
MOBILE,AL 36633

STOUT, HEATHER
36 SUMMER OAKS DR
DAPHNE,AL 36526

SUMMER OAKS PROPERTY OWNERS
ASSOC INC
99 SUMMER OAKS DR
DAPHNE,AL 36526

TAYLOR, RENE YARBROUGH ETAL
TAYLOR, WILL
P O BOX 1875
DAPHNE,AL 36526

TOLBERT, ROSE MARIE
P O BOX 2783
DAPHNE,AL 36526

TONSMEIRE DEVELOPMENT
CORPORATION C/O TONSMEIRE
PROPERTIES
6 S SUMMIT ST
FAIRHOPE,AL 36532

WAL-MART STORES INC C/O
PROPERTY TAX DEPT
P O BOX 8050 ATTN: 0555
BENTONVILLE,AR 72712

WASDIN, ZAVIER PAUL
44 SUMMER OAKS DR
DAPHNE,AL 36526

WATTS, VODIE & ROSETTA (LIFE
ESTATE)
28189 SECOND AVE
DAPHNE,AL 36526

WATTS. VODIE
28189 SECOND AVE
DAPHNE,AL 36526

WELTLICH, CASEY L
9182 FEATHER TRAIL
FAIRHOPE,AL 36532

WHITE, LILLIAN MARIE CHARLEY
ETAL MCLEOD
P O BOX 1435
DAPHNE,AL 36526

WILSON, GAIL K
15 SUMMER OAKS DRIVE
DAPHNE,AL 36526

WILSON, RITA R
613 JOHNSON AVE
FAIRHOPE,AL 36532

WINDSCAPE ASSOCIATES LTD C/O
THE MITCHELL CO
P O BOX 160306
MOBILE,AL 36616

WASDIN, ZAVIER PAUL
44 SUMMER OAKS DR
DAPHNE,AL 36526

WATTS, VODIE & ROSETTA (LIFE
ESTATE)
28189 SECOND AVE
DAPHNE,AL 36526

WATTS, VODIE
28189 SECOND AVE
DAPHNE,AL 36526

WELTLICH, CASEY L.
9182 FEATHER TRAIL
FAIRHOPE,AL 36532

WHITE, LILLIAN MARIE CHARLEY
ETAL MCLEOD
P O BOX 1435
DAPHNE,AL 36526

WILSON, GAIL K
15 SUMMER OAKS DRIVE
DAPHNE,AL 36526

WILSON, RITA R
613 JOHNSON AVE
FAIRHOPE,AL 36532

WINDSCAPE ASSOCIATES LTD C/O
THE MITCHELL CO
P O BOX 160306
MOBILE,AL 36616

ORDINANCE NO. 2008 –

**Ordinance to Rezone Property Located
East of U.S. Highway 98 and South Park Drive
Patrick Klaas
(13.86 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District to R-4, High Density Multi-Family Residential District said property is located East of U. S. Highway 98 and South Park Drive, Daphne, Alabama, being more particularly described as follows:

Legal Description:

PARCEL 2

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 15 OF THE NORTHERN DIVISION OF JACKSON'S OAK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 4, AT PAGES 36 AND 37, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, (SAID POINT IS ALSO KNOWN AS THE SOUTHWEST CORNER OF WILLIE'S PLACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORD AT SLIDE FILE 1784-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA) FOR A POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING RUN NORTH 00 DEGREES 17 MINUTES 44 SECONDS WEST, FOR A DISTANCE OF 769.48 FEET TO A POINT ON THE SOUTH MARGIN OF PARK DRIVE (A/K/A YANCEY'S ROAD); THENCE RUN SOUTH 89 DEGREES 41 MINUTES 59 SECONDS WEST, ALONG THE SOUTH MARGIN OF SAID ROAD FOR A DISTANCE OF 24.87 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 56 SECONDS EAST, FOR A DISTANCE OF 334.60 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 27 SECONDS WEST, FOR A DISTANCE OF 499.86 FEET; THENCE RUN NORTH 00 DEGREES 20 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 334.68 FEET TO A POINT ON THE SOUTH MARGIN OF SAID PARK DRIVE; THENCE RUN SOUTH 89 DEGREES 35 MINUTES 00 SECONDS WEST, ALONG SAID ROAD FOR A DISTANCE OF 223.54 FEET; THENCE RUN SOUTH 00 DEGREES 30 MINUTES 05 SECONDS WEST, FOR A DISTANCE OF 470.11 FEET; THENCE RUN SOUTH 66 DEGREES 30 MINUTES 52 SECONDS WEST, FOR A DISTANCE OF 647.24 FEET TO A POINT ON THE EAST RIGHT OF WAY OF U.S. HIGHWAY NUMBER 98; THENCE RUN SOUTH 20 DEGREES 25 MINUTES 29 SECONDS EAST, ALONG SAID RIGHT OF WAY, FOR A DISTANCE OF 170.24 FEET TO A POINT IN THE CENTER OF THE NORTH FORK OF YANCEY'S BRANCH; THENCE RUN EASTWARDLY, NORTHEASTWARDLY, AND SOUTHEASTWARDLY ALONG AND FOLLOWING THE CENTERLINE OF THE NORTH FORK OF YANCEY'S BRANCH AND ALSO ALONG AND FOLLOWING THE NORTH LINE OF SUMMER OAKS TOWNHOMES, UNITS 2, 3, 4, 5, 11, AND 13, FOR A DISTANCE OF 1335 FEET, MORE OR LESS, TO A POINT THAT IS SITUATED SOUTH 00 DEGREES 17 MINUTES 44 SECONDS EAST, FROM THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 17 MINUTE 44 SECONDS WEST, FOR A DISTANCE OF 85.82 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. TRACT CONTAINS 13.86 ACRES, MORE OR LESS, AND LIES IN THE D'OLIVE GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA. (DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY).

WHEREAS, the Planning Commission of the City of Daphne on November 20, 2007 has considered said request and set forth an *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, January 7, 2008 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 B-2, General Business District to R-4, High Density Multi-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 of _____, 2008.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Wednesday,
December 5, 2007

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 7, 2008 at 6:30 p.m. in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property as presented below B-2, General Business District to R-4, High Density Multi-Family Residential District. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 --

**Ordinance to Rezone Property Located
East of U.S. Highway 98 and South Park Drive
Patrick Klaas
(13.86 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District to R-4, High Density Multi-Family Residential District said property is located East of U. S. Highway 98 and South Park Drive, Daphne, Alabama, being more particularly described as follows:

Legal Description:

PARCEL 2

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 15 OF THE NORTHERN DIVISION OF JACKSON'S OAK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 4, AT PAGES 36 AND 37, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, (SAID POINT IS ALSO KNOWN AS THE SOUTHWEST CORNER OF WILLIE'S PLACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORD AT SLIDE FILE 1784-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA) FOR A POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING RUN NORTH 00 DEGREES 17 MINUTES 44 SECONDS WEST, FOR A DISTANCE OF 769.48 FEET TO A POINT ON THE SOUTH MARGIN OF PARK DRIVE (A/K/A YANCEY'S ROAD); THENCE RUN SOUTH 89 DEGREES 41 MINUTES 59 SECONDS WEST, ALONG THE SOUTH MARGIN OF SAID ROAD FOR A DISTANCE OF 24.87

PLEASE Publish in the Bulletin Legal Section on Wednesday, December 12, 2007

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on December 5, 2007, that the City Council of the City of Daphne will hold a Public Hearing on January 7, 2008 at 6:30 p.m. in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain properties from B-2, General Business District to R-4, High Density Multi-Family Residential District below as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 –

**Ordinance to Rezone Property Located
East of U.S. Highway 98 and South Park Drive
Patrick Klaas
(13.86 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District to R-4, High Density Multi-Family Residential District said property is located East of U. S. Highway 98 and South Park Drive, Daphne, Alabama, being more particularly described as follows:

Legal Description:

PARCEL 2

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 15 OF THE NORTHERN DIVISION OF JACKSON'S OAK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 4, AT PAGES 36 AND 37, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, (SAID POINT IS ALSO KNOWN AS THE SOUTHWEST CORNER OF WILLIE'S PLACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORD AT SLIDE FILE 1784-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA) FOR A POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING RUN NORTH 00 DEGREES 17 MINUTES 44 SECONDS WEST, FOR A DISTANCE OF 769.48 FEET TO A POINT ON THE SOUTH MARGIN OF PARK DRIVE (A/K/A YANCEY'S ROAD); THENCE RUN SOUTH 89 DEGREES 41 MINUTES 59 SECONDS WEST, ALONG THE SOUTH MARGIN OF SAID ROAD FOR A DISTANCE OF 24.87 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 56 SECONDS EAST, FOR A DISTANCE OF 334.60 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 27 SECONDS WEST, FOR A

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Powers Real Estate Joint
Venture - Annexation
Date: November 27, 2007

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, November 20, 2007, seven members were present and the motion failed for the affirmative recommendation of the above-mentioned request; therefore, it was not favorably recommended for the annexation of the subject property: a fourteen point nine six acre parcel with B-2, General Business, zoning; a twenty-three point four seven acre parcel with R-4, High Density Multi-Family, zoning; a ten acre point nine two acre parcel with R-3, High Density Single Family, zoning; and an eight point eight nine acre with R-4, High Density Single Family, zoning located on Alabama Highway 181 (North of Dunmore Subdivision) which is currently zoned Rural Agricultural in Baldwin County District 15.

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 undersigned, **POWERS REAL ESTATE JOINT VENTURE**, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as **POWERS REAL ESTATE VENTURE** 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, POWERS REALS ESTATE JOINT VENTURE is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This Petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said Property into the corporate limits of the City of Daphne. Please state the requested zoning, if other than R-1, or any other conditions which may apply upon annexation:

- B-2 FOR 14.96 ACRES**
- R-4 MULTI FAMILY FOR 23.47 ACRES**
- R-3 FOR 10.92 ACRES**
- R-4 SINGLE FAMILY FOR 8.89 ACRES**

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 22 day of OCTOBER, 2007.

Respectfully submitted,

POWERS REAL ESTATE JOINT VENTURE

By: *Paul Smith Powers*

Its: *member*

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that *Paul Smith Powers*, whose name as *member* of *Powers Real Estate Joint Venture*, an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the *22* day of *October*, *2007*.

Nanda La Costa (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: *11/5/08*

EXHIBIT "A"

POWERS REAL ESTATE VENTURE COMPOSITE

**COMMENCING AT THE SOUTHWEST CORNER OF SECTION 26,
TOWNSHIP 5 SOUTH, RANGE 2 EAST AND RUN THENCE NORTH 89
DEGREES 49 MINUTES 30 SECONDS EAST, A DISTANCE OF 40.06 FEET;
THENCE RUN NORTH 00 DEGREES 22 MINUTES 30 SECONDS EAST, A
DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE
CONTINUE NORTH 00 DEGREES 22 MINUTES 30 SECONDS EAST, A
DISTANCE OF 1310.05 FEET; THENCE RUN NORTH 89 DEGREES 38
MINUTES 29 SECONDS EAST, A DISTANCE OF 611.91 FEET; THENCE RUN
SOUTH 00 DEGREES 19 MINUTES 25 SECONDS WEST, A DISTANCE OF
30.00 FEET; THENCE RUN NORTH 89 DEGREES 38 MINUTES 29 SECONDS
EAST, A DISTANCE OF 1348.98 FEET; THENCE RUN SOUTH 00 DEGREES 13
MINUTES 17 SECONDS WEST, A DISTANCE OF 1286.30 FEET; THENCE RUN
SOUTH 89 DEGREES 49 MINUTES 30 SECONDS WEST, A DISTANCE OF
1964.30 FEET TO THE POINT OF BEGINNING, TRACT CONTAINS 58.23
ACRES MORE OR LESS.**

**Project Narrative
For
POWERS REAL ESTATE VENTURE**

Petition for Annexation

General Site Description

This fifty-eight-acre site is located on the eastern margin of Alabama Highway 181 just north and west of, the recently approved, Dunmore subdivision. The surrounding properties include a mix of residential zones as well as some undeveloped property directly north of this site.

Requested Uses

The zoning districts requested as part of the annexation are R-3, R-4 Single Family, R-4 Multifamily, and B-2. The proposed 11 acres of R-3 lies adjacent to existing R-2 and R-1; while the proposed 9 acres of R-4 Single Family lies adjacent to existing R-4 Single Family and R-3. Fifteen acres of B-2 zoning is requested along Alabama Highway 181 with the 23 acres of R-4 Multifamily serving as a transitional zone between the business and single family districts. Sixty-one lots and 296 apartments are projected for this site for an overall density of 6 units per acre. Over 18 acres of open space is planned which results in 31% of the entire site.

Design Summary

All major utilities are available at the site, and consist of Belforest Water, Baldwin County Sewer, Riviera Utilities (power) and AT&T (Bellsouth). Drainage will be handled by lakes and ponds and released at the pre-developed rate. Access to the site will be accomplished by utilizing a main boulevard through the business area to a roundabout that will split to the various neighborhoods. Stub-out connections will be made to those under construction in the Dunmore subdivision to provide for secondary access for that development and emergency access for this one. A service road that parallels Alabama Highway 181 is proposed in the B-2 section that will serve each of the businesses. This will allow residents from both developments to access these businesses without having to enter Alabama Highway 181. A second "right-in / right-out" access is proposed along the north margin of the project to provide quick access to Highway 181 for the multifamily section.

Schedule

Upon annexation and appropriate zoning, preliminary plat applications with complete construction plans and calculations will be submitted for approval. The first of these will require formal coordination with ALDOT and their consultant, although preliminary

sketches have been sent to both and discussed prior to this annexation petition. The multifamily site will require a complete site plan application with construction plans and calculations for approval by the Daphne Planning Commission. We anticipate annexation and zoning to be complete by the first of the year, 2008 and will submit the first preliminary plat application at that time. A three to five year completion is projected for the entire site.

ORDINANCE NO. 2008 -

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

**Powers Real Estate Joint Venture
Property Located on AL Highway 181 (North of Dunmore Subdivision)
(58.23 Acres)**

**BE IT ORDAINED BY 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 November 20, 2007 and *the motion failed for the affirmative recommendation* for the City Council to consider said request for annexation and said property **shall be zoned as follows: a 14.96 acre parcel zoned B-2, General Business District, a 23.47 acre parcel zoned R-4, High Density Multi-Family Residential District, 10.92 acre parcel zoned R-3, High Density Single Family Residential District and 8.89 acre parcel zoned R-4, High density Single Family Residential District;** and,

WHEREAS, after proper publication, a public hearing was held by the City Council on January 7, 2008 concerning the petition for annexation; and,

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

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

SECTION 1: CONSENT TO ANNEXATION. The City Council of the City of Daphne, Alabama 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.

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.

“Exhibit A”

LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST AND RUN THENCE NORTH 89 DEGREES 49 MINUTES 30 SECONDS EAST, A DISTANCE OF 40.06 FEET; THENCE RUN NORTH 00 DEGREES 22 MINUTES 30 SECONDS EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 22 MINUTES 30 SECONDS EAST, A DISTANCE OF 1310.05 FEET; THENCE RUN NORTH 89 DEGREES 38 MINUTES 29 SECONDS EAST, A DISTANCE OF 611.91 FEET; THENCE RUN SOUTH 00 DEGREES 19 MINUTES 25 SECONDS WEST, A DISTANCE OF 30.00 FEET; THENCE RUN NORTH 89 DEGREES 38 MINUTES 29 SECONDS EAST, A DISTANCE OF 1348.98 FEET; THENCE RUN SOUTH 00 DEGREES 13 MINUTES 17 SECONDS WEST, A DISTANCE OF 1286.30 FEET; THENCE RUN SOUTH 89 DEGREES 49 MINUTES 30 SECONDS WEST, A DISTANCE OF 1964.30 FEET TO THE POINT OF BEGINNING, TRACT CONTAINS 58.23 ACRES MORE OR LESS

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ____ day of _____, 2008.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Wednesday,
December 5, 2007

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 7, 2008 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 -

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

**Powers Real Estate Joint Venture
Property Located on AL Highway 181 (North of Dunmore Subdivision)
(58.23 Acres)**

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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 November 20, 2007 and the motion failed for the affirmative recommendation for the City Council to consider said request for annexation and said property shall be zoned as follows:

PLEASE Publish in the Bulletin Legal Section on Saturday, December 12, 2007.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on December 5, 2007 that the City Council of the City of Daphne will hold a Public Hearing on January 7, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

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To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Revised Map for the Olde Towne
Daphne District (extending the
district to Judge Roy Beans)
Date: November 27, 2007

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, November 20, 2007, seven members were present and the motion carried unanimously for the affirmative recommendation of the above-mentioned request.

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

**CITY OF DAPHNE
ORDINANCE NO. 2008-___**

**Olde Towne District Map
Revision to Appendix I 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 November 20, 2007, favorably recommended certain amendments to the Olde Towne District Map approved and adopted by Ordinance No 2002-22 referenced in Appendix I “Exhibit B” of the Daphne Land Use & Development; and

WHEREAS, said amendments are necessary due to various rezoning requests, which have been approved since the adoption of Ordinance No. 2002-22; and

WHEREAS, due notice of said proposed Olde Towne District 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 Olde Towne District Map amendments was held by the City Council January 7, 2008; and

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

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

SECTION I. ZONING DISTRICT MAP

The Olde Towne District Map referenced hereto as “Exhibit B” shall be the official zoning map for the Olde Towne District of the City of Daphne, Alabama.

SECTION II. AMENDMENT

Ordinance 2002-22, 2003-05 and 2005-12, and any other ordinances, are hereby amended to the extent that the adopted Olde Towne District Map referenced in Appendix I of "Exhibit B" and any amendments thereto, conflicts with the Revised Olde Towne District Map referenced as Exhibit B.

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 JANUARY, 2008.**

CITY OF DAPHNE

Greg Burnam
Council President
Date&Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Wednesday,
December 5, 2007

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David L. Cohen, City Clerk, MMC

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ORDINANCE NO. 2008-**

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Revision to Appendix I of the City of Daphne
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WHEREAS, a public hearing regarding the proposed Olde Towne District Map amendments was held by the City Council January 7, 2008; and

/END SYNOPSIS



**City of Daphne
Recreation Board Minutes
2605 Hwy 98
Daphne, AL.
November 14, 2007
6:00pm**

Members Present: Chairman Ed Nelson, Eric Smith, Matt Cunningham, John Peterson, Kit Smith, Rick Cleveland

Member Absent: Matthew Banfield,

Advisory Staff Present: Mayor Fred Small, David McKelroy, Parks and Recreation Director, Glenn Vickery

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:01 pm.

Review and Approval of Minutes

Minutes from October 10th meeting were approved.

Kit Smith made a motion to approve the minutes

Eric Smith seconded the motion.

Motion carried

Program Reports

Charlie McDavid- Athletic Director reports that Adult Soccer is starting and so far we have 6-8 teams

Megan Matrone- Events Coordinator Christmas parade is planned

Mary Jensen- Senior Programs Director Reports on new exercise program and Christmas party
David McKelroy says we served about 27,000 meals last year

Public Participation

Scott Hutchinson & Brandon Adams from HMR gave presentation which included a slideshow with 4 alternatives for Master site plan. Slideshow also included some pictures taken at the Panama City Aquatic Center

HMR states that their preferred plan is alternative #3 (attached)

Old/New Business

1. Master Plan Update
 - a. Board agrees that Alternative 3 is the best choice to take to City Council. Kit Smith makes a motion to accept #3, Matt Cunningham 2nds
Motion Carried
 - b. Status of Negotiation with School Board: Board agreed to 1000 ft to the south which is added to current lease. Issue sits with the Boards legal team.
2. Status of Land Use Ordinance: David McKelroy reports he has not yet received a response
3. By-Laws Proposal
Mayor says they looked at and discussed By-Laws, needed attendance (attached) Ed Nelson would like the Councils opinion of the Boards roll in the interview of Recreation Department employees. Board discussed City Councils reaction to the replacement of members that could not attend regularly. Board discussed holding meetings at 7:00 pm during football season.
4. Discussion Regarding Program Administration
David McKelroy gathering information from Alabama Parks & Recreation Department about how other municipalities handle sports programs
5. Nicholson Center Situation
BRAG is interested in using Nicholson Center, if it could be made to be functional for their unique needs.
Kit Smith makes a motion to recommend to City Council to hire an architect
6. Affiliation with BRAG
Ed Nelson moves to request to council the board include 2 more members which are BRAG board members
Eric Smith 2nd the motion
Motion carried
7. Boat Launch Situation Kit
Smith makes a motion to recommend to council to get with regulatory boards and work on a solution
Rick Cleveland 2nd motion
Motion carried
8. Non-Resident Fees David McKelroy to research and give recommendation on what non-resident fees should be.

9. Advertising at Dog Park Rick Cleveland makes a motion not to allow advertising at Daphne Dog Park
Kit Smith 2nd 's the motion
Motion carried

10. Back ground checks
Table until David McKelroy reports on Program Administration

Comments from Board Members

Ed Nelson- Chairman Ed Nelson makes a motion to recommend to City Council to let go of Matthew Banfield due to lack of attendance.

Kit Smith 2nd 's the motion

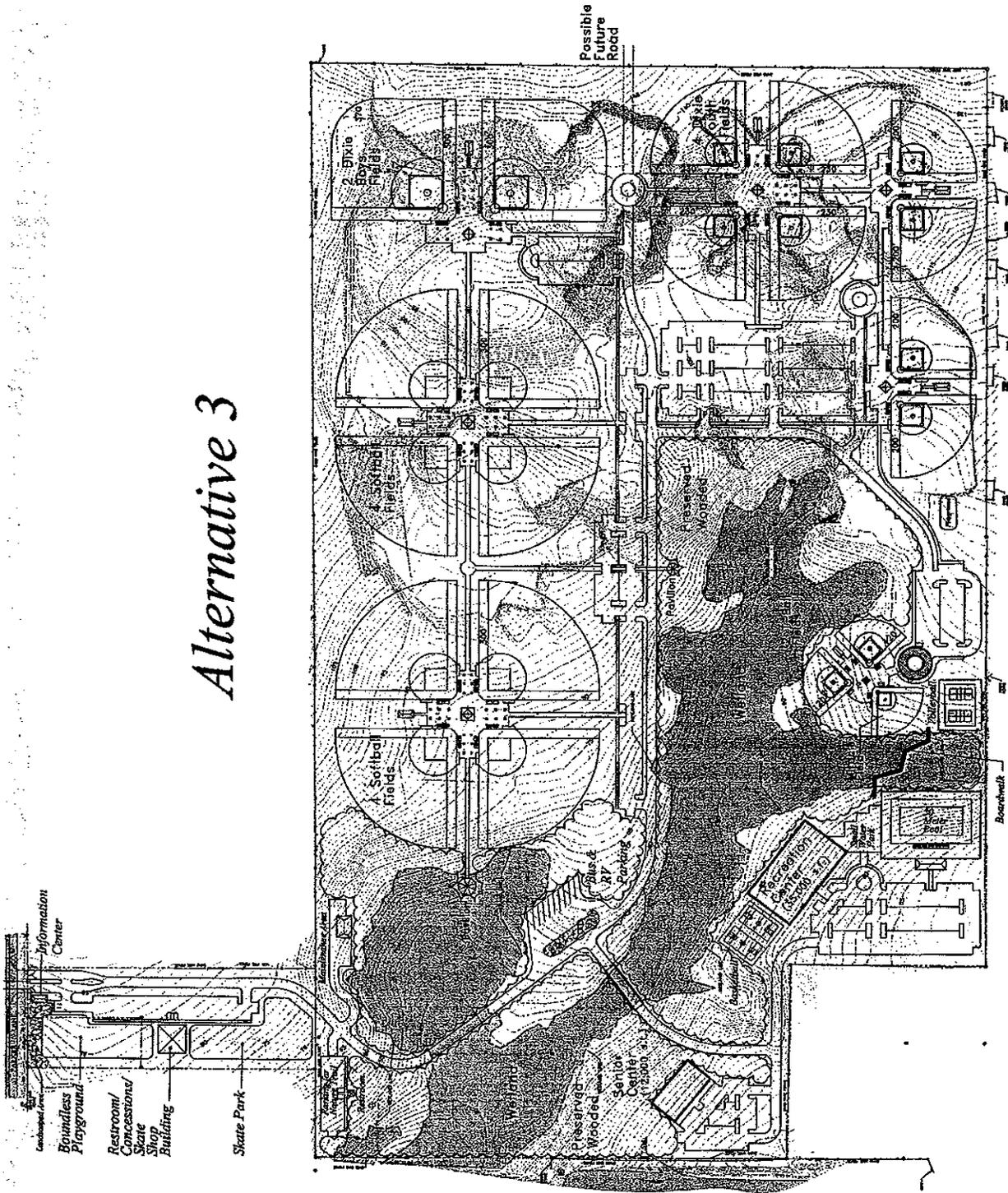
Motion carried

Ed Nelson asks for any recommendations for replacement, David McKelroy says he would like to see a Senior Female on the Board.

Adjourn

The meeting was adjourned at 7:47 pm.

Alternative 3





The Jubilee City
Attachment #2

2605 Hwy 98
Daphne, AL 36526

Recreation Board Attendance FY 2007

Name	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct
Ed Nelson	X		X	X	X		X	X	X	X	X	X	X
Rick Cleveland	X		X	X					X				
Matt Cleveland				X	X		X	X	X			X	X
John Peterson	X		X	X	X		X	X	X		X		
Eric Smith			X	X	X		X	X	X	X	X	X	X
Kit Smith			X	X	X		X	X	X	X	X		X
Matt Banfield									X				
James Foster													
Coach Glenn Vickery	X		X	X	X		X	X	X	X	X	X	X



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ September 26, 2007 ♦ 5:00 p.m.

I. CALL TO ORDER

The September 26, 2007, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman, Mr. Segalla, at 5:00 p.m.

II. ROLL CALL

Members Present: Robert Segalla, Chairman
Ron Scott, Vice Chairman
Lon Johnston, Secretary Treasurer
Fred Small, Mayor
Fenton E. Jenkins

Others Absent:

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Deloris Brown – Human Resources Manager
Drew Klumpp – Adm. Services Manager
Rebecca Williamson – Accounting Assistant
Lori Scharles – Executive Assistant
Melinda Immel, Engineer– Volkert
Ray Moore, Engineer – HMR

Others Absent: Danny Lyndall – Operations Manager
Teresa Logiotatos – Finance Manager

III. PLEDGE OF ALLEGIANCE

The Chairman led the Board and meeting attendees in the Pledge of Allegiance.

The Chairman then revised the order of the agenda.

IV. APPROVAL OF MINUTES

a. *Utilities Board Minutes from August 29, 2007:*

The Chairman inquired if additions, deletions or corrections were recommended for the Minutes from the August 29, 2007, Utilities Board meeting. Chairman Segalla requested that the Motion to enter into Executive Session on Page 4 be corrected to reflect that Motion was made by Mr. Johnston.

MOTION BY Mayor Small to approve the Utilities Board of the City of Daphne minutes from the regular Board meeting conducted August 29, 2007; Seconded by Mr. Johnston.

AYE: SEGALLA, JOHNSTON, SMALL, JENKINS

ABSENT: SCOTT

MOTION CARRIED

Note: Mr. Ron Scott arrived at the meeting at 5:05pm.

V. NEW BUSINESS

a. Introduction of New Board Member – Fenton E. Jenkins:

Chairman Segalla introduced and welcomed Fenton E. Jenkins as the replacement Board member for Bo White.

b. Presentation to James “Bo” White:

Chairman Segalla thanked Bo White for serving as a Utility Board member and congratulated him on his appointment to Daphne Fire Chief. Mr. McElroy then presented Mr. White with a plaque in appreciation of his support, dedication and hard work while serving as a Daphne Utilities Board member.

c. Presentation by Jim Sisson of Vantage Associates:

Mr. Jim Sisson of Vantage Associates presented to the Board his findings of the recent research he conducted for Daphne Utilities in defining the objectives and goals for the management and supervisory staff. He highlighted that the intent of the research was to communicate, share and gain feedback from the management and supervisory staff on the 2008 Strategic Plan that had been previously drafted, and to plan for the future of Daphne Utilities and make appropriate changes to the Strategic Plan in order to grow in a positive direction. He commented that he felt that Daphne Utilities is further along in the cultural change that is necessary for growth. Chairman Segalla suggested Mr. Sisson should plan for another visit in a year’s time to follow up.

d. Election of Board Officers:

Chairman Segalla called for nominations for the position of Chairman. Mr. Johnston suggested Chairman Segalla remain in the position for the upcoming year. Mr. Scott called for discussion whereby he commended Chairman Segalla for his dedication to the position and commented that the Board should keep in mind of a replacement that would be able to have the “hands-on” interaction required. Chairman Segalla remarked that he subscribed to Mr. Scott’s concerns of the lack of involved citizens. Mr. Scott pointed out that the vote for Chairman Segalla’s nomination was unanimous. Chairman Segalla recommended that the officers of the Board remain as is, no other nominees were given.

MOTION BY Mayor Small to continue the current officers in their positions for the up-coming year.

AYE: SEGALLA, JOHNSTON, SCOTT, SMALL, JENKINS ABSENT: MOTION CARRIED

VI. OLD BUSINESS

a. Park City Service Agreement:

Mr. Speegle advised the Board that he was awaiting a letter from Park City’s Attorney Tim Grogan requesting the Attorney General’s opinion on liability and that other than that, nothing has transpired.

b. Land Swap / Surplus Sale:

Mr. Speegle suggested this item be removed as the he had received the deed today and will be recorded the following day.

c. Rick Fine Agreement:

Mr. McElroy informed the Board that he had transferred negotiations with Mr. Fine to Mr. Speegle, who stated that he had nothing further to add to his report other than that Mr. Fine has refused the offer.

MOTION BY Mr. Johnston to close the deal as presented to Mr. Rick Fine. Seconded by Mayor Small. Motion was amended to include a closing letter with a 48-hour response to Mr. Fine from Mr. Speegle on behalf of the Board.

AYE: SEGALLA, JOHNSTON, SCOTT, SMALL, JENKINS ABSENT: MOTION CARRIED

d. Pay Scale Adjustment

Mr. McElroy reported that upon meeting with the Finance Committee and determining that adjustments can be made on a "case by case" basis, but the Pay Scale Adjustment as a whole will be tabled until next year.

e. Step-by Step Hiring Procedure

Mr. McElroy reported that this is the current procedure and the question of classifying this as a procedure or policy change required Board action to ratify. Mrs. Brown commented that recommended changes relating to clarification of temporary positions and non-budgeted position at last month's Board meeting had been made. An updated copy was requested to be distributed to the Board for review and include on the Agenda for October, 2007, on which to be voted.

f. Items in Abeyance:

1. **Gas Franchise Agreement** – this item is a discussion for the City Council. Mr. Speegle explained that he has reiterated to City Attorney, Jay Ross, that the Daphne Utilities Board is quite interested in obtaining exclusive gas franchise agreement and is asking consideration from the Council to grant the request.
2. **19 Acres** – no new development.
3. **Daphne High School Stadium** – Mr. McElroy reported that water measurements are being performed as well as an advertising proposal had been forwarded to Doug Gresham of the Daphne Quarterback Club.

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle commented the Verizon lease has been signed and the first payment is due October 1st. He also stated that the title search is on-going. Mr. Speegle explained that an Executive Session is needed to review pending litigation but advised that he had an upcoming trial that he was preparing for and requested to hold Executive Session before 6:30 pm.

VIII. EXECUTIVE SESSION

MOTION BY Mr. Scott adjourn to Executive Session for the purpose of discussing pending litigation. Seconded by Mr. Johnston. Executive Session concluded at 6:07 pm.

AYE: SEGALLA, JOHNSTON, SCOTT, SMALL, JENKINS ABSENT: MOTION CARRIED

IX. FINANCIAL REPORT

Rebecca Williamson reviewed the financial report with the Board. Mr. Scott inquired to the loss relative to the net income for the month of August, 2007, and asked for details. Mr. Johnston requested that budget information be provided to the Board members after the recommended updates and also to include the long-range plan.

Mr. Speegle updated the Board regarding the Park City letter from Mr. Grogan that was just received. He stated that they have agreed to everything that was proposed, would like to request the Attorney General's office for an Opinion on the agreement, and have drafted a contract that will be delivered to Mr. Speegle in two weeks.

X. GENERAL MANAGER'S REPORT

a. GM Report

Mr. McElroy presented the plans for the lot behind the Daphne Utilities main office for the Board's review and recommendations.

b. Operations Report

In Danny Lyndall's absence, Kenneth Johnson reported to the Board his encounter with a commercial customer whereby during his routine monthly sampling, his readings were not corresponding with the facilities' readings. Mr. Johnson explained that he investigated the differences and contacted the grease hauling company to find that the person who supposedly pumped the commercial customer's grease trap in fact did not. Mr. Johnson stated that the program is effective and appreciated by the commercial customers.

Mr. Scott commented on the participation of the Daphne Dog Park and inquired as to signage. Mr. McElroy explained that appropriate Daphne Utilities' signs are in place.

Chairman Segalla began a discussion regarding a sewer backflow policy.

Mrs. Immel updated the Board of the recent bid award for the Construction of Treatment Facility for Well Nos. 10 and 11. Mr. McElroy commented that even though only 2 bids were received, the bids tabulations were comparable but both proposals were higher than estimated.

MOTION BY Mr. Scott approve the bid package for the Construction of Treatment Facility for Well Nos. 10 and 11 as submitted by The Creel Company, Inc. Seconded by Mr. Johnston.

AYE: SEGALLA, JOHNSTON, SCOTT, SMALL, JENKINS ABSENT: MOTION CARRIED

Mrs. Immel also updated the Board on the progress of the Highway 90 Sewer Project and a discussion took place regarding the project.

Ray Moore reviewed the HMR status report with the Board.

- XI. **BOARD ACTION** – None
- XII. **PUBLIC PARTICIPATION** – None
- XIII. **BOARD COMMENTS** – None
- XIV. **ADJOURNMENT:**

MOTION BY Mr. Johnston to adjourn the meeting. Seconded by Mr. Scott

AYE: ALL IN FAVOR NAY: NONE OPPOSED MOTION CARRIED

The meeting adjourned at 6:43 pm.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION NO. 2007- 83

A RESOLUTION AUTHORIZING AND APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT AMONG RENAISSANCE CENTER, L.L.C, CITY OF DAPHNE, ALABAMA, RENAISSANCE IMPROVEMENT DISTRICT AND REANAISSANCE COOPERATIVE DISTRICT

WHEREAS, the Renaissance Center, L.L.C. (the “Developer”) is developing a retail and commercial development to be known as the Renaissance Center (the “Commercial Development”) on land owned by the Developer and/or its affiliates located within the corporate limits of the City of Daphne, Alabama (the “City”) and within the respective jurisdictions of the Renaissance Improvement District (the “Improvement District”) and the Renaissance Cooperative District (the “Cooperative District);

WHEREAS, the Developer and the City have previously entered into a Memorandum of Understanding dated May 21, 2007;

WHEREAS, the development of the Commercial Development as planned by the Developer is in the best interests of the City and presents an opportunity for substantial increases in sales tax revenues once said development is completed, as well as other economic development benefits within the meaning of section 94.01 of the Alabama Constitution; and

WHEREAS, subject to various terms and conditions for the benefit of the City, Improvement District, and Cooperative District each are willing to participate in such development; and

WHEREAS, to provide an inducement to the Developer to proceed with development of the Commercial Development, and to provide for the conditions and terms under which the City, the Improvement District and the Cooperative District are willing to participate in such development, the parties propose to enter into an Economic Development Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, that the Mayor and Clerk of the City are hereby authorized and directed to execute and deliver on behalf of the City an Economic Development Agreement in substantially the form attached hereto as Exhibit “A”, with the addition of the exhibits called for and with such minor changes as shall be approved by the Mayor, such approval to be evidenced by the execution of such Agreement by the Mayor.

ADOPTED this ____ day of _____, 2007.

**GREG BURNAM,
COUNCIL PRESIDENT**

Date & Time Signed: _____

**FRED SMALL,
MAYOR**

Date & time Signed: _____

ATTEST:

**DAVID L. COHEN,
CITY CLERK, MMC**

CITY CLERK'S CERTIFICATE

I, David Cohen, as City Clerk of the CITY OF DAPHNE, ALABAMA, hereby certify that the attached Resolution No. 2007-83, constitutes a true and correct copy of Resolution No. 2007-____ adopted by the City Council of the City of Daphne at its regular meeting held on November 5, 2007, which meeting was called and assembled and was open to the public and at which a quorum was present and acting throughout, and that the original of said resolution appears of record in the minute books of the City Council of Daphne, Alabama, which are in my custody and control.

WITNESS my signature as said City Clerk, under the seal of the City of Daphne, Alabama, this the ____ day of _____, 2007.

(S E A L)

As City Clerk of the CITY OF DAPHNE,
ALABAMA

**EXHIBIT A
TO RESOLUTION NO. 2007-83**

Draft of Economic Development Agreement

ECONOMIC DEVELOPMENT AGREEMENT

This ECONOMIC DEVELOPMENT AGREEMENT dated this ____ day of _____, 2007, among the RENAISSANCE CENTER, L.L.C., an Alabama limited liability company (the “Developer”), the CITY OF DAPHNE, ALABAMA (the “City”), the RENAISSANCE IMPROVEMENT DISTRICT, an Alabama public corporation (the “Improvement District”) organized under the provisions of the Chapter 99A of Title 11 of the Code of Alabama (1975) (the “Alabama Code”), and the RENAISSANCE COOPERATIVE DISTRICT, an Alabama public corporation (the “Cooperative District”) organized under the provision of Chapter 99B of Title 11 of the Alabama Code.

RECITALS

The Developer is developing a retail and commercial development to be known as the Renaissance Center (the “Commercial Development”) on land owned by the Developer and/or its affiliates. The said land is located within the corporate limits of the City and within the respective jurisdictions of the Improvement District and the Cooperative District. The Developer and the City have theretofore entered into a Memorandum of Understanding dated May 21, 2007, under which the City agreed (i) to assist in the formation of the Improvement District and the Cooperative District, (ii) to cause the Cooperative District to sell and issue the Cooperative District’s tax exempt special obligation revenue bonds (the “Bonds”) to pay for certain public improvements within the jurisdiction of the Cooperative District and the City and (iii) pursuant to the provisions of Amendment 772 of the Alabama Constitution of 1901 (the “Constitution”) now codified as Section 94.01 of the Constitution, to make a continuing grant to the Cooperative District in an amount based on tax revenues from the area within the boundaries of the Cooperative District continuing for thirty (30) years from the initial dated date of the Bonds or until the Bonds are paid in full, whichever occurs first, which such grant is to be used to pay the debt service on the Bonds.

NOW, THEREFORE, THIS ECONOMIC DEVELOPMENT AGREEMENT

WITNESSETH:

That in consideration of the premises and the respective representations, warranties and agreements herein contained, the parties hereto agree as follows:

Article I

DEFINITIONS AND USE OF PHRASES

Section 1.1 Definitions. Unless the context clearly indicates a different meaning, the following words and phrases as used herein, shall have the following respective meanings:

“Additional Land Owners” means those persons to whom the Developer has agreed to sell and convey, or will subsequent to the date of this agreement, agree to sell and convey a portion or portions of the Renaissance Center Land.

“Alabama Code” means the Code of Alabama (1975), as amended and in force and effect from time to time.

“Applicable Environmental Laws” means any applicable laws, rules or regulations pertaining to health or the environment, or petroleum products, or radon radiation, or oil or hazardous substances, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (“CERCLA”), as codified at 42 U.S.C. § 9601 et seq., as amended, the Resource Conservation and Recovery Act of 1976, as amended (“RCRA”) and the Federal Emergency Planning and Community Right-To-Know Act of 1986, as amended.

“Bond Counsel” means Hand Arendall L.L.C., Mobile, Alabama, in its role as Bond Counsel to the Cooperative District.

“Bond Resolution” means the resolution to be adopted by the governing body of the Cooperative District to authorize the sale and issuance of the Bonds.

“Bonds” means the Cooperative District’s Special Obligation Revenue Bonds, (Renaissance Center Project), Series 2007, which such Bonds may be issued in one or more series with separate security for each such series.

“Closing” or “Closing Date” means the date on which the Bonds are issued.

“City” means the City of Daphne, Alabama, a municipality organized and existing under the laws of the State of Alabama.

“Commercial Development” means a commercial development to be known as “Renaissance Center,” which may include car dealerships, stores, restaurants, hotels and motels, and other retail and commercial establishments as permitted by the Cooperative District Statute.

“Cooperative District” means the Renaissance Cooperative District, an Alabama public corporation, and its successors and assigns.

“Cooperative District Statute” means the statutes codified as Chapter 99B of the Title 11 of the Alabama Code.

“Costs of Issuance” means the reasonable and customary costs of issuing the Bonds including, without limitation, fees of Bond Counsel, Counsel to the City, and Underwriters Counsel, underwriting fees and discounts, financial advisory fees, costs of surveys, title insurance policies and the like.

“Counsel to the City” means Jay Ross, Esq., Ross and Jordan, Mobile, Alabama.

“Developer” means Renaissance Center, L.L.C., an Alabama limited liability company, and its successors and assigns including, without limitation, any successor developer to whom Renaissance Center, L.L.C. may sell or assign the right to develop all or a portion of the Development.

“Development” means the Commercial Development, the Public Improvements and the Land collectively.

“Improvement District” means the Renaissance Improvement District, an Alabama public corporation, and its successors and assigns.

“Land” means the Renaissance Center Land and the Public Land.

“Overlay District Ordinance” means the City of Daphne Ordinance No. 2005-38, an ordinance which amends the City’s Land Use and Development Ordinance 2002-22 and applies to the Land.

“Plans and Specifications” means the plans and specifications for the Public Improvements and the Commercial Development to be prepared by an engineer or architect selected and retained by the Developer, which such plans and specifications are subject to the reasonable review and approval of the City as described herein.

“Plat” means the final plat of Renaissance Center, as approved by the City, a copy of which is attached hereto as Exhibit ____.

“Pledged Assessment Funds” means any special assessments levied at the request and on behalf of the Improvement District by the City, which such funds shall be pledged for payment of one or more series of the Bonds.

“Pledged Grant Funds” means the funds from the continuing grant made by the City, which such grant extends for thirty (30) years from the initial dated date of the Bonds, or until the date the Bonds are paid in full, whichever is earlier which shall be paid on a monthly basis beginning with the date of the Bonds, which shall be the first day of a calendar month, and which shall be in an amount as set forth in Section 5.2 hereof.

“Public Improvements” means the Public Land and the improvements to the Public Land and the related improvements to certain adjacent road rights-of-way intended to serve and be for the benefit of the public, provided that the aforesaid improvements may not include vendor or retail signage, but may include road or directional signage.

“Public Improvements Costs” means the lesser of (i) the costs of the acquisition, installation and construction of the Public Improvements, as such amounts are determined based upon the final amounts payable for such Public Improvements pursuant to

applicable executed contracts (and all change orders/for such work), and (ii) _____ Dollars (\$_____).

“Public Land” has the meaning set forth in Section 3.1 hereof.

“Renaissance Center Land” means that portion of the Land to be retained by the Developer or Additional Land Owners following conveyance of the Public Land to the City as provided in Article III hereof.

“Underwriter” means Gardnyr Michael Capital, Inc., Mobile, Alabama.

ARTICLE II

THE DEVELOPMENT

Section 2.1 Construction of Public Improvements.

(a) The Developer shall manage the design, installation and construction of the Public Improvements in accordance with the Plat and the Plans and Specifications, as required by the Overlay District Ordinance and the City’s generally applicable planning and development rules and regulations.

(b) The Cooperative District agrees to pay, or reimburse the Developer for, the Public Improvement Costs, but only to the extent that net proceeds of the Bonds are available for such purpose. The Cooperative District acknowledges that the acquisition, installation and construction of the Public Improvements will proceed simultaneously with the acquisition, installation and construction of the Commercial Development and that certain contracts will, for cost efficiency sake, cover work on both the Public Improvements and the Commercial Development.

(c) The Plans and Specifications for the Public Improvements shall be subject to the prior written approval of the City, which such approval shall not be unreasonably withheld. Such approval shall be in addition to applicable approvals and permits concerning conformity with applicable building codes and other usual inspection approvals, which the Developer covenants to obtain in the normal course.

(d) Following the approval of the Plans and Specifications and the issuance by the City of all other necessary permits and approvals, as aforesaid, the Developer agrees to use its best efforts to complete the Public Improvements in an orderly and expeditious manner and in compliance in all material respects in accordance with the Plans and Specifications and any such approvals and permits.

(e) The Developer agrees that it shall require the general contractor for the Public Improvements to post a performance bond and a labor and materialmen’s payment bond with good and sufficient surety issued by a company qualified to issue such bonds

in the State of Alabama in an amount sufficient to insure completion of the construction of the Public Improvements according to the construction contract therefor, with the Developer as obligee of the bond and the City and the Cooperative District as additional obligees thereunder. The bond shall be obtained from such companies in such amounts as shall be approved in advance by the City, such approval not to be unreasonably withheld. A copy of said bond shall be furnished to the City and the Cooperative District prior to the beginning of the construction of the Public Improvements. In the event the general contractor for the Public Improvements defaults in the performance of its construction contract, the Developer agrees to take appropriate action to enforce said bonds or otherwise cause the work to be timely and properly completed.

(f) The Developer covenants and agrees that it will pay or cause to be paid promptly all persons supplying work or materials for the construction of the Public Improvements. In the event that any materialmen's or mechanics' liens are filed against the Public Land in connection with the Developer's construction of the Public Improvements, the Developer covenants that it will discharge or make other arrangements reasonably acceptable to the City with respect to (including, without limitation, bonding of or insuring over any such lien) any mechanics' or other lien filed against the Public Land regardless of whether Bond proceeds are available to reimburse it.

2.2 The Commercial Development

(a). The Developer and the Additional Land Owners shall develop the Commercial Development substantially in accordance with the Plat and the Plans and Specifications.

(b) The Plans and Specifications for the Commercial Development shall be subject to the reasonable prior written approval of the City. The City agrees that its approval will not be unreasonably withheld, and the City acknowledges that the Plans and Specification for the Commercial Development may change numerous times as leases or sales contracts are executed for the Commercial Development. Such approval shall not amount to an approval of the Commercial Development's conformity with applicable building codes and other usual inspection approvals by the City normal to any new construction in the City, which such approval process shall proceed in the normal course.

(c) Following the approval of the Plans and Specifications for the Commercial Development, the Developer shall proceed (and shall make its best efforts to cause the Additional Land Owners to proceed) to effect the construction of the Commercial Development substantially in accordance with such Plans and Specifications. The Developer further covenants that it will use its best efforts (and shall make its best efforts to cause the Additional Land Owners) to complete the Commercial Development in an orderly and expeditious manner.

(d) The design work for the Commercial Development shall be performed by the Developer and the Additional Land Owners at their own expense. The Developer

agrees to obtain (and to use its best efforts to cause the Additional Land Owners to obtain) all necessary approvals and permits for the Commercial Development from the City or other applicable governmental entity in the normal course.

(e) The City agrees to cooperate in good faith with the Developer in any replatting or corrective instruments that may be required in connection with the dedication of the public road rights-of-way by recordation of the Plat and the creation of easements in favor of the City. The City and the Developer acknowledge that the Land lies within an overlay district subject to the Overlay District Ordinance.

ARTICLE III

PUBLIC LAND

3.1 Conveyance of Public Land to City. The Developer (i) will dedicate to the City those public road rights-of-way depicted in the Plat, (ii) will grant to the City easements for those drainage conduits, permanent retention ponds and other storm drainage facilities depicted in the Plat, and (iii) will grant to the City such other utility and public easements which are consistent with the Plat and the Plans and Specifications and have been contemplated by the parties to this agreement in connection with the acquisition, installation and construction of the Public Improvements (said property or interests therein dedicated or granted or to be granted to and held by the City, the “Public Land”). It is presently anticipated that the Public Improvements will be comprised of the addition or improvement of roadways and utilities surrounding and within the Land, including, without limitation, earthwork, grading, retaining walls, erosion control, environmental mitigation, water, storm and sanitary sewer and drainage facilities (including, without limitation, storm water drainage conduits, storm water retention ponds and water and sewer line extensions, roadways, lighting, landscaping, signage, signalization, gutters for the roadways, facilities for other utilities and other items normally considered public infrastructure), all as shown on the Plat and the Plans and Specifications. The Public Improvements will be acquired, installed and constructed by the Developer in accordance with the provisions of Article II hereof.

3.2 Title Insurance. To the extent routinely required by the City in the course to accept dedication of public easements or public road rights-of-way, the Developer will provide to the City at Closing an owner’s ALTA title insurance policy issued by a title insurance company acceptable to the Developer and the City, insuring the City’s title to the Public Land and (ii) such other matters of title to which the City shall reasonably consent. As a condition to Closing, there must be no other exceptions to title except as set forth in clauses (i) and (ii) above, unless such exceptions shall be first approved by the City, which such approval not to be unreasonably withheld.

3.3 Survey. To the extent routinely required by the City to accept dedication of public easements by separate easement instrument (as opposed to dedication as a part of accepting the Plat), the Developer will, at its own cost, deliver to the City prior to Closing a boundary survey of the portion of the Public Land which his the subject of such

separate easement instruments, which such survey shall be certified to the City, shall locate all corners, improvements, encroachments, easements, utilities, roadways adjoining or crossing the Public Land, and any other exceptions listed in the Title Commitment described in Section 3.2 hereof.

3.4 Environmental. Prior to dedicating to or transferring to the Public Land to the City, the Developer will deliver to the City for the City's reasonable review and approval, a Phase I Environmental Site Assessment for the Commercial Development and Public Land which must confirm that the Public Land is not in violation of or subject to any existing, pending, or threatened investigation or inquiry by any governmental authority or any remedial obligations under any Applicable Environmental Laws. The Developer will indemnify and hold the City harmless from and against, and reimburse the City for, any fees, charges, liabilities, reasonable expenses, and reasonable attorney's fees incurred by the City, in the event the Public Land or any part thereof is hereafter determined to be in violation of any Applicable Environmental Law, provided, however, that such indemnity shall not extend to contamination on the Public Land after Closing, unless such contamination is caused by the Developer. The indemnifications set forth in this section shall survive the Closing and shall not be merged into the documents executed on the Closing Date.

ARTICLE IV

THE BONDS

4.1 The Bonds The Cooperative District covenants that it will use its best efforts to sell the Bonds to the Underwriter on commercially reasonable and customary terms and will cooperate in every reasonable way with the Developer to effect the sale and issuance of the Bonds on such terms and to provide for the payment or reimbursement of the Costs of Issuance. The term of the Bonds shall not exceed thirty (30) years.

4.2 Limited Obligation of the Cooperative District

(a) The Bonds shall be a limited obligation of the Cooperative District payable solely from the Pledged Grant Funds and Pledged Assessment Funds and the Cooperative District is authorized to assign its rights to the trustee for the Bonds to provide security for the payment of the Bonds. Neither the full faith and credit nor any taxing power of the Cooperative District is pledged, to the payment of the Bonds.

(b) There shall be established an escrow (the "Pledged Grant and Assessment Account") into which the Cooperative District will cause the City to deposit, on a monthly basis, the Pledged Grant Funds and any Pledged Assessment Funds.

(c) Amounts on deposit in the Pledged Grant and Assessment Account may be used as needed for the payment of the principal of and interest on the Bonds.

4.3 Tax-Exempt. The Bonds will be issued based on the approving opinion of Bond Counsel to the effect that (i) the Bonds are valid and legal obligations of the Cooperative District payable solely from and secured by the Pledged Grant Fund and any Pledged Assessment Funds, and (ii) the interest on the Bonds is excludable from the gross income of the recipients thereof for purposes of federal income taxation subject to such qualifications and other matters as are customary.

4.4 Validation. The parties hereto acknowledge that the Cooperative District intends to judicially validate the Bonds, the City's grant of the Pledged Grant Funds, the Improvement District's pledge to the Cooperative District of any Pledged Assessment Funds and the pledge by the Cooperative District of the said funds to secure payment of the Bonds.

ARTICLE V

OBLIGATIONS OF CITY AND IMPROVEMENT DISTRICT

Section 5.1 Obligations of the City. The City shall have no obligation in respect of the Bonds, except to pay to the Cooperative District or its designee the Pledged Grant Funds as described in Section 5.2 hereof.

Section 5.2 Pledged Grant Funds. The City does hereby covenant pursuant to authority given to it by Section 9.01 of the Constitution to grant to the Cooperative District a sum of money to be paid on a monthly basis on the last business day of each calendar month from the City's tax receipts for the previous calendar month. The amount to be paid shall be equal to the sum of the following:

(a) with respect to the sale, use or lease of motor vehicles within the Cooperative District, fifty percent (50%) of the privilege taxes (including, without limitation, sales and use tax and leasing tax) levied by the City in respect of such sale, use or lease,

(b) with respect to the sale, use or lease of personal property (other than motor vehicles) within the Cooperative District, forty percent (40%) of the privilege taxes (including without limitation, sales and use tax and leasing tax) levied by the City in respect of such sale, use or lease and

(c) with respect to charges for lodging in hotels or motels within the Cooperative District, twenty-five percent (25%) of any lodging taxes levied by the City with respect to such lodging charges.

Should the City increase the rates of the foregoing taxes, such change shall have no effect on the foregoing calculation, and the amount of the Pledged Grant Funds shall be computed as if the rates for such taxes in effect on the Closing Date remained in effect. The City pledges and covenants that it shall not repeal or decrease the aforesaid taxes, provided that the foregoing shall not prevent the City from authorizing once each calendar year a weekend sales tax holiday applicable to the City as a whole. Such sales tax holiday shall operate to abate taxes within the Improvement District on the same terms as in the rest of the City.

Section 5.3 Obligations of the Improvement District. The Improvement District shall have no obligation in respect of the Bonds, except that it covenants to request the City to assess the property within its district boundaries in such amounts as may be requested by the Cooperative District and to cause any Pledged Assessment Funds to be deposited in the Pledged Grants and Assessment Account to be used to pay one or more series of the Bonds.

ARTICLE VI

CONCERNING DETENTION PONDS

Section 6.1 Proposed City Detention Pond. The Improvement District, the Cooperative District and the Developer acknowledge that the City desires to build a large detention pond (the “Area Pond”) to serve the area in the City north of U.S. Highway 90 from State Highway 181 to State Highway 13, a portion of which is within the Cooperative District. The land on which the area pond will be situated is owned by Malbis Properties, LLC, an Alabama limited liability company (“Malbis Properties”). The City has requested Malbis Properties to donate to the City the land on which the detention pond will be situated. Malbis Properties has not yet agreed to donate the said land to the City.

The City also wishes that the cost of constructing the Area Pond to be included as a Public Improvement to be financed out of the net proceeds of the Bonds. The Developer, the Improvement District and the Cooperative District are agreeable to the cost of the Area Pond being included as a Public Improvement to be financed by the net proceeds of the Bonds if the Pledged Grant Funds are sufficient to pay for the other contemplated Public Improvements including interim temporary/permanent detention ponds within the Cooperative District and their remediation when the Area Detention Pond is operational.

If the duration of grant of the Pledged Grant Proceeds is insufficient to support a borrowing that will pay the costs of all of the contemplated Public Improvements, the parties hereto agree to negotiate in good faith for the extension of term of the grant of the Pledged Grant Funds and the accomplishment of cost savings in the construction and design of the Public Improvements.

ARTICLE VII

MISCELLANEOUS

Section 7.1 Notices. All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when delivered or mailed by certified mail, postage prepaid, address as follows:

To Developer:	Renaissance Center, L.L.C. 29000 Highway 98 Building C, Suite 201 Daphne, Alabama 36526
To City:	City of Daphne P.O. Box 400 Daphne, Alabama 36526
To Improvement District:	Renaissance Improvement District 82 Plantation Pt Rd PMB 306 Fairhope, Alabama 36532
To Cooperative District:	Renaissance Cooperative District 82 Plantation Pt Rd PMB 306 Fairhope, Alabama 36532

Section 7.2 Entire Agreement. This agreement contains the entire agreement of the parties; and there are no representations, oral or written, relating to the transactions described herein which have not been incorporated herein. Any agreement hereafter made shall be ineffective to change modify or discharge this Agreement in whole or in part unless such agreement is in writing and is signed by the party against whom enforcement of any change, modification, or discharge is sought.

Section 7.3 Successors and Assigns. This agreement shall inure to the benefit of and bind the parties hereto, their respective successors and/or assigns.

Section 7.4 Severability. If any term or provision hereof shall be determined by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such provision shall be severed from this agreement and shall not affect the validity of the remainder of this agreement.

Section 7.5 Governing Law. This agreement shall be governed by and construed in accordance with the laws of the State of Alabama.

Section 7.6 No Waiver. No consent or waiver, express or implied, by a party hereto or to any breach or default by another party in the performance by the other party of its obligations hereunder shall be valid unless in writing and no such consent or waiver to or of one breach or default shall constitute a consent or waiver to or of any other breach or default in the performance by such other party of the same or any other obligations of such party hereunder. Failure on the part of either party to complain of any act or failure to act of the other party or to declare the other party in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights hereunder. The granting of any consent or approval in any one instance by or on behalf of any party hereto shall not be construed to waive or limit the need for such consent in any other or subsequent instance.

Section 7.7 Remedies. Whenever any party hereto shall default in the performance of any of its obligations under this agreement, the other party hereto may take whatever legal proceeding (including actions for damages or for specific performance to the extent provided by law) as shall be necessary or desirable to enforce any agreement or condition contained herein or any other obligation of the defaulting party imposed by law. The parties hereto recognize an action for specific performance.

Section 7.8 Third-Party Beneficiaries. Except as set forth herein, this agreement is intended only for the benefit of the signing parties hereto, the Underwriter, and the Bond Counsel, and neither this Agreement, nor any of the rights, interest or obligations hereunder, is intended for the benefit of any person other than those so stated.

IN WITNESS WHEREOF, the undersigned have caused this agreement to be executed by their duly authorized officers and/or representatives, to be effective the day and year first above written.

RENAISSANCE CENTER, L.L.C.

By: _____
Its Manager

THE CITY OF DAPHNE, ALABAMA

By: _____
Its Mayor

RENAISSANCE IMPROVEMENT DISTRICT

By: _____
Its duly authorized representative

RENAISSANCE COOPERATIVE DISTRICT

By: _____
Its duly authorized representative

RESOLUTION NO. 2007- 100

**RESOLUTION APPROVING PETITION
FOR PRELIMINARY ASSESSMENT OF CERTAIN LAND LOCATED WITHIN
RENAISSANCE IMPROVEMENT DISTRICT**

WHEREAS, the Renaissance Improvement District (the "Improvement District") by its Board of Directors (the "Petitioner") has filed with the City Council of the City of Daphne, Alabama (the "Council"), a Petition in writing signed on behalf of the Petitioner requesting that the Council assess certain land located within the boundaries of the Improvement District in accordance with the applicable provisions of Chapter 99A of Title 11 of the Code of Alabama 1975, as amended (the "Authorizing Statute"), and, in particular, the provisions of Section 11-99A-11 of the Code of Alabama (1975); and

WHEREAS, the Petitioner has prepared and presented to the Council plans that reasonably describe and estimate the cost of certain improvements, as defined in the Authorizing Statute;

WHEREAS, the Petitioner has presented with its Petition a document executed by all of the owners of the property approving the Petition;

WHEREAS, the Petitioner has presented a recommended initial calculation of the cost of acquiring, constructing, and installing the improvements; and

WHEREAS, the Council has examined the Petition and has found that the same is regular in all respects and conforms with the requirements of the Constitution in that the improvement assessments are not in excess of the increased value of the landowners' property by reason of special benefits derived from such improvement as well as with the requirements of the Authorizing Statute, and the Council deems it wise, expedient, and necessary to finally assess the property in accordance with the provisions of the Petition;

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

(1) The recitals set forth in the foregoing preambles are hereby found and declared to be true and correct.

(2) It is hereby found and declared to be wise, expedient, and necessary that the property identified in the Petition be assessed as contemplated by the Petition.

(3) The Petition, a copy of which is attached hereto as Exhibit A, is hereby approved and the assessment described in the Petition hereto is approved, declared final, and ordered levied.

ADOPTED this ____ day of _____, 2007.

Greg Burnam,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

EXHIBIT "A"

RESOLUTION NO. 2007-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, APPOINTING THE BOARD OF DIRECTORS OF THE EDUCATIONAL BUILDING AUTHORITY OF THE CITY OF DAPHNE/BAYSIDE ACADEMY

WHEREAS, on November 19, 2007, the City Council of the City of Daphne, Alabama (the “City Council”) adopted Resolution 2007-101, which approved the formation of the Educational Building Authority of the City of Daphne/Bayside Academy (the “Authority”) in accordance with Chapter 17 of Title XIV of the Code of Alabama (1975), as amended (the “Act”);

WHEREAS, the Act states that the governing body of the City of Daphne, Alabama (the “City”), is to appoint the members of the board of directors of the Authority;

WHEREAS, the City Council is the governing body of the City empowered by the Act to appoint the members of the Authority’s board of directors;

WHEREAS, the Authority was incorporated by the filing in the Office of the Judge of Probate of Baldwin County, Alabama of the Certificate of Incorporation of the Educational Building Authority of the City of Daphne/Bayside Academy, executed by Ron Stevens, Philip Hodgson and John White-Spunner, as incorporators (the “Certificate of Incorporation”);

WHEREAS, Article VII of the Certificate of Incorporation provides that the initial board of directors of the Authority shall consist of three members;

WHEREAS, Ron Stevens, Philip Hodgson and John White-Spunner (collectively, the “Applicants”) seek appointment to the Authority’s board of directors;

WHEREAS, each of the Applicants is a duly qualified elector of and taxpayer in the City;

WHEREAS, each of the Applicants is an owner of real property in the City;

WHEREAS, none of the Applicants is an officer or employee of the City; and

WHEREAS, the City Council has duly considered each of the Applicants for membership on the Authority’s board of directors.

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

1. That Ron Stevens shall be elected to the board of directors of the Authority for an initial term commencing on the date hereof and terminating at noon on the second Monday of November in 2009.

RESOLUTION 2007-104
BAYSDIE ACADEMY EDUCATIONAL BUILDING AUTHORITY BOARD
PAGE 2

2. That Philip Hodgson shall be elected to the board of directors of the Authority for an initial term commencing on the date hereof and terminating at noon on the second Monday of November in 2011.

3. That John White-Spunner shall be elected to the board of directors of the Authority for an initial term commencing on the date hereof and terminating on the second Monday of November in 2013.

4. Each Applicant shall serve in accordance with the Act.

ADOPTED this ____ day of _____, 2007.

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

ORDINANCE 2007- 50

**APPROPRIATION OF FUNDS:
STUDY OF WILSON AVENUE EXTENSION
FROM MAIN STREET TO COUNTY ROAD 13**

WHEREAS, Ordinance 2007-47 approved and adopted the Fiscal Year 2008 Budget on October 15 , 2007; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2008 budget, the City Council has determined that a certain appropriation is required and should be approved and made a part of the Fiscal Year 2008 budget; and

WHEREAS, alleviation of traffic on County Road 64 is needed for the safety and convenience of citizens; and

WHEREAS, a survey is needed to evaluate constructing an extension of Wilson Avenue to create an east/west corridor across town from Main Street to County Road 13; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2008 Budget is hereby amended to include a General Fund appropriation for an amount not to exceed \$2,500 for the study for the east/west corridor: Main Street to County Road 13.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____ , 2007.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE NO. 2007 – 51

**Ordinance to Rezone Property Located on Main Street
Demaris Anderson (0.30 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District to B-3, Professional Business District, said property is located on Main Street, Alabama, being more particularly described as follows:

Legal Description:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, MORSE SUBDIVISION, SLIDE NUMBER 2176-D, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, SAID POINT OF BEING ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-89°18'14"-W, LEAVING SAID WEST RIGHT-OF-WAY OF MAIN STREET, 142.25 FEET TO A POINT; THENCE RUN N-00°33'56"-E, 91.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF VAN AVENUE; THENCE RUN N-89°29'09"-E ALONG SAID SOUTH RIGHT-OF-WAY OF VAN AVENUE, 141.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-00°02'39"-W ALONG SAID WEST RIGHT-OF-WAY OF MAIN STREET, 91.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.30 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 25, 2007 has considered said request and set forth an *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, December 3, 2007 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-2, Medium Density Single Family Residential District to B-3, Professional 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 of _____, 2007.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

**DEMARIS L. ANDERSON
ZONING AMENDMENT
EXHIBIT "A"
LEGAL DESCRIPTION
(PROPERTY 0.30 AC)**

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, MORSE SUBDIVISION, SLIDE NUMBER 2176-D, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, SAID POINT OF BEING ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-89°18'14"-W, LEAVING SAID WEST RIGHT-OF-WAY OF MAIN STREET, 142.25 FEET TO A POINT; THENCE RUN N-00°33'56"-E, 91.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF VAN AVENUE; THENCE RUN N-89°29'09"-E ALONG SAID SOUTH RIGHT-OF-WAY OF VAN AVENUE, 141.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF MAIN STREET; THENCE RUN S-00°02'39"-W ALONG SAID WEST RIGHT-OF-WAY OF MAIN STREET, 91.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.30 ACRES, MORE OR LESS.

ORDINANCE NO. 2007 - 52

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

**M & S Development, LLC
(Property located on AL Highway 181 (9.76 Acres))**

**BE IT ORDAINED BY 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 October 25, 2007 and *the motion failed for the affirmative recommendation* for the City Council to consider said request for annexation and said property **shall be zoned R-4, High Density Multi-Family District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on December 3, 2007 concerning the petition for annexation; and,

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

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

SECTION 1: CONSENT TO ANNEXATION. The City Council of the City of Daphne, Alabama 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.

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.

“Exhibit A”

LEGAL DESCRIPTION:

BEING IN SECTION 10, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, SOMMERSET PLACE, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA ON SLIDE 1585-B, BEING ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181 (80' R/W); THENCE ALONG SAID RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181, S00°01'00"W, 330.00 FEET TO AN IRON PIN; THENCE N89°25'00"W, 1289.55 FEET TO AN IRON PIN; THENCE N00°01'00"E, 330.00 FEET TO AN IRON PIN; THENCE S89°25'00"W, 1289.55 TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 9.769 ACRES, MORE OR LESS AND IS THE SAME TRACT OF LAND DESCRIBED ON INSTRUMENT NUMBER 1006049 AND RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ____ day of _____, 2007.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

M & S DEVELOPMENT, LLC
(REFERENCE: M & S DEVELOPMENT)

ANNEXATION
LEGAL DESCRIPTION

EXHIBIT "A"

TAX ID 43-02-10-0-000-006.000

BEING IN SECTION 10, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, SOMMERSET PLACE, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA ON SLIDE 1585-B, BEING ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181 (80' R/W); THENCE ALONG SAID RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181, S00°01'00"W, 330.00 FEET TO AN IRON PIN; THENCE N89°25'00"W, 1289.55 FEET TO AN IRON PIN; THENCE N00°01'00"E, 330.00 FEET TO AN IRON PIN; THENCE S89°25'00"W, 1289.55 TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 9.769 ACRES, MORE OR LESS AND IS THE SAME TRACT OF LAND DESCRIBED ON INSTRUMENT NUMBER 1006049 AND RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

ORDINANCE NO. 2007 – 53

**Ordinance to Rezone Property Located on U. S. Highway 98
William Lange (Bay Auto Glass) (1.44 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, General Business District to B-2, Local Business District, said property is located on U. S. Highway 98, Alabama, being more particularly described as follows:

Legal Description:

PARCEL A:

COMMENCING AT THE HALF SECTION CORNER ON THE EAST LINE OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00° 21' 39" WEST, 1735.82 FEET TO A POINT ON SAID HALF SECTION LINE OF SECTION 18; THENCE RUN SOUTH 89° 41' 10" WEST, 30.0 FEET TO AN IRON PIPE ON THE WEST RIGHT OF WAY LINE OF OLD SPANISH TRAIL (60.0 FOOT RIGHT OF WAY) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00° 22' 56" EAST ALONG SAID WEST RIGHT OF WAY, 93.05 FEET TO A CAPPED STEEL ROD; THENCE RUN SOUTH 89° 42' 17" WEST, 277.15 FEET TO A CAPPED STEEL ROD ON THE EAST RIGHT OF WAY LINE OF US HIGHWAY NUMBER 98 (4-LANE); THENCE RUN NORTHWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT (SAID ARC HAVING A RADIUS OF 5629.58 FEET), 100.00 FEET TO AN IRON PIPE (CHORD BEARING NORTH 21° 47' 01" WEST, A DISTANCE OF 100.00 FEET); THENCE RUN NORTH 89° 42' 17" EAST, 313.64 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THE NORTH 60 FEET OF LOT NUMBER 2 OF "TILLMAN BROTHERS SUBDIVISION" AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LOT 1 AND A PORTION OF LOT 2, TILLMAN BROTHERS SUBDIVISION

LEGAL DESCRIPTION:

LOTS NUMBER 2 AND 3 OF TILLMAN BROTHERS SUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LESS AND EXCEPT:

THE NORTH 60 FEET OF LOT NUMBER 2 OF TILLMAN BROTHERS SUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Planning Commission of the City of Daphne on October 25, 2007 has considered said request and set forth an *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, December 3, 2007 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 B-1, General Business District to B-2, Local 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 of _____, 2007.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

WILLIAM LANGE
JIM BOOTHE CONTRACTING
ZONING AMENDMENT

EXHIBIT "A"

PARCEL A:

COMMENCING AT THE HALF SECTION CORNER ON THE EAST LINE OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00° 21' 39" WEST, 1735.82 FEET TO A POINT ON SAID HALF SECTION LINE OF SECTION 18; THENCE RUN SOUTH 89° 41' 10" WEST, 30.0 FEET TO AN IRON PIPE ON THE WEST RIGHT OF WAY LINE OF OLD SPANISH TRAIL (60.0 FOOT RIGHT OF WAY) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00° 22' 56" EAST ALONG SAID WEST RIGHT OF WAY, 93.05 FEET TO A CAPPED STEEL ROD; THENCE RUN SOUTH 89° 42' 17" WEST, 277.15 FEET TO A CAPPED STEEL ROD ON THE EAST RIGHT OF WAY LINE OF US HIGHWAY NUMBER 98 (4-LANE); THENCE RUN NORTHWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT (SAID ARC HAVING A RADIUS OF 5629.58 FEET), 100.00 FEET TO AN IRON PIPE (CHORD BEARING NORTH 21° 47' 01" WEST, A DISTANCE OF 100.00 FEET); THENCE RUN NORTH 89° 42' 17" EAST, 313.64 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THE NORTH 60 FEET OF LOT NUMBER 2 OF "TILLMAN BROTHERS SUBDIVISION" AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

(Description supplied by client and copied from Instrument 710346).

LOT 1 AND A PORTION OF LOT 2, TILLMAN BROTHERS SUBDIVISION

WILLIAM LANGE
ZONING AMENDMENT

EXHIBIT "A"

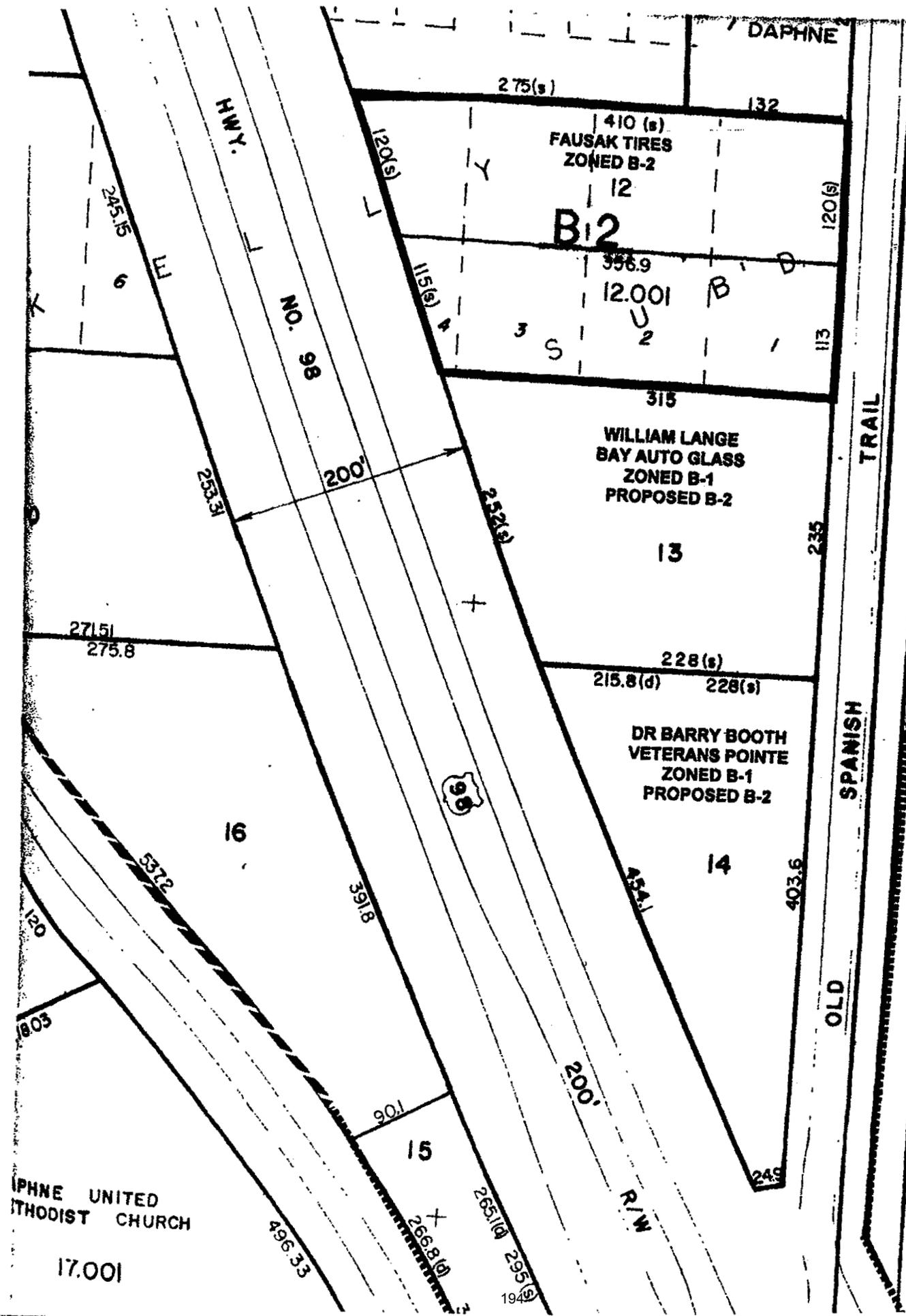
LEGAL DESCRIPTION:

LOTS NUMBER 2 AND 3 OF TILLMAN BROTHERS SUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

LESS AND EXCEPT:

THE NORTH 60 FEET OF LOT NUMBER 2 OF TILLMAN BROTHERS SUBDIVISION AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1650-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.

REFERENCE: BAY AUTO GLASS



SEE SHEET 19

PHNE UNITED
 THODIST CHURCH
 17.001

DAPHNE

HWY.

NO. 86

TRAIL

SPANISH

OLD

R/W

FAUSAK TIRES
 ZONED B-2

WILLIAM LANGE
 BAY AUTO GLASS
 ZONED B-1
 PROPOSED B-2

DR BARRY BOOTH
 VETERANS POINTE
 ZONED B-1
 PROPOSED B-2

B-2

13

14



194

ORDINANCE NO. 2007 – 54

**Ordinance to Rezone Property Located on U. S. Highway 98
Barry L. Booth (Veterans Pointe) (1.6 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, General Business District to B-2, Local Business District, said property is located on U. S. Highway 98, Alabama, being more particularly described as follows:

Legal Description:

FROM THE HALF SECTION CORNER OF GRANT SECTION 41, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH ALONG THE EAST SECTION LINE OF GRANT SECTION 41, A DISTANCE OF 1501.40 FEET TO A POINT; THENCE RUN WEST A DISTANCE OF 30 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL BEING THE POINT OF BEGINNING; THENCE CONTINUE WEST, A DISTANCE OF 212.25 FEET TO AN IRON PIN LYING ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 98, THE FOUR LANE; THENCE RUN SOUTHEASTERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98, THE FOUR LANE, A DISTANCE OF 442 FEET, MORE OR LESS (441.79 CHORD, S-25°32'01"-E), ALONG A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, TO AN IRON PIN; THENCE RUN N-75°43'48"-E, A DISTANCE OF 24.93 FEET TO AN IRON PIN LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL; THENCE RUN N-00°15'50"-W, A DISTANCE OF 393.61 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.6 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 25, 2007 has considered said request and set forth an *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, December 3, 2007 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 B-1, General Business District to B-2, Local 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 of _____, 2007.

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

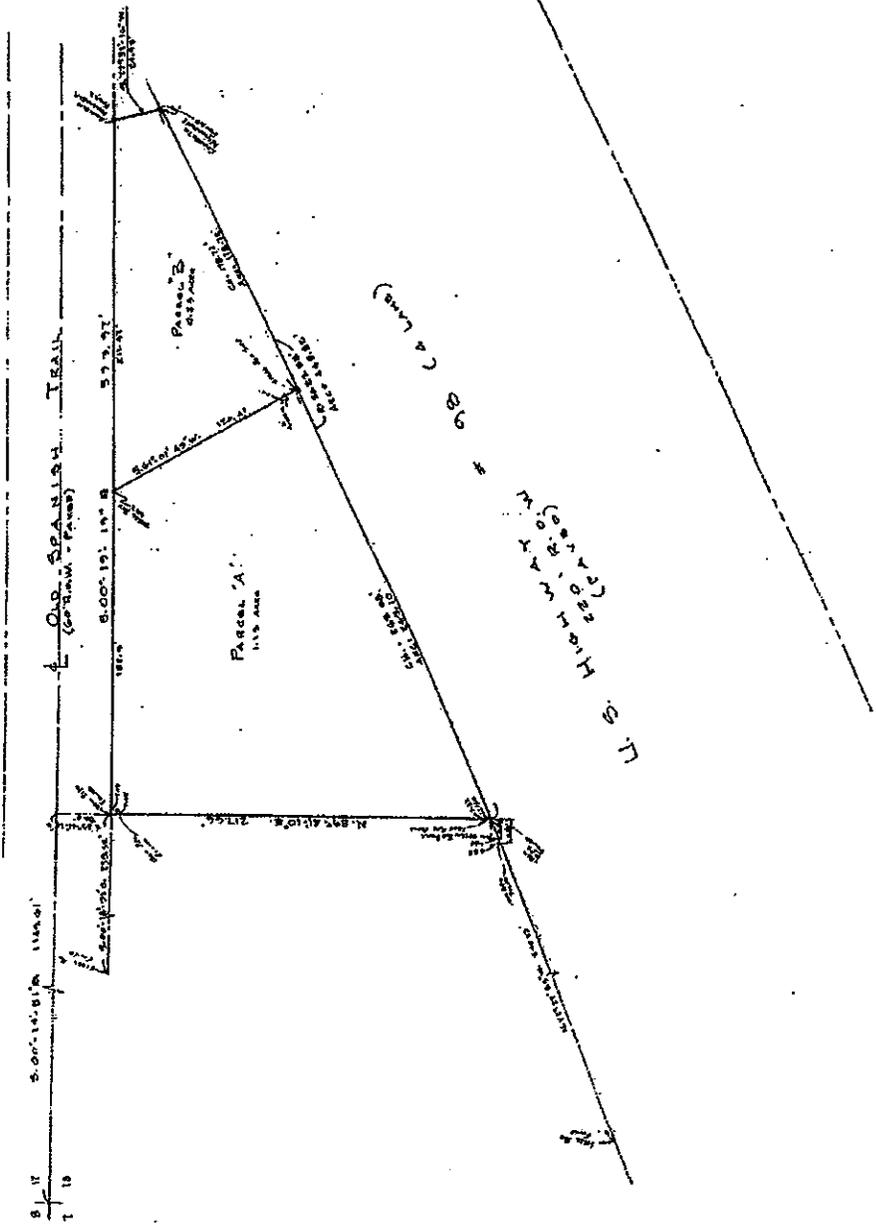
BARRY BOOTH
VETERANS POINTE
ZONING AMENDMENT

EXHIBIT "A"

FROM THE HALF SECTION CORNER OF GRANT SECTION 41, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH ALONG THE EAST SECTION LINE OF GRANT SECTION 41, A DISTANCE OF 1501.40 FEET TO A POINT; THENCE RUN WEST A DISTANCE OF 30 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL BEING THE POINT OF BEGINNING; THENCE CONTINUE WEST, A DISTANCE OF 212.25 FEET TO AN IRON PIN LYING ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 98, THE FOUR LANE; THENCE RUN SOUTHEASTERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98, THE FOUR LANE, A DISTANCE OF 442 FEET, MORE OR LESS (441.79 CHORD, S-25°32'01"-E), ALONG A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, TO AN IRON PIN; THENCE RUN N-75°43'48"-E, A DISTANCE OF 24.93 FEET TO AN IRON PIN LYING ON THE WEST RIGHT-OF-WAY LINE OF OLD SPANISH TRAIL; THENCE RUN N-00°15'50"-W, A DISTANCE OF 393.61 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.6 ACRES, MORE OR LESS.

(Description supplied by client and copied from Map Book 779, Page 0793)

N



STATE OF ALABAMA
 COUNTY OF WILKINSON
 LINDSEY S. WILLIAMS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFIES THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT FILED IN HIS OFFICE.

RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OF WILKINSON, ALABAMA, THIS 15th DAY OF JANUARY, 2015.

WILKINSON, ALA.

CONSTRUCTION OF THIS INSTRUMENT IS BASED UPON THE ASSUMPTION THAT THE BOUNDARIES OF THE PARCELS SHOWN ON THIS INSTRUMENT ARE AS SHOWN ON THE SURVEY PLAT ATTACHED HERETO, AND THAT THE BOUNDARIES OF THE PARCELS SHOWN ON THE SURVEY PLAT ATTACHED HERETO ARE AS SHOWN ON THE SURVEY PLAT ATTACHED HERETO.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE AT THE CITY OF WILKINSON, ALABAMA, THIS 15th DAY OF JANUARY, 2015.

LINDSEY S. WILLIAMS
 PROFESSIONAL LAND SURVEYOR
 No. 15157



Notes:
 RE: MA. RECORDS INDICATE THAT THIS PROPERTY IS LOCATED IN SOME OF THE PLANNED COMMUNITY - FINISH ACCESS ROADS DATED JANUARY 3, 1989

NET PI



McCRORY & WILLIAMS

consulting engineers
 and
 land surveyors

A SURVEY FOR
 DR BARRY BOOTH
 SECTION 18, TOWNSHIP 6 SOUTH, RANGE 2 EAST

Map: 15.150 Date: 1-Jan-2015 Date of Record: 15-Jan-2015 Page: 1 of 1

DR BARRY BOOTH VETERANS POINTE ZONING AMENDMENT EXHIBIT "B"

DAPHNE

2.75(s)

132

410 (s)
FAUSAK TIRES
ZONED B-2

B-2

12
356.9
12.001

HWY.

NO. 96

120(s)

120(s)

115(s)

113

315

WILLIAM LANGE
BAY AUTO GLASS
ZONED B-1
PROPOSED B-2

13

233.3

200'

+

96

228(s)

215.8(d) 228(s)

DR BARRY BOOTH
VETERANS POINTE
ZONED B-1
PROPOSED B-2

14

271.51
275.8

SPANISH TRAIL

16

OLD

8.162

403.6

200'

R/W

901

15

DAPHNE UNITED
METHODIST CHURCH

17.001

496.33

266.8(d)

199

2651(d) 235(s)

SEE SHEET 19